FINAL REPORT



ROYAL ROSE COURT

OWEN SOUND, ONTARIO

NOISE IMPACT STUDY RWDI #2303377 March 15, 2023

SUBMITTED TO

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VERSION HISTORY

Index	Date	Description	Prepared by	Reviewed by
1	March 15, 2023	Site Plan Approval Report	ЈКК	GER

EXECUTIVE SUMMARY

Rowan Williams Davies & Irwin Inc. (RWDI) was retained to conduct a noise impact study for the proposed redevelopment of a heritage building into an event venue located at 1235 3rd Avenue in Owen Sound, Ontario. The purpose of this assessment is to predict facility sound levels at surrounding noise-sensitive land uses and determine the overall feasibility of the project. The facility is not expected to be a source of dust or odour. An ecology unit will be installed on the kitchen hood to eliminate the potential for odour.

This study assessed site sound levels due to cooling equipment and activities associated with their outdoor event spaces using the Ministry of the Environment, Conservation and Parks Publication NPC-300 as well as the City of Owen Sound Terms of Reference. The maximum PWLs for the condensing units are as follows:

- Location of CU_01 can have a PWL of 85 dBA for one condensing unit or 82 dBA each if two condensing units are installed.
- Location of CU_02 can have a PWL of 90 dBA for one condensing unit or 87 dBA each if two condensing units are installed.

The sound levels for the condensing units should be confirmed by an acoustical engineer to ensure these criteria are met. The sound levels due to the facility, based on the predictable worst-case scenario, meet MECP NPC-300 exclusion limits at all surrounding receptors.

The impact study is based on assumptions regarding the current site plan and anticipated typical operations as confirmed with FusionCorp. Should changes to the site layout and/or operations be implemented, we recommend that the noise impact assessment be re-evaluated to ensure continued compliance with the sound level limits.

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March 15, 2023

1 INTRODUCTION

RWDI was retained to conduct a noise impact study for the proposed redevelopment of a heritage building into an event venue located at 1235 3rd Avenue in Owen Sound, Ontario. The purpose of this assessment is to predict sound levels from the site at surrounding noise-sensitive land uses. The site can be seen in **Figure 1**. The sound impacts will be assessed using the applicable guidelines and hence determine the overall feasibility of the project. This assessment is based on architectural drawings dated October 14, 2022, as well as operational information provided by FusionCorp.

2 DESCRIPTION OF PROJECT AND SITE

The facility is located at 1235 3rd Avenue in Owen Sound, Ontario. The project consists of the redevelopment of a heritage building (courthouse and jail) into an event venue, restaurant, and entertainment complex. Site plans are included in **Appendix A**. The facility is bordered by institutional land uses to the south and residential land uses to the north, east and west.

Radiant space heating already exists at the site. As part of the redevelopment, condensing units may be added to the building. The units will be located at ground level either to the north or south side of the building.

The facility has the potential to operate from daytime into the night and sound from the facility has been evaluated against daytime (07:00-19:00h), evening (19:00-23:00h), and nighttime (23:00-07:00h) sound level limits to account for a worst-case operating scenario.

3 NOISE ASSESSMENT

The evaluation of noise was assessed using the applicable Ontario Ministry of the Environment, Conservation and Parks (MECP) NPC-300 Guidelines (MOE, 2013). Only the significant stationary sources of sound were assessed. These include condensing units and activities associated with the outdoor event spaces.

3.1 City of Owen Sound Development Application Guidelines

The City of Owen Sound has Development Application Guidelines for a Noise and Vibration Study, which indicates that the study is required to "demonstrate that the operation of the proposed use will not produce any noise or vibration emissions beyond acceptable levels or that surrounding land uses will not adversely impact the proposed development" (City of Owen Sound, 2021).

March 15. 2023

3.2 Applicable Criteria

Noise levels are assessed for the predictable worst-case one-hour L_{EQ} for daytime, evening and nighttime periods. For assessing sound, NPC-300 defines sound level criteria for two possible locations at each noise-sensitive land use (receptor): outdoor and façade. The outdoor points of reception (PORs) for stationary source assessment can include front yards, backyards, terraces or patios. The façade PORs are the centre of any window or door on the most exposed wall.

The assessment criterion is the higher of either the exclusion limit per NPC-300 or the minimum background sound level that occurs or is likely to occur at a receptor. The applicable exclusion limit is determined based on the level of urbanization or "Class" of the area. Land uses surrounding the facility are Class 1 areas due to the acoustical environmental which is influenced mainly by human activity. The NPC-300 Class 1 exclusion limits were applied for continuous sources in the assessment and are summarized in **Table 1**.

Table 1: NPC-300 Exclusion Limit – Continuous Stationary Sources

Time Devied	Class 1 Exclusion Limit		
Time Period	Outdoor L _{EQ-1hr}	Façade L _{EQ-1hr}	
Daytime 07:00-19:00h	50 dBA	50 dBA	
Evening 19:00-23:00h	50 dBA	50 dBA	
Nighttime 23:00-07:00h	not applicable	45 dBA	

3.3 Representative Receptors

Noise-sensitive land uses surrounding the site are existing residential dwellings located on all sides of the facility. A zoning map of the area is included in **Appendix B**. The worst-case representative receptors have been modelled as shown in **Figure 2**. Meeting the applicable criteria at these representative receptors will ensure compliance at all receptors.

3.4 Modelling Inputs

For this study, a site visit was not conducted as the development is currently in the design stages. Information regarding potential stationary sources were obtained through analysis of site plan drawings and discussions with FusionCorp. Sound level data of similar sources on file at RWDI was used to model sound levels in the outdoor event areas. The primary source of noise in these areas will be the sound of people talking. There may be background music however elevated voices are predicted to be the most dominant source of noise. Sound levels for the condensing units are based on performance specifications for when the units are selected. The summary of the sound power levels used for the current assessment is provided in **Table 2**.

The following were adopted for the analysis:

• The condensing units on the north side of the site (CU_01) are at ground level and can have an overall maximum Sound Power Level (PWL) of 85 dBA if only one unit is installed in that location. If two condensers are installed in that location, then each condenser can have a maximum PWL of 82 dBA.

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- The condensing units on the south side of the site (CU_02) are at ground level and can have an overall maximum PWL of 90 dBA. If two condensers are installed in that location, then each condenser can have a maximum PWL of 87 dBA.
- All sources would emit sound concurrently and continuously during the predictable worst-case one-hour period.

Source ID	Maximum Soun	Reference	
CU_01	85 dBA per condenser if only one unit	82 dBA per condenser if two units installed	Performance Specification
CU_02	90 dBA per condenser if only one unit87 dBA per condenser if two units installed		Performance Specification
People Talking in Outdoor Event Spaces (Voices_01 and 02)	90 dBA		RWDI Data on file

3.5 Results

Detailed noise modelling was carried out, based on the available information, using the Cadna/A software package, a commercially available implementation of the ISO 9613 algorithms (ISO, 1994 and ISO, 1996). The sound levels during the predictable worst-case one hour and the applicable sound level limit are presented in **Table 3**. Sound level contours for continuous sources are provided in **Appendix C**. The predicted sound levels attributable to the continuous stationary sources are predicted to meet NPC-300 sound limits at all the surrounding receptors.

Table 3: Predicted Sound Levels

Receptor	Description	Time of Day	Sound Level L _{EQ-1hr} (dBA)	NPC-300 Class 1 Limit (dBA)	Meets Criteria?
R01_f	Facade of 1224 4TH AVE E	Day/Evening	43	50	Yes
KUI_I	Facade of 1224 41H AVE E	Night	43	45	Yes
R01_0	OPOR of 1224 4TH AVE E	Day/Evening	42	50	Yes
R02 f	Facada of 1240 2PD AVE E	Day/Evening	30	50	Yes
KUZ_I	Facade of 1240 3RD AVE E	Night	30	45	Yes
R02_o	OPOR of 1240 3RD AVE E	Day/Evening	26	50	Yes
D02 f	Facade of 1275 3RD AVE E	Day/Evening	44	50	Yes
R03_f		Night	44	45	Yes
R03_o	OPOR of 1275 3RD AVE E	Day/Evening	45	50	Yes
D04.6	Facade of 1270 4TH AVE E	Day/Evening	42	50	Yes
R04_f		Night	42	45	Yes
R04_o	OPOR of 1270 4TH AVE E	Day/Evening	34	50	Yes
R05_f	Facade of 1259 4TH AVE E	Day/Evening	37	50	Yes
	Facade OF 1259 4TH AVE E	Night	37	45	Yes
R05_o	OPOR of 1259 4TH AVE E	Day/Evening	35	50	Yes

NOISE IMPACT STUDY ROYAL ROSE COURT

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4 DUST AND ODOUR

The site is not expected to be a source of dust or odour. The only potential for odour may come from the kitchen exhaust fan however an ecology unit will be installed on the kitchen hood to eliminate the potential for odour. The facility will be in line with other commercial facilities in the area.

5 CONCLUSION

RWDI completed a noise impact study for the proposed redevelopment, to be located at 1235 3rd Avenue in Owen Sound, Ontario. The maximum PWLs for the condensing units are as follows:

- Location of CU_01 can have a PWL of 85 dBA for one condensing unit or 82 dBA each if two condensing units are installed.
- Location of CU_02 can have a PWL of 90 dBA for one condensing unit or 87 dBA each if two condensing units are installed.

The sound levels for the condensing units should be confirmed by an acoustical engineer to ensure these criteria are met. With these criteria the sound levels due to the facility, based on the predictable worst-case scenario, meet the MECP NPC-300 limits at all surrounding receptors.

The facility is not expected to be a source of dust or odour. And ecology unit will be installed on the kitchen hood to eliminate the potential for odour.

