



**BY-LAW NUMBER 2013-**

**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 Lots 9, 10, 11, 12 & Part of Robinson Street, south side of Cumberland Street, Plan 40, municipally known as 140 – 152 Cumberland Street, from Multiple Residential Dwelling, First Density (RM1) to Multiple Residential Dwelling, Second Density (RM2) (SP-487) (H-123) and Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123);

**AND WHEREAS** the Council of The Corporation of the City of Barrie adopted Motion 13-G-098 as amended by 13-A-062.

**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 Lots 9, 10, 11, 12 & Part of Robinson Street, south side of Cumberland Street, Plan 40, municipally known as 140 – 152 Cumberland Street, from Multiple Residential Dwelling, First Density (RM1) to Multiple Residential Dwelling, Second Density (RM2) (SP-487) (H-123) and Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) in accordance with Schedule "A" attached to this By-law being a portion of the zoning map.

**Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) zone**

2. **THAT** notwithstanding the provisions set out in Section 5.3.7.2 of By-law 2009-141, a minimum continuous landscaped buffer area along the rear (south side) property line of 1.1 metres shall be permitted in the Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) zone.
3. **THAT** notwithstanding the provisions set out in Section 4.6.1 of By-law 2009-141, a minimum rate of 1.2 parking spaces per unit shall be permitted in the Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) zone.
4. **THAT** notwithstanding the provisions set out in Section 5.3.6.2 of By-law 2009-141, a maximum lot coverage for parking of 40% shall be permitted in the Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) zone.
5. **THAT** notwithstanding the provisions set out in Section 5.2.6 of By-law 2009-141, a commercial use shall not be permitted in the Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) zone.
6. **THAT** notwithstanding the provisions set out in Section 5.3.2 of By-law 2009-141, a maximum building height of 13.5 metres shall be permitted in the Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) zone.

**Multiple Residential Dwelling, Second Density (RM2) (SP-487) (H-123) zone**

7. **THAT** notwithstanding the provisions set out in Section 5.3.7.1 of By-law 2009-141, a minimum continuous landscaped buffer area along the rear (south side) property line of 1.1 metres shall be permitted in the Multiple Residential Dwelling, Second Density (RM2) (SP-487) (H-123) zone.
8. **THAT** notwithstanding the provisions set out in Section 5.2.5.1 of By-law 2009-141, a minimum density of 53 units per hectare shall be required and a maximum density of 74 units shall be permitted in the Multiple Residential Dwelling, Second Density (RM2) (SP-487) (H-123) zone.
9. **THAT** notwithstanding the provisions set out in Section 5.2.5.2 of By-law 2009-141, the amenity space shall be permitted in the required rear yard (south side) and right yard (west side) setbacks in the Multiple Residential Dwelling, Second Density (RM2) (SP-487) (H-123) zone.

**Conditions for Release of Holding Symbol**

10. **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 by the Multiple Residential Dwelling, Second Density (RM2) (SP-487) (H-123) zone or the Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) 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 matters to the satisfaction of The Corporation of the City of Barrie:
- (a) Execution of a Site Plan Agreement with respect to the Multiple Residential Dwelling, Second Density (RM2) (SP-487) (H-123) and the Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) zones which includes the final building design for the proposed 4.5 storey building to be located in the Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) zone identifying facade step-backs for the top storey to the satisfaction of the Municipality;
  - (b) Execution of an Agreement pursuant to Section 40 of the *Planning Act* for the payment of cash in lieu of parking regarding the reduced parking requirement for the property in the Residential Apartment Dwelling, First Density (RA1-2) (SP-486) (H-123) zone.
11. **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.
12. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

