

BY-LAW NUMBER 2016 –

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 establish zones and provisions that will apply to all lands subject to the Salem Secondary Plan (Official Plan Amendment No. 38) and the Hewitt's Secondary Plan (Official Plan Amendment No. 39) in the City of Barrie.

AND WHEREAS, the Council of the Corporation of the City of Barrie adopted Motion 16-G-xxx;

NOW THEREFORE, the Council of the Corporation of the City of Barrie enacts that the City of Barrie Comprehensive Zoning By-law 2009-141 be amended as follows:

1. **THAT** the Zoning By-law be amended by adding Section 14 "Salem and Hewitt's Communities Special Provisions"

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SECTION 14
SALEM AND HEWITT'S COMMUNITIES SPECIAL PROVISIONS

14.1 DEFINED AREA

Notwithstanding the provisions of Sections 1-13 of By-law 2009-141 to the contrary, the following provisions shall apply to all the lands in the boundaries of the Corporation of the City of Barrie in the Salem and Hewitt's Communities. The Defined Area is described as follows and is identified on Schedule 'A' to "Zoning By-law 2016 - Salem and Hewitt's Communities":

i. Salem Community

North

- Mid concession in the block bounded by Mapleview Drive West to the north, Veteran's Drive to the east, Salem Road to the south and Simcoe County Road 27 to the west; and,
- Salem/Lockhart Road between the 5th and 10th Sideroads.

East - Huronia Road

South - Mid concession south of McKay Road between Huronia Road and Simcoe County Road 27

West - Simcoe County Road 27.

ii. Hewitt's Community

North - Big Bay Point Road and Mapleview Drive East

East - 20th Sideroad

South - Lockhart Road

West - Former City boundary east of Huronia Road.

14.2 DEFINITIONS

In addition to the definitions in Section 3.0 of By-law 2009-141, the following new and amended definitions apply to the Salem and Hewitt's Communities:

Amenity area

Shall mean an area of land, or the roof of a *private garage* or the roof of a parking *structure* not more than 1.4 m above ground, which includes *landscape area*, but which may also include areas of decorative paving or other similar surface and includes a *balcony* or deck.

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 does not have direct exterior access to grade.

Bicycle parking space

Shall mean an area that is equipped with a bicycle rack or locker that is accessible, secure, weather-protected and suitable for the purpose of long term-bicycle parking and is not provided within a dwelling unit, suite or on a balcony.

Dwelling, Walk-Up Apartment

Shall mean a multiple dwelling 4 or less storeys in height with a common enclosed corridor system which may or may not include an elevator.

Floor Space Index

Shall mean the applicable *gross floor area* of all buildings on a lot divided by the *lot area*.

Lot Line, Exterior

Shall mean the side *lot line* of a *corner lot* adjoining the *street*

Municipal Lane

Shall mean a subsidiary thoroughfare that is not intended for general traffic circulation and which provides a means of vehicular access to abutting properties which is maintained by the City of Barrie.

Street, Private

Shall mean a right-of-way or roadway that is *used by vehicles* and is maintained by a condominium corporation as a private road condominium, but which provides access to individual free hold *lots*, and is not a private *lane*.

Townhouse, Back to Back

Shall mean a building containing four or more *dwelling units* divided vertically above grade by a common wall, including a rear common wall, that do not have *rear yards*.

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14.3 GENERAL PROVISIONS AND GENERAL STANDARDS

In addition to the provisions of Section 4.0 of By-law 2009-141, the following new and amended General Provisions and General Standards apply to the Salem and Hewitt's Communities:

14.3.1 Lots without Frontage on a Street

Notwithstanding the provisions of Section 4.1.4.5, when a parcel of land only has frontage on a public or private lane, the lot line and yard abutting the lane or right-of-way shall be deemed to be the front lot line and front yard for the purposes of this By-law. Where a parcel of land has frontage on a public or private lane or a street, the street will be deemed to be the front lot line and front yard for the purposes of this By-law.

