



Bill No. 210

BY-LAW NUMBER 2012-211

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 Firstly: Part of Lot 2, Lot 3, Part of Lot 4, Lots 5, 6 & 7, north side of Ross Street, Plan 394, Part of Lot A, south side of Lane, Plan 394, Part of Lot B, north side of Lane, Plan 394, Part of Lane, Plan 394, Lot 48, west side of Toronto Street, Plan 622, Lot 51 & Part of Lot 52, west side of Toronto Street, Plan 622, Lot 53, south side of Hillcrest Avenue, Plan 622, being Part 1 on Plan 51R-27902, save and except Part 1 on Plan 51R-30520, known municipally as 76 Ross Street, Secondly: Lot 49, west side of Toronto Street, Plan 622, known municipally as 152 Toronto Street, Thirdly: Lot 48, west side of Toronto Street, Part Lot 53, south side of Hillcrest Avenue, Plan 622, Part Lot A, south side of Lane and Part of Lots 2, 3 & 4, north side of Ross Street, Plan 394, being Part 1 on Plan 51R-30520, known municipally as 61 Wellington Street West, Fourthly: Part of Lane, Plan 394, being Part 1 on Plan 51R-31086, known municipally as a portion of 76 Ross Street;

AND WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend By-law 2009-141;

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

1. **THAT** the City of Barrie Comprehensive Zoning By-law 2009-141 be amended as follows:

Section 13.4.15 of Zoning By-law 2009-141 be amended by removing:

“The property shall be restricted to a maximum height of 10 stories or 30 metres.”

AND adding in its place:

“The property shall be restricted to a maximum building height of 39.5 metres. The height of any building located either totally or partially within 30 metres of the land’s northern lot line shall be measured from the average grade abutting the buildings northernmost exterior wall, exclusive of any vehicular entrance to below grade parking.”

2. **THAT** this By-law shall come into force and effect August 21, 2012 as per Ontario Municipal Board Order issued by C. Hefferon, Member, on August 21, 2012.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. R. LEHMAN

CITY CLERK – DAWN A. MCALPINE

ISSUE DATE:
August 21, 2012



RECEIVED
AUG 23 2012
CLERK'S OFFICE PL090870

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: Victoria Village Projects
Subject: By-law No. 2009-141
Municipality: City of Barrie
OMB Case No.: PL090870
OMB File No.: PL090870

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Agent</u>
City of Barrie	R. Carlson*
Victoria Village Projects	J. Jorden

DECISION DELIVERED BY C. HEFFERON ON AUGUST 13, 2012 AND ORDER OF THE BOARD

Background

Victoria Village Projects proposes to develop a senior citizens residence on a 22,000 M2 property ('subject lands') in the Queens Park Planning Area of central Barrie. The property is municipally known as 76 Ross Street.

Matter before the Board

Victoria Village Projects has appealed to the Ontario Municipal Board ("Board") under subsection 34(19) of the *Planning Act* (Act) against section 13.5.15 of Zoning By-law 2009-141 ("By-law"). Victoria Village Projects and the City of Barrie ("City") jointly seek an Order of the Board to amend this section of the By-law.

R. Carlson
C. Girard

Settlement agreement

At the beginning of the full hearing on August 13, 2012, the Board was advised that the parties had agreed to settle.

Planning evidence and analysis

Upon reviewing the evidence of Mr. M. Kalyaniwalla, a qualified land use planner, submitted both orally and by affidavit (Exhibit 2), the Board is satisfied that the requested amendment to the By-law is consistent with Provincial policy, and as well conforms to the general intent of both the City's Official Plan and to the By-law and that it represents good planning. Mr. Kalyaniwalla's evidence was not contested.

Disposition and Order of the Board

The Board accepts the Minutes of Settlement as entered in evidence as Exhibit 1.

The Board Orders the appeal is allowed and section 13.4.15 of the By-law is amended by removing the last sentence, which reads, "The property shall be restricted to a maximum height of 10 storeys or 30 metres";

and adding the following in its place:

"The property shall be restricted to a maximum building height of 39.5 metres. The height of any building located either totally or partially within 30 metres of the subject land's northern lot line shall be measured from the average grade abutting the building's northernmost exterior wall, exclusive of any vehicular entrance to below grade parking".

This By-law as amended shall come into force and effect immediately upon the final passing thereof.

So Orders the Board.

"C. Hefferon"

C. HEFFERON
MEMBER