

**Take notice** that the Council of The Corporation of the City of Owen Sound passed and enacted **By-law No. 2023-113** on October 23, 2023, pursuant to Sections 17 and 22 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended and Ontario Regulation 543/06 for the purpose of adopting **Official Plan Amendment No. 13** which makes changes to The Corporation of the City of Owen Sound Official Plan (2021).

City Council has considered all written submissions received to date and oral submissions made at the public meeting held on September 11, 2023, the effect of which helped to make an informed recommendation and decision as summarized in Staff Report CS-23-111.

**Property Description:**

The Official Plan Amendment relates to lands located at 1235 and 1259 3<sup>rd</sup> Avenue East and legally described as PLAN OWEN SOUND PT LOTS 15 AND 16 E BAY ST W HILL ST RP 16R10312 PARTS 2 TO 4, 8 TO 11 14 AND 15 and PLAN OWEN SOUND PT LOTS 15 AND 16 E BAY ST W HILL ST RP 16R10312 PART 1 in the City of Owen Sound, County of Grey. The lands are shown more particularly on the Key Map below.

**Purpose and Effect:**

The purpose of the Official Plan Amendment is to permit the adaptive reuse of the existing buildings and structures on the subject lands, being the historic Courthouse, Jail, Jail yards, and Governor's Residence, for an entertainment and event venue and business incubator. The entertainment and event venue is intended to accommodate gatherings for specific events (i.e., weddings, business and personal events, etc.) and will be supported by on-site restaurants, drinking establishments, indoor and outdoor entertainment facilities and overnight accommodations. These uses will be available to both event participants and the general public.

The proposal includes minor modifications to the existing buildings and structures to allow for access (i.e., elevators), restoration of a front portico to the Courthouse building, vehicular access from 3<sup>rd</sup> Avenue East and 4<sup>th</sup> Avenue East, a parking area to the east (rear) of the site containing 36 stalls, a loading dock to the north (side) of the Governor's Residence, and site landscaping.

The Courthouse is designated under Part IV of the *Ontario Heritage Act* for reasons of architectural and contextual value and interest and the Jail property is listed on the City's Heritage Register.

The effect of the Official Plan Amendment is to redesignate the subject lands from 'Institutional' to 'Arterial Commercial' on Schedule 'A' – Land Use of the City's 2021 Official Plan. The Arterial Commercial designation recognizes that the subject lands have frontage on a Minor Arterial roadway (3<sup>rd</sup> Avenue East). Site-specific policies (3.7.5) are proposed to permit the following additional uses within the Arterial Commercial designation:

- An entertainment and event venue.
- Visitor accommodations and places of entertainment.
- Community facilities such as a gallery, museum, and other institutional uses.
- Business services.

The site-specific policies will also have the effect of requiring retention of natural and cultural heritage features and the provision of a detailed Parking Management Strategy, noise mitigation measures, and a detailed landscaping plan as part of a future Site Plan Approval application.

These lands are also the subject of Zoning By-law Amendment No. 49.

**Appeal Information:**

And take notice that within 20 days after the Notice of Adoption is given, an appeal to the Ontario Land Tribunal in respect to all or part of this proposed Official Plan Amendment may be made by filing a notice of appeal with Briana Bloomfield, City Clerk of The Corporation of the City of Owen Sound at the address noted below.

A notice of appeal must set out the reasons for the appeal and the specific part of the proposed official plan amendment to which the appeal applies and must be accompanied by the fee required by the Ontario Land Tribunal in the form of a certified cheque or money order payable to the Minister of Finance.

The last date for filing a notice of appeal is **November 13, 2023 by 4:30 p.m.**

The proposed Official Plan Amendment is exempt from approval by The Corporation of the County of Grey. The decision of the Council of The Corporation of the City of Owen Sound is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

Only individuals, corporations or public bodies may appeal a decision of the Council of The Corporation of the City of Owen Sound to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

For more information on making an appeal, please visit: <https://olt.gov.on.ca/>.

