

Staff Report

Report To: City Council
Report From: Jacklyn Iezzi, Senior Planner
Meeting Date: July 27, 2026
Report Code: CS-26-076
Subject: Technical Report – Zoning By-law Amendment (ZBA) No. 59 – Part 1, Plan 16R-12308 and 1038 6th Avenue West

Recommendations:

THAT in consideration of Staff Report CS-26-076 respecting a proposed Zoning By-law Amendment to permit a semi-detached dwelling on lands municipally known as 1038 6th Avenue West and lands legally described as Part 1, Plan 16R-12308, City Council directs staff to continue to process Zoning By-law Amendment No. 59 in accordance with the process outlined in the report.

Highlights:

- A complete application for a Zoning By-law Amendment (ZBA 59) has been submitted by Barry's Construction and Insulation Ltd. The requested ZBA applies to two (2) separate properties; one (1) municipally known as 1038 6th Avenue West, currently containing an existing single detached dwelling, and one (1) that does not yet have a civic address assigned, legally described as Part 1, Plan 16R-12308, created by Consent in 2025 (City File No. B01-2025).
- Through a future consent application, the applicant is proposing to sever the southern interior side yard of 1038 6th Avenue West. The lands proposed to be severed, and the lands legally described as Part 1, Plan 16R-12308, are proposed to be developed for a semi-detached dwelling.

- The lands are zoned 'Retail Commercial' (C2) by the City's Zoning By-law. Semi-detached dwellings are not a permitted use in the C2 Zone.
- The effect of the application is to apply a site-specific zoning provision to the lands, to permit a semi-detached dwelling, and provide site-specific site and building regulations for lot area, lot coverage, and front and rear yard setbacks.

Strategic Plan Alignment:

The subject application represents a legislated review process.

Previous Report/Authority:

[Ontario Planning Act](#)

[Provincial Planning Statement \(2024\)](#)

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

[2026 Urban Design Directions](#)

[City of Owen Sound Zoning By-law \(2010-078, as amended\)](#)

Official Plan and Zoning By-law Updated (2025-2026)

[2026 Adopted Official Plan Amendment](#), adopted by Council, not yet approved or in effect.

[2026 Approved Zoning By-law Amendment No. 57](#), approved by Council, not yet in force and effect.

On April 13, 2026, City Council passed By-law No. 2026-029 for the purpose of adopting Official Plan Amendment No. 14 and passed By-law No. 2026-030 for the purpose of adopting Zoning By-law Amendment No. 57. These represent City-initiated updates to the Official Plan and Zoning By-law following a 5-year review.

At the time of writing this report, these amendments were not yet in full force and effect.

ZBA 57 (By-law No. 2026-030) will conform with Official Plan 2026 on the day that Official Plan 2026 comes into full force and effect. Accordingly, pursuant to subsections 24(2) and (2.1) of the *Planning Act*, this by-law is

conclusively deemed to conform with Official Plan 2026 on and after the day this by-law is passed, if Official Plan 2026 comes into effect; and this by-law is of no force and effect if Official Plan 2026 does not come into effect.

Background & Proposal:

A complete application for a Zoning By-law Amendment (ZBA 59) has been submitted by Barry's Construction and Insulation Ltd. for lands on the west side of 6th Avenue West, approximately 12.8 metres north of the intersection with 10th Street 'A' West, and 40 metres north of the intersection with 10th Street West.

The requested Zoning By-law Amendment applies to two (2) separate properties; one (1) municipally known as 1038 6th Avenue West, and the other which does not yet have a civic address assigned, legally described as Part 1, Plan 16R12308.

The lands are shown on the Orthophoto attached as Schedule 'A'.

The lands, legally described as Part 1, Plan 16R-12308, were created by Consent in 2025 (City File No. B01-2025). The lands were severed from the adjacent property to the south, municipally known as 1010 6th Avenue West. The parcel created by Consent (Part 1, Plan 16R-12308) has 12 metres of frontage along 6th Avenue West, 20.6 metres of lot depth, and 249 square metres of lot area and is currently vacant. The retained lot (1010 6th Avenue West) is a corner lot with approximately 16.5 metres of frontage on 6th Avenue West, 20.3 metres of frontage on 10th Street West, and 338.4 square metres of lot area and contains an existing two-storey red brick single detached dwelling with an attached garage. An accessory residential unit (ARU) within the existing dwelling is currently under construction (Building Permit No. 2026-0047). The retained lot has a driveway access via 10th Street West and 6th Avenue West.

