



Bill No. 041

BY-LAW NUMBER 2017-

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 amend by-law 2009-141.

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 17-G-113.

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

1. **THAT** Section 3.0 Definitions of the Comprehensive Zoning By-law 2009-141 be amended by:

a) Inserting a new definition of “Balcony” between “Bake Shop” and “Basement ” as follows:

Balcony

shall mean an attached platform projecting from the face of a wall which is only directly accessible from within a building, usually surrounded by a balustrade or railing and which does not have direct exterior access at grade.

b) Deleting the definition of “Dwelling, Walk up Apartment and replacing it with a new definition as follows:

Dwelling, Walk up Apartment

shall mean a multiple dwelling of four or less storeys in height with a common enclosed corridor system and which may include an elevator.

c) Inserting a new definition of “Dry Cleaning or Laundry Depot” between “Dry Cleaning Establishment” and “ Dwelling Apartment” as follows:

Dry Cleaning or Laundry Depot

shall mean a premises used for the purposes of receiving articles or goods or fabric to be subject to the process of dry cleaning, dyeing, laundering or pressing elsewhere and for the distribution of any such articles or goods which have been subject to any such process, and shall include a self-service laundry and/or self-service dry cleaning. This definition does not include a dry cleaning establishment as defined herein.

d) Inserting a new definition of “Floor Space Index” between “Floodway” and “Florist” follows:

Floor Space Index

shall mean the applicable gross floor areas of all buildings on a lot divided by the lot area.

e) Inserting a new definition of “Lot Line, Exterior” between “Lot Line Front” and “Lot Line Rear” as follows

Lot Line Exterior

shall mean the side lot line of a corner lot adjoining the street.

- f) Inserting a new definition of “Amenity Area - General” and Amenity Area Outdoor between “Alter” and “Amusement Device ” as follows:

Amenity Area - General

shall mean any indoor amenity areas such as pools, gym, meeting or assembly room within a building which may be a common area available to occupants of the building, in addition to any *outdoor amenity area*.

Amenity Area - Outdoor

shall mean an area of land; balcony; deck; terrace; the roof of a private garage or the roof of a parking structure, which includes *landscape area*, and may include areas of decorative paving or other similar surface, provided such surface is not used for vehicular use.

- g) Inserting a new definition of “Bicycle Parking Space” between “Bed and Breakfast Establishment” and “Bingo Hall” as follows:

Bicycle Parking Space

shall mean an area that is equipped with a bicycle rack or locker that is suitable for the purpose of long term bicycle parking and is not provided within a dwelling unit, suite or balcony.

- h) Inserting a new definition of “Townhouse, Back to Back” between “Theatre” and “Town House Development Block/Cluster” as follows:

Townhouse, Back to Back

shall mean a building containing four or more dwelling units divided vertically above and below grade by a common wall, including a rear common wall.

- i) Inserting a new definition of “Urban or Village Square” between “Truck terminal” and “Use” as follows:

Urban or Village Square

shall mean a small common outdoor open space area that may include active or passive uses such as play grounds, seating areas or other activities which serve as common areas and meeting spaces.

2. **THAT** a new Section 4.0 General Provisions be altered by adding section “4.2.1.12 Model Homes”, and section “4.2.1.13 Other Uses” after Section “4.2.1.11 Sale of Fruit and Vegetables” as follows:

- a) 4.2.1.12 Model Home Uses

More than one single detached or semi-detached or townhouse dwelling may be constructed on a site prior to registration of the plan of subdivision subject to the following restrictions:

- a) the *dwelling units* shall be *used* for the purpose of model homes only and shall not be occupied prior to the date of the registration of the subdivision agreement;
- b) the number of *lots used* for model homes shall not exceed 10% of the number of draft approved *lots* for the plan of subdivision, however in no circumstance shall the number of *lots used* for model homes exceed 15 *lots*; and
- c) compliance with all other provisions of this By-law, as though the *dwellings* were constructed on *lots* within a registered plan of subdivision.

b) 4.2.1.13 Other Uses

- a) Archaeological Uses
- b) Community Mailboxes
- c) Community Gardens
- d) Natural Heritage, Fish, Wildlife and Forest Management, Restoration and Remediation Uses, and Flood and erosion control Projects, stewardship conservation restoration, remediation and relocation of stream corridor areas.
- e) Storm water management facilities and related components such as, but not limited to, back-slope, inlets or outlets, retaining walls and Low Impact Development (LID) measures.

