

SCHEDULE E

Draft Zoning By-law and Schedule (Staff Recommendation)

SCHEDULE E

DRAFT ZONING BY-LAW AMENDMENT

The application is requesting site specific special provisions to permit apartment dwellings with an increased height of 20 meters as well as a sales/leasing office. Additionally, the amendment is requesting that the development be regarded as one lot for the purposes of zoning regulations if subject to future consent or plan of condominium application.

The subject lands are 3195 East Bayshore Road, PLAN 838 LOT 53 & 54 PT LT 7.

1. That schedule A, Zoning Map 10 forming part of Zoning By-law No. 2010-078, is hereby amended by changing the zoning category on those lands lying and being in the City of Owen Sound, being described generally as 3195 East Bayshore Road, PLAN 838 LOT 53 & 54 PT LT 7, shown more specifically on Appendix 'A' attached to this by-law from 'Low Density Residential' Holding (R3(H)) with Special Provision 14.55, 'Multiple Residential' Holding (MR(H)) with Special Provision 14.55 and 'Hazard Lands' (ZH) to 'Multi Residential' Holding (MR(H)) with Special Provision 14.55 and Hazard Lands (ZH).
2. That the following provisions be added to Zoning By-law Section 14:

Special Provision 14.XXX

- a) So long as the "Holding" symbol is affixed to the MR (14.55) lands no person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on September 1, 2022.
- b) The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied and, notwithstanding the provisions of the 'Multiple Residential' (MR) with Special Provision 14.55, for those lands shown on Schedule A, Zoning Map 10:
 - i. 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;

- ii. That any future plan of subdivision or site plan application include the submission and approval of an urban design brief to address: overall plan design and layout; land use compatibility considerations such as 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;
 - iii. Compliance with the Environmental Protection Act and its regulations;
 - iv. Archaeological Study;
 - v. Servicing Studies and entering into agreements with the City with respect to the implementation of these upgrades;
 - vi. 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.
- c) At the time when the "Holding (H)" Symbol is removed by the City and notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 10 the Multiple Residential (MR) zone provisions shall apply save and except for the following:
- i. Maximum Building Height: 20 meters
 - ii. Notwithstanding the definition of 'Agricultural Use', beehives are permitted as accessory structures subject to the location criteria of the Bees Act.
 - iii. Notwithstanding Sec. 5.9 of the Zoning By-law, the site and building regulations applying to primary buildings on the lands shall also apply to 'management buildings, solar collectors and amenity buildings.
 - iv. Notwithstanding future land division (Consent, Plan of Subdivision or Condominium) applications, any development on the subject lands will be regarded as "One Lot" for the purposes of zoning regulations subject to all of the following provisions:

1. A 'mutual easement & operating agreement' or subdivision/condominium agreement will be required as a condition of approval of any land division application.
2. Any future land division shall comply with the 'Minimum Lot Frontage' and 'Minimum Lot Area' provisions in force and effect at the time.
3. 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.
4. 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. The rear lot line ('Lot Line, Rear') will be the lot line adjacent to 9th Avenue East.
5. 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:
 - a. Maximum Lot Coverage;
 - b. Maximum Density;
 - c. Minimum Landscaped Open Space; and,
 - d. Parking Regulations.

Maximum Lot Coverage, Maximum Density, Minimum Landscaped Open Space and Parking Regulations shall be applied to the entire development as "One Lot" both in terms of number and location.

iii) A 'Management Building' shall be a permitted use subject to the following provisions:

1. A 'Management Building' shall mean a building or space within a 'Dwelling, Apartment' building used for the purposes of:
 - The administration and management of activity related to the construction /buildout of the site;
 - Day to day operations on the lot; and,
 - The rental or lease of dwelling units to be erected on the lot.

2. The 'Management Building' shall be connected to municipal water and wastewater services.
3. The 'Management Building' shall not be used for human habitation but may contain kitchen and sanitary facilities.
4. Maximum building height of the 'Management Building' shall be 10 m.
5. The 'Management Building' shall be shown on the approved Site Plan and integrated into the site design. The Site Plan agreement will include applicable provisions re the building construction and use.
6. If the 'Management Building' is to be temporary the building shall be removed once occupancy for the last building has been achieved.

By-Law 2022-XXX

Being a By-Law to adopt Amendment No. 38 to
Zoning By-Law 2010-078
for the City of Owen Sound.

Appendix A





Amendment to Zoning By-Law 2010-078 Zoning Map 10
Passed on this 26th day of September, 2022

Mayor Ian C. Boddy

Briana M. Bloomfield, City Clerk



LEGEND

-  Lands to be zoned from MR(H) to MR(H) 14.55
-  Lands to be zoned from R3(H) 14.55 to MR(H) 14.55
-  Lands to be zoned from R3(H) 14.55 to ZH
-  Lands to remain ZH