The study is based on the current site plan and operating scenario. Should changes to the site layout and/or operations be implemented, we recommend that the potential noise impact be re-evaluated to ensure compliance with the sound level limits.

RWDI #2303377 March 15, 2023

6 REFERENCES

- International Organization for Standardization (ISO), 1994, International Standard ISO 9613-1:1994, Acoustics –Attenuation of Sound during propagation outdoors. Part 1: Calculation of the absorption of sound by the atmosphere.
- 2. International Organization for Standardization (ISO), 1996, International Standard ISO 9613-2:1996, Acoustics Attenuation of sound during propagation outdoors Part 2: General method of calculation.
- 3. Ontario Ministry of the Environment (MOE), August 2013, Publication NPC-300, *Environmental Noise Guideline Stationary and Transportation Sources Approval and Planning.*
- 4. City of Owen Sound, Development Application Guidelines, Noise and Vibration Study. November 12th, 2021

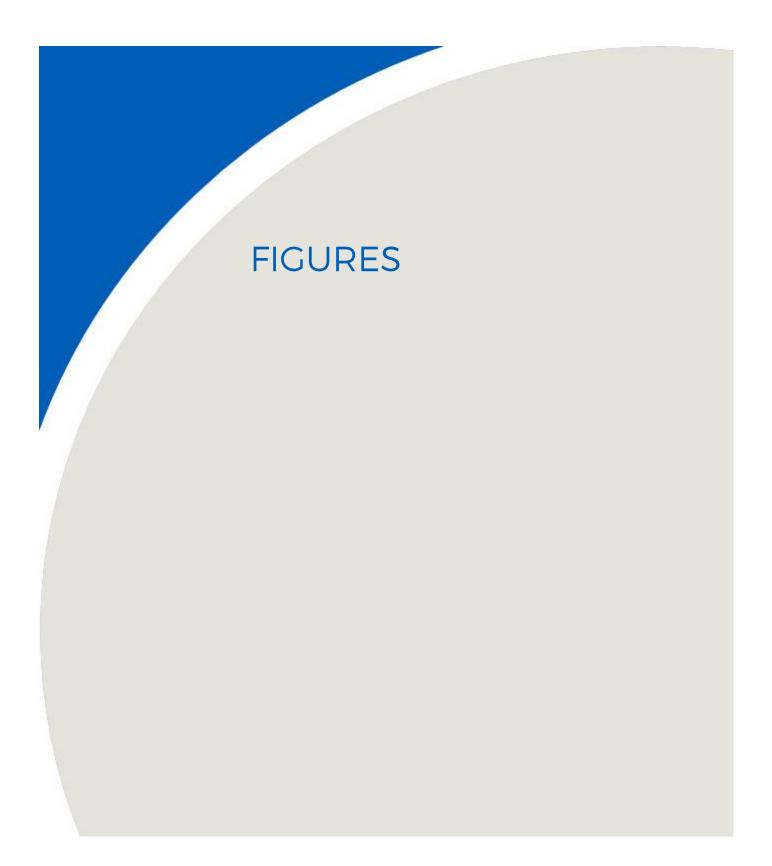
7 STATEMENT OF LIMITATIONS

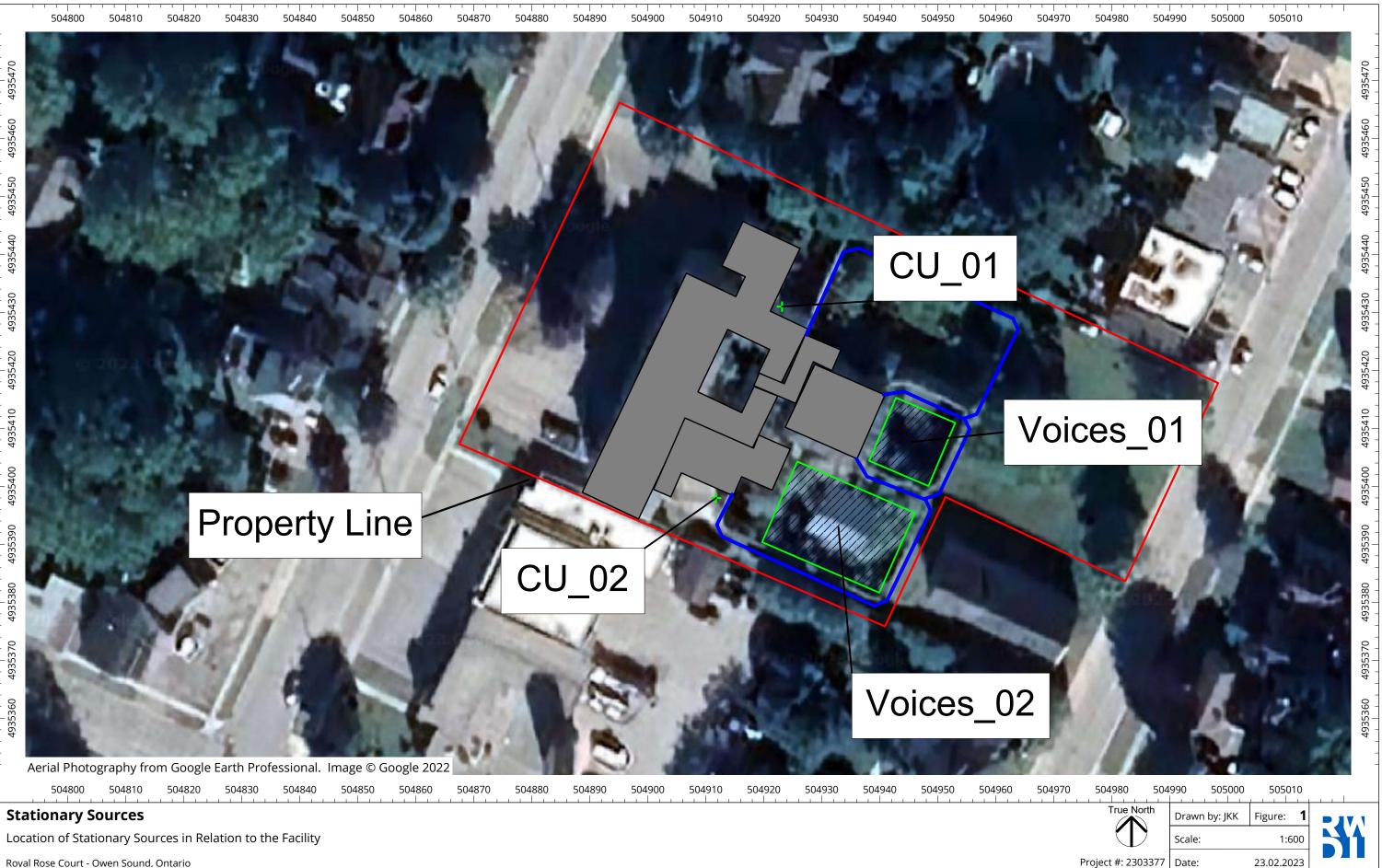
This report entitled Royal Rose Court Noise Impact Study was prepared by Rowan Williams Davies and Irwin Inc. ("RWDI") FusionCorp ("Client"). The findings and conclusions presented in this report have been prepared for the Client and are specific to the project described herein ("Project"). The conclusions and recommendations contained in this report are based on the information available to RWDI when this report was prepared. Because the contents of this report may not reflect the final design of the Project or subsequent changes made after the date of this report, RWDI recommends that it be retained by Client during the final stages of the project to verify that the results and recommendations provided in this report have been correctly interpreted in the final design of the Project.

The conclusions and recommendations contained in this report have also been made for the specific purpose(s) set out herein. Should the Client or any other third party utilize the report and/or implement the conclusions and recommendations contained therein for any other purpose or project without the involvement of RWDI, the Client or such third party assumes any and all risk of any and all consequences arising from such use and RWDI accepts no responsibility for any liability, loss, or damage of any kind suffered by Client or any other third party arising therefrom.

Finally, it is imperative that the Client and/or any party relying on the conclusions and recommendations in this report carefully review the stated assumptions contained herein and to understand the different factors which may impact the conclusions and recommendations provided.







Roval Rose Court - Owen Sound, Ontario





APPENDIX A

2022-10-14

Concept Design

Issued for Pre-Consultation Meeting

Project # 22.0056.00

Project Team:



FC ENTERTAINMENT & HOSPITALITY INC.

