

Bill No. 126

**BY-LAW NUMBER 2019-126**

**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 the lands legally described as Lots 5, 6, 39, 40, 46 and Part of Lot 41, Registered Plan 115, and municipally known as 39-67 Dunlop Street West and 35-37 Mary Street, shown on Schedule 'A' to this By-law from Central Area Commercial (C1-1) Zone to Central Area Commercial (C1-1) Zone, Special Provision (SP-580) with a Hold (H-144);

**AND WHEREAS** the Council of The Corporation of the City of Barrie adopted motion 19-G-340;

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

1. **THAT** the Zoning Map Schedule is amended to change the zoning of land municipally known as 39-67 Dunlop Street West and 35-37 Mary Street from Central Area Commercial (C1-1) to Central Area Commercial with Special Provisions and a Hold (C1-1)(SP-580)(H-144) in accordance with Schedule 'A' attached to this By-law being a portion of the Zoning Map Schedule.
2. **THAT** notwithstanding the definition for *Front Lot Line* set out in Section 3.0 of By-law 2009-141, the *Front Lot Line* shall be Dunlop Street West.
3. **THAT** for the purpose of this By-law, *Lot Flankage* shall be defined as the lot line(s) that divide the lands from Mary Street, Maple Avenue and/or the rear municipal laneway.
4. **THAT** notwithstanding the provisions set out in Table 4.6 Parking Standards in Section 4.0 of By-law 2009-141, a minimum of 1 parking space per dwelling unit for the first 490 units shall be required in the (C1-1)(SP-580) zone, after which a minimum parking ratio of 0.69 spaces per dwelling unit can be applied to the whole of the lands in the (C1-1)(SP-580) zone.
5. **THAT** notwithstanding the provision set out in Section 4.6.2.1 Parking of By-law 2009-141, required parking spaces can be provided in any location in the Central Area Commercial (C1-1)(SP-580) zone.
6. **THAT** for the purpose of this By-law, a *Parking Stacker* shall be defined as a mechanical elevating device that provides for the storage, lifting and lowering of vehicles within a parking space.
7. **THAT** a *Parking Stacker* shall be permitted in the Central Area Commercial (C1-1)(SP-580) zone, provided that it is accessory to a parking space and is located within the interior of a building.
8. **THAT** notwithstanding the provisions set out in Table 5.3 Residential Standards in Section 5.0 Residential of By-law 2009-141, a maximum of 4 residential units can have a minimum required dwelling floor area of 26.67m<sup>2</sup>.
9. **THAT** for the purpose of this By-law, *Tower Separation* shall be defined as the minimum distance between building faces above the 6<sup>th</sup> storey.
10. **THAT** for the purpose of this By-law, the minimum *Tower Separation* shall be 18.50m inclusive of balconies.

11. **THAT** notwithstanding the provisions set out in Table 6.2 Permitted Uses in the Central Area Commercial (C1) zone, 12 *Live/Work Units* shall be a Permitted Use within the Central Area Commercial (C1-1)(SP-580) zone.
12. **THAT** for the purpose of this By-law, a *Live/Work Unit* shall be defined as a unit that can use up to 100% of the total floor area of the unit for residential, retail and/or commercial uses, or any combination thereof in accordance with the defined Permitted Uses for *Live/Work Units* forming part of this By-law.
13. **THAT** Permitted Uses in *Live/Work Units* in the Central Area Commercial (C1-1)(SP-580) zone include those uses defined in Section 5.2.10 Home Occupation as well as *Arts, Crafts and Instructional Services*.
14. **THAT** for the purpose of this By-law, *Arts, Crafts and Instructional Services* shall be defined as uses which include photographers, arts and crafts services, artists, artisans workshop, ceramics workshop, clothing designer, sculptors, wood crafts, music instructors, tutors, furniture makers, graphic designers, jewelers, composers, and sign makers.
15. **THAT** for the purpose of this By-law *Live/Work Units* are not required to provide parking in the Central Area Commercial (C1-1)(SP-580) zone.
16. **THAT** notwithstanding the provisions set out in Table 6.3 Commercial Standards in Section 6.0 Commercial of By-law 2009-141, a maximum Gross Floor Area of 970% of the lot area shall be permitted in the Central Area Commercial (C1-1)(SP-580) zone.
17. **THAT** notwithstanding the provisions set out in Section 6.3.2 Additional Standards for Commercial Zones of By-law 2009-141, a maximum building height of 110.25m, excluding mechanical penthouse, is permitted along the *Front Lot Line* and the *Lot Flankages* in the Central Area Commercial (C1-1)(SP-580) zone.
18. **THAT** notwithstanding the provisions set out in Section 6.3.2 Additional Standards for Commercial Zones of By-law 2009-141, a Minimum Coverage for Commercial uses of 35% of the lot area shall be required in the Central Area Commercial (C1-1)(SP-580) zone.
19. **THAT** notwithstanding the provisions set out in Section 6.3.7.1 Landscaped Buffer Areas - Apartment Dwellings of By-law 2009-141, a continuous landscape buffer along the *Lot Flankages* is not required for the in the Central Area Commercial (C1-1)(SP-580) zone.
20. **THAT** the owner/applicant is required to provide community benefits per Section 37 of the *Planning Act* and City of Barrie Official Plan Section 6.8 Height and Density Bonusing, to the satisfaction of the Director of Planning and Building Services.
21. **THAT** the Hold (H-144) on this By-law shall be lifted by the Corporation of the City of Barrie upon completion of the following matters to the satisfaction of the Director of Planning and Building Services:
  - a) A Demolition Plan establishing the timing and extent of demolition of existing buildings on the property;
  - b) A Phasing Plan for construction, including potential timing and interim temporary uses for vacant lands on site;
  - c) Approval of a Site Plan Control application, including but not limited to urban design, podium and building setback provisions, and Owner execution of the Development Agreement; and,
  - d) Acceptance of a Community Benefits Contribution Agreement.
22. **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 'A' to this By-law shall apply to the said lands except as varied by this By-law.
23. **THAT** this By-law shall come into force and effect immediately upon the passing thereof.

