



BY-LAW NUMBER 2012-

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 19ha (50 acres), located south of Cundles Road East, west of Duckworth Street and north of Highway 400, legally described as Part of Lot 21, Concession 3, geographic Township of Vespra, now in the City of Barrie, County of Simcoe, municipally known as 379 Cundles Road East, Barrie from General Commercial (C4) (SP-382) (H-93) and General Commercial (C4) (SP-382 & SP-383) (H-93 & H-94) to General Commercial (C4) (SP-382) and General Commercial (C4) (SP-382 & SP-383);

AND WHEREAS the Council of The Corporation of the City of Barrie pursuant to Motion 11-G-359 authorizes removal of the Holding Provisions;

AND WHEREAS all conditions dealing with the Holding Zone with respect to the property zoned General Commercial (C4) (SP-382) (H-93) being:

- (i) The owner/applicant enter into a "Pre-Development Agreement" with The Corporation of the City of Barrie ("City") for development staging, occupancy, timing/construction of infrastructure improvements including Cundles Road East widening/reconstruction from Livingstone Street East to Duckworth Street, Duckworth Street widening/reconstruction from Cundles Road East to Bell Farm Road, the intersection of Duckworth Street and Cundles Road East, and the Highway 400 bridge structure over Duckworth Street and funding/cost sharing arrangements. This agreement will identify the provisions in which development can occur and, if necessary, any other agreements satisfactory to the City and/or MTO, including posting of securities. That staff review the opportunity for the items below to be included in the "Pre-Development Agreement".
- (ii) The owner/applicant shall convey a 4.0m road widening along the entire frontage of Cundles Road East and a 10x10m daylighting triangle at the intersection of Duckworth and Cundles Road East and Duckworth Street as identified in the Cundles Road East EA Preferred Alternative 5A, dated June 2003.
- (iii) The owner/applicant shall provide written acknowledgement from the Trustee of the Little Lake Cost Sharing Agreement that he has satisfied the terms and conditions of the agreement and is in good standing with respect to its obligations.
- (iv) The owner/applicant register a site plan agreement on title of the lands.
- (v) The owner/applicant construct at their cost, the extension of the existing noise barrier adjacent to Cundles Road East along the full length of Capilano Court to the satisfaction of the Engineering Department.
- (vi) The owner/applicant construct at their cost, a fence/barrier and associated landscaping within the municipal right of way of the service road which provides access to 303-338 Cundles Road East as shown conceptually on Drawing SK-1, prepared by MHBC Planning dated June 2, 2006 to the satisfaction of the Planning Services Department.
- (vii) The owner/applicant undertake Site Specific Urban Design Guidelines for the Cundles Road East Streetscape to the satisfaction of The Corporation of the City of Barrie, Planning Services Department which clearly identifies and illustrates a design and built form complimented with landscape plans. Such Urban Design Guidelines shall compliment and maintain a residential character which include, but not limited to, performance standards such as:
 - a. Pitched roof lines;
 - b. Brick and/or stone building facades which include soldiering and quoining;
 - c. Key stone window treatments;
 - d. Screening of parking areas;
 - e. Landscape treatments utilizing design features with combinations of berming, vegetation and decorative fencing.
- (viii) That the Landscape Plans forming part of the approved Urban Design Guidelines for the Cundles Road East Streetscape be constructed/implemented in the first phase of development.

have been satisfied pursuant to Site Plan D11-1476.

AND WHEREAS all conditions dealing with the Holding Zone with respect to the property zoned General Commercial (C4) (SP-382 & SP-383) (H-93 & H-94) being:

