



Bill No. 129

**BY-LAW NUMBER 2009-116**

**A By-law of The Corporation of the City of Barrie to amend By-law 85-95 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 85-95 to rezone Part of the East Part of Lot 24, Concession 5, Geographic Township of Vespra, Part of Broken Lot 25, Concession 5, Geographic Township of Vespra being Part 3 on Reference Plan 51R-28257, City of Barrie, County of Simcoe. (PIN 58795-0276LT); Lot 90 West Side High Street, Plan 115, Barrie, Part Lot 65 East Side High Street, Plan 115, Barrie, Part of High Street, Plan 115, Part of the East Part Lot 24, Concession 5, Geographic Township of Vespra, Part Broken Lot 25, Concession 5, Geographic Township of Vespra, being Part 4 on Reference Plan 51R-28257 save and except Parts 1 and 2 on Reference Plan 51R-32954 and save and except Parts 2 and 5 on Reference Plan 51R-33255, City of Barrie, County of Simcoe. (PIN 58795-0555LT); Part of Ellen Street, Plan 22, Part 3 on Reference Plan 51R-33255 (Closed by By-law SC450705), City of Barrie, County of Simcoe. (PIN 58795-0565LT); Lot 120 and Part of Lots 119 and 121 East Side Bradford Street Robert Ross unregistered Plan abstracted as no registered Plan of Edgar Block, Barrie, Part Bob Street Robert Ross unregistered Plan abstracted as no registered Plan of Edgar Block, Barrie, Part of the East Part of Lot 24 Concession 5, Geographic Township of Vespra being Part 2 on Reference Plan 51R-14824, City of Barrie, County of Simcoe. (PIN 58795-0030LT); Part Lots 117-119 East Side Bradford Street and Part Bob Street Robert Ross unregistered Plan abstracted as no registered Plan of Edgar Block, Barrie, Part of the East Part of Lot 24, Concession 5, Geographic Township of Vespra being Part 1 on Reference Plan 51R-36217, City of Barrie, County of Simcoe. (PIN 58795-0031LT); Part of the East Part Lot 24, Concession 5, Geographic Township of Innisfil and Lots 115, 116 and Part of Lot 117 on Robert Ross unregistered Plan, Geographic Township of Vespra being Part 3 on Reference Plan 51R-36217, together with Easement over Part 2 on Reference Plan 51R-36217 as in RO196786, City of Barrie, County of Simcoe. (58795-0598LT); Part of the East Part of Lot 24, Concession 5 and Part of Broken Lot 25, Concession 5, Geographic Township of Innisfil and Part of Lots 117 and 118 Robert Ross unregistered Plan, Geographic Township of Vespra being Parts 2, 4 and 5 Reference Plan 51R-36217, subject to Easement over Part 2 on Plan 51R-35217 as in RO196786 and subject to Easement over Part 5 on Reference Plan 51R-36217 as in RO1297070, City of Barrie, County of Simcoe. (58795-0598 LT), known municipally as 51, 53, 55 and 75 Bradford Street and vacant lands South of Checkley Street and West of Lakeshore Drive from Transition Centre Commercial (C2-2) and General Commercial (C4) to Transition Centre Commercial (C2-2)(SP-438)(H-114), Transition Centre Commercial (C2-2)(SP-437)(H-114), Transition Centre Commercial (C2-2)(SP-438)(H-114) and Environmental Protection (EP).

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 09-G-029 as amended by Resolution 09-A-041.

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 Part of the East Part of Lot 24, Concession 5, Geographic Township of Vespra, Part of Broken Lot 25, Concession 5, Geographic Township of Vespra being Part 3 on Reference Plan 51R-28257, City of Barrie, County of Simcoe. (PIN 58795-0276LT); Lot 90 West Side High Street, Plan 115, Barrie, Part Lot 65 East Side High Street, Plan 115, Barrie, Part of High Street, Plan 115, Part of the East Part Lot 24, Concession 5, Geographic Township of Vespra, Part Broken Lot 25, Concession 5, Geographic Township of Vespra, being Part 4 on Reference Plan 51R-28257 save and except Parts 1 and 2 on Reference Plan 51R-32954 and save and except Parts 2 and 5 on Reference Plan 51R-33255, City of Barrie, County of Simcoe. (PIN 58795-0555LT); Part of Ellen Street, Plan 22, Part 3 on Reference Plan 51R-33255 (Closed by By-law SC450705), City of Barrie, County of Simcoe. (PIN 58795-0565LT); Lot 120 and Part of Lots 119 and 121 East Side Bradford Street Robert Ross unregistered Plan abstracted as no registered Plan of Edgar Block, Barrie, Part Bob Street Robert Ross unregistered Plan abstracted as no registered Plan of Edgar Block, Barrie, Part of the East Part of Lot 24 Concession 5, Geographic Township of Vespra being Part 2 on Reference Plan 51R-14824, City of Barrie, County of Simcoe. (PIN 58795-0030LT); Part Lots 117-119 East Side Bradford Street and Part Bob Street Robert Ross unregistered Plan abstracted as no registered Plan of Edgar Block, Barrie, Part of the East Part of Lot 24, Concession 5, Geographic Township of Vespra being Part 1 on Reference Plan 51R-36217, City of Barrie, County of Simcoe. (PIN 58795-0031LT); Part of the East Part Lot 24, Concession 5, Geographic Township