2066 AVENUE ROAD, 2ND FLOOR TORONTO, ON M5M 4A6

info@fchispitality.ca www.fchospitality.ca



THE PLANNING PARTNERSHIP

1255 BAY ST. #500, TORONTO, ON M5R 2A9

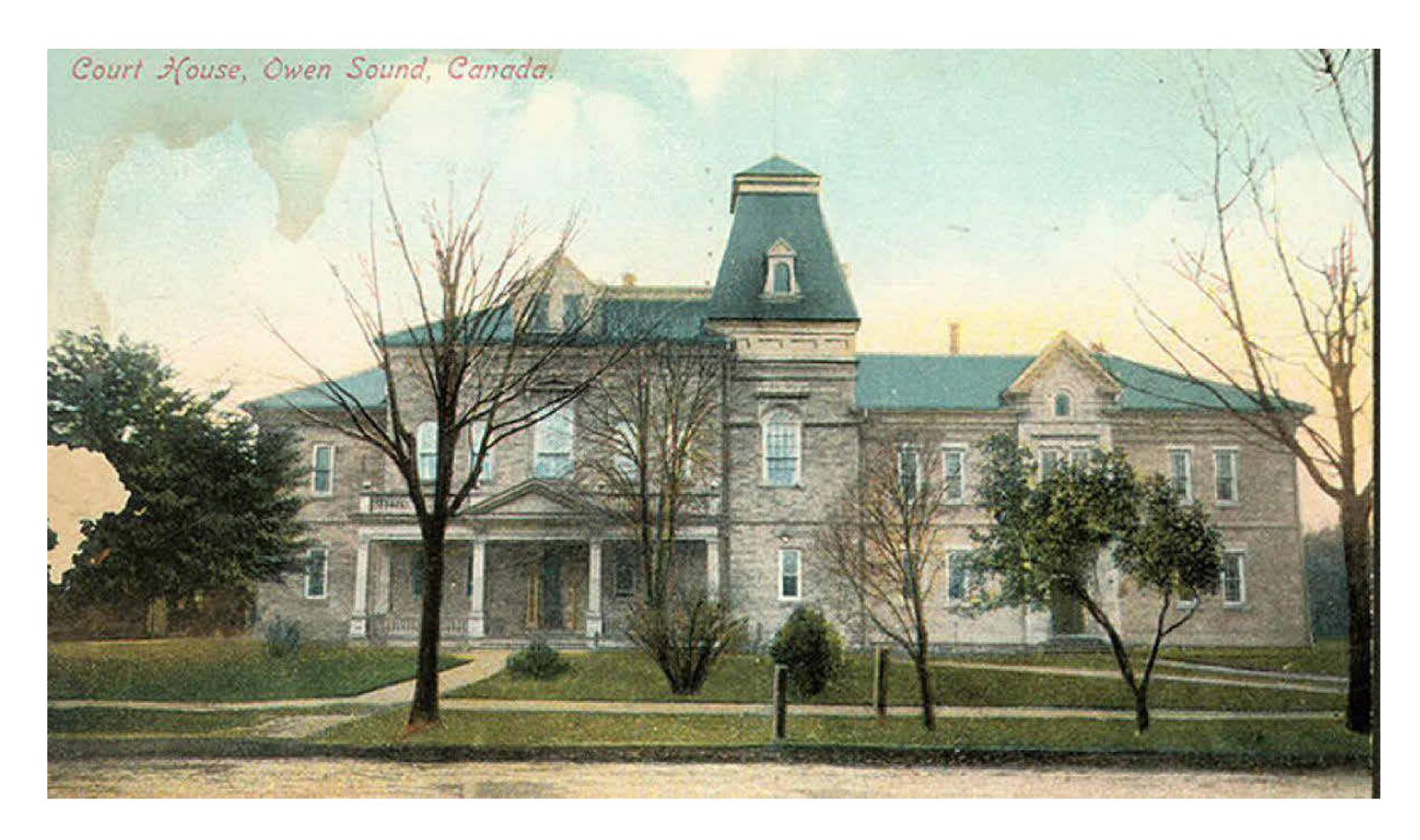
info@planpart.ca www.planpart.ca

ARCHITECTURE

Sheet Number

Sheet Name

A100	SITE PLAN
A101	EXISTING & DEMOLITION PLAN - BASEMENT
A102	EXISTING & DEMOLITION PLAN - LEVEL 1
A103	EXISTING & DEMOLITION PLAN - LEVEL 2
A104	EXISTING & DEMOLITION PLAN - LEVEL 3
A201	PROPOSED FLOOR PLAN - BASEMENT
A203	PROPOSED FLOOR PLAN - LEVEL 2
A204	PROPOSED FLOOR PLAN - LEVEL 3





Owen Sound, Ontario

Rejuvenation of the Historical Courthouse & Jail FC Entertainment & Hospitality

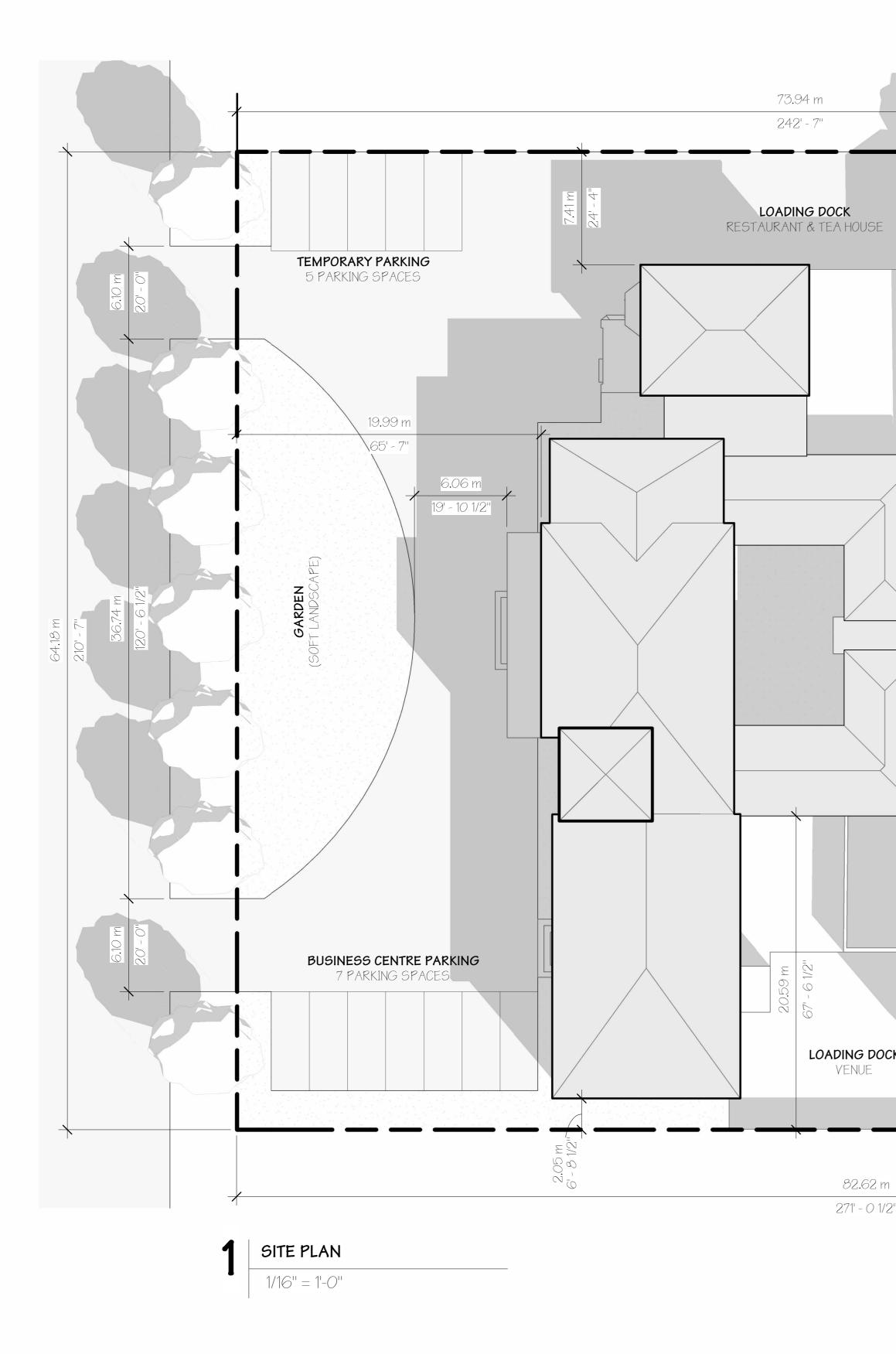
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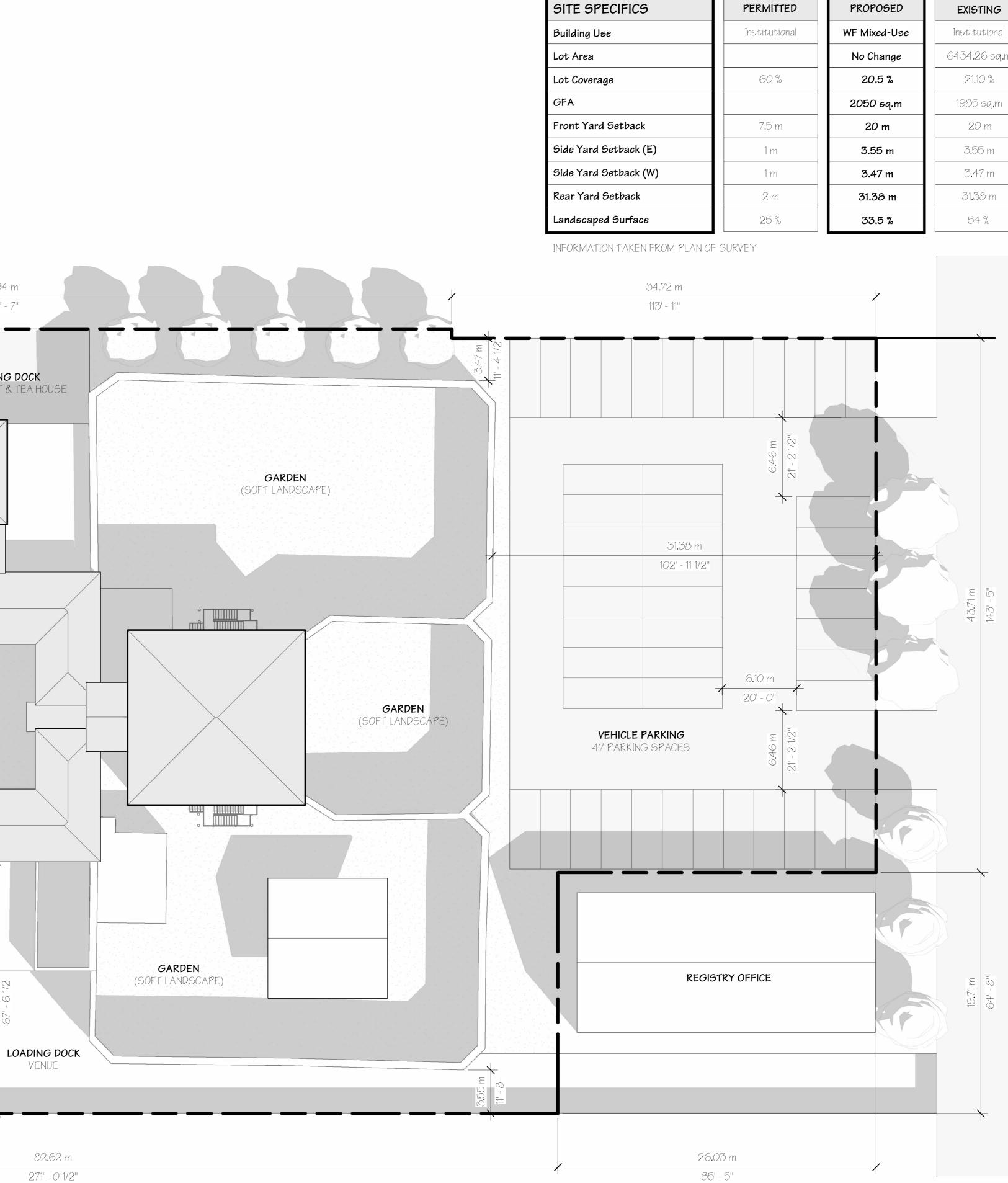
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LEGAL DESCRIPTION

