

Staff Report

Report To: City Council
Report From: Sabine Robart, Senior Planner
Meeting Date: September 26, 2022
Report Code: CS-22-119
Subject: Recommendation Report – Proposed ZBA No. 38 - 3195
East Bayshore Road by SkyDev Bayshore Owen Sound LP

Recommendations:

THAT in consideration of Staff Report CS-22-119 respecting Zoning By-law Amendment No. 38 at 3195 East Bayshore Road, to facilitate a a multi-building residential apartment development, City Council:

1. In consideration of the staff reports and recommendations, technical reports and oral and written submissions, finds that the application is consistent with the Provincial Policy Statement and the goals and objectives and intent of the City's Official Plan and represents good planning; and
2. Directs staff to bring forward a by-law to pass Amendment No. 38 to the City's Zoning By-law No. 2010-078 and give Notice in accordance with Section 34 of the *Planning Act*.

Highlights:

- A complete application for a Zoning By-law Amendment (ZBA 38) has been submitted by SkyDev Bayshore Owen Sound LP (c/o Brandon Almeida).
- The purpose of the application is to permit a multi-building apartment residential development on the subject lands.
- The effect of the application is to amend the site-specific zone provisions applying to the subject lands to permit apartment dwellings

as well as accessory uses including solar collector installations, accessory beehives and a sales/leasing office.

- The Holding provisions implemented initially through OPA No. 5 and ZBA No. 10 will remain in force and effect.
- Staff are recommending approval of the application.

Strategic Plan Alignment:

Legislated review process.

Previous Report/Authority

[City of Owen Sound Official Plan \(2021\)](#)

[City of Owen Sound Zoning By-law 2010-078](#)

[CS-14-060 Final Staff Report – OPA 5 & ZBA 10](#) (Item 12.b.4)

Background & Proposal:

A complete application for a Zoning By-law Amendment (ZBA 38) has been submitted by SkyDev Bayshore Owen Sound LP (c/o Brandon Almeida) to permit a multi-building residential apartment development at 3195 East Bayshore Road.

Property Description

The subject property is located at 3195 East Bayshore Road in the City's northeast quadrant. The lands are located on the east side of the East Bayshore Road and also have frontage on 32nd St E and 9th Ave E. The lands are sized approximately 15 ha (38 acres) and are presently vacant of buildings. The foundations and some concrete stockpiling of the former industrial buildings, as well as asphalt parking areas remain.

Surrounding land uses include:

North:	Former Veyance building containing light industrial uses
East:	McArthur Retread Facility (Industrial), vacant industrial, Kiwanis Soccer Complex
South:	Kenny Drain storm water outlet, Hobart manufacturing facility

West: East Bayshore Road, publicly owned shoreline with boat launch area, small piece of land owned by SkyDev and Georgian Bay consisting of primarily hazard lands

The lands are designated 'Residential' and 'Hazard Lands' in the City's Official Plan (2021) and are subject to site-specific policy Sec. 3.1.10.3, which sets out the criteria for the removal of the 'Holding' provision on the lands including:

- a. The completion of land use compatibility studies, such as stationary noise, dust, and odour studies at the time of any future site plan or plan of subdivision application to understand the need for specific mitigation measures, as may be required;
- b. That any future plan of subdivision or site plan application includes the submission and approval of an urban design brief to address: overall plan design and layout; land use compatibility considerations such as the implementation of recommended mitigation measures from approved noise/dust/odour study; lot/building orientation and interface with existing industrial uses, built form and location of driveways; architectural design and control; and, pedestrian connections;
- c. Compliance with the Environmental Protection Act and its regulations;
- d. Archaeological Study;
- e. Servicing Studies and entering into agreements with the City with respect to the implementation of these upgrades; and
- f. That those portions of the subject property located in the southwest quadrant, subject to periodic flooding, and as shown in the attached Schedule are subject to a holding provision. The City of Owen Sound shall not remove the "Holding" provision until such time as the flooding hazard has been removed through the regrading of the site. These works will be carried out with appropriate permits to the satisfaction of the City of Owen Sound and the Grey Sauble Conservation Authority.

The majority of the subject property is zoned 'Low Density Residential' (R3) with an area zoned 'Multiple Residential' (MR) in the northwest corner. The subject lands are subject to a Holding Provision (H) and are subject to Special Provision 14.55. A small area in the southwest corner of the site are zoned 'Hazard' (ZH) in the City's Zoning By-law (2010-078, as amended).

Special Provision 14.55 implements the OP and reiterates the criteria for removal of the Holding provision, which requires the submission and approval of the exact criteria outlined in OP Sec. 3.1.10.3 noted above.

For location context and surrounding land uses, please see the Orthophoto in Schedule 'A'. For the planning policy context, please see the Official Plan and Zoning Map in Schedule 'B'.

The Proposal

The purpose of the Zoning By-law Amendment (ZBA) application is to permit a residential development consisting of eight (8), six-storey apartment buildings each with approximately 89 dwelling units for a total of 712 units. The proposal also includes the construction of three surface parking areas, two amenity buildings, an internal road system, on-site recreational facilities, and landscaping. The concept plan has been provided to support the ZBA and will be subject to a future application for Site Plan Approval.

The effect of the application is to amend the zone categories and special provisions applying to the subject lands generally in accordance with the following:

Current Zone	Proposed Zone
<ul style="list-style-type: none">▪ 'Low Density Residential' (R3) and 'Multiple Residential' (MR) with a Holding Provision (H) and subject to Special Provision 14.55▪ 'Hazard' (ZH)	<ul style="list-style-type: none">▪ 'Multiple Residential' (MR) with a Holding Provision (H) and are subject to Special Provision 14.55▪ 'Hazard' (ZH)

The application also proposes to amend the Zoning on the subject lands to permit certain accessory uses to the residential apartments and to establish the site and building regulations including:

1. Permit accessory solar collector installations, accessory beehives, and a sales/leasing office;
2. Permit an increased maximum building height; and
3. Recognize that the development will be regarded as one lot for the purposes of zoning regulations if subject to future consent or plan of condominium applications.

The subject amendment does not propose to lift the Holding provision detailed in Special Provision 14.55, which will remain in effect until all of the

required plans and studies are submitted to the satisfaction of the City and the Holding provision removed by By-law. It is anticipated that this will be completed concurrently with the Site Plan Approval process later this year.

Submission & Process Details

As part of a complete application, the applicant has submitted the following materials for consideration:

Submission Item Title	Submission Item Detail
Planning Justification Report (PJR) including a Concept Site Plan (Fig. 4) and Draft Amendment	Prepared by GSP Group Inc. dated June 2022 An addendum PJR and cover letter was provided by the applicant in response to public comments.
Transportation Impact and Parking Study	Prepared by Paradigm Transportation Solutions Ltd dated June 2022

The applicant engaged the City in the Pre-consultation process in June 2021. Subsequently, the process relating to the formal application has proceeded as follows:

Date	Step	Days
June 23, 2022	Submission of complete application and fees	1
June 27, 2022	Letter of Complete Application to Applicant	4
July 4, 2022	Notice of Complete Application and Public Meeting given to public via posting on subject property and mailed notice to landowners within 120 m of the subject property	11
July 25, 2022	Technical Report and Public Meeting	32

September 26, 2022	Recommendation Report	81
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The Planning Act prescribes that Planning Authorities issue a decision on a Zoning By-law Amendment within 90 days of receipt of a complete application. This requirement has been met.

Analysis:

The Planning Act and the City's Official Plan establish criteria for evaluating an application for draft plan of subdivision approval and to amend the City's Zoning Bylaw.

