

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: December 21, 2023

CASE NO.: OLT-22-004393

PROCEEDING COMMENCED UNDER subsection 22 (7) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended*.

Applicant/Appellant: Glen Rhesa McCrabb, 299077 Ontario Inc. and 1862280 Ontario Inc.
Subject: Request to amend the Official Plan – neglect to make a decision
Description: Propose a five-storeys residential condominium building on Trowbridge Street East and 12 Bayfield Street.
Reference Number: OPA29
Property Address: 23 and 37 Trowbridge Street East and 12 Bayfield Street
Municipality/UT: Meaford/Grey
OLT Case No: OLT-22-004393
OLT Lead Case No: OLT-22-004393
OLT Case Name: Glen Rhesa McCrabb, 299077 Ontario Inc. and 1862280 Ontario Inc. v. Meaford (Municipality)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended*.

Applicant/Appellant: Glen Rhesa McCrabb, 299077 Ontario Inc. and 1862280 Ontario Inc.
Subject: Application to amend the Zoning By-law – neglect to make a decision
Reference Number: Z06-2021
Property Address: 23 and 37 Trowbridge Street East and 12 Bayfield Street
Municipality/UT: Meaford/Grey
OLT Case No: OLT-22-004394
OLT Lead Case No: OLT-22-004393

BEFORE:

J. INNIS AND S. DEBOER) Thursday, the 21st
)
MEMBER) day of December, 2023

THESE MATTERS having initially come for a settlement hearing before the Ontario Land Tribunal on October 3, 2023 (the “Tribunal”) and the Tribunal having issued its Memorandum of Oral Decision and Order on December 1, 2023, allowing, in part, the Appellant’s appeals of the request to amend the in-effect Municipality of Meaford Official Plan and the application to amend the Municipality of Meaford Comprehensive Zoning By-law 60-2009 but withholding the Final Order subject to the Tribunal receiving the Official Plan and Zoning By-law Amendments submitted in a final form, confirmed to be satisfactory to the Municipality of Meaford;

AND THE TRIBUNAL having been advised by the Parties on November 30, 2023, that the above-noted condition has been satisfied and the final form of the Official Plan and Zoning By-law Amendments being submitted to the Tribunal and that the Municipality and the Appellant are thus jointly requesting that the Tribunal proceed to issue its Final Order;

AND THE TRIBUNAL BEING SATISFIED that the prior condition to the Order previously imposed by the Tribunal, upon the consent of the parties, has been satisfied and that it is accordingly appropriate that the Tribunal issue its Final Order amending the Municipality’s Official Plan and the identified Zoning By-law through the revised instruments now submitted for final approval upon the joint request of the Municipality and the Appellant;

NOW THEREFORE THE TRIBUNAL ORDERS in accordance with the Oral Decision and Order, that;

1. The Municipality of Meaford Official Plan is amended in accordance with the Official Plan Amendment attached hereto as **Attachment “1”**; and
2. The Municipality of Meaford Comprehensive Zoning By-law 60-2009 is amended in accordance with the Zoning By-law Amendment attached hereto as **Attachment “2”**.

THE TRIBUNAL authorizes the municipal clerk to format, as may be necessary, and assign a number to these bylaws for record keeping purposes.

THE TRIBUNAL ORDERS THAT, pursuant to Rule 24.3 of the Tribunal's Rules of Practice and Procedure, notwithstanding the eventual date of the formal issuance of this Order, it shall be, and was, effective as of Thursday, November 30, 2023, which is the date that the Tribunal received, considered and determined the request for the Final Order in this proceeding.

"Euken Lui"

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

INTRODUCTORY STATEMENT

All of this part of the document entitled "Part B – The Amendment" consisting of the following text and Schedule constitutes Amendment No. ___ to the Official Plan of the Municipality of Meaford.

DETAILS OF THE AMENDMENT

Item 1: **Official Plan Schedule "A" Land Use** is hereby amended by changing the Environmental Protection (EP) designation on lands referenced as 23 & 37 Trowbridge Street and 12 Bayfield Street in the former geographic Town of Meaford as follows:

'Subject to Section B1.3.7.1' and shown on the attached Schedule "A".

Item 2: **Section B1.3** is hereby amended by the addition of the following:

B1.3.7.1 Exception

B1.3.7.1 The lands within this Exception are within a Two Zone Floodway area as identified on Schedule A-1 to this Plan.