3. **THAT** Section 4.2.1.2 Recreational uses be amended by inserting the words “urban or village square” after the word “any” and before the word “park” so that the section reads as follows:

4.2.1.2 Recreational Uses

Permitted uses include any *urban or village square*, park or playground, bowling green, and tennis court, including buildings and facilities incidental and accessory thereto.

4. **THAT** Section 4.6.5.2 General Provisions, Enclosed Parking Areas/Structures, which states “Nothing in this By-law shall prevent the location of a *parking structure underground* in any part of any required *front yard, side yard or rear yard* on a *lot* provided such *parking structure underground* is not within 3m of a *street line*.” be amended by rewording 4.6.5.2 as follows:

4.6.5.2 The minimum setback from the a street line to the nearest part of a *parking structure underground* shall be 1.8m, except where the minimum yard setback for the applicable zone is less than 1.8m, in which case the minimum setback shall be the same as the minimum required yard setback.

5. **THAT** Section 4.8 General Provisions Landscaped open space be altered by amending 4.8.1.3 by deleting the words “...shall be devoted to landscaped open space. Sixty percent of the required landscaping on a lot containing an underground parking structure shall have a minimum soil depth cover of 1m” after the word “structures” and replacing it with the words “shall be devoted to a minimum of sixty percent of the required landscaped open space or general amenity area.

4.8.1.3 The roof on and underground parking structure not occupied by parking or other permitted structures shall be devoted to landscaped open space or general amenity area.

6. **THAT** Section 5.3 Residential Standards be amended by:

- a) Amending Table 5.3 by inserting a superscript (9) after the number 10m in the column “Multiple RM2” zone opposite the row stating “Height of Main Building (max)”.
- b) Amending Section 5.3.2 Height Requirements by inserting a new 5.3.2. a), and inserting b) Height Restriction zone in front of the table so that the section reads as follows:

5.3.2 Height Requirements

- a) Walkup apartments in the RM2 zone shall be four storeys or less, to a maximum total height of 20m
- b) Height Restriction zone

7. **THAT** a new Section 14.0 applicable to the Salem and Hewitt’s Communities be added after Section 13.0 Special Provisions as follows:

14.0 Salem and Hewitt’s Communities Provisions

14.1 DEFINED AREA

- a) The following zone provisions shall apply to lands so zoned when applied to lands within the Defined Area identified as the “Salem Area” and the “Hewitt’s Area” generally identified on Appendix “A” attached to this by-law.

- b) Until such time as lands within the Defined Area identified on Appendix "A" attached to this By-law are zoned in accordance with the following Neighbourhood Residential Zone R5, Neighbourhood Residential Multiple Zone RM3, and Neighbourhood Mixed Use zone NMU; the applicable zoning provisions and zoning Map schedules of By-law 054-04 (Innisfil) as it applies to the Defined Area identified on Appendix "A" attached shall continue to be in effect.

14.2 Definitions

Unless otherwise stated, the definitions of Section 3.0 of By-law 2009-141 shall apply to the following Neighbourhood Residential Zone R5, Neighbourhood Residential Multiple Zone RM3 and Neighbourhood Mixed Use zone NMU.