In making land use planning decisions, Council must consider the matters of Provincial interest as described in Section 2 of the Planning Act. Section 3 of the Planning Act prescribes that the decision of Council on a planning matter shall be consistent with the policy statements issued under the Act which includes, among others, the Provincial Policy Statement.

The City's Official Plan (OP 9.1.1.2) provides that the City may amend the Zoning Bylaw, where in the opinion of Council, sufficient justification exists. Amendments must conform to the policies of the Official Plan. When considering an amendment, the City must consider the goals, objectives, and policies of the Official Plan. Additionally, decisions should consider the compatibility with adjacent uses of land as well as servicing (transportation, sewer, and water). The application is subject to review by the City's Development Team and external commenting agencies. Public notice was given, and public input has been considered.

Provincial Policy Statement

The Provincial Policy Statement (PPS) has been reviewed regarding the subject application. Municipal decisions on planning matters are required to be consistent with the PPS.

The PPS Vision for the long-term prosperity and social well-being of Ontario focuses on growth and development within settlement areas and recognizes that land use must be carefully managed. Strong, liveable, and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change. The PPS directs development to fully serviced, designated settlement areas

and requires contiguous development that minimizes land consumption and servicing costs.

Provincial Direction on Housing

Sec. 1.4 of the PPS provides direction on housing. Sec 1.4.1 encourages planning authorities to plan for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area by maintaining lands which are designated and available for residential development to accommodate residential growth.

Sec. 1.4.3 of the PPS calls for an appropriate range and mix of **housing options and densities to meet projected market-based and affordable housing needs of current and future residents** of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans.
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; and,
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.
- f) requiring development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The subject property has been identified as an area for residential development. As is discussed in more detail in the balance of this report, there are appropriate infrastructure and public service facilities to support the development and the proposed increase in residential density supports the efficient use of land and these resources.

The County of Grey Housing Target for affordable housing is 30 percent. County and City staff will continue to explore affordable housing options with developers and ways to increase the supply of affordable and attainable housing stock in Owen Sound as various projects come online. In the last 5 years, 22 percent of all housing built in Owen Sound has been affordable.

As demonstrated in the balance of this report, the multi-unit development proposes an addition to the rental housing supply in the City and is anticipated to be provided at market rents. As discussed in the County of Grey Official Plan section below, there are opportunities for the development to provide attainable rental unit rates and affordable units in partnership with the County of Grey Housing Department.

In the context of the PPS, public service facilities are defined as health, educational, social services and cultural services. As a regional service centre, the City has Grey Bruce Health Services (hospital), the Family Health Team, the Grey Bruce Health Unit, as well as primary and secondary schools in the French, Catholic and Bluewater School boards. There are numerous social and cultural services located throughout the City to service a variety of resident needs.

The proposed development is consistent with the direction of the PPS with respect to housing.

Provincial Direction on Servicing

Sec. 1.6 of the PPS requires that development applications must demonstrate that the lands can be serviced with full, urban municipal water and sanitary services and are designed with stormwater management best practices. Sec. 1.6.6 requires that planning for sewage and water services shall **accommodate forecasted growth in a manner that promotes the efficient use and optimization** of existing municipal sewage services and municipal water services.

The lands have adequate access to existing servicing infrastructure, which exist within the three road allowances fronting the lands. The City's Public Works & Engineering Services Department has confirmed there is existing treatment capacity in the Water and Wastewater Treatment Plants to handle the number of dwelling units proposed. It is recognized that a Servicing Feasibility Study will be required as part of the Site Plan Approval process, and that the water and wastewater services, including the Sewage Pumping Station will require upgrades by the developer to facilitate the development.

The proposed development is consistent with provincial direction on servicing and the detailed site servicing design will be completed at a later stage of the approvals process.

Sec. 1.6 of the PPS also sets out the direction for stormwater management and notes that it shall minimize, or, where possible, **prevent increases in contaminant loads and maximize the extent and function of vegetative and pervious surfaces.**

A detailed Stormwater Management Report will be required as a component of detailed design during the Site Plan Approval process. The site design is proposed to maintain a significant amount of landscaped open space and will be required to manage stormwater, in terms of quality (temperature mitigation), substantially on site. Quantity control will not be required due to proximity to the outlet to Georgian Bay. All areas of the City are subject to stormwater management criteria, setting out quality parameters and limiting the discharge of stormwater from the site to a specified rate. Consistent with the direction of the PPS, the detailed design phase will ensure that appropriate and adequate stormwater management facilities, including low-intensity development measures, will be implemented on-site.

Sec. 1.6.7 and 1.6.8 of the PPS speaks to the requirement to provide and protect transportation systems and infrastructure corridors. The PPS requires that as part of a **multimodal transportation system**, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections.

The site is located on three open municipal road allowances, with the primary frontage on East Bayshore Road (Grey Road 15). There is an existing transit stop approximately 650 m south of the subject lands at 3rd Ave E and East Bayshore Road to service this development. A future review of the City's transit routes will determine the need for route extension/optimization and/or additional stops in this area of the City.

The site is in proximity to the CP Rail Trail and the City's East Harbour Waterfront Trail. The East Bayshore Road sidewalk, currently under construction, will connect to the CP Rail Trail system to the south of the lands just north of 3rd Ave E. The CP Rail Trail connects to the existing trail network in the Cit. All three roads fronting the lands are identified as bicycle routes on the Active Transportation Plan & Trails Master Plan Schedule (D) in the City's OP.

Grey Road 15 is a County/minor arterial road which is typically designed with a minimum 30 m width and intended to collect and carry traffic to Provincial Highways, other arterial roads and collector roads. Arterial roads are generally constructed with multimodal traffic lanes and sidewalks to facilitate pedestrian movement. The County/City is presently undertaking a capital project to improve East Bayshore Road between 28th St E and 32nd St E. This project includes the construction of a sidewalk from the existing terminus of the East Bayshore Road sidewalk at 3rd Ave E to the southwest corner of the subject lands (at the Kenny Drain). The cost of the sidewalk construction will be recovered from the developer through subsequent Planning Act processes.

The remainder of the East Bayshore Road sidewalk from the Kenny Drain to 32nd St E will be constructed by, and at the expense of, the developer through the Site Plan Approval process.

Additional improvement to East Bayshore Road by the developer to ensure optimal traffic and pedestrian movement may be required through the Site Plan and Consent process as warranted and as outlined in the Transportation Impact and Parking Study. At this time, these improvements include, but are not limited to, construction of northbound right-turn lanes at East Bayshore Road at the site driveway and completion of the East Bayshore Road sidewalk along the frontage of the lands. The Transportation Impact Study reports no concern with the capacity of the existing roads to accommodate the additional trips/volume generated by the proposed development. Improvement of 32nd St E and 9th Ave E to urban cross-sections will be required to be completed by the developer as part of the Site Plan Approval process.

The existing/planned transportation systems and infrastructure corridors are adequate to service the development and are consistent with the PPS.

Provincial Direction on Land Use Compatibility

Sec. 1.3 of the PPS requires that Planning authorities promote economic development and competitiveness by encouraging **compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities**. The application must demonstrate that the residential proposal, as a sensitive land use, does not present a land use conflict given adjacent major facilities (industry).

Official Plan Amendment No. 5 (OPA 5) redesignated the subject lands in 2014 from 'Industrial Transition Area' to 'Residential' in the City's 2006

Official Plan. OPA 5 was implemented through Zoning By-law Amendment No. 10, primarily in the form of conditions for the development of the lands through a holding provision. Transitioning the lands from Industrial to Residential required confirmation that the permitted uses are compatible with the surrounding land uses. The holding provision has a requirement for a land use compatibility study to ensure that the existing industry will not adversely impact the residential development.