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 4.2.1.10, inclusive shall be permitted in all *zones*, with the exception of the Environmental Protection (EP) Zone unless the *use* is specifically identified as being permitted in the EP Zone:

- (a) Existing *uses*, buildings and *structures* provided that the *use* of any land, building and *structure*, including *uses*, buildings and *structures* in the NHS Zone, for any purpose prohibited by this By-law if such land, building or *structure* was lawfully *used* for such purpose on the day of the passing of this By-law, so long as it has been continually used for that purpose, and continues to be *used* for that purpose. Any changes to such *uses*, buildings and *structures* shall only be made in accordance with the regulations for non-conforming *uses* in Section 4.4.
- (b) *Use*, building or *structure* for any undertaking authorized or maintained by a *Public Authority*, a *public or private utility* in the Environmental Protection (EP) Zone;
- (c) Natural Heritage, Fish, Wildlife and Forest Management, Restoration and Remediation *Uses* and Flood or Erosion Control Projects, including in the Environmental Protection (EP) Zone;
- (d) Stormwater management facility, including in the Environmental Protection (EP) Zone subject to the approval of the City and applicable Conservation Authority;
- (e) 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:

- i. 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;
- ii. 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
- iii. compliance with all other provisions of this By-law, as though the *dwellings* were constructed on *lots* within a registered plan of subdivision.

(f) Temporary Buildings

The provisions of Section 4.2.1.5 shall apply, with the exception that where a temporary building is permitted under Sections 4.2.1.3 or 4.2.1.4, the prescribed

time as to when the temporary building shall be removed, shall be set out in the building permit and in no case shall it exceed ten years.

(f) Outdoor Patios

Outdoor patios shall be permitted subject to the provisions of Section 4.2.1.11 with the exception of subsection b). With respect to parking no additional parking is required beyond that required for the use to which the patio is ancillary.

(g) Other Uses

Other uses permitted as identified in Section 9.5.2 of the Hewitt's Secondary Plan (OPA No. 39), or Section 8.5.2 of the Salem Secondary Plan (OPA 38).

14.3.3 Other Provisions

In addition to the provisions of Section 4.5 the following additional provisions shall apply:

14.3.3.1 STANDARDS FOR ATTACHED PRIVATE GARAGES ACCESSED BY A DRIVEWAY FROM A STREET

Attached *private garages* associated with a *residential use* that are accessed only by a *driveway* from a *street* are subject to the following requirements.

Permitted locations and setbacks from lot lines

Attached *private garages* accessed only by a *driveway* from a *street* shall be located:

- i. A minimum distance from a *side lot line* equal to the *side yard* requirement for the *main building* from the *side lot line*.
- ii. No part of a *private garage* shall project beyond the front wall of the *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., in no case shall the wall of a *private garage* containing the opening for vehicular access be located closer than 5.5 metres to the *lot line* abutting the *street* that the *driveway* crosses to access the *private garage*.

Maximum private garage door width

The maximum garage door width for *private garages* shall be required in accordance with the following table, however in no case shall the *private garage* door width exceed 50% of the *lot width*:

Lot Width	Maximum Private Garage Door Width
Less than 7m	2.7m ¹
7 to <10m	3.7m ¹
10m to <14m	5.5m ¹
14m or greater	50% of lot width

¹ A greater *private garage* door width is permitted to a maximum of 50% of the *lot width* if the *private garage* door is set back 1 m from the *front wall* of the main *dwelling* or the front of a *porch*. On a *corner lot*, if the *private garage* is attached to the rear of the main *dwelling* and the *private garage* door faces the *street*, a greater *private garage* door width is permitted, to a maximum of 50% of the *lot width*, if the *private garage* door is set back 1 m from the *side wall* of the main *dwelling*.

Maximum driveway width

The maximum width of the *driveway* shall not exceed the width of the garage by greater than 1.0 metre.

14.3.3.2 Second Suites

Second suites are permitted in accordance with the provisions of By-law 2009-141 and Table 14.1.

14.3.4 Landscaped Open Space

The provisions of Section 4.8 of By-law 2009-141 shall apply to the Salem and Hewitt's Communities with the exception of Sections 4.8.1.3 and 4.8.2.2.