14.3.1 General Provisions and General Standards

In addition to the provisions of Section 4.0 of By-law 2009-141 the following provisions shall apply to the Neighbourhood Residential Zone R5, Neighbourhood Residential Multiple Zone RM3, and Neighbourhood Mixed Use zone NMU within the Salem and Hewitt's Communities:

14.3.2 Permitted Uses

Notwithstanding the provisions of Section 4.2, only the following *uses, buildings and structures, in addition to the uses, buildings and structures permitted in Sections 4.2.1.1 through 4.2.1.4 and Section 4.2.1.6 through 4.2.1.13 inclusive* shall be permitted in the Residential Neighbourhood Zone R5, Residential Neighbourhood Multiple Zone RM3, and Neighbourhood Mixed Use zone NMU with the exception of the Environmental Protection (EP) Zone unless the *use* is specifically identified as being permitted in the EP Zone:

- a) Bed and Breakfast.
- b) Outdoor Patios

The following standards shall apply to outdoor patios in the NMU zone:

- i. Additional parking shall not be required for the areas used as an outdoor patio.
- ii. An outdoor patio shall be suitably screened when located in a yard adjacent to any Residential zone.

14.3.3 Other Provisions

In addition to the provisions of Section 4.5 the following additional provisions shall apply in the R3 and RM5 zones:

14.3.3.1 Standards for attached private garages where vehicular access is provided with a driveway from a street:

- a) Permitted locations and setbacks from lot lines
 - i. A minimum distance from the side lot line equal to the side yard setback requirement of the main building from the side lot line.
 - ii. No part of a private garage shall project beyond the front wall of a dwelling except where a porch is provided in which case the private garage shall not project beyond the front of the porch.
 - iii. Notwithstanding subsections (i) and (ii) above, in no case shall the wall of a private garage be located closer than 5.5 metres from the lot line abutting a street that the driveway crosses.
 - iv. A wall of a private garage facing a street which is setback closer than 5m from the property line, shall provide a minimum of 15% of fenestration of the façade. This may be used in combination with other forms of creating architectural interest such as the use of different materials textures and colours.

b) Maximum width of a private garage door:

- i. The maximum width of a private garage door in the R5 and RM3 zone shall be required in accordance with the following table; however in no case shall the private garage exceed 60% of the lot width.

Width of Lot	Maximum width of <i>private garage door</i>
Less than 7m	2.7m
7m to less than 10m	3.7m
10m to less than 14m	5.5m
14m or greater	50% but no more than 7.5m

- Note: 1. A greater private garage door width is permitted to a maximum of 50% of the lot width or 8.3m whichever is less, if the private garage door is set back 1m from the front wall.
2. On a corner lot, if the private garage door is attached to the main dwelling, and is accessed via the exterior side yard, a greater private garage door width is permitted to a maximum of 8.3m

c) Maximum Driveway width:

The maximum driveway width shall not exceed the width of the garage by more than 1.0m.

14.4 Parking Standards:

In addition to the provisions of Section 4.6, the following parking Standards shall apply to the Neighbourhood Mixed Use zone NMU.

No person shall use any land, building or structure in any zone for any purpose permitted in this By-law, unless parking spaces are provided in accordance with the following:

14.4.1 Where there is more than one use on a lot, parking for *residential* uses shall be provided in accordance with the requirements of Table 4.6, while parking for non-residential uses shall be provided for the lesser of the combined parking standards of Table 4.6 or a minimum of 1 parking space per 24 square metres of gross floor area. On lands zoned Neighbourhood Mixed Use NMU, a maximum of 1 parking space per 18 square metres of gross floor area for non-residential uses shall be permitted.

14.4.2 Bicycle parking spaces shall be provided in accordance with the following:

- a) A minimum of 0.2 spaces per unit shall be provided in all apartment units including walk-up apartments.
- b) Additional spaces shall be provided for all non-residential uses in the NMU at a rate of one bicycle parking space for every 7% of required non-residential vehicular parking spaces in the Neighbourhood Mixed Use zone.