As part of the subsequent Planning applications, a Noise Study is required to ensure that there will be no unmitigated impact to the residential use as a result of the existing industrial uses. In concept, the buildings are setback abundantly from all lot lines and the site is large enough to facilitate additional setback from the surrounding industrial uses if there is a need. The pending Site Plan Approval process will consider mitigating design elements such as lot/building orientation, front yard setbacks, landscaping, building material, location of driveways, provision for air conditioning, and the use of warning clauses. The completion of the land use compatibility study, which will be required as part of the Site Plan Approval process and application to remove the holding provision, will ensure that any design or mitigation of noise, odour or dust will be implemented to ensure compatibility of land uses.

The proposed development is compatible with surrounding employment land uses, consistent with the direction of the PPS.

Provincial Direction on Brownfield Redevelopment

Sec. 1.7 of the PPS promotes the redevelopment of brownfield sites, and Sec. 3.2.2 stipulates that **sites with contaminants in land or water shall be assessed and remediated as necessary** prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

The application proposes the redevelopment of a brownfield site, which formerly contained a manufacturing facility for residential use. By virtue of being a former industrial site, the subject lands are required to comply with the requirements of the Environmental Protection Act.

A Record of Site Condition ([211206](#)) for conversion from an industrial to a residential use was filed and acknowledged by inclusion in the registry for Records of Site Condition in 2013 by the Ministry of Environment, Conservation and Parks.

The proposal is consistent with the PPS with respect to reuse of brownfields.

Provincial Direction on Natural Hazards

Sec. 3.1 of the PPS directs development away from hazardous lands impacted by flooding hazards and that Planning authorities shall **prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.**

The Kenny Drain outlets into Georgian Bay via a channel immediately south of the subject lands. The drainage channel and outlet are considered hazardous due to potential flooding. The subsequent Planning Act processes will assess the extent of the flooding hazard and ensure that there is no development within the area. In the current concept, no buildings are proposed in proximity to the drainage channel. The drainage channel and the wood lot are regulated by the GSCA. As part of their comments, the GSCA is recommending that the hazard zone boundary be expanded to protect the existing woodlot on the southwest corner of the lot. City Staff concur with this recommendation and have incorporated it into the draft amendment.

The pending detailed stormwater management report and the floodplain assessment will reveal the extent of the flooding hazard and will be implemented through the Site Plan Approval process. The proposal is consistent with the PPS respecting natural hazards.

Conclusion on PPS Consistency

The redevelopment and intensification of lands within a settlement area on full municipal services, that is well-connected and transit-supported, reusing a brownfield site that is contiguous with existing development that will add to the mix of housing options available in this area of the City is consistent with the direction provided by the PPS.

County of Grey Official Plan

The subject property is designated 'Primary Settlement Area' and 'Hazard Lands' in the 2019 County of Grey Official Plan (County OP). Settlement areas, like Owen Sound, with full municipal services, are to be the focus of the majority of growth within the County.

The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses within Primary Settlement Area. Land use policies and development standards are to be in accordance with the

local Official Plan. The County has been consulted on the proposal and County staff have no objection to the application.

County comments included a note stating that the County would encourage the applicant to have further conversations with City and County staff to brainstorm creative ways to develop units that cater to a wider variety of resident affordability.

County Transportation Services indicates a number of approvals that will be required prior to development of the lands including:

- That a site entrance permit be obtained;
- That an exemption for the proposed East Bayshore Road site entrance be obtained;
- That an exemption from the required setbacks for structures from the existing centreline of the road be obtained, if warranted; and
- That a road widening (17 foot or 5.18m road), a daylight triangle at 32nd Street East, and a one-foot reserve along East Bayshore Road will all be required to be transferred to the County.

Approximately 23 percent (113 units) of the units of the Building Permits issued in the last five years (496 units) in the City have been affordable as per the definition of the PPS. The County of Grey Housing Target for affordable housing is 30 percent. County and City staff have and will continue to explore affordable housing options with developers and ways to increase the supply of affordable and attainable housing stock in Owen Sound.

The County also notes in their comment that the subject development (proposed to contain approximately 712 units alone) puts the City on track to meet its growth target of 1,130 households by 2046. The proposed rezoning would facilitate a development density of 46.3 units/ha, which exceeds the minimum density requirement of 25 units/ha per the County OP.

The proposal conforms to the policies of the County's Official Plan.

City of Owen Sound Official Plan

The subject property is designated 'Residential' with site-specific criteria (3.1.10.3) for the removal of the Holding provision as described above and 'Hazard Lands' in the 2021 Owen Sound Official Plan (OP).

The OP's goals and objectives encourage development that increases the housing supply by identifying and promoting opportunities for intensification and redevelopment where appropriate and planning for a full range and mix of housing options in terms of dwelling types, densities, and tenure.

The Climate Change objectives of the OP encourage the remediation and reuse of brownfield sites and the Goal with respect to Managing Growth has an objective to increase the housing supply by identifying and promoting opportunities for redevelopment where appropriate and planning for a full range and mix of housing options in terms of dwelling types, densities and tenure.

The Residential designation permits the development of lands for residential uses, which shall be the predominant area for housing within the City. Permitted uses in the Residential designation include single detached, semi-detached, various forms of townhouse and apartment buildings. Residential uses shall be permitted at low, medium and high densities.

Residential Density Allocation

The Residential designation permits a range of residential types, including multi-unit dwellings such as townhouses and apartment buildings. The proposed residential apartment buildings are set out as a permitted use in the Residential designation.

The development proposes a density of 46.3 units/ha which falls within the medium density category (26-60 units per net residential hectare). The proposed development will increase the density on the subject lands from the previous draft Plan of Subdivision approval ([CS-22-009](#) Request for Draft Plan Extension), which proposed a density of ~26 units/ha, which was within the lower end of the medium density classification.

Sec. 3.1.2.5 of the OP states that density shall be allocated in residential areas in accordance with the following:

- a. Lands shall have access to hard services at sufficient capacity for the intended density.
- b. Adequate soft services such as parks, schools, emergency services, transit and similar shall be available as required to support the intended density.
- c. Lands intended for medium and high-density uses should have direct

access to collector or arterial roads and proximity to compatible land uses including but not limited to local institutional and neighborhood commercial uses.

The following merits note:

a. Hard Servicing Capacity

The lands have adequate access to existing servicing infrastructure, which exists within all three road allowances fronting the lands. The City's Public Works & Engineering Services Department has confirmed there is existing treatment capacity in the Water and Wastewater Treatment Plants to handle the number of dwelling units proposed. It is recognized that a Servicing Feasibility Study will be required as part of the Site Plan Approval process, and that the water and wastewater services, including the Sewage Pumping Station will require upgrade by the developer to facilitate the development.

The site is located on three open municipal road allowances, with the primary frontage on East Bayshore Road (Grey Road 15). The Transportation Impact Study reports no concern with the capacity of the existing roads to accommodate the additional trips generated by the proposed development. Arterial roads are generally constructed with multimodal traffic lanes and sidewalks to facilitate pedestrian movement. The County/City is presently undertaking a capital project to improve East Bayshore Road between 28th St E and 32nd St E. This project includes construction of a sidewalk from the existing terminus of the East Bayshore Road sidewalk at 3rd Ave E to the southwest corner of the subject lands (at the Kenny Drain). As discussed, the Transportation Impact and Parking Study recommends improvements to the transportation infrastructure servicing the lands. These improvements include, but are not limited to, construction of northbound right-turn lanes at East Bayshore Road at the site driveway and completion of the East Bayshore Road sidewalk along the frontage of the lands.

b. Adequate Soft Services

As a regional service centre, the City has Grey Bruce Health Services (hospital), the Family Health Team, the Grey Bruce Health Unit, as well as primary and secondary schools in the French, Catholic and Bluewater School boards. The majority of these services are located on

the City's east side.