In addition to the uses permitted within Section B1.3.3 of this plan and in accordance with Section B1.3.5.4 of this plan, for those lands known municipally as 23 & 37 Trowbridge Street and 12 Bayfield Street, and legally described as Plan 309 Lots 1158, 1159, 1160, 1161, and Part of Berry Street (Pt. 5 of Plan 16R-7006) in the geographic Town of Meaford, now in the Municipality of Meaford, and shown on Schedule "A" as being subject to Section B1.3.7.1, the following shall apply:

- a) The creation of one 5-storey apartment structure is permitted.
- b) In compliance with Section C3.1, all openings to any habitable space shall be above 181.00 masl. All development shall be dry floodproofed to an elevation of 181.00 masl.
- c) Notwithstanding any other policy of this plan to the contrary, the maximum height of any building or structure on the lands shall be 15.5 m measured from 181.41 metres above sea level (MASL) and not more than 5 storeys. The fourth and fifth storeys shall be accommodated by stepping back on the west property line

to mitigate impacts from the building to the adjacent public library and parklands.

All other sections of the Official Plan continue to apply.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan, as well as through a Zoning Bylaw Amendment for the subject lands under Section 34 and 36 of the Planning Act R.S.O. 1990.

PART C – THE APPENDICES

The following Appendices do not constitute part of this Amendment. Such are included as information only supporting the Amendment.

Schedule 'A'
To Official Plan Amendment Number 29
PLAN 309 Lots 1158, 1159, 1160 & 1161
Municipality of Meaford



 Subject to Site-specific Policy Area (B1.3.7.1 Special Site Policy Area)

ATTACHMENT 2

The Corporation of the Municipality of Meaford By-law Number 2023-

**Being a by-law to amend Zoning By-law 60-2009 of the
Municipality of Meaford for the lands known as
23 & 27 Trowbridge Street East and 12 Bayfield Street**

Whereas the Council of the Corporation of the Municipality of Meaford deems it in the public interest to pass a by-law to amend By-law 60-2009; and;

Whereas, pursuant to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, as amended, Comprehensive Zoning By-laws may be amended by Councils of Municipalities;

The Council of the Corporation of the Municipality of Meaford enacts as follows:

1. Map 9 of Schedule B to By-law 60-2009 is hereby amended by rezoning those lands described as Lots 1158-1161 and Part of Berry Street being Part 6 Plan 16R-7006, Plan 309, geographic Town of Meaford, now the Municipality of Meaford, from:
 - a. From Downtown Commercial Zone (C1) to Downtown Commercial Exception 302 Holding Zone (C1-302-H5);
 - b. From Environmental Protection Zone (EP) to Environmental Protection Exception 302 Holding Zone (EP-302-H5).
2. Section 9 is hereby amended by adding the following section:

**9.302 Registered Plan 309, Lots 1158, 1159, 1160 and
1161, Reference Plan 16R-7006 Part 5 (Town of
Meaford)**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *302 on Schedule A to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply.

9.302.1 Lands Subject to Exception 302

1. Permitted Uses

- a) Apartment building
- b) All other uses in Table 7.1 for the C1 Zone save and except for the following:
 - i. Commercial school
 - ii. Day nursery
 - iii. Dry cleaning depot
 - iv. Dry cleaning establishment
 - v. Emergency services depot
 - vi. Private school

2. Zone Standards

- a) Minimum required front yard: 3 m
- b) Maximum required height: 15.5 m and not more than 5 storeys.
- c) Unless specifically modified/amended above, the provisions of Table 7.2 Zone Standards which would be applicable to a permitted use in the Downtown Commercial (C1) Zone shall apply.