14.4.3 Parking and Driveway Regulations

Notwithstanding the provisions of Section 4.6.2 a maximum of 10% of the minimum parking spaces required for any non-residential parking may be for small vehicle parking spaces. Additional parking spaces provided over and above the minimum requirements may be for small vehicle parking. The dimension of a small vehicle parking space shall have a width of 2.3m and a length of 4.6m.

Section 14.5
NEIGHBOURHOOD RESIDENTIAL

14.5.0 RESIDENTIAL**14.5.1 GENERAL**

No person shall hereafter *use* any lands, nor *erect, alter,* enlarge or *use* any *buildings* or *structures* in any Neighbourhood Residential (R5) or Neighbourhood Multiple Residential (RM3) Zones, except in accordance with the provisions of Section 14.0 and Sections 2, 3, 4, and 5 of this By-law unless stated otherwise in Section 14 of this By-law.

14.5.2 PERMITTED USES

The permitted uses in the Residential Neighbourhood (R5) and Residential Multiple Neighbourhood (RM3) Zones are listed in Table 14.5.2.

Table 14.5.2		
Uses	Zones	
	Neighbourhood Residential R5	Neighbourhood Multiple Residential RM3
Residential Uses		
<i>Single Detached Dwelling</i>	X	
<i>Two Unit Dwelling</i>	X	
<i>Three or More Unit Dwelling</i>		X
<i>Back-to-Back Townhouse</i>		X
<i>Block/Cluster/Street/Townhouse</i>	X	X
<i>Stacked Townhouse</i>		X
<i>Walk-up Apartment</i>		X
<i>Apartment Dwelling</i>		X
<i>Boarding, Lodging, Rooming House (Small)</i>	X	X
<i>Boarding, Lodging, Rooming House (Large)</i>		X
Accessory Uses		
<i>Day Nursery</i>	X ⁽²⁾	X
<i>Home Occupation</i>	X	X
<i>Second Suite⁽¹⁾</i>	X	X
Institutional Uses		
<i>Social Services Facility</i>		X
<i>Dormitory</i>		X
<i>Group Home</i>	X	X
<i>Library</i>		X
<i>Nursing Home</i>		X
<i>Place of Worship</i>	X ⁽²⁾	X
<i>Rest Home</i>		X
<i>Retirement Home</i>		X
<i>Senior Citizen Housing</i>		X
Commercial Uses		
<i>Local Convenience Retail</i>	X ⁽²⁾	X
Open Space Uses		
<i>Urban or Village Square</i>	X	X

(1) A second suite in the RM3 Zone is not permitted in a Walk-Up Apartment or Apartment Dwelling.

(2) Permitted only where these uses are located on major collector and arterial roads.

14.5.3 Block/Cluster/Street/Stacked and Back-to-Back Townhouse Development and Walk-Up Apartments**14.5.3.1 Standards**

- a) Within the R5 and RM3 zones, where a private driveway is proposed, a minimum driveway length of 5.5 metres shall be required.
- b) The provisions of Section 5.2.5.1 and 5.2.5.2 b) and d) do not apply to lands zoned R5 or RM3.

14.5.4 Institutional Uses in Residential Zones

- a) The Institutional Standards found in Section 8.3 of this By-law shall apply to the Institutional uses listed in Table 14.5.2; and 14.5.6 unless otherwise stated in Section 14 of this by-law.
- b) The maximum *lot* area for a place of worship located in a Residential Zone shall be 0.6 ha;
- c) Any group home permitted in Table 14.2 shall comply with the R2 standards contained in Section 5.2.1 and Table 5.3.

14.5.5 Commercial Uses within Apartment Buildings

A convenience store, *personal service store* and *dry cleaning or laundry depot* shall be permitted commercial uses within an *apartment building* provided that the commercial uses do not occupy in excess of 25% of the ground floor area of the *building*. All other standards of the *zone* in which the *building* is located shall be complied with.