There are numerous social and cultural services located throughout the City to service a variety of resident needs. The City's Emergency Services (Police and Fire) are available to service the lands.

The site is connected to the City's trails network via the CP Rail Trail located approximately 300 m south of the site. The site has direct access to the open space of the Kiwanis Soccer Complex and the City-owned waterfront lands located directly to the west of the lands.

c. Access to Arterial Roads and Proximity to Neighbourhood Land Uses

The lands are within the medium density category and have direct frontage and access to East Bayshore Road/Grey Road 15, which is a minor arterial road.

With regard to proximity to neighbourhood land uses, the Residential Designation permits local institutional uses (Sec. 3.1.3) that are considered compatible to or form part of a residential area and neighbourhood commercial uses (Sec. 3.1.3.3), such as small scale retail and service shops, serving the adjacent residential area, such as convenience stores, laundromats and beauty salons. The proposed zoning amendment will implement this policy and the MR zone permits a range of neighbourhood commercial and institutional uses, such as personal service uses and community lifestyle facilities. Otherwise, the residents will have access to the numerous commercial and institutional uses available on the east side of the City, as well as the River District.

The proposal to permit apartment dwellings at medium density (26-60 units/ha) conforms to the locational requirements of the OP for the allocation of density in Sec. 3.1.2.5.

Housing Supply

Sec. 3.1.4 outlines an objective of the OP to plan for a full range of housing types and densities required to meet the current and future residents of the regional market area.

The City recognizes that the County has completed a housing and homelessness strategy, which identifies targets for the creation of affordable housing units. The County plan establishes a target of 30 percent. Sec. 3.1.5

specifies that the City will support the integration of attainable housing units within the existing community fabric in all designations and Planning Areas where residential uses are permitted.

Planning for a range and mix of housing is to be done in a planning area and is not restricted to an individual property. Within the 750 m range of the development, the area is predominated by single detached dwellings. Within the 1500 m range, other multi-unit developments enter the mix, including the developments known as Hedera (2261 9th Ave E) and Odawa Heights (2239 8th Ave), which are currently under construction. The proposed multi-building apartment residential development will add to the mix of housing in this area of the City along with other developments above the bluff on the City's east side.

Since 2018, the City has issued Building Permits for the creation of 496 dwelling units. These units have included a mixture of single, semi, townhouse, and apartment developments. Further, the Sydenham Heights Planning Area is in various stages of development approvals that will further increase the supply of housing in the City in a variety of housing forms. Approximately 23 percent (113 units) of the units of the Building Permits issued in the last five years in the City have been affordable as per the definition of the PPS. This has included units within the Odawa Heights apartment building, 30 units at Strathcona apartments, and eight (8) units at the new 28th Street West apartments.

The continuing relationship between the City, County and local developers is important in defining the characteristics of attainable housing within the County and to realize increased construction of attainable/affordable housing units. Increased construction of affordable/attainable units will aid in increasing vacancy rates, which will result in an increased ability/willingness to decrease rental rates for all users. A [memo](#) regarding Housing, Affordable Housing, and Homelessness from the City Manager was published as part of the [February 28, 2022 Council Agenda \(Item 16.a\)](#). The memo outlined the initiatives being taken by the City and County to continue to increase the supply of affordable and attainable housing in the City and County.

Residential Intensification

Sec. 3.1.8 of the OP speaks to residential intensification and sets out criteria to support intensification. The criteria include site location, land use

compatibility, adequacy of municipal infrastructure, community/recreational facilities, and parking facilities. The following merit note:

- Site Location & Land Use Compatibility

As noted, the proposed ZBLA meets the locational criteria for the allocation of density in residential areas.

In 2014, the lands were subject to an Official Plan Amendment (OPA 5) which redesignated the lands from 'Industrial Transition Area' to 'Residential'. OPA 5 established that the site is appropriate for residential development. Through the OPA the lands were determined as suitable for residential development subject to certain special provisions. The OPA did not specify the density (i.e., low, medium, or high) of future development but rather outlined Holding provisions to ensure that prior to residential development specific criteria must be met regarding land use compatibility with adjacent industrial land uses, urban design, lot/building orientation and interface with existing industrial uses. The required land use compatibility study and urban design brief will address the overall plan design and layout as well as the implementation of any recommended mitigation measures from the land use compatibility study through an application to remove the holding provision and Site Plan Approval.

The applicant is in the process of providing a Terms of Reference for the land use compatibility and associated noise study in support of the future Holding removal application. Previous owners had submitted a Land Use Compatibility Study in support of the Draft Plan of Subdivision (42T-15501) application, which identified noise levels from the adjacent industrial use (McArthur Retread facility) as the main compatibility issue.

It is anticipated that the updated Land Use Compatibility Study will provide similar conclusions and as such, the main compatibility issue remains the nearby industrial facilities. The noise study will consider the noise generated by the adjacent employment uses and adjacent road noise in the context of provincial standards and provide appropriate mitigation measures. These mitigative measures will be implemented through the Site Plan Approval process. The studies required for the removal of the holding provision will ensure the development is compatible with surrounding industrial uses. The proposed use is compatible with the other surrounding land uses and compliments the

adjacent soccer complex. The nearest residential uses are approximately 400 m to the north and 350 m to the south and are predominantly single detached dwellings. The proposed ZBLA to increase density to permit a multi building apartment development will have minimal impact on the nearby existing residential uses and does not represent a land use conflict.

OP policies require that any new residential development shall be developed at a minimum density of 25 units per net residential hectare. The proposed density of 46.3 units/ha falls within the medium density category (26-60 units per net residential hectare). Both the PPS and OP encourage development that maximizes the use of infrastructure and minimizes land consumption. The proposed density facilitates a development that provides for rental dwellings with extensive on-site amenities and open space/landscaped facilities and significantly contributes to expanding the range of residential types and tenures available within the City, therefore, providing another choice of housing type. As noted, the proposed density falls within the 'medium' density category and is the intermediate between the low- and high-density types of development. The proposed residential development on this property is somewhat separated from other residential developments along East Bayshore Road and is considered compatible with the surrounding residential uses.

▪ Stormwater Management & Servicing Infrastructure

Sec. 5.2 of the OP requires that development be directed to areas that can be adequately serviced by municipal water and wastewater services and that the City apply best management practices in dealing with stormwater management. The property is currently serviced by municipal water and wastewater services located in East Bayshore Rd, 32nd St E and 9th Ave E.

The City's Public Works & Engineering Services Department has confirmed there is existing treatment capacity in the Water and Wastewater Treatment Plants to handle the number of dwelling units proposed. In order to ensure the site is serviced adequately the following will be completed as part of subsequent Planning Act approvals processes:

- The wastewater collection in this area of the City is serviced by a Sewage Pumping Station (SPS), which discharges to the existing wastewater sewer located on East Bayshore Road. The recent

- upgrade to the SPS may require further improvements, at the expense of the Developer to accommodate this development.
- The existing watermains are located on East Bayshore Road (MPZ), 9th Avenue East (IPZ) and 32nd Street East (MPZ & IPZ). Improvements to these watermains will be required to ensure a stable water supply for the development.
 - A detailed Stormwater Management Report will be required as a component of detailed design during the Site Plan Approval process. The site design is proposed to maintain a significant amount of landscaped open space and will be required to manage stormwater, in terms of quality (temperature mitigation), substantially on site.

The Servicing Feasibility Study & Stormwater Management Report required to remove the holding provision and for Site Plan Approval will identify the detailed servicing capacity upgrades required. Capital Contributions, service upgrade cost sharing or private construction of services will be required from the Developer as conditions of Site Plan Approval. Engineering Services Division and the developer have been in discussions regarding both the required studies and potential upgrades through the Pre-consultation and Terms of Reference process. The owner/applicant is aware of the requirement to address the required upgrades to servicing infrastructure to facilitate the development. The design details of the upgrades and capital contributions required will be implemented through Site Plan Control.