**READ** a first and second time this 16<sup>th</sup> day of December, 2019.

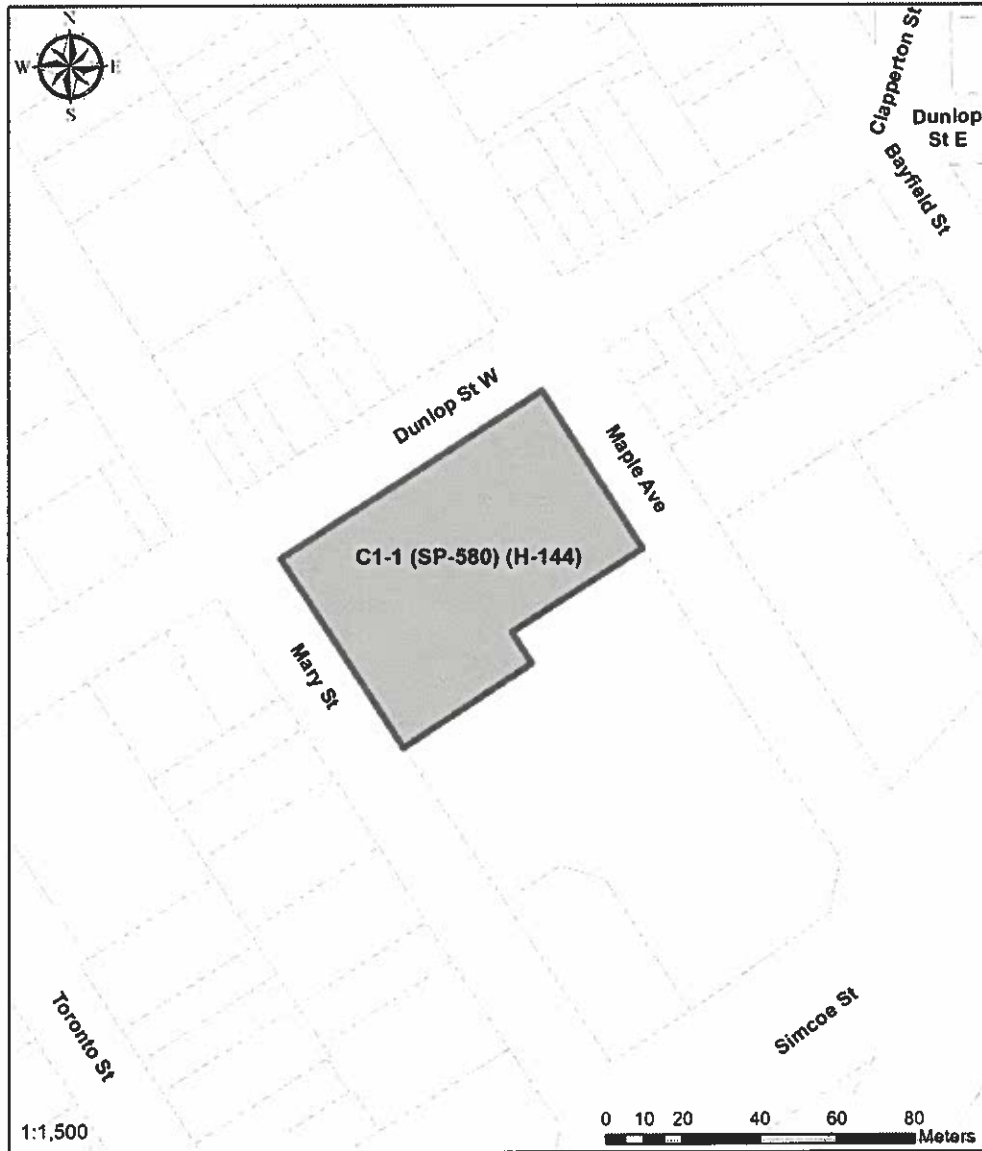
**READ** a third time and finally passed this 16<sup>th</sup> day of December, 2019

THE COPORATION OF THE CITY OF BARRIE

  
 MAYOR J.F. LEHMAN

  
 CITY CLERK – WENDY COOKE

Schedule "A" to Attached By-law 2019-126



<p><b>39 - 67 Dunlop Street West &amp; 35 - 37 Mary Street</b> Zoning By-law Amendment</p>	<p><b>Location Map</b></p>
<p><b>Barrie Waterfront Developments Inc.</b></p>	<p><b>Barrie</b></p> <p>File Number: D14-1676 Date: December 18, 2019</p>

THE COPORATION OF THE CITY OF BARRIE

  
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 MAYOR J.R. LEHMAN

  
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