



Bill No. 010

BY-LAW NUMBER 2017-

A By-law of The Corporation of the City of Barrie which amends 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 2206581 Ontario Ltd. (the “**Appellant**”) appealed to the Ontario Municipal Board the Corporation of the City of Barrie’s (the “**City**”) failure to make a decision on its Zoning By-law Amendment Application within 120 days and on its Official Plan Amendment Application within 180 days;

AND WHEREAS The Appellant and the City have agreed to resolve the appeal via amending By-law 2009-141 by rezoning a parcel of land known municipally as 681-685 Yonge Street and by adding certain provisions to the by-law;

NOW THEREFORE the following is enacted:

1. **THAT** the Zoning By-Law Map, is hereby further amended by rezoning lands shown in Attachment 1, inserting such Special Provision number into the text and mapping as accords with the City administration of this by-law.
2. **THAT** this By-law shall come into force and effect as of the 3rd day of February, 2017, as per the order of the Ontario Municipal Board.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – DAWN A. MCALPINE

ATTACHMENT 1

13.1.200 MU2 (SP-536)

681-685 Yonge Street

13.1.200.1 MIXED USE

13.1.200.2 MIXED USE GENERAL PROVISIONS

13.1.200.2.1 No person shall hereafter use any lands, nor erect, alter, enlarge or use any buildings or structures in the MU2 (SP-536) zone except in accordance with the provisions of Section 13.1.200 and Section 4.0 of this By-law.

13.1.200.3 MIXED USE PERMITTED USES

13.1.200.3.1 The permitted uses in the MU2 (SP-536) Zone are listed in Table 13.1.200.1.

Table 13.1.200.1	
Uses	Zones
	Mixed Use Corridor MU2 (SP-536)
Residential Uses	
Walk-up Apartment	X
Apartment Dwelling	X
Dwelling Unit(s) in conjunction with permitted commercial uses	X
Block/Cluster/Stacked Townhouse	X
Group Home	X
Accessory Uses	
Home Occupation ⁽¹⁾	X
Commercial Uses	
Bake Shop	X
Bank	X
Building Supply Centre	X
Bus Terminal	X
Bus Transfer Station	X
Conference Centre	X
Custom Workshop	X
Entertainment Establishment	X
Fitness or Health Club	X
Fitness or Health Club, Local	X
Florist	X
Funeral Establishment	X
Hotel, Motel	X
Laundry or Dry Cleaning Depot	X
Local Convenience Retail	X
Nursery or Garden Supply Centre	X
Office, Business or Professional	X
Office, Medical	X
Outdoor Display and Sales Area	X
Parking Lot	X
Personal Service Store	X
Photography Studio	X
Private Club	X
Recreational Establishment	X
Rental Store	X
Restaurant	X
Retail Store	X
Service Store	X
Shopping Centre	X
Theatre	X
Trade Centre	X
Veterinary Clinic	X
Institutional	
Arena	X
Art Gallery	X
Assembly Hall	X
City Hall	X
Commercial School	X
Community Centre	X

Court House	X
Crisis Care Facility ⁽²⁾	X
Day Nursery	X
Library	X
Museum	X
Nursing Home	X
Place of Worship	X
Religious Institution	X
Rest Home	X
Retirement Home	X
Senior Citizens Home	X
Training and Rehabilitation Centre	X

(1) – See 13.1.200.6

(2) – See 13.1.200.7

13.1.200.4 Automobile Oriented Uses

Automobile oriented uses such as automobile sales/leasing/repair establishment, car washes, and drive-through facilities shall not be permitted on the Subject Properties.

13.1.200.5 Residential Uses

13.1.200.5.1 The minimum dwelling unit floor area for any such dwelling unit shall comply with the standards set out in Section 5.3 of this By-law for the Apartment Dwelling Second Density (RA2) Zone.