The lands, municipally known as 1038 6th Avenue West, have approximately 26 metres of frontage along 6th Avenue West, 20.3 metres of lot depth, and 558 square metres of lot area, and currently contain an existing single detached dwelling. The lands front and gain vehicular access via 6th Avenue West. Parking for the existing single detached dwelling is provided within a private driveway. A variety of mature trees and an existing wooden fence exist along the northern interior side and southern rear lot lines.

Surrounding land uses include:

North: unopened City lane, residential along 6th Avenue West and 11th Street West.

East: residential on the east side of 6th Avenue West and along 10th Street 'A' West, hazard lands (escarpment).

South: commercial and institutional uses existing on the south side of 10th Street West (automotive repair, offices, place of worship), residential along 6th Avenue West, south of 10th Street West.

West: commercial uses existing on the northside of 10th Street West (commercial plaza with a restaurant, hotel, car wash).

The subject lands are designated 'West City Commercial' by the City's 2021 Official Plan and are zoned 'Retail Commercial' (C2) by the City's Zoning By-law (2010-078, as amended).

The land use designation remains unchanged under the City's 2026 Official Plan and the lands remain zoned 'Retail Commercial' (C2) by the City's Zoning By-law, as amended by ZBA No. 57.

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 subject lands are fully described in Schedule 'C'.

The Proposal

As noted above, the lands legally described as Part 1, Plan 16R-12308 were created by Consent in 2025 (City File No. B01-2025). The Consent application was approved by the City's Committee of Adjustment on January 28, 2025, subject to conditions. Conditions of the consent approval were fulfilled, and the deeds were stamped by the City's Secretary Treasurer on March 4, 2026. At the time of consent approval, the lands were also subject to Minor Variance A01-2025, which had the effect of providing relief from the minimum lot area requirements of the City's Zoning By-law for the retained and severed parcels to facilitate the proposed lot creation, and the maximum lot coverage and minimum front and rear yard setback provisions, to facilitate the construction of a single detached dwelling on the severed parcel. Minor Variance A01-2025 was approved by the City's Committee of Adjustment and is in full force and effect.

Through a future Consent application, the applicant is proposing to sever the southern interior side yard of the lands municipally known as 1038 6th Avenue West, for the purposes of a new residential building lot. A lot addition is also proposed that will sever a 0.88 metre wide by 20.5-metre-long strip of land from the lands legally described as Part 1, Plan 16R-12308, and convey it to the proposed severed parcel such that each lot has approximately 11 metres of frontage on 6th Avenue West, 20.5 metres of lot depth, and 230 square metres of lot area.

The proposed Consent for lot creation and a lot addition, will facilitate development of the lands for a semi-detached dwelling. This proposal replaces that previously contemplated through Consent B01-2025 and Minor Variance A01-2025, which was to facilitate the construction of a single detached dwelling.

The proposed retained lot will contain the existing single detached dwelling on 1038 6th Avenue West and is proposed to have approximately 18.3 metres of frontage on 6th Avenue West, 20.7 metres of lot depth, and 379 square metres of lot area.

A Site Plan illustrating the proposal is attached as Schedule 'D'.

The lands are zoned 'Retail Commercial' (C2) by the City's Zoning By-law (2010-078, as amended). Semi-detached dwellings are not among the uses permitted in the C2 Zone.

The effect of the requested Zoning By-law Amendment is to apply a site-specific zoning provision to the lands, to permit a semi-detached dwelling, and provide site-specific site and building regulations with respect to lot area, lot coverage, and front and rear yard setbacks.

The proposed zoning provisions are summarized as follows:

Zoning Provision	Part 1, Plan 16R-12308	Proposed Severed Lot	Proposed Retained Lot (1038 6th Avenue West)
Lot Frontage	11 m	11 m	18.3 m
Lot Area	230 m ²	230 m ²	379 m ²
Lot Coverage	46%	47%	23%

Zoning Provision	Part 1, Plan 16R-12308	Proposed Severed Lot	Proposed Retained Lot (1038 6th Avenue West)
Front Yard Setback	6 m	6 m	0.5 m (existing)
Rear Yard Setback	4 m	4 m	8.1 m (existing)
Interior Side Yard Setback	0.9 m / 0 m (common party wall)	0.9 m / 0 m (common party wall)	0.9 m (south side)
Exterior Side Yard Setback	N/A	N/A	9.2 m (north side)
Building Height	< 10 m	< 10 m	< 10 m (existing)

Submission & Process Details

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

Submission Item Title	Submission Item Detail
Cover Letter	Dated June 10, 2026, by Barry's Construction and Insulation Ltd.
Planning Justification Report, including Draft Zoning By-law Amendment	Dated June 2026 by Cobide Engineering Inc.
Fully dimensioned Site Plan with complete site statistics	Dated March 3, 2026, by GEI Consultants Canada Ltd.