▪ Connectivity and Transportation Infrastructure

Roads within settlement areas and built-up areas should be designed as living streets to support all user groups and a variety of travel modes.

“Living Streets” include:

- a. reducing potential pedestrian conflict with vehicles and separating pedestrian paths from roadways where possible;
- b. considering the reduction of vehicular speeds on local roads;
- c. allowing narrower pavement widths and incorporating boulevard design or other appropriate design measures in subdivision design;
- d. enhancing landscaping and landscaped areas;
- e. facilitating multi-modal transportation systems; and
- f. discouraging the use of cul-de-sacs and dead-end public and private roads in favour of grid road networks.

The site is located in the northeastern portion of the City, which historically hosted industrial uses, as well as recreational and residential development which continue today. Transitioning the subject lands toward a higher intensity residential use requires the establishment of greater connection to the harbour, River District, commercial and institutional areas of the City for the benefit of site users. To ensure that future residents can move efficiently and in a variety of modes into other core areas of the City, it is essential that the site is connected by a variety of multi-modal transportation types including roads, sidewalks, recreational trails, and public transit.

Vehicle access to the site is proposed via entrances from East Bayshore Road and 32nd Street East as well as a gated emergency access from 9th Ave E. The main access to the site will be from East Bayshore Road, which is designated as a minor arterial (County) road. 9th Ave E is designated as a future arterial road. Arterial roads are the main traffic routes through the City that are intended to carry large volumes of traffic from Provincial Highways and other County roads to the collector road system to destinations within or beyond the City. The Transportation Impact Study reports no concern with the capacity of the existing roads to accommodate the additional trips generated by the proposed development.

Where development is proposed, the City may require a comprehensive traffic analysis to assess impacts on the area. The applicant has submitted a Transportation Impact and Parking Study. The Study concludes that the development is forecast to generate approximately 224 and 28 trips during the AM and PM peak hours, respectively. The Transportation Impact Study Reports no concern with the capacity of the existing roads to accommodate the additional trips generated by the proposed development. It also concludes that the study area intersections are expected to operate within acceptable levels of service. The Transportation Impact Study has been reviewed by City and County Engineering/Roads Staff and finds that the development can be approved from a traffic perspective with the addition of northbound right turn lanes at the driveway connection to East Bayshore Road (main entrance to the site) and at the intersection of East Bayshore Road and 32nd Street East. This upgrade to East Bayshore Road, as well as the construction of the East Bayshore Road sidewalk from the Kenny Drain to 32nd St E will be

completed as part of the development of the site at the developer's expense.

As noted in the PPS section above, there are capital improvements being made at this time to East Bayshore Road as a partnership between the County of Grey and the City. This capital improvement includes the construction of a sidewalk along East Bayshore Road from the terminus of the existing sidewalk at 3rd Ave E to the southwest corner of the subject lands (at the Kenny Drain). As part of a subsequent Planning Act process, the developer will be expected to provide a Capital Contribution to the City to recover the cost of this sidewalk construction.

In addition, through the Site Plan Approval process, the developer will be required to upgrade 9th Avenue East and 32nd Street East to an urban standard cross-section in addition to the required upgrades on East Bayshore Road between the Kenny Drain and 32nd St E (turning lane, sidewalk). Other upgrades may be required as identified by the studies. Through the Site Plan Approval process, a Servicing Agreement between the City and the Developer will be required for the construction of necessary off-site works.

- Community Services, Parks & Recreation

Sec. 7.2 and 7.4 of the OP address requirements for the provision of community services and parks and recreation. The OP maintains that the City shall encourage the provision of an appropriate range and distribution of health, safety, educational, cultural and recreational facilities and services throughout the community.

As noted, the City hosts Grey Bruce Health Services (hospital), the Family Health Team, the Grey Bruce Health Unit, as well as primary and secondary schools in the French, Catholic and Bluewater School boards. The majority of these services are located on the City's east side and are in proximity to the subject lands. There are numerous social and cultural services located throughout the City to service a variety of resident needs as well as access to commercial areas including the River District and east and west city commercial nodes.

The site is connected to the City's trails network via the CP Rail Trail located 300 m south of the site. The Julie McArthur Regional Recreation Centre and the Harry Lumley Bayshore Community Centre are core assets in the City's recreational facilities program and are located on the east

side of the City. The Bayshore can be accessed by the CP Rail Trail and Waterfront Trail from the subject lands.

The site has direct access to the open space of the Kiwanis Soccer Complex as well as the waterfront area. The [Owen Sound Recreation, Parks & Facilities Master Plan \(2018-2028\)](#) does not identify the need for a new neighbourhood or community park in the vicinity of the subject lands.

The City owns an area of waterfront lands on the west side of East Bayshore Road immediately opposite the subject lands. The developer owns an approximately 6 m wide water access directly south of the City-owned parcel. The City-owned portion of the waterfront lands will continue to be available for general public use, which would include future residents of the proposed development. The developer has provided confirmation that they intend to convey the approximately 6 m wide water access to the City to provide contiguous ownership of the waterfront for public enjoyment.

Existing community services, parks, and recreation facilities are available to support the proposed increase in density and proposed residential development.

Sec. 7.4.6.2 of the OP states that the City may require the inclusion of recreational facilities in large multiple unit residential developments. The facilities should be proportionate in size and nature to the scale of the development they serve. They should be appropriate to the projected needs of future residents and would not be considered as part of the land dedication requirements for parkland. In accordance with this requirement, the proposal includes two detached amenity buildings (each sized 790 m²) and additional outdoor amenities, such as dog runs, community gardens, landscaped open space, pickle ball courts, passive seating and lookout areas, fire pits, and trail connections. It is understood that these amenities are inherent components of the site design and will be included on the approved Site Plan.

Sec. 51 of the Planning Act allows the conveyance of parkland or cash-in-lieu in the amount of five (5) percent of the value of land on the day before the approval of the land division. The developer will be required to complete this requirement through the Land Division process. As noted, the [Owen Sound Recreation, Parks & Facilities Master Plan \(2018-2028\)](#)

does not identify the need for a new neighbourhood or community park in the vicinity of the subject lands. The Master Plan recommends that 'neighbourhood parks' serve a local neighbourhood area of 2,000 to 3,000 people and contain recreation facilities and complementary services primarily for younger children and their parents. The subsequent Planning Act approvals processes will determine the most appropriate approach to collecting and directing the parkland dedication. At this time, options include one or a combination of:

- Collection of cash-in-lieu of parkland for improvement of the City-owned waterfront lot for public enjoyment.
- Collection of cash-in-lieu of parkland for future park/open space amenities.

As noted, the developer has provided confirmation that they intend to convey the approximately 6 m wide water access to the City to provide contiguous ownership of the waterfront for public enjoyment.

In consideration of the community services, parks and recreational facilities in proximity of the lands and within the City as a regional service centre and in consideration of the future parkland dedication, and the amenities that will be provided on site, the proposal conforms with the OP, specifically Sec. 7.2 and 7.4.

▪ Parking Facilities

In considering residential density, there should be sufficient area to provide for parking. Sec. 8.6.6 of the City's OP contemplates policy respecting off-street parking and access. It notes that parking should be located in a manner appropriate to the size of the site, the optimum relationship of the building to the street and convenient access for users and that parking areas are to be adequately landscaped.

