

Take notice that the Council of The Corporation of the City of Owen Sound passed and enacted **By-law No. 2023-114** on October 23, 2023, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended and Ontario Regulation 545/06 for the purpose of adopting amendments to the City of Owen Sound's Zoning By-law No. 2010-078, as amended.

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 Zoning By-law Amendment relates to lands located at 1235 and 1259 3rd 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 Zoning By-law 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 3rd Avenue East and 4th 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 Zoning By-law Amendment is to rezone the subject lands from 'Institutional' (I) to 'Mixed Use Commercial' (MC) with Special Provision (14.141) within the City's Zoning By-law (2010-078, as amended). Permitted uses in the Mixed-Use Commercial Zone include 'Restaurant' and 'Drinking Establishment'. The proposed Special Provisions (14.141) would, in addition to the uses permitted in the MC zone, add a 'Business Incubator' and 'Event and Entertainment Facility' as permitted uses, and define these uses generally in accordance with the following:

'Business Incubator' means an establishment that provides incubator services such as management training, networking facilities, programming, mentorship programs, business assistance services, and office space including 'hot desk' services and is dedicated to nurturing the development and commercialization of start-ups, early-stage companies, and established companies (enterprises).

'Event and Entertainment Facility' means an establishment in which the main use is to accommodate gatherings for specific events, and which may also include, among its internal functions, restaurants, drinking establishments, accommodation for overnight

guests, accessory retail and office, and indoor and outdoor entertainment facilities available for use by event participants, the general public, or both. For clarity, nothing within this definition shall prevent a restaurant or drinking establishment from being permitted as standalone uses, in accordance with the MC Zone provisions.

The Special Provision (14.141) also proposes to require a minimum of 115 parking stalls for the development to be provided on-site or on another lot within 500 metres of the subject lands and include provisions requiring electric vehicle charging and deem 3rd Avenue East as the front lot line for the purposes of the Zoning By-law.

These lands are also the subject of Official Plan Amendment No. 13.

Appeal Information:

And take notice that within 20 days after the Notice of Passing is given, an appeal to the Ontario Land Tribunal in respect of the decision of the Council of The Corporation of the City of Owen Sound 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 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.**

Only individuals, corporations, and public bodies may appeal a by-law 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 by-law was passed, 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 by-law shall be deemed to have come into force on the day it was passed once the amendment to the Official Plan comes into effect 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.

Notice Date: October 24, 2023

Staci Landry
Deputy Clerk
The Corporation of the City of Owen Sound
808 2nd Avenue East
Owen Sound, ON N4K 2H4
Telephone: 519-376-4440 ext. 1235
E-mail: notice@owensound.ca

Key Map



The Corporation of the City of Owen Sound

By-law No. 2023-114

A By-law to amend Zoning By-law No. 2010-078, respecting lands located at 1235 and 1259 3rd Avenue East (ZBA No. 49 – Courthouse and Jail)

WHEREAS section 34(1) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "Planning Act") provides that the council of a local municipality may pass by-laws for prohibiting the use of land and for prohibiting the erection, location or use of buildings and structures for or except for such purposes as may be set out in the by-law and for regulating the use of lands and the character, location and use of buildings and structures; and

WHEREAS on April 12, 2010, the Council of The Corporation of the City of Owen Sound (the 'City') passed Zoning By-law No. 2010-078 (the "Zoning By-law") to implement the City's Official Plan and to regulate the use of land in the City; and

WHEREAS City Council is desirous of adopting a zoning by-law amendment, pursuant to section 34 of the Planning Act, for lands located at 1235 and 1259 3rd Avenue East (the "subject lands"); and

WHEREAS such amendment to the Zoning By-law will maintain the terms and intent of the City of Owen Sound Official Plan; and

WHEREAS City Council has carefully considered all public comments throughout the process; and

WHEREAS on September 11, 2023, a public meeting was held under section 34 of the Planning Act to consider zoning for the subject lands; and

WHEREAS on October 23, 2023, City Council passed a resolution directing staff to bring forward a by-law to amend the Zoning By-law respecting the subject lands, in consideration of staff report CS-23-111;

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

1. That Schedule A, Zoning Map 6 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 1235 3rd Avenue East and 1259 3rd Avenue East, 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, shown more specifically on Appendix 'A' attached to this by-law from 'Institutional' to 'Mixed Use Commercial' (MC) with Special Provision 14.141.
2. That the following provisions be added to Zoning By-law Section 14:
Special Provision 14.141
 - a. Notwithstanding the provisions of the Mixed Use Commercial (MC) zone and for lands on Schedule A, Zoning Map 6, the following uses shall be permitted in addition those uses permitted in the MC Zone:
 - i. Business Incubator

ii. Event and Entertainment Facility

- b. A 'Business Incubator' shall mean an establishment that provides incubator services such as management training, networking facilities, programming, mentorship programs, business assistance services, and office space including 'hot desk' services and is dedicated to nurturing the development and commercialization of start-ups, early-stage companies, and established companies (enterprises).
- c. An 'Event and Entertainment Facility' shall mean an establishment in which the main use is to accommodate gatherings for specific events, and which may also include, among its internal functions, restaurants, drinking establishments, accommodation for overnight guests, accessory retail and office, and indoor and outdoor entertainment facilities available for use by event participants, the general public, or both. For clarity, nothing within this definition shall prevent a restaurant or drinking establishment from being permitted as standalone uses, in accordance with the MC Zone provisions.
- d. Notwithstanding the requirements of Section 5.18, General Parking Regulations, one (1) parking space shall be provided for every 30.2 square metres of gross floor area, for a minimum of 115 spaces, which shall be provided on-site or within 500 metres of the MC (14.141) Zone.
- e. Notwithstanding the requirements of Section 5.18, General Parking Regulations, electric vehicle parking spaces shall be provided at the following ratios:

Number of Total Required Parking Spaces	Minimum Number of Electric Vehicle Parking Spaces with Charging Facilities
0-150	2
Greater than 150	Three per cent (3%) of total required parking

- f. For the purposes of this By-law, the 'Lot Line, Front' shall be deemed to be the lot line fronting 3rd Avenue East.
3. This by-law shall come into full force and effect on the date it is passed.

FINALLY PASSED AND ENACTED this 23rd day of October 2023.



 Mayor Ian Boddy



 Briana M. Bloomfield, City Clerk

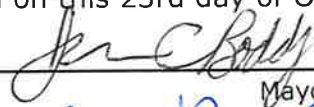
By-Law 2023-114

Being a By-Law to adopt Amendment No. 49 to Zoning By-Law 2010-078 for the City of Owen Sound.

Appendix A

Amendment to Zoning By-Law 2010-078 Zoning Map 6

Passed on this 23rd day of October, 2023





Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk



LEGEND

-  Subject Property
-  Lands to be rezoned from 'Institutional' to 'Mixed Use Commercial' (MC), Special Provision 14.141