Given the minor nature of the proposal, pre-consultation was not required for the proposed Zoning By-law Amendment.

Subsequently, the process relating to the formal application has proceeded as follows:

Date	Step	Days
June 10, 2026	Submission of application forms and supporting plans and studies.	0
June 12, 2026	Submission of required application fees (complete application)	1
June 22, 2026	Letter regarding Notice of Complete Application to the applicant. Request for comments circulated to City staff and external agencies.	11
July 2, 2026	Notice of Complete Application & Public Meeting mailed to property owners within 120 metres of the subject lands and notice posted on the property.	21
July 27, 2026	Public Meeting and Technical Report to Council.	46

These submission items can be found online under heading ZBA No. 59 at www.owensound.ca/development.

Technical Review:

The *Planning Act* and the City's Official Plan establish criteria for evaluating an application to amend the City's Zoning By-law. 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* also prescribes that the decision of Council on a planning matter shall be consistent with the policy statements issued under the Act.

Policies within the Official Plan are intended to be consistent with the policies of the relevant provincial agency, in conformity with the Grey County Official Plan, and address requirements and regulations of other agencies and related regulating authorities.

The City's Official Plan (policy 9.1.1.2) provides that the City may amend the Zoning By-law 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 should consider the goals, objectives, and policies of the Official Plan. Additionally, decisions should consider the compatibility with adjacent uses of land and servicing (transportation, sewer, and water).

The application is subject to review by the City's Development Team and external commenting agencies. Public notice of the application has been given in accordance with the requirements of the *Planning Act*.

All applicable policies, standards, and review comments will be fully reviewed in the staff recommendation report anticipated to come before Council on September 14, 2026. Public input will be considered in the overall process and included in the future recommendation report.

This report is intended to describe the proposed Zoning By-law Amendment and outline the key policy considerations relevant to the evaluation of the subject application.

The following sections describe the proposal more completely, and outline the key considerations, evident to staff at this time, that are relevant to the specific amendments requested.

A: Provincial Policy Statement

In making land use planning decisions, Council must consider the matters of Provincial interest as described in Section 2 of the *Planning Act*. These matters include (but are not limited to) the orderly development of safe and healthy communities, the appropriate location of growth and development, and the promotion of development designed to be sustainable, support public transit, and be oriented to pedestrians.

The 2024 Provincial Planning Statement (PPS) provides direction on matters of provincial interest. The vision of the PPS includes that:

“Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.”

The PPS recognizes that municipal Official Plans are the most important vehicle for implementation of the Provincial Planning Statement and for achieving comprehensive, integrated, and long-term planning. It further identifies zoning by-laws as important for the implementation of the PPS directing that they should be forward-looking and facilitate opportunities for an appropriate range and mix of housing options for all Ontarians.

The following PPS policies are highlighted concerning the application:

2.1 Planning for People and Homes

6. Planning authorities should support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

2.2 Housing

1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

b) permitting and facilitating:

- i. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
- ii. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

2.3 Settlement Areas and Settlement Area Boundary Expansion

2.3.1 General Policies for Settlement Areas

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.
2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) optimize existing and planned infrastructure and public service facilities
 - c) support active transportation
 - d) are transit-supportive, as appropriate; and
 - e) are freight-supportive

3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

3.1 General Policies for Infrastructure and Public Service Facilities

1. Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs.

3.6 Sewage, Water and Stormwater

2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.

The pending recommendation report will assess consistency of the proposed Zoning By-law Amendment with the direction provided by the PPS.

B: County of Grey Official Plan

The subject property is designated 'Primary Settlement Area' in the 2019 County of Grey Official Plan (County OP).

Settlement areas with full municipal services are the focus of most of the growth within the County. The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses within Primary Settlement Areas. Land use policies and development standards are in accordance with the local Official Plan.