Assuming 712 units, the submitted Parking Study noted that the current development proposal will provide a surplus number of parking spaces of approximately 188 (890 spaces required and 1078 provided). The authors of the Parking Study noted that on-site parking demand can be managed through Transportation Demand Management (TDM) program measures. Detailed design of the site including parking and TDM measures will be addressed at Site Plan Approval. Planning staff recommend that the developer consider the recommendations from the

Parking Study to reduce the number of parking spaces and implement enhanced transportation demand management measures on-site.

The site is sized adequately to support the necessary parking to support the increased density proposed. At the time of site plan approval, the developer will be encouraged to consider reducing the parking on-site to more closely reflect the minimum required by Zoning.

Hazard Lands

The Hazard Lands designation identifies lands that are intended primarily for preserving and conserving lands in their natural state. Lands designated Hazard Lands are lands having qualities that, in combination with their location, present a risk to human safety, the potential for property damage, or have physical limitations to development. Buildings and/or structures are not permitted in this designation. The OP notes that the boundary of hazard lands may be modified in consultation with Grey Sauble Conservation.

The special provisions relating to the subject lands note that the southwest portion of the site is subject to periodic flooding. Grey Sauble Conservation Authority (GSCA) staff have reviewed the application and site and note that natural hazards on the subject property include the flood and erosion potential of the Kenny Drain and the small wetland feature to the southwest. CA staff have provided revised hazard mapping. The draft by-law schedule provided in Schedule E incorporates the hazard mapping changes as recommended by CA staff. The revised hazard mapping expands the hazard zone on the property to include a portion of the wooded area in the southwest corner of the property. The concept plan submitted as part of the ZBA application, and the Planning Justification Report confirms that no buildings or structures are proposed within the revised hazard area.

The proposed ZBA is consistent with the policies of the OP respecting hazard lands.

Conclusion on Conformity with the Official Plan

The proposal to rezone the lands to permit apartment dwellings, representing a moderate increase in development density within the medium density classification has been reviewed thoroughly in the context of the City's 2021 Official Plan.

The proposed amendment is for a use permitted in the Residential designation and the proposed amendment meets the locational and allocation of density criteria. The proposal is in conformity with the OP.

OP conformity will continue to be enforced in the subsequent Planning Act processes required prior to the development of the lands, including removal of the holding provision, Site Plan Approval, and Land Division.

City of Owen Sound Zoning By-law

The subject property is zoned 'Low Density Residential' (R3) with a Holding Provision (H) and Special Provision 14.55, 'Multiple Residential' (MR) with a Holding Provision (H) and Special Provision 14.55, and 'Hazard' (ZH) in the City's Zoning By-law (2010-078, as amended).

The R3 zone applies to the majority of the site with the MR zone currently limited to the northwest corner. Special Provision 14.55 applies to the entire site and identifies the criteria to lift the Holding Provision as well as providing site specific zone regulations for single detached and townhouse dwellings.

The purpose of the application is to permit a medium density residential development consisting of eight (8), six-storey apartment buildings with 89 dwelling units in each building for a total of 712 units. The proposal also includes the construction of three surface parking areas, two accessory amenity buildings, an internal road system, on-site recreational facilities, and landscaping.

The amendment is proposing to remove the Low Density (R3) zone and associated site-specific zone regulation and replace it with the Multiple Residential (MR) zone and site-specific zone regulation to facilitate the medium density multi building complex. The Holding provisions will continue to be in force and effect. The ZH zone is proposed to be revised as per the comments from the Conservation Authority.

The effect of the application is to amend the zone categories and special provisions applying to the subject lands generally in accordance with the following:

Current Zone	Proposed Zone
<ul style="list-style-type: none"> ▪ Low Density Residential (R3) with Special Provision 14.55 and Holding Provision ▪ Multiple Residential (MR) with Holding Provision ▪ Hazard Lands (ZH) 	<ul style="list-style-type: none"> ▪ Multi Residential (MR) with Special Provision 14.XX and a Holding Provision ▪ Hazard Lands (ZH)

The application also proposes to amend the Zoning on the subject lands to permit additional accessory uses and to establish site and building regulations including to:

1. Permit accessory solar collector installations, accessory beehives and a sales/leasing office;
2. Permit an increased maximum building height from 15 metres to 20 metres; and
3. Recognize that the development will be regarded as one lot for the purposes of zoning regulations if subject to future consent or plan of condominium applications.

A draft zoning text and schedule submitted in support of the application are attached in Schedule D. The staff recommended draft zoning text and schedule is attached in Schedule E.

The details of the proposed site-specific regulation are as follows:

Maximum Building Height

The application is requesting to increase the maximum building height to 20 m. The MR zone maximum building height is 15 m for 'Dwelling, Apartment', 'Uses, Commercial' and 'Uses, Institutional'. A 20 m building is usually six (6) storeys in height.

The proposed six-storey apartment buildings are considered a mid-rise type of development which is generally defined as 5-12 storeys in height.

The proposed building height is higher than the traditional low-rise development (single and semi-detached and townhouse) that has been more common in Owen Sound in the past. Changes within the policy environment and housing markets are resulting in an evolution in the types of building forms being built in Owen Sound. The demand for diverse housing types, at

a range of price points, are causing an increase in the construction of townhouse and mid-rise building within the City. As various areas of the City develop or redevelop, there is a growing trend in the construction of taller buildings in the City. Taller buildings that contain more units per hectare of developable land provide a more efficient cost ratio for the developer, more efficient use of land, and more dwelling units at a wider range of price points. Although slightly taller than is typical in Owen Sound, a six-storey building is still considered to be a low- to mid-rise building, and the anticipated impact of the increased height in this context is low.

As noted above, the proposed maximum building will increase the permitted height from 15 m to 20 m which equals approximately one storey. It is not anticipated that an increase of one storey will have a significant impact on adjacent properties or on other buildings on the subject lands given the size of the parcel, the proposed setbacks from property lines (in concept a minimum of 50 m from East Bayshore Road) and the distance between the proposed development and the nearest existing residential use on East Bayshore Road. There are no known residential uses closer than 350 m of the site, which means that no dwellings are anticipated to be impacted by the proposed 20 m apartment building height.

As part of the future Site Plan Approval process, the applicant will be required to provide a shadow study as well as a qualitative wind assessment for the proposed development. The shadow study will ensure that the siting of the buildings will not cause a shadowing impact on adjacent buildings in excess of the City's Shadow Study Criteria. The wind assessment is intended to ensure that the relationship between the location of the buildings along the Georgian Bay shoreline and the height of the building will not cause adverse wind impacts including wind tunnels. The site is large enough to allow for the adjustment of buildings on the site through the Site Plan Approval process if required.

Treatment as One Lot

The amendment is requesting that the development as it is proposed (design details to be finalized through the Site Plan Approval process) will be regarded as one lot for the purposes of zoning regulations if subject to future consent or plan of condominium application. The developer will likely propose to sever the parcel into a number of separately conveyable lots in the future for financing purposes.

The request to regard the entire development as one lot will allow the development to buildout and function as intended even if the underlying fabric parcel is partitioned into smaller individual parts and potentially sold to owners other than the applicant/developer. The developer has indicated that they plan to sever the subject lands into separate parcels for the sole purpose of facilitating the financial structure of the development and phasing of build out. They note that ensuring viable construction financing for the development will help ensure that future rents for the development remain attainable to residents.

The developer proposed “one lot” scenario will be supported by a ‘mutual easement & operating agreement’ between the parcels and will be illustrated by a Master Easements and Right-of-Way Plan. This type of agreement details the relationship between owners of the various future lots as well as the City and assigns responsibilities to the signatories of the agreement. The agreement is registered on title and therefore transfers to all future lot owners. Planning staff recommend that the agreement (and registration on title) be a condition of approval for a future consent application or a condition of Draft Plan of Subdivision/Condominium approval. The Master Easements and Right-of-Way Plan will be required through the Site Plan Approval process to ensure the site design is conducive to future land division as conceived.