3. Special Site Provisions

- a) Established Grade is deemed to be at an elevation of 181.41 masl.
- b) Lot Line, Rear

The rear lot line shall be deemed to include all lot lines along the north side of the former and unopened Berry Street road allowance.
- c) Lot Line, Front

The front lot line shall be deemed to include all lot lines along the south side of Trowbridge Street.

d) Special Setbacks:

- i. Setbacks from Slopes:
Section 4.23.3 shall not apply.
- ii. Setbacks from Georgian Bay Shoreline:
Section 4.23.6 shall not apply.
- iii. Special Building Setbacks. The apartment building must comply with the required building setbacks shown on Diagram 1, forming part of this By-law. Specifically, the 4th and 5th storeys shall be stepped back from the 3rd storey on the west side of the building a minimum of 6 m (4th Floor) and a minimum of 12 m (5th Floor).

f) Height

Height shall be measured from 181.41 masl.

g) Parking Area Requirements

- i. Notwithstanding any other provision of this By-law, the minimum width of any driveway or parking aisle providing access to parking or loading spaces, whether from a public street or within a private garage or parking area, shall be 5.8 m and there shall be no maximum width.
- ii. A minimum vertical clearance of 5.0 m shall be provided for all driveways.
- iii. A minimum vertical clearance of 3.0 m shall be provided for all barrier free parking spaces and parking aisles within a private garage.

h) Encroachments into Required Yards

Balconies shall not encroach into any required yard.

i) Floodproofing

No opening to any habitable area shall be below 181.00 masl and all development shall be dry floodproofed to an elevation of 181.00 masl.

9.302.2

Removal of Holding Symbol

In accordance with the provisions of Section 36 of the Planning Act R.S.O 1990, Chapter P.13, as amended, and in addition to the requirements of Section 2.6.2.5, the Holding "H5" Symbol shall not be removed from the whole or part of the lands until such time as the following has been completed:

1. Confirmation in writing that an Archaeological Assessment has been:
 - a. Conducted by an archeologist licensed in the Province of Ontario;
 - b. Included engagement with Saugeen Ojibway Nation in accordance with its process and standards;
 - c. Confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports; and,
 - d. The recommendations of the archaeological report, if any, have been implemented.
2. Completion of a comprehensive servicing analysis as outlined in Part D of the Official Plan and the execution of a Servicing Agreement to address the design, allocation, construction, timing and financing, and approvals necessary to provide municipal water and sanitary sewage services to the subject lands.
3. Confirmation in writing from the Grey Sauble Conservation Authority, pursuant to regulations made under the Conservation Authorities Act, that a permit has been issued or is not required.
4. That all parcels comprising the development site, as existing on January 1, 2023, be merged together and consolidated on title, prior to the registration of any development agreement.
5. A Development Agreement is executed and registered on title to deal with the following:
 - a. Site Plan matters under section 41 of the Planning Act.
 - b. The Owners obligation to contribute to off-site improvements to unopened portions of the Bayfield

and Berry Street allowances, including but not limited to active transportation infrastructure, lighting and landscaping.

- c. Acknowledgement by the Owner that the lands are within the flood fringe of the Two Zone Floodplain and that no alterations to the site or buildings that could impact floodproofing or flood mitigation shall occur without amendment to the Agreement.
- d. Legal access is established for the long term in favour of the Municipality of Meaford for any flood related remediation works and removal of ice jams over the southeast corner of the site as shown on Figure 4 of the Two Zone Flood Study Report by Crozier and Associates dated December 16, 2019 as an "area recommended to be considered by municipality for access expansion/removal of pinch point" and which shall be surveyed and identified as a separate part on a registered plan.

- 4. Schedule A-1 and all notation thereon, are hereby declared to form part of this by-law.
- 5. This by-law shall come into force and take effect upon being passed by Council, pursuant to the Planning Act, R.S.O. 1990, as amended.

**Read a first, second and third time and finally passed this
____ day of _____, 2023.**

Ross Kentner, Mayor

Matt Smith, Clerk

Schedule 'A'
To By-law No. 2023-_____
of the Corporation of the Municipality of Meaford
Amending By-law No. 60-2009
PLAN 309 Lots 1158, 1159, 1160 & 1161



-  Lands to be rezoned from the Downtown Commercial (C1) Zone to the Downtown Commercial Exception (C1-302) Zone
-  Lands to be rezoned from the Environmental Protection (EP) Zone to the Environmental Protection Exception (EP-302) Zone

This is Schedule 'A' to By-law 2023-_____

Passed on the _____ day of _____, 2023

Ross Kentner, Mayor

Matt Smith, Clerk

Diagram 1



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0' NORTH ELEVATION
1/8" = 1'-0"

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PROJECT NAME
GPH-Corridor
Development

PROJECT NO.
22005

PROJECT FILE
NORTH ELEVATION

DATE
A200