If no notice of appeal is filed within 20 days after the giving of notice, the Official Plan Amendment shall be deemed to have come into effect on the day after the appeal period expires and notice to that effect will be issued to the applicant by the Deputy Clerk.

**City of Owen Sound Ontario Land Tribunal Processing Fee:** \$500.00 per application

\*Please note that all fees are subject to change.

**Additional Information:**

More information about this proposed Official Plan Amendment, including the enacting By-law, is available for inspection at the City of Owen Sound in the Planning Office located at 808 2nd Avenue East, Owen Sound, ON N4K 2H4, Monday to Friday between the hours of 8:30 a.m. and 4:30 p.m. and on the City's website at [www.owensound.ca/development](http://www.owensound.ca/development).

**Notice Date: October 24, 2023**

Staci Landry  
Deputy Clerk  
The Corporation of the City of Owen Sound  
808 2<sup>nd</sup> Avenue East  
Owen Sound, ON N4K 2H4  
Telephone: 519-376-4440 ext. 1235  
E-mail: [notice@owensound.ca](mailto:notice@owensound.ca)

Key Map



The Corporation of the City of Owen Sound

By-law No. 2023-113

A By-law to adopt Amendment Number 13 to the  
Official Plan for the City of Owen Sound (Courthouse and Jail)

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WHEREAS the Council of The Corporation of the City of Owen Sound (the "City") has an Official Plan for the City of Owen Sound approved in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13 (the "Planning Act"); and

WHEREAS the Planning Act authorizes the City to approve amendments to its Official Plan and exempts the City's Official Plan from approval of the Minister of Municipal Affairs; and

WHEREAS the City is desirous of amending the City of Owen Sound Official Plan; and

WHEREAS on October 23, 2023 City Council passed a resolution to adopt Amendment Number 13 to the Official Plan for the City of Owen Sound as outlined in staff report CS-23-111;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. That Amendment No. 13 to the Official Plan for the City of Owen Sound, consisting of the attached explanatory text and map, is adopted.
2. The Clerk of the City of Owen Sound is authorized and directed to advise the County of Grey of the City's approval of Amendment No. 13 to the Official Plan for the City of Owen Sound pursuant to the requirements of the Planning Act.
3. This by-law shall come into full force and effect on the date it is passed.

FINALLY PASSED AND ENACTED this 23<sup>rd</sup> day of October 2023.



Mayor Ian Boddy



Briana M. Bloomfield, City Clerk

Amendment No. 13  
to the City of Owen Sound Official Plan

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**Index**

**Part A – The Preamble**

The Preamble provides an explanation of the proposed Amendment including the purpose, location, and background information, but does not form part of this Amendment.

**Part B – The Amendment**

The Amendment describes the modifications to the City of Owen Sound which constitute Official Plan Amendment Number 13.

**Part A – The Preamble**

The details of the amendment, as contained in Part B of this text, constitutes Amendment No. 13 to the City of Owen Sound Official Plan.

**LOCATION**

The lands affected by this amendment are the entirety of the properties municipally known as 1235 3rd Avenue East and 1259 3rd Avenue East, legally described as ALL OF LOTS 15 AND 16 EAST OF BAY STREET AND PART OF LOTS 15 AND 16 WEST OF HILL STREET, CITY OF OWEN SOUND, COUNTY OF GREY, as demonstrated on Appendix A, affixed.

**PURPOSE AND EFFECT**

The purpose of this amendment is to redesignate the subject lands identified on Appendix A, affixed, to the "Arterial Commercial" designation and add a site-specific section 3.7.5 to facilitate the adaptive reuse of the existing heritage buildings being the historic Courthouse, Jail, Jail yards and walls, and Governor's Residence.

**BASIS**

The basis for permitting this amendment is as follows:

1. The proposed amendment is consistent with the Provincial Policy Statement.
2. The proposed amendment is in conformity with the County of Grey Official Plan.
3. The proposed amendment is in keeping with the policies of the City of Owen Sound Official Plan.
4. The amendment will facilitate the adaptive reuse and conservation of heritage buildings and structures, fulfilling economic and heritage conservation objectives of the County of Grey, and City of Owen Sound.