14.5.6 RESIDENTIAL STANDARDS

Table 14.5.6							
	Zones						
	Neighbourhood Residential R5 Zone			Neighbourhood Residential Multiple Zone RM3			
	Single	Semi	Street Townhouse	Back To Back Townhouse	Block/ Cluster/ Street Townhouse	Walk-Up Apartments	Apartments
Lot Frontage (min.)	9.0m	7.2m	4.5m	5.5m	11.0m	18.0 m	24.0m
Front Yard Setback (min.)⁽¹⁾	3.0m	3.0m	3.0m	3.0m	3.0m	3.0m	3.0m
Exterior Side Yards Setback(min.)⁽¹⁾	2.0m	2.0m	2.0m	2.0m	2.0m	2.0m	2.0m
Interior Side Yards Setback (min.) one side	1.2m	1.2m	0	0	0	1.2	5
Interior Side Yards setback (min.) opposite side	0.6m	0	0	0		1.2	5
Interior Side Yard Setback where balconies or terraces face the side property line						5m	5m
Rear Yard(min.)	5.0m	5.0m	5.0m	5.0m	5.0m	5.0m	5.0m
End Unit Interior Side Yard Setback	N/A	N/A	1.2m	1.2m	1.2m	N/A	N/A
Landscaped open space (min. % of lot area)	--	--	--		25	25	25
Minimum General Amenity Area per Unit					10m ²	10m ²	10m ²
Dwelling unit floor area (min.)	90m ²	90m ²	90m ²	35m ² /dwelling unit + 10m ² / bedroom			
Lot Coverage (max. % of lot area)	60	60	70	N/A	50	50	50
Gross floor area (max. % of lot area)				250	250	250	250
Maximum Height Number of Storeys	3	3	3	3	3	4	12
Maximum number of contiguous units in a row	1	2	8	8	8	N/A	N/A

- (1) A building, porch or balcony, with or without a foundation, may encroach into the front yard setback or exterior side yard setback up to 1.0m of the daylight triangle.

14.5.6 YARD VARIATIONS

Section 5.3.3.2 of By-law 2009-141 shall not apply to the Residential Neighbourhood R5 and Residential Neighbourhood Multiple RM3 zones.

14.5.7 LOT VARIATIONS

Section 5.3.4 of By-law 2009-141 shall not apply to the Salem and Hewitt's Communities.

14.5.8 ACCESSORY BUILDINGS AND STRUCTURES

The provisions of Section 5.3.5 shall apply to accessory buildings and structures with the exception of 5.3.5 d), e) and f) in which case, notwithstanding:

- i. the provisions of Section 5.3.5. d) attached garages shall be located a minimum of 5.5m from the *streetline*.
- ii. the provisions of Section 5.3.5.e) and f), accessory buildings and structures shall not be erected closer than 0.3 metres to the rear or side lot line of said yard, and 2.0m from the *street line*.
- iii. lot coverage for accessory structures is in addition to the maximum lot coverage listed in Table 14.5.6.

14.5.9 PARKING STANDARDS

- 14.5.9.1 Notwithstanding Section 5.3.6.2 a), surface parking spaces including aisles, required for an apartment dwelling unit in any zone shall have a maximum lot coverage of 40%.
- 14.5.9.2 Within the R5 and RM3 Zones, where a private driveway is proposed, a minimum driveway length of 5.5 metres shall be required, except that a 0.6 metre driveway length is permitted when a unit is accessed by a private lane where a garage is provided.

Section 14.6
NEIGHBOURHOOD MIXED USE

14.6.0 NEIGHBOURHOOD MIXED USE

14.6.1 GENERAL

No person shall hereafter *use* any lands, nor *erect, alter, enlarge or use* any *buildings or structures* in any Neighbourhood Mixed Use Zone (NMU), except in accordance with the provisions of Section 14.6 and Sections 2, 3, 4, and 5 of this By-law unless stated otherwise in Section 14.6 of this By-law.