13.1.200.5.2 Where a lot contains more than 4 residential dwelling units, an outdoor amenity area based on a minimum of 12m² per unit shall be provided. Outdoor amenity area may be inclusive of landscape open space, rooftop amenities (greenroofs, solariums, gardens, and patios), private balconies, or other outdoor amenity feature. Outdoor amenity area shall or shall not be in a consolidated form.

13.1.200.5.3 The parking spaces used for residential uses shall be designated for the exclusive use of the occupants of the residential dwelling units. Parking spaces designated for residential uses shall be identified with a vertical sign indicating for residential use only.

13.1.200.6 Block/Cluster/Townhouses

No more than 8 block/cluster/townhouse units shall be constructed in a row.

13.1.200.7 Home Occupation

13.1.200.7.1 Home Occupations shall be permitted in all residential uses located in a Mixed Use zone, in accordance with the provisions of Section 5.2.10 of this Zoning By-law.

13.1.200.7.2 Notwithstanding the provisions of Section 5.2.10.1, the floor area devoted to a Home Occupation located within a Block/Cluster/Stacked Townhouse in a Mixed Use zone shall not exceed 50% of the total floor area of the dwelling.

13.1.200.8 Crisis Care Facility

Any crisis care facility shall be located a minimum distance of 300m from any other crisis care facility.

13.1.200.9 MIXED USE STANDARDS

13.1.200.9.1 The uses permitted in the MU2 (SP-536) zone are subject to the development standards referenced in Table 13.1.200.2.

Table 13.1.200.2		
		Zones
		Mixed Use Corridor (MU2 (SP-536))
Lot Area (min.)		-
Lot Frontage (min.)		-
Front Yard Setback (1), (6)	Min.	1m for 75% of frontage
	Max.	5m for 25% of frontage
Side Yard Setback	Min.	-
	Min. Abutting Street or Laneway	3m
	Max.	-
Rear Yard Setback (min)	Abutting Street or Laneway ⁽²⁾	1.5m
	Abutting Residential, OS, or EP Zone ⁽³⁾	7m setback
Front Façade Step-back (min.)		45 degree angular plane at height above 80% equivalent of right- of-way using 3m minimum step-backs
Side Façade Step-back (min.)		If adjacent to an OS zone, 5.5m at height above 80% equivalent of right- of-way
Rear Façade Step-back (min.)		45 degree angular plane above 7.5m using minimum 3m step-backs
Lot Coverage (max. % of lot area)		-
Gross Floor Area (max. % of lot area)		-
Street Level Floor Height (min.)		4.5m
Building Height	Min.	7.5m
	Max.	16.5m ⁽⁴⁾
Minimum Coverage for Commercial uses (% of first storey GFA)		- (5)

(1)	- See 13.1.200.10	(4)	- See 13.1.200.12
(2)	- See 13.1.200.11 (a)	(5)	- See 13.1.200.13
(3)	- See 13.1.200.11 (b)	(6)	- See 13.1.200.20

13.1.200.10 Front Yard Setback

- a) Front yard setback areas shall be fully paved to the front lot line.

- b) If ground floor usage abutting lot frontage is residential, a minimum 3m front yard setback will apply.

13.1.200.11 Rear Yard Setback

- a) Where a rear setback abuts a street or laneway, the setback may be used for soft or hard landscaping, or for a walkway.
- b) Where a rear yard setback abuts a Residential, Open Space, or Environmental Protection zone, the setback may be used for hard or soft landscaping, or for a two way laneway/driveway with sidewalks.

13.1.200.12 Building Height

If ground floor area use is a commercial or institutional use, the maximum building height permitted is 25.5m.

13.1.200.13 Street Level Commercial Uses

If street level use is a commercial or institutional use, the minimum coverage for the commercial or institutional use must be 50% of gross floor area for the street level floor area.

13.1.200.14 Yard Variations

Minimum front, side and rear yards shall be provided in accordance with the requirements of Table 13.1.200.2, subject to the provisions below.