**READ** a first and second time this 24th day of June, 2013.

**READ** a third time and finally passed this 24th day of June, 2013.

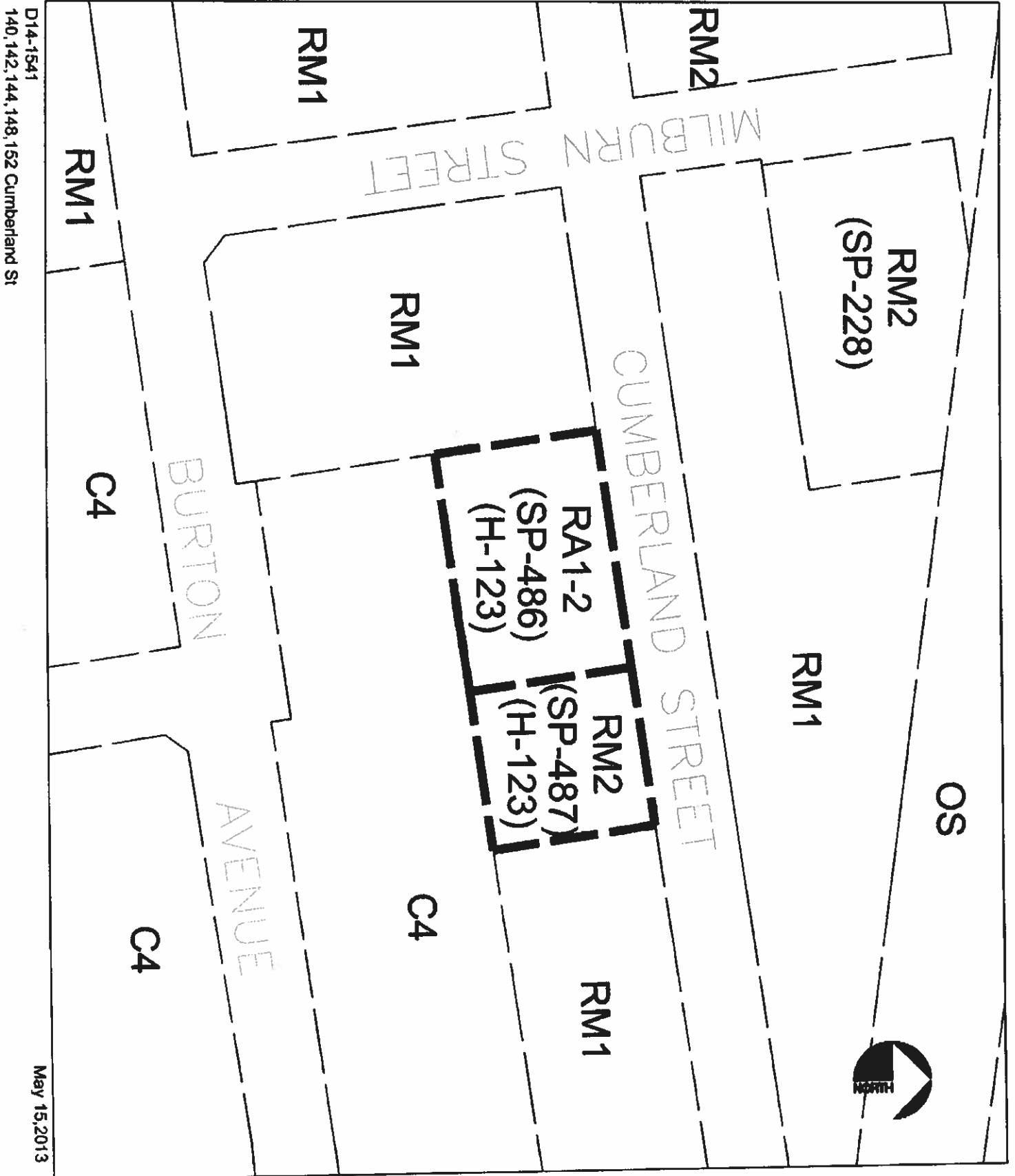
**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR – J.R. LEHMAN**

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**CITY CLERK – DAWN A. MCALPINE**



D14-1541  
140, 142, 144, 148, 152 Cumberland St

May 15, 2013

Schedule "A" to attached By-law

\_\_\_\_\_  
Mayor - J.R. Lehman

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City Clerk - Dawn A. McAlpine