14.6.1 Permitted Uses

- a) Permitted uses shall be in accordance with permitted uses in the Mixed Use Nodes and Corridors in Table 5.4.1 of By-law 2015-097 as amended, except that Back-to-Back and Street Townhouses shall also be permitted in the Neighbourhood Mixed Use zone NMU zone.

14.6.2 Residential Uses

- 14.6.2.1 Notwithstanding Section 5.4.2.3 a) of By-law 2009-141, the minimum dwelling unit floor areas for residential uses shall be in accordance with the provisions in Table 14.2.
- 14.6.2. The uses permitted in the Neighbourhood Mixed Use zone are subject to the standards referenced in Table 14.6.2

Table 14.6.2	
	Zones
	Neighbourhood Mixed Use Zones NMU
Minimum Front Yard Setback	0m
Minimum Front Yard Setback ⁽¹⁾	A maximum of 50% of the frontage shall have buildings within 5m of the front lot line except on corner lots this shall be measured along the cumulative lot frontage and exterior lot line.
Minimum Side or Rear Yard Setback abutting a Street or laneway	1.5m
Minimum Side or Rear Yard Setback Non-residential buildings and residential buildings more than four storeys abutting a Residential, Open Space or Environmental Protection Zone	5m

Table 14.6.2	
	Zones
	Neighbourhood Mixed Use Zones NMU
Minimum Side or Rear Yard Setback Residential buildings four storeys and less abutting a Residential, Open Space or Environmental Protection Zone	1.2m
Minimum Façade Step-back Front, Side (Interior and Exterior) and Rear Rear	<ul style="list-style-type: none"> No step-back is required for a four storey building. No step-back is required for five storeys and up to six storeys if the building is setback 3m or more from the property line property line. In all other cases a 45 degree angular plane at height above 80% equivalent of right of way using 3m minimum step backs.
Minimum Street level floor height for commercial uses.	4.5m
Minimum Building Height Commercial Buildings	5m
Minimum Building Height Residential	3 storeys ⁽²⁾ .
Maximum Building Height	12 storeys
Minimum General Floor Space Index	0.5
Maximum General Floor Space Index	2.5
Minimum Interim and Floor Space Index Yonge Street	0.3
Maximum Interim Floor Space Index Yonge Street.	2.5
Minimum Interim Floor Space Index Essa Road.	0.3
Maximum Interim Floor Space Index Essa Road	2.5
Minimum Residential Density ⁽³⁾	50 units per net hectare ⁽⁴⁾ .

- Buildings with commercial and institutional uses within the 0-5 setback shall have pedestrian oriented access from the street.
- Except that the minimum building height abutting a collector road internal to a residential area or with frontage on Lockhart Road shall be 2 storeys.
- The minimum residential density only applies where only residential is developed in a mixed use block or lot.
- Except that the minimum residential density at Essa and Salem Road shall be 45 units per hectare, and in the Hewitt's Neighbourhood Mixed Node the minimum residential density shall be 40 units per net hectare.

14.6.3 Notwithstanding the standards in Table 5.4.2, the following shall apply:

- When back-to-back townhouses area located in the NMU zone, they shall be in accordance with the R5 and RM3 standards of Section 14.5.6 of this by-law.
- Notwithstanding the accessory buildings and structures provisions of Section 5.4.3.7, accessory buildings and structures shall not be erected closer than 0.3m to the rear or side lot line of said yard.
- Notwithstanding the provisions of Section 5.4.4.0, the required 3 metre landscaped buffer area shall only apply to mixed use adjacent to walk-up apartments and apartment uses abutting lands zoned Neighbourhood Residential zone (R5).
- The provisions of Section 5.3.5. h) are in addition to the lot coverage permitted.

8. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this 5th day of June, 2017.

READ a third time and finally passed this 5th day of June, 2017.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – DAWN A. MCALPINE

DEFINED AREA
APPENDIX "A" to By-law 2017-