The pending recommendation report will assess if the proposal conforms to the policies of the County OP. The County has been provided notice of the subject Zoning By-law Amendment application, in accordance with the requirements of the *Planning Act*.

C: City of Owen Sound Official Plan

The subject lands are designated 'West City Commercial' by the City's 2021 Official Plan (OP). As noted above, the City has adopted an Official Plan update (2026) that is not yet approved by the County of Grey. Under the

2026 OP, the lands remain designated 'West City Commercial' and policies applicable to this land use designation remain unchanged.

The following OP policies are highlighted concerning the application:

2. Vision Goals and Objectives

Section 2 of the Official Plan sets out the vision and general goals and objectives of the City of assist in understanding the intent of the policies.

2.1 The City of Owen Sound is where you want to live. A complete community that values the natural environment, cultural diversity, historic streetscapes, vibrant waterfront and provides a sense of belonging. The City will plan to evolve as a centre for growth, opportunity and innovation while ensuring that equity, inclusion, diversity, sustainability, resiliency, and quality of life are considered in every decision.

2.2 Goals and Objectives

2.2.4 Managing Growth

Goal: To promote and encourage the growth and development of the City through a planning framework that supports sustainability, healthy communities, planned growth and quality of life for all residents of the City.

Objectives:

- a. To plan for a complete community and promote a healthy, active City for the benefit of all residents and visitors.
- b. To accommodate the population and development anticipated for the City within the planning period in a sustainable, compact urban form and to avoid land use patterns that may cause environmental or public health and safety concerns or promote non-compatible land uses.
- d. 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.
- e. To consistently apply a diversity lens to growth management through planning for persons having diverse abilities and circumstances.

2.2.6 Equity, Diversity and Inclusion

Goal: To be a welcoming, safe and supportive community that provides for the diverse needs of all residents and visitors.

Objectives:

- a. To provide a safe and accessible urban environment with a mix of uses, activities, experiences and opportunities, for persons of all abilities in accordance with the Accessibility for Ontarians with Disabilities Act and the City's Multi-year Accessibility Plan and Transit Accessibility Plan.
- b. To recognize and respond to the demographic changes in the community and develop strategies to encourage all residents to maintain their residency and employment within the City.
- d. To apply a diversity lens to all decisions and work to capture opportunities to address homelessness and combat inequity in the City's built environment and planning policy framework.

2.2.7 Urban Design

Goal: To facilitate 'experiencing the City' by recognizing the exceptional natural setting, maintaining the built heritage of the City, protecting significant natural features, establishing complete communities and ensuring quality urban design.

Objectives:

- c. To provide streetscapes and pedestrian environments that are designed to be safe, attractive, accessible, and inviting.
- d. To ensure that new development and redevelopment employs high quality architectural and landscape design, is progressive, aesthetically appropriate, and compatible with the City's built heritage resources, cultural heritage landscapes, and surrounding neighbourhood character.
- e. To maintain residential areas that are safe, convenient, quiet, well landscaped, diverse, and coherent in scale.

3.6 West City Commercial - 10th Street West from 6th Avenue West to 9th Avenue West

10th Street West connects the commercial development on the “Sunset Strip” in Georgian Bluffs to the River District Commercial area. It is the main entrance to the City from the west and the north and is an important aspect of the City’s image. This area consists mainly of arterial commercial development, with parking areas between the buildings and the street. Typically, the commercial development abuts low-density residential and institutional uses to the rear.

3.6.1 Permitted Uses

3.6.1.1 The following types of uses may be appropriate within the lands designated West City Commercial:

- a. A wide variety of small commercial uses such as food services, restaurants, convenience stores, specialty automotive services, commercial and personal services, specialty retail, funeral homes, and motels.
- b. Small business, professional and medical offices, and clinics.
- c. **Non-commercial uses such as medium density forms of housing**, congregate housing, churches, and other institutional uses.

3.6.2 General Policies

3.6.2.1 The West City Commercial Area should be maintained and developed as a cohesive and attractive pedestrian and vehicle-oriented retail and service area to serve local and regional needs.

5. Infrastructure

5.1.3 Roads

5.1.3.4 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.

5.1.3.6 Road access points shall be designed to the satisfaction of the City in locations that will not create a hazard due to poor sight lines or other geometric, transportation or land use planning considerations. Shared vehicular entrances are encouraged for commercial and industrial uses located on arterial and collector streets.