Any part of any required yard, required by this By-law shall be open and unobstructed by any structure from grade level to the sky, with the following exceptions:

- a) accessory buildings subject to Section 13.1.200.15;
- b) sills, belt courses, cornices, eaves and gutters, chimney breasts or pilasters, which may project a distance of not more than 0.6m into a required yard;
- c) in the case of attached units, in which case no side yard shall be required on the interior side;
- d) fire escapes, which may project a distance of not more than 1.2m into a required side or rear yard, but in no case shall the side or rear yard, except where none is required, be reduced to less than 0.6m;
- e) balconies on apartment dwellings, where located at a greater height than the bottom of the first floor ceiling joists, may project a distance of not more than 1.5m into a required yard, but in no case shall the side yard, except where none is required, be reduced to less than 1.8m to any side lot line.

13.1.200.15 Accessory Buildings and Structures

Accessory Buildings and Structures shall only be permitted in conjunction with Residential Uses or Commercial Uses identified in Table 13.1.200.1. No other building or structure, except a parking structure underground which is accessory to any residential use in any zone shall:

- a) exceed a height of 4m;
- b) occupy any part of a front yard or side yard;
- c) be erected closer than 0.6m from the rear lot line;
- d) be erected closer than 0.6m from the side lot line, except in the case of attached units, in which case no side yard shall be required on the interior side where the accessory building or structure is attached to the main building;
- e) the width of a boat house and boat port shall not exceed 30% of the width of the lot measured at the shoreline;
- f) collectively exceed 10% lot coverage for detached accessory structures or a maximum of 50m² whichever is lesser.

13.1.200.16 Rooftop Mechanical/Electrical Structures

Maximum building height standards are not inclusive of rooftop mechanical/electrical structures, but will be subject to any 45 degree angular plane requirement. Mechanical/electrical structures will be screened within rooftop penthouses or through the use of parapets.

13.1.200.17 Landscape Buffer Areas

Notwithstanding the provisions of Section 4.8.2.1, where any lot in an MU2 (SP-536) zone abuts a lot in a Residential Zone, with the exception of the RA1 and RA2 Apartment Dwelling zones, a continuous landscaped buffer area of a minimum width of 3m shall be provided along the abutting lot line of the lot, and a continuous tight board fence with a minimum height of 2m is to be constructed along the lot line.

13.1.200.18 Parking for Apartment Dwellings

Parking spaces including aisles required for an apartment dwelling unit in the Mixed Use zone shall have a maximum lot coverage of 35%.

13.1.200.19 One Lot

If required to permit the development of all or part of 681-685 Yonge Street, the following lots shall be deemed to be one lot for the purposes of this By-law:

Lots 9, 10, 11, and 12 as shown on Plan 1213, City of Barrie, County of Simcoe.

13.1.200.20 Front Lot Line

For the purposes of Section 13.1.200 Front Lot Line shall mean the lot line that divides a lot from Yonge Street.

13.1.200.21 Parking Standards

In addition to the provisions of Section 4.6 Parking Standards the following parking standard shall apply to lands zoned MU2 (SP509):

Residential uses located within the MU2 (SP-536) zone	1 space per dwelling unit
---	---------------------------

13.1.200.22 Residential Zone Accessory Buildings and Structures

Section 5.3.5 Accessory Buildings and Structures of the zoning by-law shall not apply to the MU2 (SP-536) zone.

13.1.200.23 Parking in Front Yards

No parking shall be permitted in the front yard.

13.1.200.24 Parking for Apartment Dwellings

The maximum lot coverage requirements for parking spaces and aisles set out in 5.3.6.2 shall not apply to the MU2 (SP-536) zone.

13.1.200.25 Apartment Dwellings – Landscaped Buffer Area

The requirements of Section 5.3.7.2 shall not apply within the MU2 (SP-536) zone.