Planning staff recommend that the following site-specific provisions be applied to the “One Lot” scenario:

- The development as generally proposed in the Concept Plan dated June 2022 (attached as Schedule C) shall be regarded as ‘one lot’ for the purposes of this zoning amendment and in the future site plan approval.
- Future lot lines may be located through parking areas, otherwise all setbacks in the MR zone, including setbacks from new interior lot lines, shall be applicable to all buildings and structures.
- The front lot line (‘Lot Line, Front’) for both the ‘One Lot’ and the future separately conveyable lots will be the lot line adjacent to East Bayshore Road.
 - Establishing the lot line adjacent to East Bayshore Road as the front lot line for all future lots will provide consistency in the interpretation of the special provisions and ensure the

development of a consistent streetscape along all the municipal roads bordering the development.

- Any lots created by way of land division shall comply with the applicable zone regulations in force and effect, excepting however that the following shall be calculated for the whole lot as it exists on September 26, 2022:
 - minimum parking provisions;
 - lot coverage;
 - density; and,
 - landscaped open space.

These four zone regulations shall be applied to the entire development as 'one lot' both in terms of number and location. For example, the number of parking spaces will be determined by the number of dwelling units proposed across the entire development and the parking spaces can be located on separate lots from where the dwelling unit is located. This will allow the parking areas, internal drive aisle network and amenity areas to be shared by all the residents of the development. As noted above, the 'mutual easement & operating agreement' will detail the relationship of the future lot owners in regard to the rights and responsibilities to ensure that the development will continue to function effectively.

Construction/Leasing Office

The draft amendment is requesting that a Sales/Leasing Office (Construction/Leasing Office) be added as a site-specific permitted use. The proposed definition for the office is:

- A space within a building or structure, facility or temporary trailer on the lot used for the purpose of the sale or lease of dwelling units to be erected on the lot and/or the administration and management of construction activity related to the construction and day to day operations on the lot."

Planning staff recommends that the following provisions be applied to the construction/leasing office:

- If the office is to be located outside of the proposed multi-unit buildings, the building/structure/trailer containing the office must be connected to municipal services (water and wastewater services), hydro, etc.;

- The building/structure/trailer containing the office shall not be used for human habitation but may contain kitchen and sanitary facilities;
- Maximum building height of building/structure/trailer containing the office shall be 10 m;
- Section 5.9 Accessory Buildings and Structures does not apply to the location of the building/structure/trailer containing the office and it shall comply with the site and building regulations of Section 6.7 Multiple Residential (MR) zone;
- The building/structure/trailer containing the office shall be shown on the approved Site Plan and integrated into the site design. The Site Plan agreement will include applicable provisions regarding the building construction and use; and
- If the building is to be temporary the building shall be removed once occupancy for the last building has been achieved.

Solar Collector Installations & Amenity Buildings

The application is proposing the installation of solar collectors and two amenity buildings. The solar collectors (not shown on the present concept plan) and amenity buildings are considered as accessory building/structures by the Zoning By-law. Staff recommends that given the size of the collectors/amenity buildings the site-specific provisions for this site should specify that Section 5.9 Accessory Buildings and Structures do not apply to the site but rather that all accessory buildings and structures shall comply with the site and building regulations of Section 6.7 Multiple Residential (MR) zone on this site. This would require that the accessory buildings/structures meet the same zone regulations as the main permitted use (i.e., apartment dwellings) and provide a uniform streetscape.

Both the collectors and amenity buildings will need to be shown on the final approved Site Plan and will require building permits. The location of the structures/buildings will be subject to the application zone regulations in force and effect at that time. If the collectors are to be located on rooftops, the design of the building (design and maximum height) will need to account for the collectors at the time of construction.

Beehives

The draft amendment requests accessory honeybee hives as a permitted use on the subject lands. The City's Zoning By-law does include apiaries as a permitted component of an 'Agricultural Use' but does not further refine the

definition of an apiary. Beehives and beekeeping in Ontario are regulated by other applicable legislations, specifically the [Bees Act R.S.O 1990, Chapter B.6](#). The Act and its regulation set out the requirements governing beekeeping in Ontario including the placement of honeybee colonies. As per the Bees Act, an apiary is a place where bees and the beekeeping equipment of a beekeeper are located. Further, beekeeping equipment means hives, parts of hives and utensils used in the keeping of bees. Generally, a beekeeper places hives/bee colonies in various locations and processes the frames that the bees have filled with honey at the apiary. Beekeepers may have multiple bee colonies/hives in various locations or a single colony in one location depending on their production scale.

The Bees Act specifies that no colonies can be located or placed within:

- 30 meters of a property line separating the land on which the hives are placed from land occupied by a dwelling or used for a community center, public park or other space used for public assembly or recreation; and
- 10 meters of a highway

The Act permits the placement of beehives generally in any location as long as the hives are located 30m from the property line. Further, the Bees Act requires that any person who owns or is in possession of honeybees or used beekeeping equipment in Ontario requires a valid certificate of registration from OMAFRA's Apiary Program. Any beekeeper must register their name and the location(s) of their bees or where their used equipment resides. Given that provincial legislation dictates beekeeping activities, Planning staff recommends that the zoning amendment does not provide additional site-specific restrictions. The use is regulated through the Bees Act and is proposed to be permitted as an accessory use for the purposes of the amending by-law. Staff anticipate recommending that the Site Plan Agreement contains provisions addressing the installation of beehives on-site including providing notice to residents regarding the beehives and ensuring urban beehive best management practices as provided by the relevant provincial ministry and/or beekeepers association are implemented.

The proposed Zoning Amendment meets the general intent and purpose of the City's Zoning By-law.

City Staff & Agency Comments

In response to the request for comment from the Planning & Heritage Division, the following comments have been submitted for review pertaining to the subject application. All comments can be found attached hereto as Schedule 'F'.

City Public Works & Engineering Services Department

Comment has been received from the City's Engineering & Public Works Department with no objection to the subject proposal.

Engineering Detail	Staff Comments
Servicing Feasibility Study	<p>The Servicing Feasibility Study & Stormwater Management Report will identify Servicing capacity upgrades required. Capital Contributions, service upgrade cost sharing or private construction of services will be required from the Developer as conditions of site plan approval.</p> <p>Wastewater collection in this area of the City is serviced by a Sewage Pumping Station (SPS) which discharges to the existing wastewater sewer located on East Bayshore Road. The recent upgrade to the SPS may require further improvements, at the expense of the Developer to accommodate this development.</p> <p>The existing watermains are located on East Bayshore Road (MPZ), 9th Avenue East (IPZ) and 32nd Street East (MPZ & IPZ). Improvements to these watermains will be required to ensure a stable water supply to the development.</p>
Multi-modal transportation	Multi-modal transportation requirements will be identified in the Transportation

	Impact and Traffic Impact Studies. The City will require that 9 th Avenue East and 32 nd Street East be upgraded to urban standard cross-sections and a pedestrian sidewalk be provided by the Developer on East Bayshore Road to link this development with the City's sidewalk on 3 rd Avenue East. Other upgrades may be required as identified by the studies.
Agreements	A Servicing Agreement between the City and the Developer will be required for the development of these lands which will describe future capital contributions and cost sharing at the time of site plan approval.

The City's Engineering & Public Works Department recommends approval of application ZBA 38.

Building Division

Comment has been received from Building Division, with no objection to the subject proposal.

Grey County

Comment has been received from Grey County, as discussed above, with no objection to the subject proposal.