OWNERSHIP



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73.94 m

242' - 7"

ZONING DESIGNATION Institutional

LOTS 15 & 16 EAST OF BAY ST & LOTS 15 & 16 WEST OF HILL ST PROPERTY ADDRESS 1234-1259 3rd AVENUE EAST, OWEN SOUND, ONTARIO

FC Hospitality & Entertainment Inc.

PERMITTED	PROPOSED	EXISTING
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	No Change	6434.26 sq.m
60 %	20.5 %	21.10 %
	2050 sq.m	1985 sq.m
7.5 m	20 m	20 m
1 m	3.55 m	3.55 m
1 m	3.47 m	3.47 m
2 m	31.38 m	31.38 m
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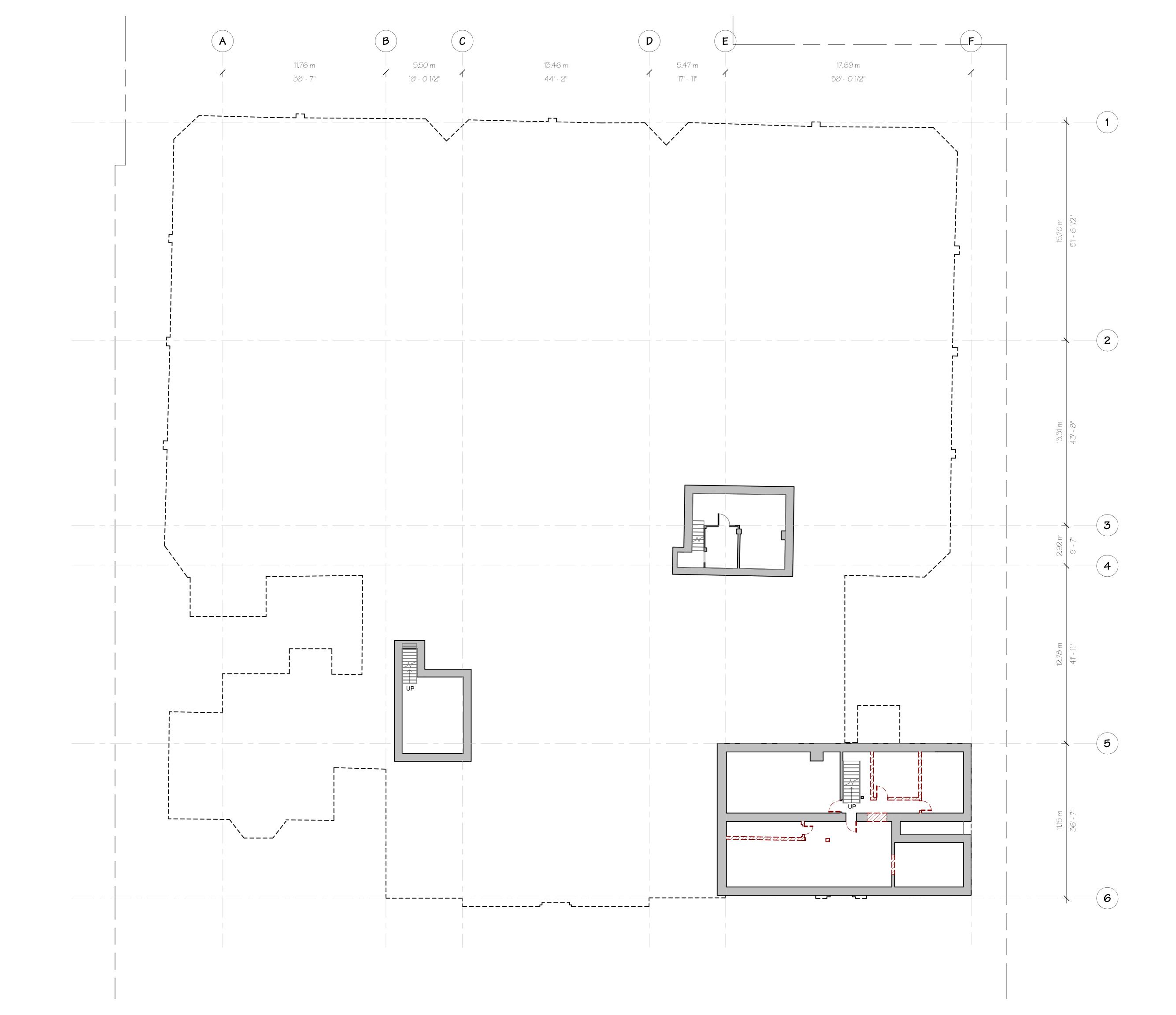
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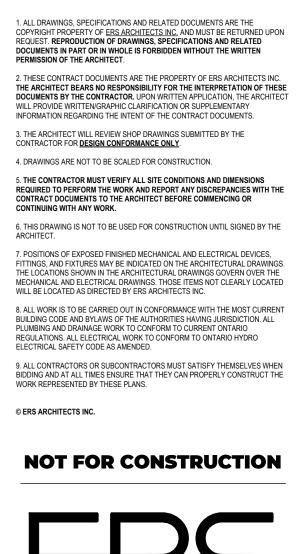
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SITE PLAN