14.4 PARKING STANDARDS

In addition to the provisions of Section 4.6, the following parking standards shall apply to the Salem and Hewitt's Communities:

14.4.1 General

No person shall *use* any land, building or *structure* in any *Zone* for any purpose permitted by this By-law, unless *parking spaces* are provided in accordance with the provisions of this Section:

14.4.1.1 Heritage Buildings

Any *use* in a designated heritage building shall not be required to provide parking.

14.4.1.2 Shared Parking

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 at a minimum of 1 *parking space* per 24 square metres of *gross floor area*. On lands zoned Mixed Use - Annexation Lands (MU1- A and MU2 - A), a maximum of 1 *parking space* per 18 square metres of *gross floor area* for non-*residential uses* shall be permitted.

14.4.2 PARKING AREA AND DRIVEWAY REGULATIONS

14.4.2.1 Small Vehicle *Parking Spaces*

Notwithstanding the provisions of Section 4.6.2.6 a maximum of 20% of *parking spaces* in any *parking area* may be small *vehicle parking spaces*. The dimension of a small *vehicle parking space* shall have a width of 2.3m and a length of 4.6m.

14.4.2.2 *Setbacks for Parking Garages Below Grade*

No *setbacks* or *yards* shall be required for any portion of a *parking garage* if it is constructed completely below the *established grade*. This exemption shall also apply to ventilation shafts and housings, stairways and other similar facilities associated with the below grade *parking garage*, except abutting a *residential zone* when the *setback* shall be 1 metre.

14.4.2.3 Commercial Vehicles, Motor Homes, Recreational Trailers/Vehicles and Boats

No person shall use any parking area or parking space on any residential lot, except in accordance with the following provisions:

- i. **Commercial Vehicle Parking/Storage**
 - a. Parking in a driveway of one commercial vehicle is permitted provided the commercial vehicle:
 - i. does not exceed a gross weight of 3,000 kg registered with the Province; and
 - ii. Does not exceed a maximum length of 6 metres; and
 - iii. Does not exceed a maximum height of 2.3 metres; and,
 - iv. Is used for the resident's transport to and from a place of employment.
 - b. Parking and storage of the following vehicles are prohibited on all residential lots:
 - i. two or more unlicensed vehicles;
 - ii. vehicles equipped with more than 3 axles, excluding wheels designed to support the vehicle when parked or stored;
 - iii. buses;
 - iv. vehicles designed to run only on rails;
 - v. farm tractors;
 - vi. construction vehicles;
 - vii. tracked vehicles, except for snowmobiles; and,
 - viii. vehicles in a wrecked, dismantled or inoperative condition.

- ii. **Recreational Vehicles**

The following regulations shall apply to parking of motor homes and recreational vehicle/trailers in residential zones:

- A. Any recreational vehicle which does not exceed a height of 2m, may be parked or stored in any interior side yard or rear yard, however if located within an exterior side yard it must be screened from public view from the street by a fence, wall or hedge with a minimum height of 2m.
- B. Any recreational vehicle, which exceeds a height of 2m, may be parked or stored in any side or rear yard between May 1st and October 31st provided it is located in any interior side or rear yard.

SECTION 14.5

RESIDENTIAL

14.5.1 GENERAL

No person shall hereafter *use* any lands, nor *erect, alter, enlarge or use* any *buildings or structures* in any Residential Neighbourhood (R5) or Residential Multiple Neighbourhood (RM3) Zone, except in accordance with the provisions of Section 14.0 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 14.1.

Table 14.1		
Uses	Zones	
	Residential Neighbourhood R5	Residential Multiple Neighbourhood 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 ²	X
<i>Stacked Townhouse</i>		X
<i>Walk-up Apartment</i>		X
<i>Apartment Dwelling</i>		X
<i>Converted Dwelling</i>	X	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</i>	X	X ¹
Institutional Uses		
<i>Crisis Care 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

(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 Density

The provisions of Section 5.2.5.1 and 5.2.5.2 a), c) and d) do not apply to lands zoned R5 or RM3.