**Part B – The Amendment**

## DETAILS OF THE AMENDMENT

The Official Plan of the City of Owen Sound is hereby amended as follows:

## TEXT CHANGES

Section 3.7.5 be added as follows:

## 3.7.5 Site Specific Arterial Commercial Policies

3.7.5.1 The Owen Sound Jail lands, municipally known as 1235 and 1259 3rd Avenue East, are designated Arterial Commercial to facilitate the adaptive reuse of the existing heritage buildings, which may accommodate specialized and other commercial uses of a different role and character than are otherwise generally contemplated within the Arterial Commercial designation. In addition to the permitted uses outlined within Section 3.7.1, the following additional uses may also be permitted:

- a. An entertainment and event venue.
- b. Visitor accommodation and places of entertainment.
- c. Community facilities such as a gallery, museum and other institutional uses.
- d. Business services.

3.7.5.2 Lands municipally known as 1235 and 1259 3rd Avenue East contain the historic Courthouse, Jail, Jail yards and walls, and two-storey redbrick Governor's Residence. The City recognizes the architectural, historical, and contextual value of these properties and their role as a former judicial precinct that is important in defining and maintaining the City's unique cultural heritage. Through the development approvals process, the City may require that the Owner enter into agreements with the City to provide protection for these built heritage resources, which may include designation under Part IV of the Ontario Heritage Act and/or a heritage conservation easement, pursuant to the policies of Section 7.1.2 of this Plan.

3.7.5.3 The presence of natural heritage features associated with habitat of threatened species has been identified on lands municipally known as 1235 3rd Avenue East, containing the historic Courthouse. Specifically, a Chimney Swift roost has been observed on the subject property. Chimney Swifts are identified as a threatened bird species by the provincial Endangered Species Act and federal Species at Risk Act. Redevelopment of these lands shall consider the retention of the existing chimney to the greatest extent feasible for the benefit of Chimney Swift. Any demolition, removal, or alteration to the chimney that would impair its use for Chimney Swift shall be justified by a qualified environmental consultant with experience in the field and occur in accordance with all applicable provincial and federal requirements.

3.7.5.4 The following matters shall be addressed to the satisfaction of the City through an application for Site Plan Approval:

- a. A Parking Management Strategy will be required as part of a complete application and shall outline strategies and requirements for the delivery of off-site parking and implementation of other recommendations identified within the Parking Justification Study. Matters to be addressed through the Parking Management Strategy shall include, but not be limited to, parking arrangements and/or

agreements with off-site partners, the use of municipal facilities to provide parking, and/or payment-in-lieu of parking pursuant to the policies of Section 9.7.5 of this Plan.

- b. The Parking Management Strategy will be implemented through a Site Plan Agreement or other Agreement to the satisfaction of the City.
- c. Additional noise mitigation measures associated with on-site loading will be evaluated for potential implementation. Mitigation measures may include but are not limited to the provision of a noise attenuation fence along the north property line, as recommended by the Land Use Compatibility Study.
- d. The provision of a Landscape Plan completed by a qualified professional is required as part of a complete application and shall include landscaping details, to the satisfaction of the City, sufficient for buffering the proposed development from neighbouring properties and the City street.

#### MAP CHANGES

The affected lands are to be redesignated "Arterial Commercial" on Schedule 'A', as demonstrated on Appendix A, affixed.



# By-Law 2023-113

Being a By-Law to adopt Amendment No. 13 to the City of Owen Sound Official Plan (2021)

## Appendix A

Amending Official Plan (2021) Schedule 'A' - Land Use

Passed on this 23rd day of October 2023



Mayor Ian C. Boddy




Briana M. Bloomfield, City Clerk



### LEGEND

 Subject Property

 Lands to be redesignated from 'Institutional' to 'Arterial Commercial'



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