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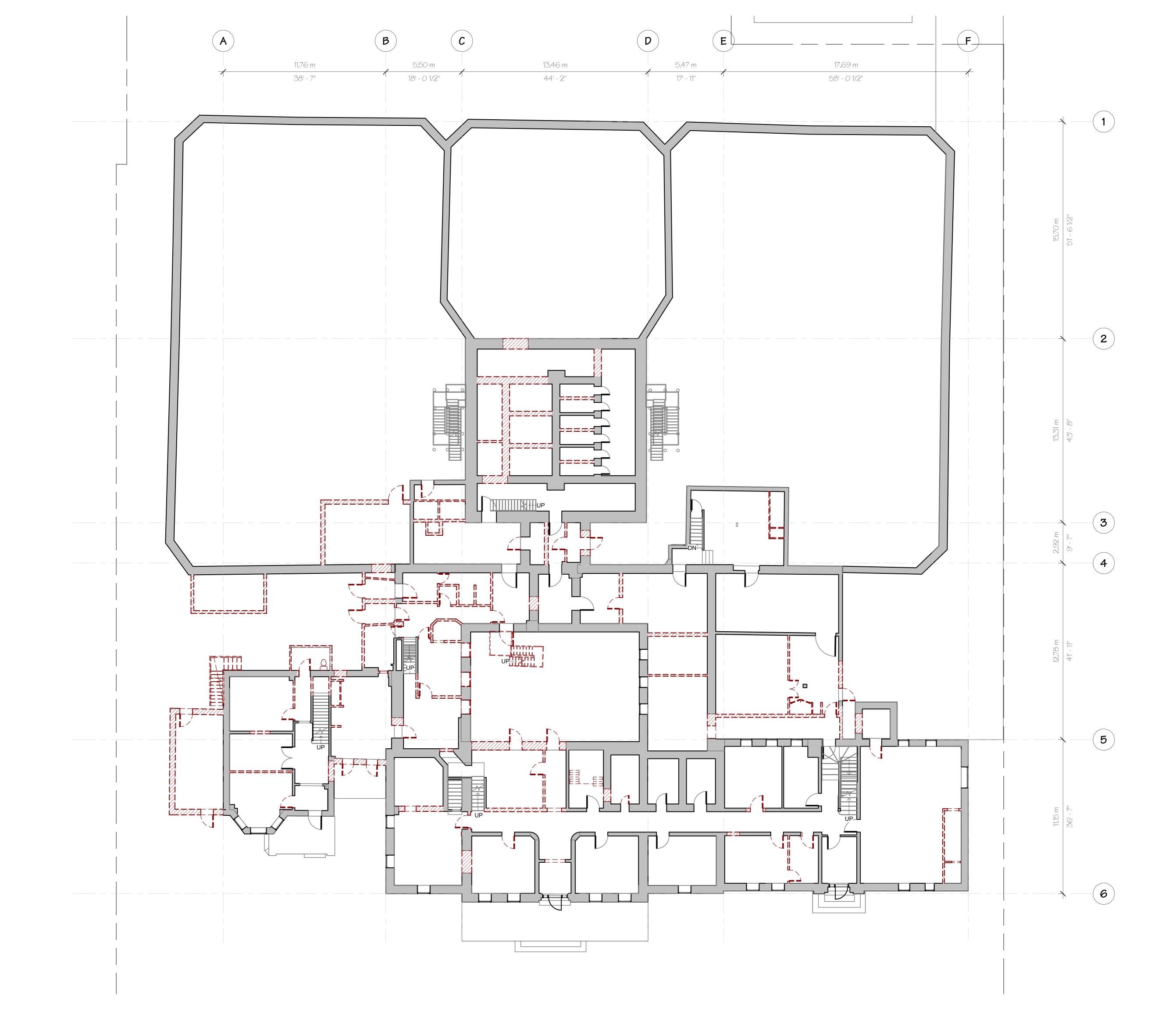
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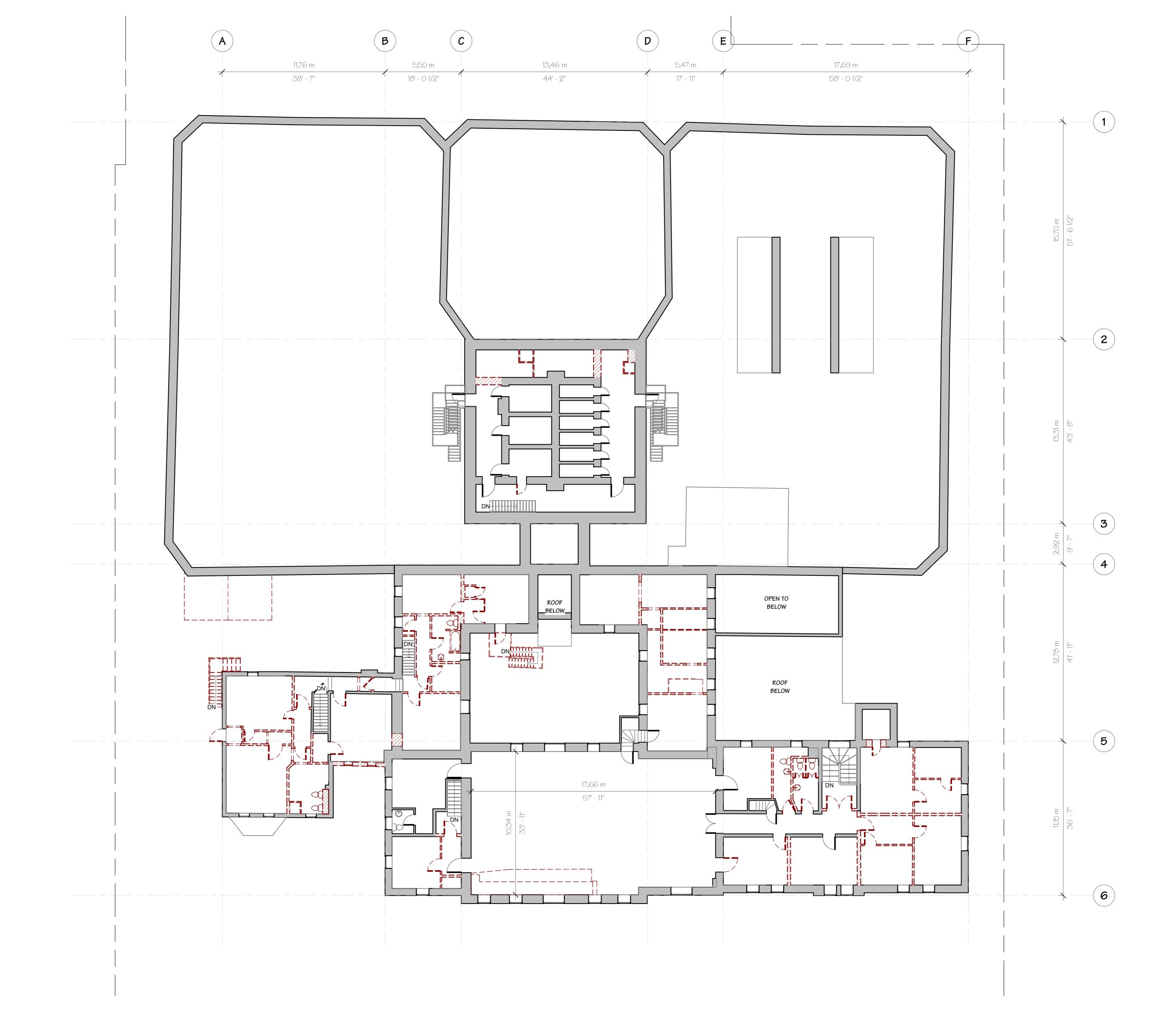
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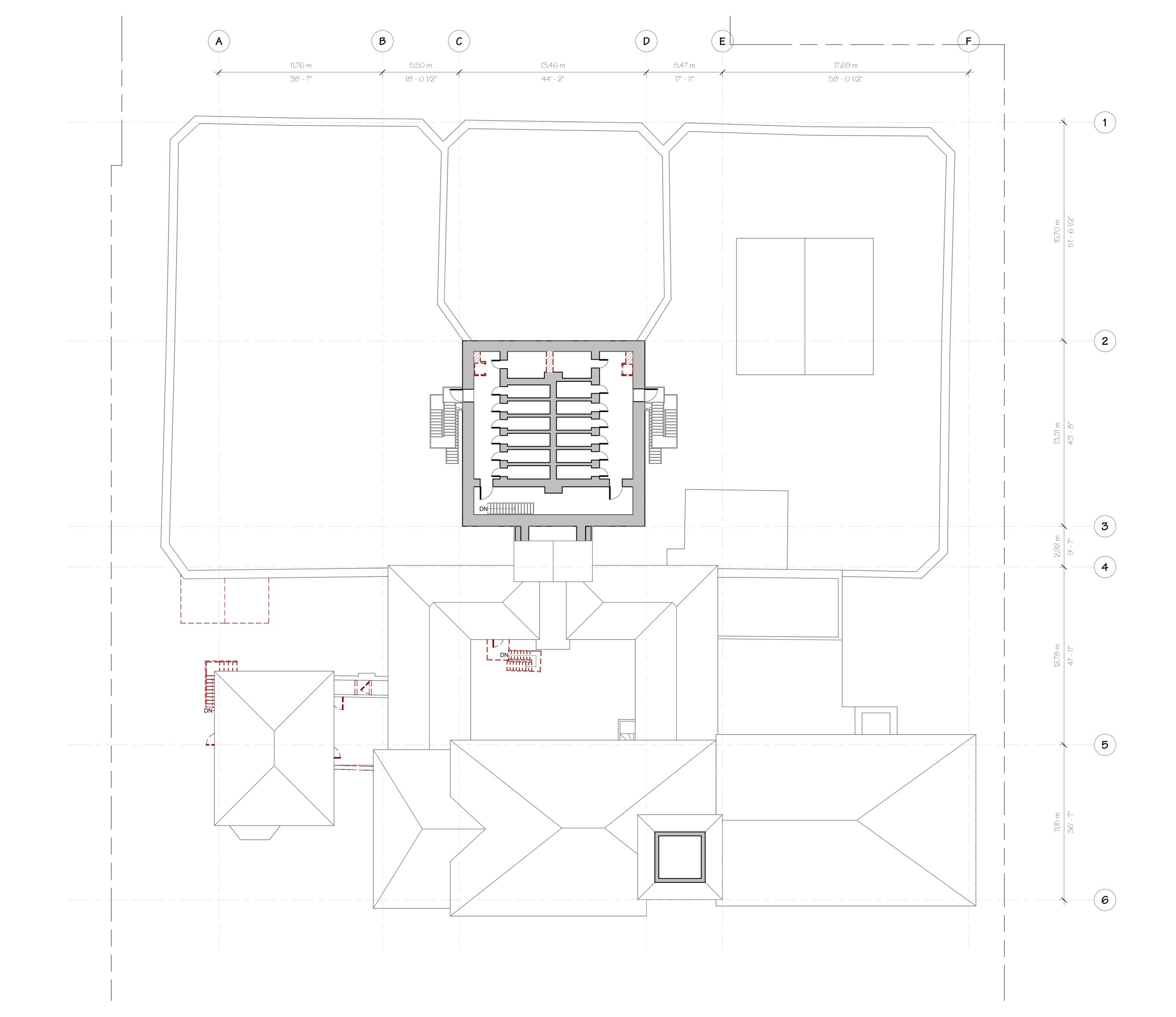
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EXISTING & DEMOLITION PLAN - LEVEL 2