5.1.4 Parking

5.1.4.3 All new development and redevelopment, including the reuse of existing buildings, shall be required to provide adequate off-street parking and loading spaces in accordance with the standards established in the Zoning By-law. Access and egress to all off-street parking or loading spaces shall be limited in number and designed to minimize danger to vehicular and pedestrian traffic.

5.1.4.10 Access points should be clearly visible and distinguishable, limited in number and designed in a manner that will minimize hazards to pedestrian and motor traffic in the immediate area. The City may require consolidation of adjacent parking areas to provide appropriate spacing of access points on arterial roads.

5.1.5 Active Transportation

5.1.5.1 New developments will be designed to be walkable and bike friendly by including multi-use trails, sidewalks, and/or paved shoulders where appropriate to integrate with the overall complete transportation system.

5.2 Municipal Services

5.2.1 General Policies

5.2.1.1 Development will be permitted in areas that can be adequately serviced by municipal services, municipal water and wastewater services, stormwater management and emergency services.

5.2.4 Stormwater Management

5.2.4.1 Stormwater should be managed onsite where practical minimizing stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces. No new development shall have a negative impact on the drainage characteristics of adjacent land.

5.2.4.6 The City shall require new developments or redevelopment projects to have a stormwater management plan in place prior to the construction.

7. Culture and Community

7.4.3 Parkland Dedication

7.4.3.2 The City will, as a condition of the subdivision or the development or redevelopment of land:

a. For residential and institutional purposes, require 5 percent of all the land proposed for development or redevelopment, or alternatively require up to one hectare for each 300 dwelling units proposed be conveyed to the City for parkland, open space, or multi-use pathway purposes.

7.4.3.3 In place of the dedication of land, the City may require cash-in lieu of land at a rate appropriate to the value of the required land. For the purposes of collecting parkland conveyance as cash in-lieu, the value of the land will be determined as of the day before the day of draft plan approval. In the case of the development or redevelopment of land, the value will be determined as of the day before the day of issuance of the first necessary building permit.

8. Urban Design

8.1.1 General Policies

8.1.1.1 The City may require urban design studies, project specific design guidelines, context plans and master plans, in support of proposed development. Such studies shall have regard to the objectives and policies of this Plan and may be used to guide site plan development.

8.1.1.2 The City shall promote a high standard of design in its public works and in the design of private and public development to achieve an appealing, comfortable, accessible, safe living and work environment for the residents and visitors of Owen Sound. Particular attention will be given to development within the River District Commercial area, the harbour area, new residential areas, major commercial areas and gateways to the City.

8.2 Natural Features

8.2.1.6 Where new development is proposed, locations of existing mature trees should be considered in the preparation of a site plan. Through the implementation of the Tree Preservation Policy, the City will ensure tree protection in maintaining healthy trees. The City will require the planting of street trees in new development areas through a tree survey planting plan.

8.3.2 Gateways and Nodes

8.3.2.1 The City may identify certain points of entry into the City and certain key intersections as Gateways and Nodes. These are points that may be used to create a sense of welcome and arrival, assist in orientation and create a memorable image of the City. The primary locations are at the highway

entrances at Highway 26 in the east, Highways 6/10 in the south and Highways 6/21 in the west, and nodes identified in area studies such as the Harbour and Downtown Urban Design/Master Plan Strategy. These locations may be marked with special structures, landscaping or signage that reflects the unique character of the City. Design opportunities and the integration of these elements into the surrounding area may be identified through Urban Design studies.

8.6 Streetscape

8.6.1 Objectives

8.6.1.1 The City will seek to achieve well-coordinated and designed streetscapes throughout the City, particularly in the commercial areas and along arterial roads. They should provide comfortable pedestrian environments, safe vehicular movement, reinforce the desired or established character of the area and, where appropriate, incorporate trees for shade.

8.6.1.3 The City may define, within any development area, building heights and setbacks or, in some cases, 'build to' lines that are consistent with the intended form of development and relevant guidelines. Within a residential area, such heights and setbacks should be consistent with the general form of existing development. Increased setbacks may be required where high buildings are proposed.

8.6.6 Parking and Access

8.6.6.3 Access points should be clearly visible and distinguishable, limited in number and designed in a manner that will minimize hazards to pedestrian and motor traffic in the immediate area. The City may require consolidation of adjacent parking areas to provide appropriate spacing of access points on arterial roads.