- (i) The owner/applicant enter into a "Pre-Development Agreement" with The Corporation of the City of Barrie ("City") for development staging, occupancy, timing/construction of infrastructure improvements including Cundles Road East widening/reconstruction from Livingstone Street East to Duckworth Street, Duckworth Street widening/reconstruction from Cundles Road East to Bell Farm Road, the intersection of Duckworth Street and Cundles Road East, and the Highway 400 bridge structure over Duckworth Street and funding/cost sharing arrangements. This agreement will identify the provisions in which development can occur and, if necessary, any other agreements satisfactory to the City and/or MTO, including posting of securities. That staff review the opportunity for the items below to be included in the "Pre-Development Agreement".
- (ii) The owner/applicant shall convey a 4.0m road widening along the entire frontage of Cundles Road East and a 10x10m daylighting triangle at the intersection of Duckworth and Cundles Road East and Duckworth Street as identified in the Cundles Road East EA Preferred Alternative 5A, dated June 2003.
- (iii) The owner/applicant shall provide written acknowledgement from the Trustee of the Little Lake Cost Sharing Agreement that he has satisfied the terms and conditions of the agreement and is in good standing with respect to its obligations.
- (iv) The owner/applicant register a site plan agreement on title of the lands.
- (v) The owner/applicant construct at their cost, the extension of the existing noise barrier adjacent to Cundles Road East along the full length of Capilano Court to the satisfaction of the Engineering Department.
- (vi) The owner/applicant construct at their cost, a fence/barrier and associated landscaping within the municipal right of way of the service road which provides access to 303-338 Cundles Road East as shown conceptually on Drawing SK-1, prepared by MHBC Planning dated June 2, 2006 to the satisfaction of the Planning Services Department.
- (vii) The owner/applicant undertake Site Specific Urban Design Guidelines for the Cundles Road East Streetscape to the satisfaction of The Corporation of the City of Barrie, Planning Services Department which clearly identifies and illustrates a design and built form complimented with landscape plans. Such Urban Design Guidelines shall compliment and maintain a residential character which include, but not limited to, performance standards such as:
 - a. Pitched roof lines;
 - b. Brick and/or stone building facades which include soldiering and quoining;
 - c. Key stone window treatments;
 - d. Screening of parking areas;
 - e. Landscape treatments utilizing design features with combinations of berming, vegetation and decorative fencing.
- (viii) That the Landscape Plans forming part of the approved Urban Design Guidelines for the Cundles Road East Streetscape be constructed/implemented in the first phase of development.

and

- (i) The owner/applicant enter into a "Pre-Development Agreement" with The Corporation of the City of Barrie ("City") for development staging, occupancy, timing/construction of infrastructure improvements including Cundles Road East widening/reconstruction from Livingstone Street East to Duckworth Street, Duckworth Street widening/reconstruction from Cundles Road East to Bell Farm Road, the intersection of Duckworth Street and Cundles Road East, and the Highway 400 bridge structure over Duckworth Street and funding/cost sharing arrangements. This agreement will identify the provisions in which development can occur and, if necessary, any other agreements satisfactory to the City and/or MTO, including posting of securities. That staff review the opportunity for the items below to be included in the "Pre-Development Agreement".
- (ii) The owner/applicant shall convey a 4.0m road widening along the entire frontage of Cundles Road East and a 10x10m daylighting triangle at the intersection of Duckworth and Cundles Road East and Duckworth Street as identified in the Cundles Road East EA Preferred Alternative 5A, dated June 2003.
- (iii) The owner/applicant shall provide written acknowledgement from the Trustee of the Little Lake Cost Sharing Agreement that he has satisfied the terms and conditions of the agreement and is in good standing with respect to its obligations.
- (iv) The owner/applicant register a site plan agreement on title of the lands.
- (v) The owner/applicant construct at their cost, the extension of the existing noise barrier adjacent to Cundles Road East along the full length of Capilano Court to the satisfaction of the Engineering Department.
- (vi) The owner/applicant construct at their cost, a fence/barrier and associated landscaping within the municipal right of way of the service road which provides access to 303-338 Cundles Road East as shown conceptually on Drawing SK-1, prepared by MHBC Planning dated June 2, 2006 to the satisfaction of the Planning Services Department.

- (vii) The owner/applicant undertake Site Specific Urban Design Guidelines for the Cundles Road East Streetscape to the satisfaction of The Corporation of the City of Barrie, Planning Services Department which clearly identifies and illustrates a design and built form complimented with landscape plans. Such Urban Design Guidelines shall compliment and maintain a residential character which include, but not limited to, performance standards such as:
 - a. Pitched roof lines;
 - b. Brick and/or stone building facades which include soldiering and quoining;
 - c. Key stone window treatments;
 - d. Screening of parking areas;
 - e. Landscape treatments utilizing design features with combinations of berming, vegetation and decorative fencing.
- (viii) That the Landscape Plans forming part of the approved Urban Design Guidelines for the Cundles Road East Streetscape be constructed/implemented in the first phase of development.
- (ix) That a minimum of 65 residential units be constructed.

have been satisfied pursuant to Site Plan D11-1476.