14.5.3.2 Standards

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 metre driveway length is permitted when a unit is accessed by a municipal or private lane and a garage is provided.

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 14.1;
- 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 14.1 shall comply with the R2 standards contained in Table 5.3.

14.5.5 COMMERCIAL USES WITHIN APARTMENT BUILDINGS

A convenience store, *personal service store* and dry cleaning establishment outlet 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.

14.5.5 RESIDENTIAL STANDARDS

The uses permitted in the R5 and RM3 Zones are subject to the development standards referenced in Table 14.2.

Standards	Zones	
	Residential R5	Residential Multiple RM3
Lot Frontage (min.)		
- Single Detached	9.0m	--
- Semi-Detached	7.2m per unit	--
- Street Townhouse	4.5m per unit	4.5m per unit
- Back-to-Back Townhouse	5.5m	5.5 m
- Block/Cluster/Stacked Townhouse	11.0m	11.0m
- Walk-up Apartment	--	24.0m
- Apartment	--	24.0m
Front Yard (min.)	3.0m	3.0m
Interior Side Yard One Side (min.)		
- Single Detached or Semi-Detached	1.2m	--
- Street Townhouse	0m ⁽¹⁾⁽²⁾	0m ⁽¹⁾⁽²⁾
- Back-to-Back Townhouse	0m ⁽¹⁾⁽²⁾	0m ⁽¹⁾⁽²⁾
- Block/Cluster/Stacked Townhouse	0m ⁽¹⁾⁽²⁾	0m ⁽¹⁾⁽²⁾
- Walk-up Apartment	--	5.0m
- Apartment	--	5.0m
Interior Side Yard Opposite Side (min.)		
- Single Detached	0.6m	--
- Semi-Detached	0m	--
- Street Townhouse	0m ⁽¹⁾⁽²⁾	0m ⁽¹⁾⁽²⁾
- Back-to-Back Townhouse	0m ⁽¹⁾⁽²⁾	0m ⁽¹⁾⁽²⁾

- Block/Cluster/Stacked Townhouse	0m ⁽¹⁾⁽²⁾	0m ⁽¹⁾⁽²⁾
- Walk-up Apartment	--	5.0m
- Apartment	--	5.0m
Exterior Side Yard (min.)	2.0m	2.0m
Rear Yard (min.)	5.0m	5.0m
- Back-to-Back Townhouse	0m	0m
Landscaped Open Space (min. % of lot area)	--	25% ⁽³⁾
Dwelling Unit Floor Area (min.)	90 m ²	70m ²
Lot Coverage (max. % of lot area)	60% ³	50% ³
Gross Floor Area (max. % of lot area)	--	250%
Height of Main Building (max.)	3 storeys	3 storeys
- Walk-up Apartment	--	4 storeys
- Apartment	--	12 storeys

Notes:

- (1) Where there is no lot line, the minimum separation between end units shall be 2.4m.
- (2) The minimum interior side yard setback from an end unit to a property line must be a minimum of 1.2m.
- (3) The minimum Landscaped Open Space and Lot Coverage requirement does not apply to Back-to-Back townhouses.

14.5.6 YARD VARIATIONS

Section 5.3.3.2 of By-law 2009-141 shall not apply to the Salem and Hewitt's Communities.

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 that, notwithstanding:

- (i) the provisions of Section 5.3.5. d) attached garages shall be located a minimum of 5.5m from the front property line;
- (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.

Further, the provisions of Section 5.3.5 h) are in addition to the lot coverage permitted in Table 14.2.

14.5.9 PARKING STANDARDS

- 14.5.9.1** In the R5 and RM3 zones, the driveway and/or parking space that is located in the front yard of a property accessed by a public street shall not exceed 55% of the lot width.
- 14.5.9.2** Notwithstanding Section 3.6.1 of this By-law, where an attached unit has less than 6 metres of frontage, the driveway and/or parking space that is located in the front yard of a property accessed by a public street shall not exceed 60% of the lot width.
- 14.5.9.3** 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%.
- 14.5.9.4** 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 metre driveway length is permitted when a unit is accessed by a public or private lane and a garage is provided.