8.6.7 Adjacent Uses

8.6.7.4 Wherever a residential type of use abuts an industrial use, a commercial use, an institutional use, a parking area, a loading area or any other incompatible use, the City may develop and enforce setback requirements, site plan requirements and design guidelines to provide adequate visual and aural separation and privacy for the residential use in accordance with MECC.

8.6.8 New Residential Development

8.6.8.2 Buildings should be sited to provide relatively consistent streetscapes within an area, with similar setbacks, defining the visual width of the streets. Street trees should be planted in accordance with an appropriate plan.

9. Implementation

9.1.1 Zoning By-law

9.1.1.2 The City may amend the Zoning By-law where, in the opinion of the City, sufficient justification exists. Amendments must be in conformity with the policies of this Plan. When considering whether an amendment to the Zoning By-law is appropriate, the City should consider the goals, objectives and policies of this Plan.

9.3.2 Committee of Adjustment

9.3.2.2 Plans of subdivision shall be the preferred method of land division. Consents should only be granted when it is clearly not necessary or in the public interest that the land be developed by plan of subdivision. Plans of subdivision will be required and applications for consent will not be approved under the following circumstances:

- a. More than three lots (two severed and one retained) from a land holding are being created.
- b. Lots created require a new public road for the provision of access.
- c. The provision or extension of municipal services (water and/or sewer) is required.
- d. Other matters that may arise during the review of the proposed development.

9.3.2.3 Notwithstanding Section 9.3.2.2a) the requirement for a plan of subdivision may be waived for infilling or redevelopment of lots having frontage on a public road that is maintained on a year round basis in an area serviced by municipal water and sanitary sewers subject to the provisions of section 9.3.3 of this Plan.

9.3.2.4 Regard shall be had to the following criteria when considering an application for consent:

- a. The lands front onto an existing, assumed public road that is maintained on a year round basis.
- b. The consents shall have the effect of infilling in existing areas and not extending existing development.
- c. Creation of the lot does not compromise the long-term use of the remaining land or retained parcel.
- d. The size of the parcel of land created by consent should be appropriate for the use proposed.
- e. Soil and drainage conditions are suitable or can be made suitable to permit the proper siting of buildings.
- f. Impact on any adjacent built heritage or archaeological resource.

9.3.2.5 No parcel shall be created which does not conform to the provisions of the Zoning By-law except where a minor variance has been approved.

9.3.2.8 Nothing in this Plan shall adversely affect the continuance of any use(s) legally existing on the date this Plan was adopted by the City.

9.3.2.9 The City may recognize the existing use of land in the implementing Zoning By-law. The City, in co-operation with landowners, will attempt to reduce the number of non-conforming uses whenever and wherever possible according to the policies of this Plan.

The pending recommendation report will assess if the proposal conforms to the policies of the City's OP and if conditions of approval respecting City OP conformity should be applied.

D: City of Owen Sound Zoning By-law

The subject property is zoned 'Retail Commercial' (C2) by the City's Zoning By-law 2010-078, up to and including Amendment No. 56.

As noted above, the City has approved a Zoning By-law Update (ZBA No. 57) that is not yet in force and effect. Under Zoning By-law 2010-078, as amended by ZBA No. 57, the lands remain zoned 'Retail Commercial' (C2).

Under both by-laws, a semi-detached dwelling is not a permitted use in the C2 Zone. The effect of the requested ZBA is to permit a semi-detached dwelling and provide site-specific site and building regulations with respect to lot area, lot coverage, and front and rear yard setbacks.

The Zoning By-law does not provide site and building regulations for a semi-detached dwelling in the C2 Zone, as it is not a permitted use. Planning staff recommend that the proposed semi-detached dwelling be evaluated using the 'General Residential' (R5) Zone provisions for a semi-detached dwelling under Zoning By-law 2010-078, up to and including ZBA No. 56, and the 'Medium Density Residential' (R2) Zone provisions under Zoning By-law 2010-078, as amended by ZBA No. 57.