of Innisfil and Lots 115, 116 and Part of Lot 117 on Robert Ross unregistered Plan, Geographic Township of Vespra being Part 3 on Reference Plan 51R-36217, together with Easement over Part 2 on Reference Plan 51R-36217 as in RO196786, City of Barrie, County of Simcoe. (58795-0597LT); Part of the East Part of Lot 24, Concession 5 and Part of Broken Lot 25, Concession 5, Geographic Township of Innisfil and Part of Lots 117 and 118 Robert Ross unregistered Plan, Geographic Township of Vespra being Parts 2, 4 and 5 Reference Plan 51R-36217, subject to Easement over Part 2 on Plan 51R-35217 as in RO196786 and subject to Easement over Part 5 on Reference Plan 51R-36217 as in RO1297070, City of Barrie, County of Simcoe. (58795-0598 LT) known municipally as 51, 53, 55 and 75 Bradford Street and vacant lands South of Checkley Street and West of Lakeshore Drive from Transition Centre Commercial (C2-2) and General Commercial (C4) to Transition Centre Commercial (C2-2)(SP-436)(H-114), Transition Centre Commercial (C2-2)(SP-437)(H-114), Transition Centre Commercial (C2-2)(SP-438)(H-114) and Environmental Protection (EP) in accordance with Schedule "A" attached to this By-law being a portion of the zoning map.

2 THAT notwithstanding the definitions of lot set out in Section 3.2.102 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-436)(H-114), Transition Centre Commercial (C2-2)(SP-437)(H-114), Transition Centre Commercial (C2-2)(SP-438)(H-114) shall be deemed to be a single lot.

3 THAT section 3.0 of Zoning By-law 85-95 as amended, be further amended by adding the following subsections:

**3.2.158 Roof Top Garden**

shall mean an outdoor space comprised of ornamental shrubs, flowers and trees, located on the roof of a residential building which is directly accessed from a dwelling unit and/or corridor.

4 THAT notwithstanding the list of permitted uses set out in Section 6.2.1 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-436)(H-114), Transition Centre Commercial (C2-2)(SP-437)(H-114), Transition Centre Commercial (C2-2)(SP-438)(H-114) shall be permitted all the uses in the C2-2 zone except, drive through facilities, car wash, amusement arcade, automotive service station, auto repair establishment and an adult entertainment parlour.

5 THAT notwithstanding the provisions set out in Section 6.3.7.1 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-436)(H-114) and Transition Centre Commercial (C2-2)(SP-438)(H-114) shall provide a continuous strip of landscaped open space along the property lines adjacent to the lands known municipally as 2 Toronto Street and 6 Toronto Street with a minimum width of 0.5m

6 THAT the property zoned Transition Centre Commercial (C2-2)(SP-438)(H-114), Transition Centre Commercial (C2-2)(SP-436)(H-114), Transition Centre Commercial (C2-2)(SP-437)(H-114) shall provide a minimum total of 13 barrier free parking spaces.

7 THAT notwithstanding the provisions set out in Section 6.3.3.1 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-436)(H-114) shall require a minimum coverage for non-residential uses of 83%.

8 THAT notwithstanding the provisions set out in Section 6.3.3.1 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-437)(H-114) shall require a minimum coverage for non-residential uses of 28.3%.

9 THAT notwithstanding the provisions set out in Section 6.3.3.1 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-438)(H-114) shall require a minimum coverage for non-residential uses of 62%.

10 THAT notwithstanding the provisions set out in Section 6 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-436)(H-114) shall provide a minimum density of 220 dwelling units per hectare.

11 THAT notwithstanding the provisions set out in Section 6 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-437)(H-114) shall provide a minimum density of 90 dwelling units per hectare.

12 THAT notwithstanding the provisions set out in Section 6 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-438)(H-114) shall provide a minimum density of 196 dwelling units per hectare.