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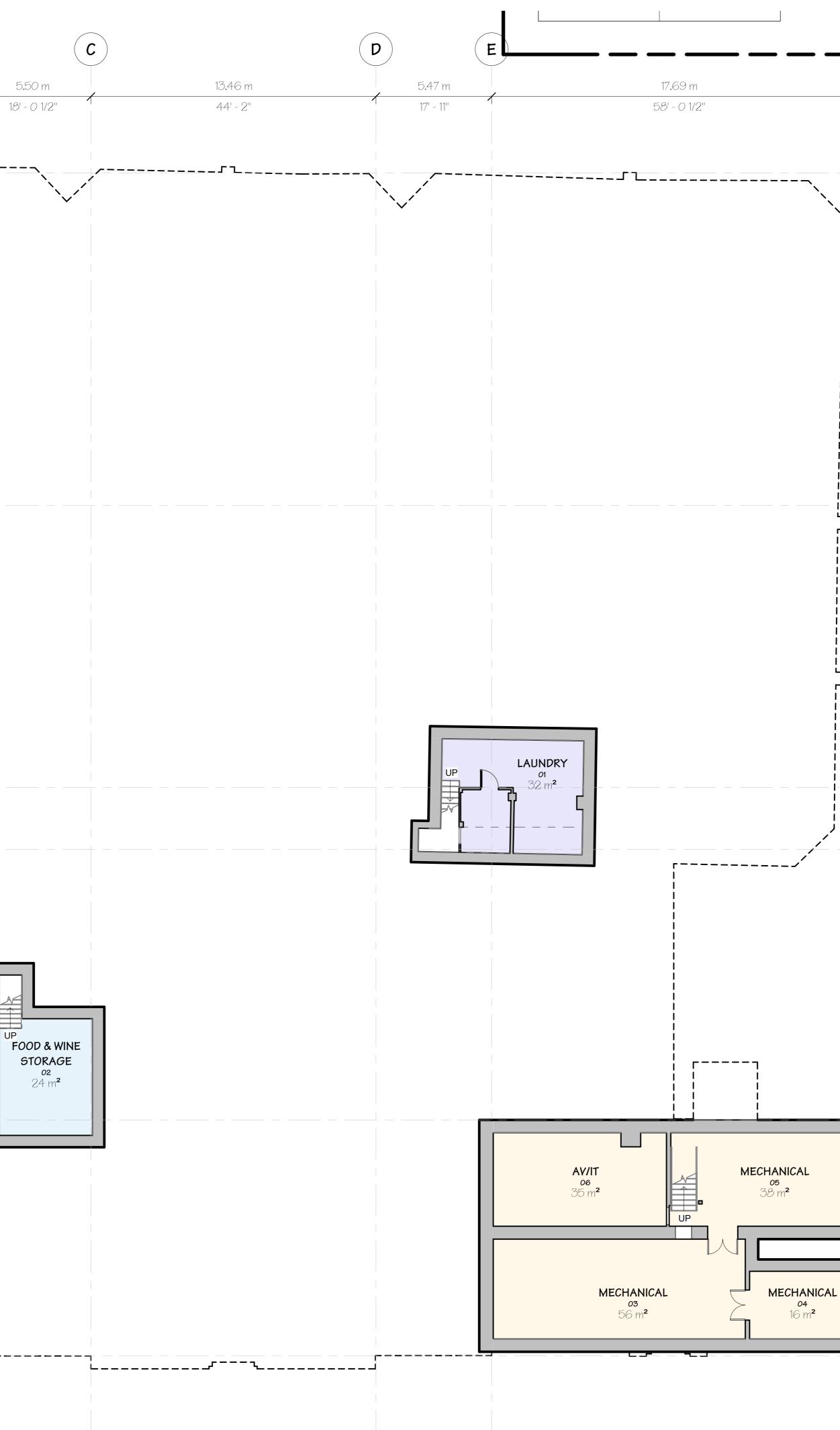
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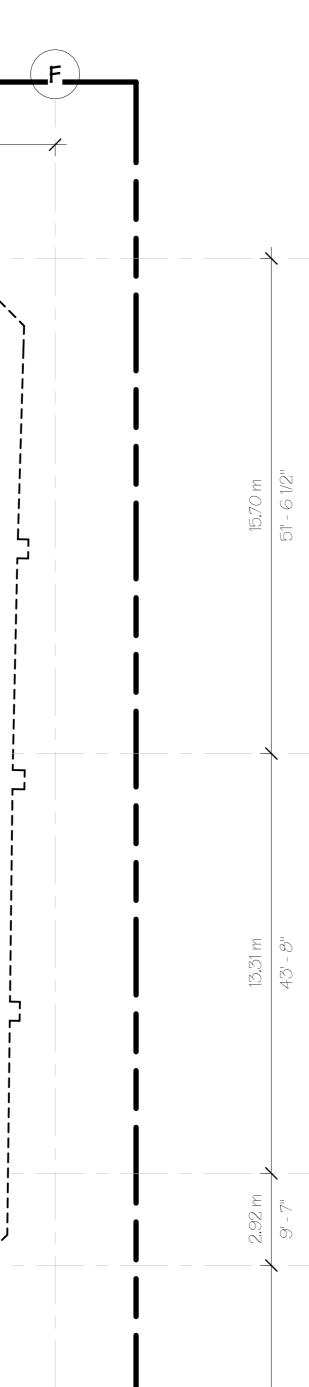
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I VINE STORAGE	02	24 m²
House & Services G & RECEIVING	10	36 m ²
ROOM GE nment	11 63	33 m² 13 m²
GALLERY (EASY	14 15	49 m ² 49 m ²
or & Business Centre E RKING SPACE	28 16	19 m ² 72 m ²
	29 30	72 m 7 m ² 7 m ²
E E R	31 17	18 m ² 16 m ²
ROOM	18 19 20	9 m ² 19 m ² 41 m ²
	21 32	11 m ² 11 m ²
n	33 22	7 m ² 7 m ²
N	25 26	19 m² 5 m²
G ROOM CE	27 23	40 m ² 11 m ²
OR E	24 62	22 m ² 51 m ²
AURANT	34 35	70 m² 6 m²
CESS	36 37	6 m ² 6 m ²
N JOR Ise	38 39	41 m ² 13 m ²
DOM	40 41	53 m² 14 m²
ng Venue ING & RECEIVING EN	43	45 m ² 73 m ²
GE	44 45 64	9 m ² 23 m ²
2 House & Services		
NG AREA & KITCHEN inment EASY	46	33 m ²
int IRANT	48	129 m²
TE DINING	49 50	21 m ² 13 m ²
DURTROOM SPACE	51 52	176 m ² 73 m ²
M SUITE NG AREA	54 55	18 m² 22 m²
AL SUITE	56 57 58	14 m ² 14 m ² 34 m ²
RIDOR AGEMENT OFFICE	59 60	23 m ² 25 m ²
L 3	65	7 m ²
tainment KEASY I total: 54	61	117 m ² 1824 m ²





30 - 71 115 m 20 - 71 20 - 71 20 - 71 20 - 71 20 - 71

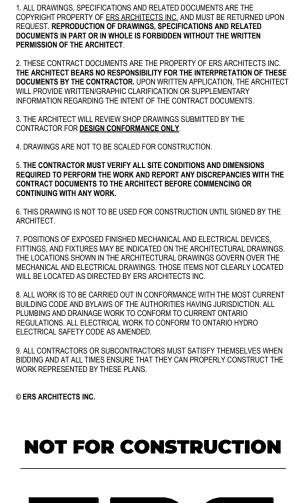
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Department Legend

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EXISTING CONSTRUCTION

 No.
 Description
 Date

FC Entertainment & Hospitality

Royal Rose Court

1235-1259 3rd Avenue East Owen Sound, ON N4K 2L6

PROPOSED FLOOR PLAN - BASEMENT

Project Number	22.0056.00
Date	
Drawn by	Author
Checked by	Checker
Scale	1" = 10'-0"

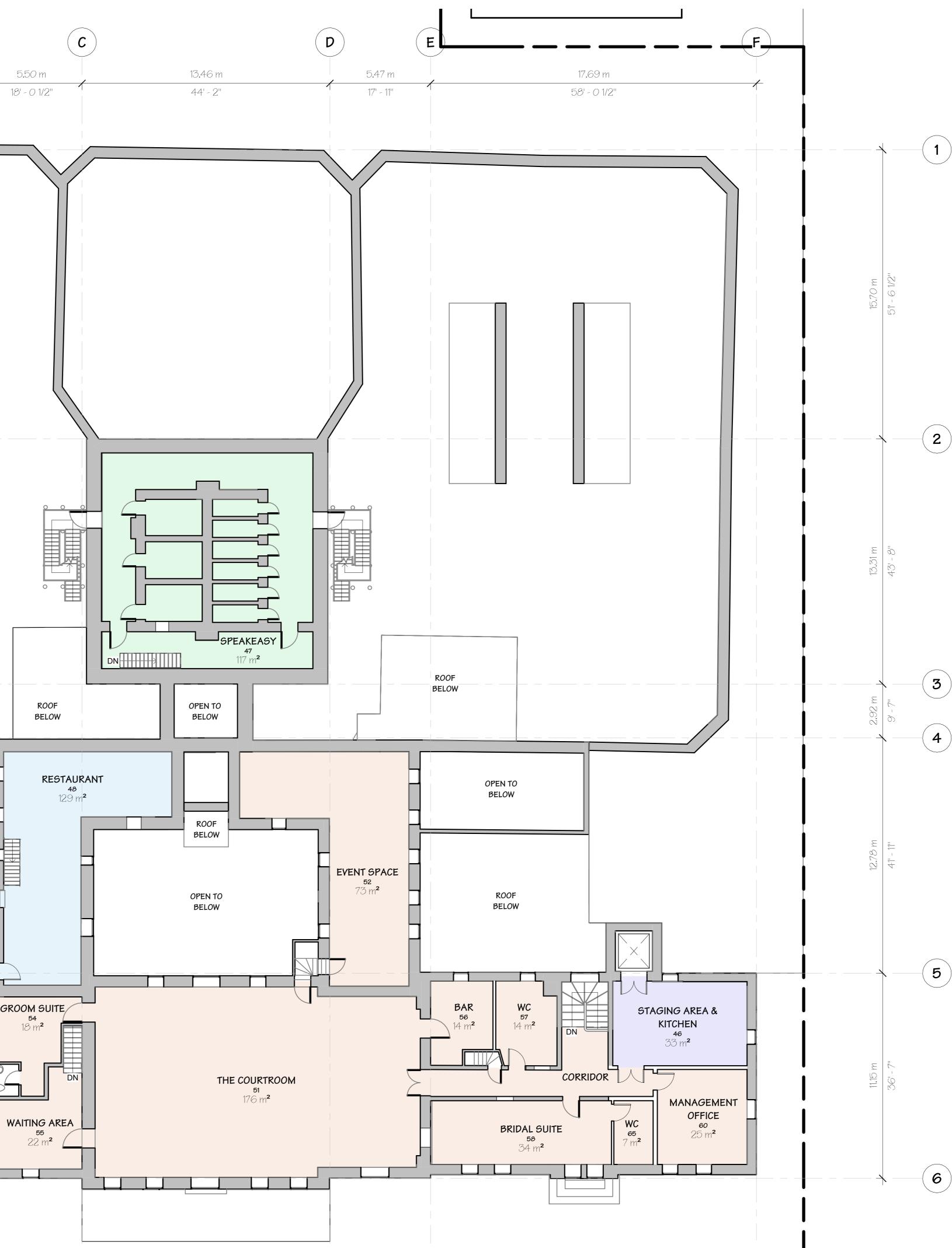
ame	Number	HEDULE			1	38' - 7"	1
ASEMENT	Number						
ack of House & Services AUNDRY estaurant	01	32 m²					
OOD & WINE STORAGE EVEL 1	02	24 m²		/			
ack of House & Services HIPPING & RECEIVING TAFF ROOM	10 11	36 m ² 33 m ²					
TORAGE ntertainment /INE GALLERY	63	49 m ²					
PEAKEASY cubator & Business Centre	14	49 m ² 49 m ²					
FFICE OWORKING SPACE /C	28 16 29	19 m ² 72 m ² 7 m ²	I I				
C FFICE	30 31	7 m² 18 m²					
FFICE OYER OARDROOM	17 18 19	16 m ² 9 m ² 19 m ²					
DRRIDOR FFICE	20 21	41 m ² 11 m ²	1				
FFICE FFICE FFICE	32 33 22	11 m ² 7 m ² 7 m ²					
eception ECEPTION	25	19 m²				12.19 m	
OYER RAWING ROOM NTRANCE	26 27 23	5 m ² 40 m ² 11 m ²	I			40' - 0''	+
ORRIDOR DUNGE	24 62	22 m ² 51 m ²	l			EXTENT OF COVERED AREA	
estaurant ESTAURANT /C	34 35	70 m ²					-
IC ACCESS	36 37 38	6 m ² 6 m ² 41 m ²					
ORRIDOR ea House	39	13 m²				GLASS PAVILLION	
EA ROOM OYER /edding Venue	40 41	53 m ² 14 m ²	l			EXTERIOR	
HIPPING & RECEIVING	43 44	45 m ² 73 m ²					
OYER TORAGE EVEL 2	45 64	9 m² 23 m²	l				
ack of House & Services TAGING AREA & KITCHEN	46	33 m ²					
ntertainment PEAKEASY estaurant	47	117 m ²			18:29 m 60' - 0"		
ESTAURANT RIVATE DINING C	48 49 50	129 m ² 21 m ²			18.2 60'		
edding Venue IE COURTROOM	51	13 m ²	ľ				
/ENT SPACE ROOM SUITE AITING AREA	52 54 55	73 m ² 18 m ² 22 m ²					
AR /C	56 57	14 m² 14 m²					
RIDAL SUITE ORRIDOR ANAGEMENT OFFICE	58 59 60	34 m ² 23 m ² 25 m ²	[
IC EVEL 3	65	7 m ²					
ntertainment PEAKEASY rand total: 54	61	117 m ² 1824 m ²					
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			l			SHIPPING &	
			l			RECEIVING	2
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						40 53 m ² 14 m ² OPEN TO ABOVE	
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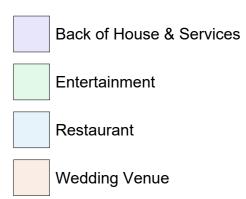