The requested zoning provisions for the proposed semi-detached dwelling are as follows:

Zoning Provision	As required by General Residential (R5) – By-law 2010-078, up to and including ZBA No. 56 <in force and effect>	As required by Medium Density Residential (R2) – By-law 2010-078, up to and including ZBA No. 57 <not yet in force and effect>	Proposed
Minimum Lot Frontage	10 m / unit	10 m / unit	11 m / unit
Minimum Lot Area	300 m ² / unit	300 m ² / unit	230 m ² / unit
Maximum Lot Coverage	40%	40%	47%
Minimum Front Yard Setback	6.5 m	6.5 m	6 m
Minimum Rear Yard Setback	7.5 m	7.5 m	4 m
Minimum Interior Side Yard Setback	0.9 m on both sides where there is an attached garage or carport for each unit (0 m at common party wall)	0.9 m on both sides where there is an attached garage or carport for each unit (0 m at common party wall)	0.9 m (north and south sides)

Maximum Building Height	10 m	12.5 m	< 10 m
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Further, as noted above, 1038 6th Avenue West currently contains an existing single detached dwelling.

Under Zoning By-law 2010-078, up to and including ZBA No. 56 that is currently in force and effect, a single detached dwelling is a permitted use in the C2 Zone as of right, in accordance with the General Residential (R5) Zone provisions.

The existing single detached dwelling is proposed to be located on the retained lot, as part of a future consent application, and generally complies with the R5 Zone provisions with the exception of the minimum lot area. A lot area of 379 square metres is proposed, whereas 400 square metres is required by the R5 Zone. The existing single detached dwelling also has an existing deficient front yard setback of 0.5 metres, whereas 6.5 metres is required by the R5 Zone.

Under Zoning By-law 2010-078, up to and including ZBA No. 57, a single detached dwelling is not a permitted use as of right. Single detached dwellings, as existing on the effective date of the by-law, are permitted in accordance with the 'Multiple Residential' (MR) and 'Medium Density Residential' (R2) Zone provisions. The R2 Zone provisions for a single detached dwelling under Zoning By-law 2010-078, as amended by ZBA No. 57, remain unchanged from the by-law currently in force and effect.

Provisions are recommended to be included in the amending by-laws which recognize the existing single detached dwelling as a permitted use, with an existing front yard setback of 0.5 metres, and a minimum lot area of 379 square metres.

The pending recommendation report will assess if the proposal meets the requirements of the City's Zoning By-law and if conditions of approval respecting zoning conformity should be applied.

E: Site Plan Control Matters

The proposed development is not considered development requiring Site Plan Approval in accordance with Section 41 of the *Planning Act* and City By-law No. 2019-185.

A future Consent Application will be required to facilitate the proposed lot creation.

Next Steps:

A separate recommendation report will assess if and how the proposal satisfies the policy context discussed herein.

In accordance with the *Planning Act* and City protocols for processing *Planning Act* applications, the following outlines the next steps in the process:

Anticipated Date	Step	Days
September 14, 2026	Anticipated - Recommendation Report and Amending By-laws to Council	95

Resource Alignment:

Financial Resources

Application fees were collected as part of the Zoning By-law Amendment application as prescribed by the City's Fees and Charges By-law.

The project will be subject to the collection of development charges in accordance with the Development Charges By-law in effect at the time of Building Permit application.

Parkland dedication will be required as a condition of a future consent application.

Human Resources

The Development Team will continue to assess the application towards a recommendation report. Clerks will process the necessary notices in accordance with the requirements of the *Planning Act*.

Time and Scheduling

Processing of the subject Zoning By-law Amendment application will slightly exceed the legislated timeframe of 90 days (by 5 days).

As this represents a legislated land development process, non-legislated initiatives may be delayed to prioritize this project from time to time.

Technology and Infrastructure

N/A.

Climate and Environmental Impacts:

There are no direct anticipated climate or environmental impacts as a result of the zoning by-law amendment.

Communication and Engagement:

Notice of Complete Application and Public Meeting was given as required by the *Planning Act*. Public and agency input will be considered in the overall process and included in the future recommendation report.

Report Developed in Consultation With:

In addition to the public notice, the Planning Division also sent a request for comments to the City's Development Team and external commenting agencies, further detailing the nature of the applications.

All comments will be considered as part of the staff recommendation report.

Attachments:

- Schedule 'A': Orthophoto
- Schedule 'B': Official Plan and Zoning Map
- Schedule 'C': Property Details
- Schedule 'D': Site Plan

Reviewed by:

Sabine Robart, MCIP, RPP, Manager of Planning & Heritage
Pamela Coulter, BA, RPP, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Jacklyn Iezzi, Senior Planner at planning@owensound.ca or 519-376-4440 ext. 1261.