

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: December 23, 2019

CASE NO.: PL171075

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant: D.D. 37 Johnson Ltd.
Subject: Request to amend the Official Plan - Failure of City of Barrie to adopt the requested amendment
Existing Designation: Residential Apartment RA1-3
Proposed Designated: Residential Apartment RA1-3 with Special Provisions
Purpose: To permit an 11 storey residential building
Property Address/Description: 37 Johnson Street
Municipality: City of Barrie
Approval Authority File No.: D09-OPA062
OMB Case No.: PL171075
OMB File No.: PL171075
OMB Case Name: D.D. 37 Johnson Ltd. v. Barrie (City)

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

Applicant and Appellant: D.D. 37 Johnson Ltd.
Subject: Application amend Zoning By-law No. 2009-141 - Refusal of Application by City of Barrie
Existing Zoning: Residential Apartment RA1-3
Proposed Zoning: Residential Apartment RA1-3 with Special Provisions
Purpose: To permit an 11 storey residential building
Property Address/Description: 37 Johnson Street
Municipality: City of Barrie
Municipality File No.: D14-1618
OMB Case No.: PL171075
OMB File No.: PL171076

BEFORE:

MARIE HUBBARD) Monday, the 23rd
 ASSOCIATE CHAIR)
) day of December, 2019

THIS MATTER having come before the Tribunal and on October 11, 2019, the Tribunal issued a Decision and Order (“Decision”) to approve an official plan amendment and zoning by-law amendment, for the reasons set out in its Decision;

AND THE TRIBUNAL having received from the City of Barrie and the Appellant on consent, dated November 22, 2019, a request that the Tribunal rescind its approval of the zoning by-law and amend the Decision by replacing the zoning by-law amendment with the attached Schedule A;

THE TRIBUNAL ORDERS that, in accordance with authority set out in Rule 25.11 of the Rules of Practice and Procedure, the Decision be amended and the zoning by-law amendment attached as Schedule A be approved and it shall replace the zoning by-law amendment that was previously approved in the Decision.

In all other respects, there are no changes or amendments to the Decision

“Evelyn Dawes”

EVELYN DAWES
 DEPUTY REGISTRAR

If there is an attachment referred to in this document,
 please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land Division
 Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SCHEDULE A



BY-LAW NUMBER 2019-XXX

A By-law of The Corporation of the City of Barrie to amend By-law 2009-141, a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.

WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend By-law 2009-141 to rezone: Block B, Plan 1648; subject to Ro425068 City of Barrie, being all from PIN 588510004, from Residential Apartment First Density RA1-3 to Residential Apartment Second Density RA2-1 (SP-579);

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion XX-X-XXX

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** the zoning map is amended to change the zoning of Block B, Plan 1648; subject to Ro425068 City of Barrie, being all from PIN 588510004, municipally known as 37 Johnson Street, from Residential Apartment RA1-3 to Residential Apartment RA2-1 (SP-579) in accordance with Schedule "1" attached to this By-law being a portion of the zoning map.
2. **THAT** notwithstanding the provisions set out in Table 5.5 of By-law 2009-141, a minimum front yard setback of 5 metres shall be permitted in the Residential Apartment RA2-1 (SP-579) zone.
3. **THAT** notwithstanding the provisions set out in Section 5.3.3.2d), a minimum setback of 5 metres for a secondary means of egress shall be permitted in the Residential Apartment RA2-1 (SP-579) zone.
4. **THAT** notwithstanding the provisions set out in Table 5.3 of By-law 2009-141, a maximum permitted gross floor area of two-hundred and six (206) times the lot area shall be permitted in the Residential Apartment RA2-1 (SP-579) zone.
5. **THAT** notwithstanding the provisions set out in Section 5.3.2 of By-law 2009-141, a maximum building height of 34 metres, excluding the mechanical penthouse, shall be permitted in the Residential Apartment RA2-1 (SP-579) zone.
6. **THAT** notwithstanding the provisions set out in Table 5.5 of By-law 2009-141, a minimum front yard setback of 6.2 metres shall be permitted at a height beyond 24 metres, and 9.3 m metres shall be permitted at a height beyond 27 metres, as measured from Indian Arrow Road in the Residential Apartment RA2-1 (SP-579) zone.
7. **THAT** notwithstanding the provisions set out in Section 5.3.7.2 of By-law 2009-141, a minimum landscaped buffer width of 1 metre shall be permitted along the side lot line and

1.93 m shall be permitted along the rear lot lines in the Residential Apartment RA2-1 (SP-579) zone.

8. **THAT** notwithstanding the provisions set out in Table 4.6 of By-law 2009-141, a parking standard of 1.0 space per residential dwelling unit shall be permitted in the Residential Apartment RA2-1 (SP-579) zone.
9. **THAT** notwithstanding the provisions set out in Section 5.3.6.2 of By-law 2009-141, a maximum lot coverage for parking spaces (including aisles) of forty-four (44) per cent of the lot area shall be permitted in the Residential Apartment RA2-1 (SP-579) zone.
10. **THAT** notwithstanding the provisions set out in Section 4.6.5.2 of By-law 2009-141, the minimum setback from the street line to the nearest part of a parking structure underground shall be 0 metres in the Residential Apartment RA2-1 (SP-579) zone.
11. **THAT** the remaining provisions of By-law 2009-141, as amended from time to time, applicable to the above described lands as shown in Schedule "1" to this By-law shall continue to apply to the said lands except as varied by this By-law.
12. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this ___ day of _____, 2019.

READ a third time and finally passed this ___ day of _____, 2019.

THE CORPORATION OF THE CITY OF BARRIE


MAYOR

CITY CLERK

Schedule 1 to Zoning By-law 2019-XXX

37 Johnson Street
Block B, Plan 1648
City of Barrie



 Lands to be rezoned from Residential Apartment First
Density RA1-3 to Residential Apartment Second
Density RA2-1 (SP-579)

This is Schedule 1 to By-law 2019-XXX Adopted _____, 2019
Passed this ___ day of _____, 2019

Mayor

Clerk