13 THAT notwithstanding the provisions set out in Section 6 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-438)(H-114) shall require the following:

- a) 140 seat penthouse restaurant;

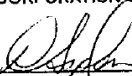
- b) dedicated parking for the penthouse restaurant at the rate of 1 space per 4 occupants or a minimum of 35 spaces, whichever is larger, located in the south west parking area;
- c) require that a minimum of 1000m<sup>2</sup> of the total surface area of the roof of any parking garage, not including any private amenity area, be devoted to open space comprised of ornamental shrubs, flowers and trees. Further, any additional area of the roof of a parking garage shall be comprised of landscaped open space and may include paths, walks and courts; and
- d) the development shall provide a minimum of 11 block/cluster townhouses.
- 14 **THAT** notwithstanding the provisions set out in Section 6.3.5.2, the property zoned Transition Centre Commercial (C2-2)(SP-438)(H-114) shall provide off street parking spaces at a rate of 1.2 spaces per dwelling unit.
- 15 **THAT** notwithstanding the provisions set out in Section 6.3.3.1 those provisions shall not apply and that any building constructed on the property zoned Transition Centre Commercial (C2-2)(SP-438)(H-114) shall be constructed in accordance with Schedule "B" attached to this By-law, being architects drawings for Vertical Step Dimensions and Exterior Elevations dated April 23, 2009.
- 16 **THAT** notwithstanding the provisions set out in Section 6.3.3.1 the property zoned Transition Centre Commercial (C2-2)(SP-438)(H-114) shall have a maximum building height of 77m, exclusive of all rooftop mechanical, elevators, ventilation or other similar equipment.
- 17 **THAT** notwithstanding the provisions set out in Section 6.3.3 the property zoned Transition Centre Commercial (C2-2)(SP-438)(H-114) shall be permitted;
- a) a minimum side yard of 1.0m along the north east side yard which abuts the lot line of 2 and 6 Toronto Street; and
- b) a minimum rear yard of 10.0m along the south east lot line abutting the lands zoned Environmental Protection (EP).
- 18 **THAT** notwithstanding the provisions set out in Section 6 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-438)(H-114) shall;
- a) require the development of a minimum of 7 block/cluster townhouses;
- b) require that a minimum of 1000m<sup>2</sup> of the total surface area of the roof of any parking garage, not including any private amenity area, be devoted to open space comprised of ornamental shrubs, flowers and trees. Further, any additional area of the roof of any parking garage shall be comprised of landscaped open space and may include paths, walk and courts; and
- c) require the provision of a minimum 405m<sup>2</sup> at grade retail and commercial space abutting the Bradford Street frontage.
- 19 **THAT** notwithstanding the provisions set out in Section 6.3.3.1 the property zoned Transition Centre Commercial (C2-2)(SP-436)(H-114) shall have a maximum building height of 78m, exclusive of all rooftop mechanical, elevators, ventilation or other similar equipment.
- 20 **THAT** notwithstanding the provisions set out in Section 6.3.3 the property zoned Transition Centre Commercial (C2-2)(SP-436)(H-114) shall;
- a) provide a minimum side yard of 1.25m along the north west side yard;
- b) provide a minimum side yard of 1.5m along the north lot line running perpendicular to Bradford Street;
- c) provide a minimum side yard of 2.5m and be permitted a maximum side yard of 3.0m along the lot line abutting Bradford Street.
- 21 **THAT** notwithstanding the provisions set out in Section 6 of By-law 85-95 the property zoned Transition Centre Commercial (C2-2)(SP-437)(H-114) shall;
- a) require that 30% of the total perimeter of the surface area of the roof, of any upper dwelling units shall be devoted to rooftop garden with a minimum width of 1.5m from the building parapet;
- b) require the provision of a minimum 1230m<sup>2</sup> at grade retail and commercial space abutting the Bradford Street frontage;
- c) provide a minimum side yard of 2.5m and be permitted a maximum side yard of 3.0m along the lot line abutting Bradford Street.


22. THAT notwithstanding the provisions set out in Section 6.3.3.1 the property zoned Transition Centre Commercial (C2-2)(SP-437)(H-114) shall have a maximum building height of 14m, exclusive of all rooftop mechanical, elevators, ventilation or other similar equipment.
23. THAT the (H) symbol that appears on Schedule "A" attached hereto identifies a Holding Zone pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13. This indicates that the lands so zoned cannot be used for a purpose permitted in the Transition Centre Commercial (C2-2)(SP-43B)(H-114), Transition Centre Commercial (C2-2)(SP-436)(H-114), Transition Centre Commercial (C2-2)(SP-437)(H-114) and Environmental Protection (EP) Zone until the (H) symbol is removed pursuant to Section 36 of the *Planning Act*. The (H) provision shall be lifted by The Corporation of the City of Barrie upon completion of the following matter to the satisfaction of The Corporation of the City of Barrie:
- (i) The registration of a Site Plan Agreement.
  - (ii) That the owner/applicant undertake and satisfy the requirements of a Certificate of Property Use and/or Record of Site Condition under Ontario Regulation 153/04 of the Environmental Protection Act, prior to the issuance of a Building Permit.
24. THAT except as varied by the provisions of this By-law, all other terms and provisions of By-law 85-95 as amended shall apply to the subject property herein.
25. THAT this by-law shall come into force and effect immediately upon the final passing thereof.