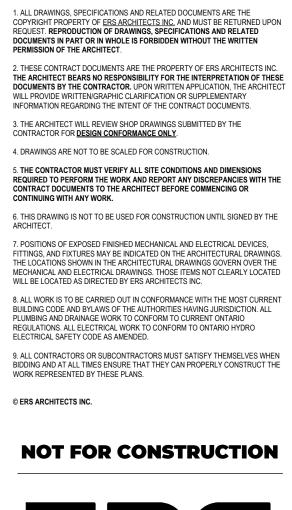
		1				11.76 m	E	3
ROPOSED ROOM A	Number		ļ	7	,	11.76 m 38' - 7''	/	<u>/</u>
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UNDRY estaurant	01	32 m ²	I					
OOD & WINE STORAGE	02	24 m²						
IPPING & RECEIVING	10	36 m² 33 m²		$\left[\right]$				
ORAGE tertainment	63	13 m ²						
NE GALLERY PEAKEASY	14 15	49 m ² 49 m ²	Γ					
Cubator & Business Centre FICE DWORKING SPACE	28 16	19 m ² 72 m ²	l					
C	29 30	7 m ² 7 m ²						
FICE	31 17	18 m ² 16 m ²						
OYER DARDROOM	18 19	9 m ² 19 m ²						
RRIDOR	20 21	41 m ² 11 m ²	•					
	32 33 22	11 m ² 7 m ²						
CE ption EPTION	22	7 m ²						
EPTION ER WING ROOM	25 26 27	19 m ² 5 m ² 40 m ²	T A					
RANCE RIDOR	23 24	11 m ² 22 m ²						
NGE	62	51 m ²	- 					
TAURANT	34 35	70 m ²						
ACCESS	36 37	6 m ² 6 m ²						
IEN RIDOR	38 39	41 m ² 13 m ²						
House ROOM ER	40	53 m^2						
R ng Venue ING & RECEIVING	41	14 m ²	1					
EN	43 44 45	45 m ² 73 m ² 9 m ²	I					
E	64	23 m ²	1					
ouse & Services AREA & KITCHEN	46	33 m ²	I					
t	47	117 m ²	1					
NT	48	129 m ²						
NING	49 50	21 m ² 13 m ²	I					
nue TROOM ACE	51 52	176 m ² 73 m ²						
ITE REA	52 54 55	73 m ² 18 m ² 22 m ²						
	56 57	14 m ²						
TE	58 59	34 m ² 23 m ²	:					
NT OFFICE	60 65	25 m ² 7 m ²						
nent	61	117 m ²	I (
EASY otal: 54	61	117 m ² 1824 m ²	· · · · · · · · · · · · · · · · · · ·					
					RESTAUR 48 129 m ²	ANT	PRIVATE DINING 49 21 m ²	

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DEMOLITION

EXISTING CONSTRUCTION

 No.
 Description
 Date

FC Entertainment & Hospitality

Royal Rose Court

1235-1259 3rd Avenue East Owen Sound, ON N4K 2L6

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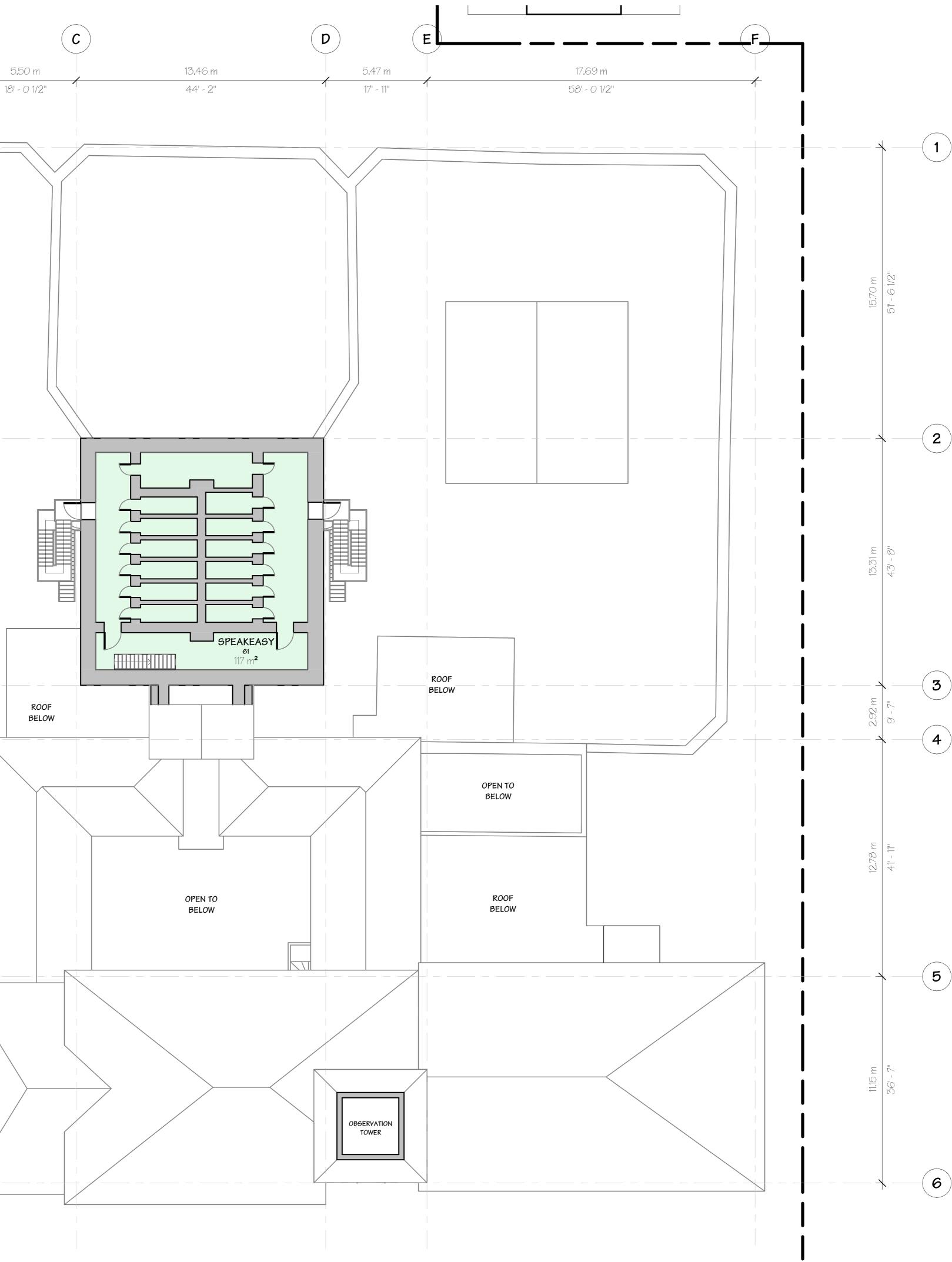
PROPOSED FLOOR PLAN - LEVEL 2