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

1. **THAT** the zoning map be and the same is hereby amended in accordance with the zoning map attached hereto as Schedule "A" and forming part thereof which deletes reference to (H) in the General Commercial (C4) (SP-382) (H-93) and General Commercial (C4) (SP-382 & SP-383) (H-93 & H-94) zones on the property legally described as 19ha (50 acres), located south of Cundles Road East, west of Duckworth Street and north of Highway 400, legally described as Part of Lot 21, Concession 3, geographic Township of Vespra, now in the City of Barrie, County of Simcoe, municipally known as 379 Cundles Road East, Barrie.
2. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

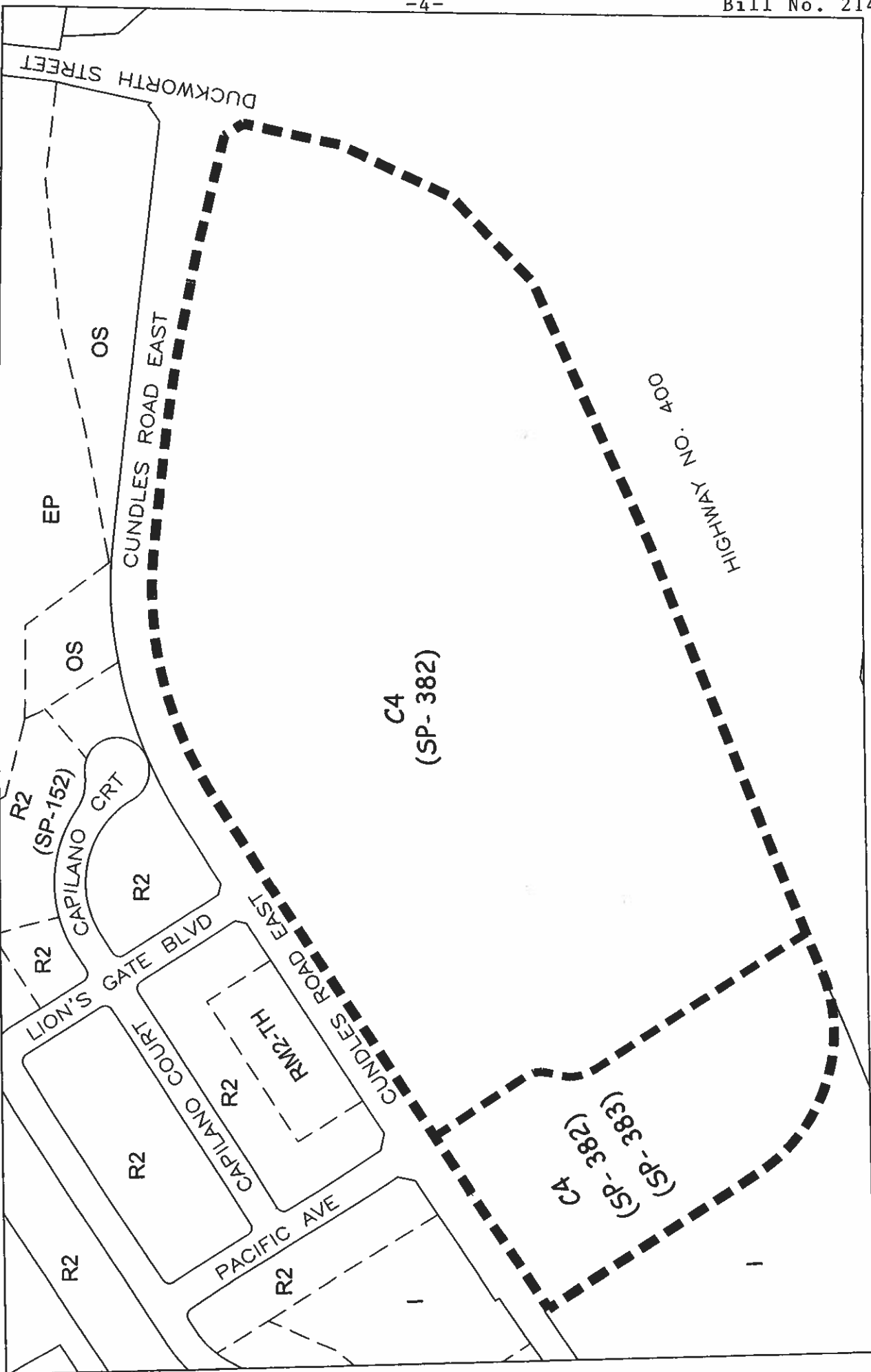
READ a first and second time this 17th day of December, 2012.

READ a third time and finally passed this 17th day of December, 2012.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – DAWN A. MCALPINE



November 30, 2012

D14-1529

Schedule "A" to attached By-law 2012-

MAYOR - J.R. LEHMAN

CITY CLERK - DAWN A. MCALPINE