SECTION 14.6

MIXED USE – ANNEXATION LANDS

Notwithstanding the provisions of Section 5.4 of By-law 2009-141 to the contrary, the following mixed use provisions and standards apply to the Salem and Hewitt's Communities:

14.6.1 Permitted Uses

Permitted uses shall be in accordance with Table 5.4.1 of By-law 2009-141, except that *Back-to-Back* and *Street Townhouses* shall also be permitted in the MU1 - A and MU2 - A zones.

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.

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

- a) The minimum front yard setback in the MU1 - A and MU2 - A zones shall be 0 m.
- b) A minimum of 50% of the frontage in the MU1 – A and MU2 - A Zones shall have building(s) within 5 metres from the front lot line except on corner lots where the setback shall be measured along the cumulative lot frontage and exterior lot line.
- c) The minimum side yard setback abutting a street or laneway in the MU2 - A zone shall be 0 m.
- d) The minimum rear yard setback in the MU1 – A and MU2 - A zones abutting Residential, OS, or EP Zone shall be 5 m.
- e) Notwithstanding the Front, Side and Rear Façade Step-back requirements in the MU1 – A and MU2 - A zones, the step-back requirements shall only apply to buildings exceeding 6 storeys in height.
- f) Notwithstanding the Street Level Floor Height requirements in the MU1 – A and MU2 - A Zones, the minimum Street Level Floor Height shall only apply to commercial uses.
- g) Notwithstanding the Building Height requirements in the MU1 – A and MU2 - A Zones, the following shall apply:
 - i. The minimum building height in the MU1 – A Zone shall be 5 metres for commercial buildings and three storeys for other development, except that two storeys are permitted where mixed use zoned lands abut a collector road internal to a residential area or with frontage on Lockhart Road.
 - ii. The minimum building height in the MU2 - A Zone shall be 5 metres.
- h) In addition to the MU1 – A and MU2 - A requirements in Table 5.4.2 of By-law 2009-141, the following additional provisions apply:

1) Floor Space Index (FSI):

- a. For lands Zoned MU2 - A in the Yonge Street Mixed Use Corridor designation, the minimum FSI shall be 0.5 and the maximum FSI shall be 2.5, except where otherwise specifically provided for in the Hewitt's Secondary Plan.
- b. For lands Zoned MU2 - A in the Essa/Salem Mixed Use Node designation, the minimum FSI shall be 0.3 and the maximum FSI shall be 2.5, except where otherwise specifically provided for in the Salem Secondary Plan.
- c. For lands Zoned MU1 – A, the minimum FSI shall be 0.5 and the maximum shall be 2.5, except where otherwise specifically provided for in the Hewitt's Secondary Plan or Salem Secondary Plan.

2) Density:

- a. Where residential uses are proposed on lands zoned MU1 – A a minimum residential density of 40 units per net hectare shall be required.
 - b. Where residential uses are proposed on lands zoned MU2 - A a minimum residential density of 50 units per net hectare shall be required.
 - c. Where residential uses are proposed on lands zoned MU1 – A or MU2 - A, a maximum residential density of 120 units per net hectare shall be permitted.
- i) Notwithstanding the minimum coverage for commercial uses in Table 5.4.2, the provisions of 5.4.3.5 apply to the MU1 – A zone.
 - j) Notwithstanding the accessory buildings and structures provisions of Section 5.4.3.7, accessory buildings and structures shall not be erected closer than 0.3 m to the rear or side lot line of said yard.
 - k) The provisions of Section 5.3.5. h) are in addition to the lot coverage permitted.
 - l) Notwithstanding the provisions of Section 5.4.4.0, the required 3 metre landscaped buffer area and 2 metre high continuous tight board fence, shall only apply to walk-up apartments and apartment uses abutting lands zoned Residential Annexed (R5).

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

READ a first and second time this day of , 2016.

READ and third time and finally passed this day of , 2016

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – DAWN A. MCALPINE



Schedule "A" to attached By-law 2016-

MAYOR – J.R. LEHMAN

CITY CLERK - DAWN A. MCALPINE