Project Number	22.0056.00
Date	
Drawn by	Author
Checked by	Checker
Scale	1" = 10'-0"



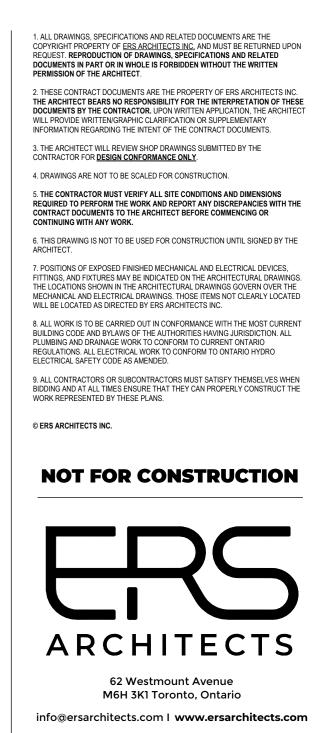
PROPOSED ROOM					A	11.76 m	B
Name	Number				1	38' - 7"	1
BASEMENT Back of House & Services							
LAUNDRY Restaurant FOOD & WINE STORAGE	01	32 m ²					
EVEL 1 Back of House & Services							
HIPPING & RECEIVING TAFF ROOM TORAGE	10 11 63	36 m ² 33 m ² 13 m ²					
Intertainment VINE GALLERY	14	49 m²	ل ے				
PEAKEASY ncubator & Business Centre	28	49 m ²					
OWORKING SPACE	16 29	72 m ² 7 m ²					
IC FFICE FFICE	30 31 17	7 m ² 18 m ² 16 m ²					
DYER DARDROOM	18 19	9 m² 19 m²					
RRIDOR FICE FICE	20 21 32	41 m ² 11 m ² 11 m ²					
FICE	33 22	7 m ² 7 m ²					
eption CEPTION	25	19 m²					
ER WING ROOM RANCE	26 27 23	5 m ² 40 m ² 11 m ²	I				
RIDOR GE	24 62	22 m ² 51 m ²	I				
aurant TAURANT	34 35	70 m ²					
ACCESS	36 37	6 m ² 6 m ²	-				
CHEN RRIDOR	38 39	41 m ² 13 m ²					
House ROOM /ER	40 41	53 m ² 14 m ²	I				
ding Venue PING & RECEIVING	43	45 m ²	1				
HEN ER RAGE	44 45 64	73 m ² 9 m ² 23 m ²	l				
EL 2 of House & Services	·						
GING AREA & KITCHEN tainment AKEASY	46	33 m ²	Ī				
urant AURANT	48	129 m ²					
TE DINING	49 50	21 m ² 13 m ²	I				
OURTROOM SPACE	51 52	176 m² 73 m²	1				
DM SUITE ING AREA	54 55 56	18 m ² 22 m ²	I I				
AL SUITE	57 58	14 m ² 14 m ² 34 m ²					
GEMENT OFFICE	59 60	23 m ² 25 m ²					+
EL 3 rtainment	65	7 m ²					
AKEASY d total: 54	61	117 m² 1824 m²	l				
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EXISTING CONSTRUCTION

 No.
 Description
 Date

FC Entertainment & Hospitality

Royal Rose Court

1235-1259 3rd Avenue East Owen Sound, ON N4K 2L6

Owen Sound, ON N4K 2L6

PROPOSED FLOOR PLAN - LEVEL 3

Project Number	22.0056.00
Date	
Drawn by	Author
Checked by	Checker
Scale	1" = 10'-0"





APPENDIX B

SECTION 3 ZONES AND ZONING MAPS

3.1 ZONES

For the purposes of this By-law, zones have been established, which may be referred to by their full name or by their symbol, as listed below:

Symbol	Zones
R1	Single Residential
R2	Low Density Residential
R3	Low Density Residential
R4	Medium Density Residential
R5	General Residential
MR	Multiple Residential
C1	Core Commercial
C2	Retail Commercial
C3	Neighbourhood Commercial
C4	Arterial Commercial
C5	Regional Shopping Centre
MC	Mixed Use Commercial
M1	General Industrial
M2	Heavy Industrial
MU	Mixed Use Industrial
I	Institutional
OS	Open Space
ZH	Hazard
А	Agricultural
RUR	Rural

3.2 ZONING MAPS

For the purpose of this By-Law, the location and boundaries of the zones established by this By-law are shown on the maps hereto attached as Schedules 'A', 'Map 1' through 'Map 21' and shall be referred to as the "Zoning Maps" for the City of Owen Sound, which together with everything shown thereon are hereby incorporated in and are declared to form part of this By-law to the same extent as if fully described herein.

3.3 INTERPRETATION OF ZONE BOUNDARIES

Where any uncertainty exists as to the location of the boundary of any of the said zones, as shown on the Zoning Maps, the following rules shall apply:

- a) Except for ZH zone boundaries, where zone boundaries approximately follow property or lot lines as they existed on the date of the passing of this By-law, such property or lot lines shall be deemed to be the said boundary.
- b) Except for ZH zone boundaries, where any zone boundary is indicated as following a highway, a street, lane, watercourse or railway right-ofway, such zone boundary shall be construed to follow the centre line of the street, lane, watercourse or railway right-of-way.
- c) Where zoning boundaries follow the corporate limits of the City, the corporate limits are the boundary.
- d) Except for ZH zone boundaries, where zoning boundaries follow a shoreline, the boundary is the shoreline.
- e) The Niagara Escarpment Commission shall be consulted where a boundary interpretation is required for lands within the Niagara Escarpment Plan Area.

Where a zone boundary, other than the Hazard (ZH) Zone, is left uncertain after the applications of the provisions of paragraphs a), b), c), d) and e) noted above, then the boundary line shall be determined according to the scale of the Zoning Maps attached to the original copy of this By-law filed in the office of the Clerk of the City of Owen Sound.

Where a Hazard (ZH) Zone boundary is left uncertain following a review of the Zoning Maps, the City may refer to Schedule "B" of this By-law, request confirmation of the boundary from the Grey Sauble Conservation Authority or should further detail be required may request the owner have a survey prepared by an Ontario Land Surveyor.

Zone boundaries, other than Hazard (ZH) Zone, shall be measured in accordance with the scale on the Zoning Maps unless dimensions shown on the Zoning Maps provide greater accuracy.

3.4 SPECIAL PROVISIONS

Where the zone symbol applying to certain lands as shown on Schedule A Zoning Maps is followed by reference to Section 14 of this By-law then special provisions apply to such lands and such special provisions shall be found by reference to that Section of the By-law specified.

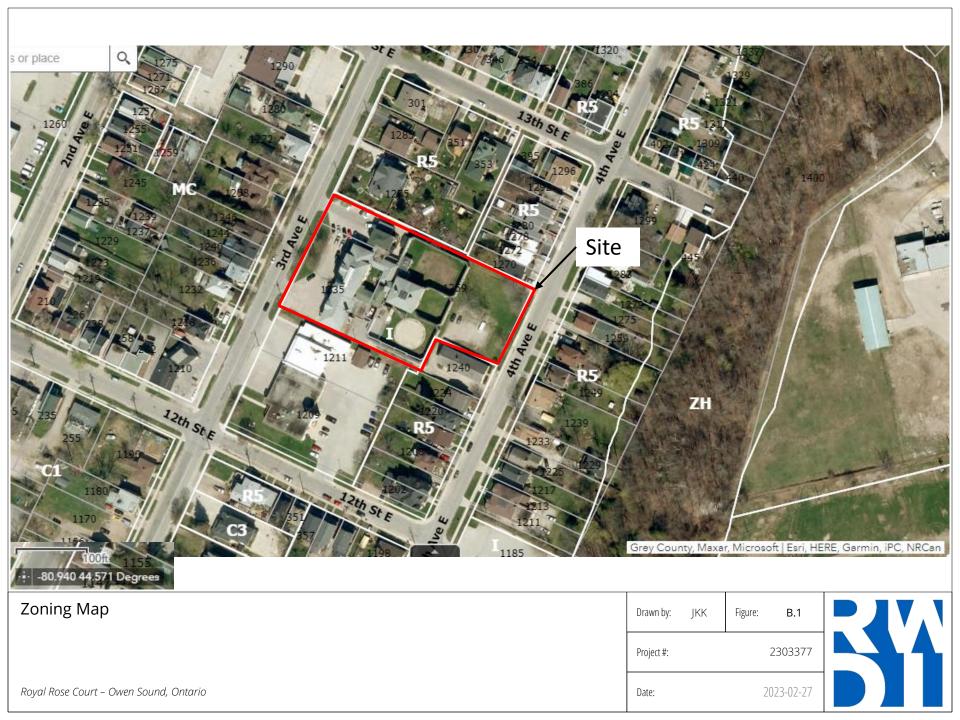
Lands denoted in this manner shall be subject to all the restrictions of this By-law except as otherwise provided for by the special provisions.

3.5 HOLDING ZONES

Where the zone symbol applying to certain lands as shown on Schedule A Zoning Maps is followed by the letter 'H' in brackets (i.e. (H)) the lands have been placed in a 'Holding Zone' pursuant to Section 36 of the *Planning Act*, as amended. The Holding Symbol (H) shall be removed at such time in the future when plans to develop the lands have been submitted and approved by the City or such other

conditions as deemed appropriate by the City have been met. When the Holding Symbol has been removed, the lands shall be developed according to the requirements of the Zone used in conjunction with the Holding Symbol.

Notwithstanding, the above, existing uses, open space and accessory uses thereof, shall be permitted as interim uses until the Holding Symbol (H) is removed.





APPENDIX C