Grey Sauble Conservation Authority

Comment has been received from GSCA with no objection to the subject zoning by-law amendment provided the hazard areas represented on the enclosed map are including in the site-specific Hazard Lands zone.

Public Comments

Four public comments expressing concern with the proposed development were received as of the writing of this report. Additionally, a delegation was made to Council at the September 12th Council meeting, which forms part of Public Comment #1 examined below:

Public Comment #1:

The comment received on August 25, 2022 expresses concern with the proposed development form (apartment) and tenure (rental). The author indicates that the number of new residents will produce a high amount of new traffic and that a mixture of housing forms within the development would be preferred. The presentation provided to City Council as a delegation on September 12th, reaffirms these concerns, and adds that development and protection of the waterfront is a concern.

Staff note the proposed rezoning is supported by a Transportation Study that recommends transportation infrastructure upgrades in support of the proposed development. The Transportation Study assumes the site's connection to municipal sidewalks. In order to ensure consistency with the PPS and conformity with the City OP, the developer will be required to install a sidewalk along the subject property and also contribute to the East Bayshore Road sidewalk (currently under construction) to facilitate connectivity to the harbour and River District, as well as existing transit routes and recreational trails.

The Transportation Impact Study submitted by the developer, which has been reviewed by City and County Engineering staff, includes recommendations for remedial measures, including a northbound turning, lane that will be implemented through the Site Plan Approval Process. The Study indicates no concern with the ability of the existing road infrastructure having capacity to accommodate the additional trips generated by the development.

The proposal to increase density on the subject lands has been justified in the balance of this report (most notably in the Residential Density Allocation and Housing Supply sections above) and the PPS encourages land use patterns that efficiently use land and resource and are appropriate for and efficiently use infrastructure. A key objective of the Official Plan (Sec. 2.2.4) is to increase housing supply by identifying and promoting opportunities for intensification and redevelopment where appropriate, and plan for a full range and mix of housing options in terms of dwelling types, densities and tenure. This objective and the policy tests set out in OP for allocating density are met by the proposal. With regard to the rental tenure proposed on site, Staff have no objection and note that the Province has cited an insufficient supply of rental housing in Ontario and calls for substantial new rental housing construction to keep up with demand.

With regard to the protection of the waterfront, the majority of the waterfront lands west of the subject property are owned by the City. The developer owns a ~6 m wide water access directly south of the City-owned parcel. The City-owned portion of the waterfront lands will continue to be available for general public use, which includes residents of the proposed development. The developer has provided confirmation that they intend to convey their ~6 m wide water access to the City to provide contiguous ownership of the waterfront for public enjoyment. The public will continue to have access to the City owned waterfront lands.

Public Comment #2:

The author has expressed concern with the number and height of buildings proposed, increase in traffic and sewer capacity.

With respect to the height of the proposed apartment buildings, it is noted that a six-storey building is still considered to be a low- to mid-rise building and the anticipated impact of the increased height in this context is low. There are no residential uses closer than 350 m of the subject lands, and the impact from the proposed increase in height would have no anticipated impact as a result of the increased height. Notwithstanding this, a Shadow Study will be required to demonstrate that there is no detrimental impact to any surrounding land uses as a result of the building placement on the property.

As discussed above, the proposed development will necessitate infrastructure upgrades. As part of the removal of the holding provision, the developer is required to submit Servicing Studies to demonstrate that the municipal infrastructure servicing the site is adequate and what upgrades are required prior to development. Coordinating the upgrades will be done through the Site Plan Approval process and will be completed at the developer's expense. The City's Public Works & Engineering Services Department has confirmed there is existing treatment capacity in the Water and Wastewater Treatment Plants to handle the number of dwelling units proposed.

Public Comment #3:

The author expresses concern about maintaining the natural heritage in this portion of the City and the timing of construction, as well as other comments shared with the other public comments. The subject lands have historically been used for industrial purposes. The rezoning will expand the area of the property zoned Hazard Lands to ensure the protection of natural hazards.

The Site Plan Approval process will ensure the site is properly landscaped with shade trees and other enhanced treatments to ensure the site is useful, mitigates the impacts of a changing climate (e.g., shade, stormwater management), and is visually appealing. The redevelopment will also ensure that the site requirements of the Environmental Protection Act and its Regulations for the re-use of a former industrial site are met.

Public Comment #4:

The commenter expressed concern about the density of the proposed development and the resulting traffic. As discussed, a Transportation Impact and Parking Study has been submitted in support of the subject application. The Study concludes that the development is forecast to generate approximately 224 and 28 trips during the AM and PM peak hours, respectively. The Transportation Impact Study Reports no concern with the capacity of the existing roads to accommodate the additional trips generated by the proposed development. It also concludes that the study area intersections are expected to operate within acceptable levels of service. The study recommends a northbound right turn lane on East Bayshore Road at the site entrance and at 32nd St E. These improvements will be required as part of the Site Plan Approval process.

The density of the development has been examined extensively in the body of this report relative to the PPS and the City and County Official Plans. Subject to the Planning Act approvals process to follow and the due diligence required to remove the holding provision on the lands, the proposed density will be well supported by existing and planned infrastructure. The efficient use of land and provision of a mix of housing types and tenures is encouraged in Provincial, County and local policy.

Next Steps:

In accordance with the Planning Act and City protocols for processing Planning Act Applications, the following outlines the next steps in the Zoning By-law Amendment process:

Anticipated Date	Step
September 26, 2022	Consideration of recommendation report and approval of amending by-law by City Council
September 27, 2022	Notice of Decision
From date of Notice	20-day Appeal Period

The following further approvals/steps are required for the proposed development:

Application	Purpose	Implications
Zoning By-law Amendment - Removal of Holding	To fulfill all the requirements specified in the removal of the holding provision.	To clear the site of any outstanding study requirements and development constraints.
Site Plan Approval	To establish site design, including servicing connection and access, subject to necessary conditions. To set out off-site works required.	Site Plan Agreement with securities. Servicing Agreement with securities & capital contributions. Servicing Agreement authorized by a separate report to Council.

Financial Implications:

None at this time. Subsequent Planning Act Applications will have financial implications for the developer in terms of fees and charges for servicing and infrastructure upgrades, among other matters.

The proposed development is considered a 'Rental Housing Development' as defined by the current City's Development Charges By-law (2020-112). As per the current Development Charges By-law, the developer would be

exempt from payment of City development charges in the amount of \$3.5 million (based on current development charge rates), subject to execution of a Development Charges Exemption Agreement. The City's Development Charges By-law is currently under review. Development Charges will be calculated and paid, if applicable, upon the issuance of a Building Permit.

Communication Strategy:

Notice of Complete Application and Public Meeting was given on July 4, 2022, in accordance with the Planning Act.

Notice of Decision will be given after the Zoning By-law Amendment is considered (anticipated to occur on September 26th).

A twenty (20) day appeal period follows the Notice.

Consultation:

The application was circulated to the public and to various City Departments and our commenting agencies as part of the consultation process.

Attachments:

- Schedule 'A': Orthophoto
- Schedule 'B': Official Plan and Zoning Map
- Schedule 'C': Concept Plan
- Schedule 'D': Draft Zoning By-law and Schedule (applicant)
- Schedule 'E': Draft Zoning By-law and Appendix (staff recommendation)
- Schedule 'F': Public Meeting Minutes & Public Comments
- Schedule 'G': Agency Comments
- Schedule 'H': Conditions of Subsequent Approvals

Recommended by:

Sabine Robart, M.SC. (PL), MCIP, RPP, Senior Planner
Amy Cann, M. PL. MCIP, RPP, Manager of Planning & Heritage
Pam Coulter, BA, RPP, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Sabine Robart, Senior Planner at srobart@owensound.ca or 519 376 4440 x 1236.