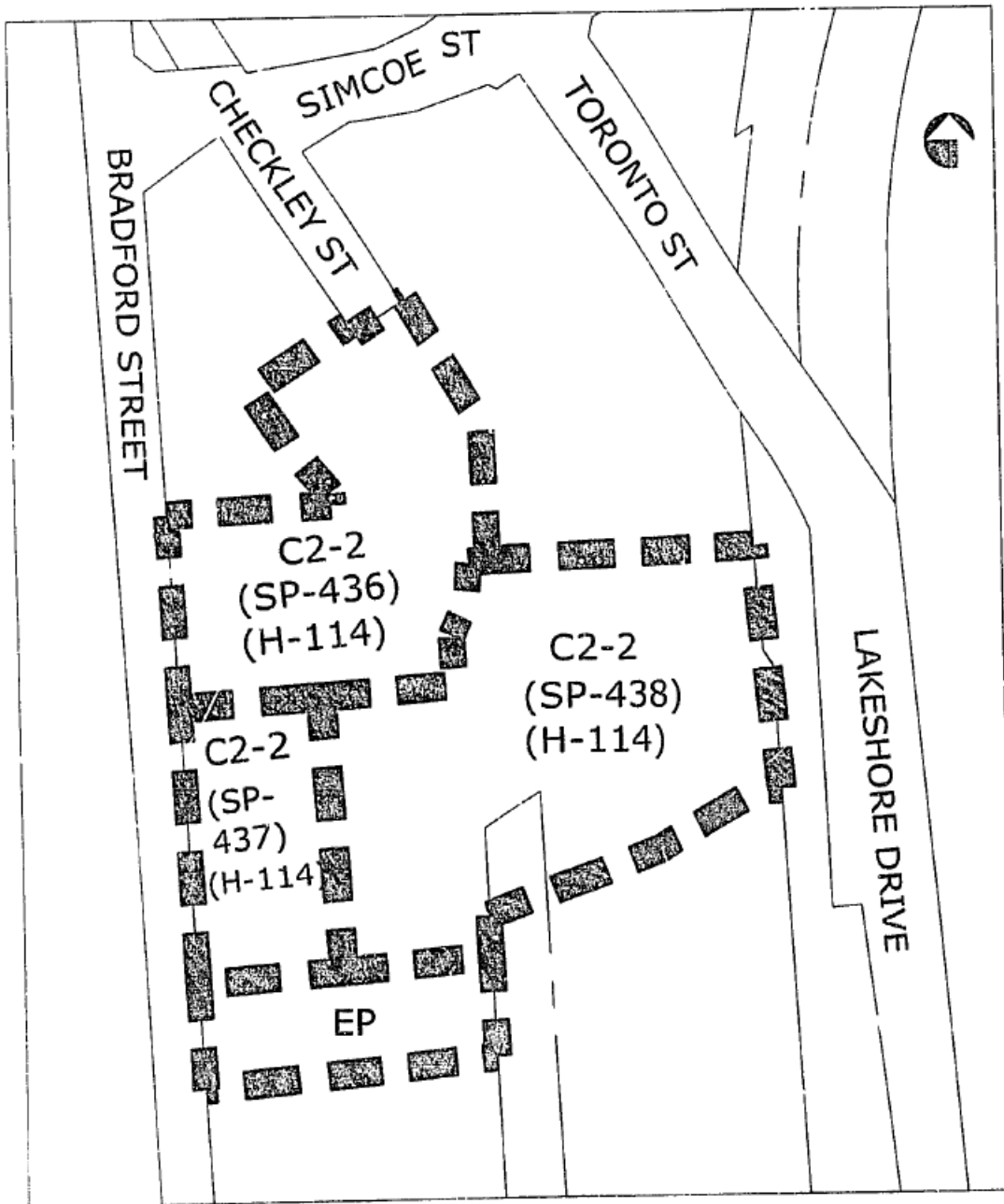
READ a first and second time this 22<sup>nd</sup> day of June, 2009.

READ a third time and finally passed this 22<sup>nd</sup> day of June, 2009.

THE CORPORATION OF THE CITY OF BARRIE

  
MAYOR - D. ASPDEN

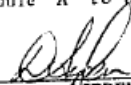
  
CITY CLERK - DAWN A. McALPINE




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 Blue Simcoe (Sails)

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Schedule "A" to attached By-law 2009-116

  
 MAYOR - D. ASPDEN

  
 CITY CLERK - DAWN A. MCALPINE