



BY-LAW NUMBER 2015-114

A By-law of The Corporation of the City of Barrie to amend By-law 2013-183, a By-law 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 By-law 2013-183 was appealed by the Simcoe County Board of Education;

AND WHEREAS the Ontario Municipal Board allowed the appeal in part and directed the council of the municipality to amend By-law 2013-183 in accordance with its Decision;

AND WHEREAS By-law 2015-114 is enacted to implement the Decision of the Ontario Municipal Board.

NOW THEREFORE the following is enacted:

1. **THAT** By-law 2013-183 is amended by deleting Sections 1 to 4 and replacing them with the following:

"1. **THAT** the zoning map is amended to change the lands municipally known as 125 and the south half of 155 Dunlop Street West, 34, 40, 42 and 44 High Street, and 34, 36, 38, 40 and 50 Bradford Street, City of Barrie from Central Area Commercial (C1-1), Transition Centre Commercial C2 and C2-1 and Education Institutional I-E to City Centre Commercial (C1-2) (SP-481) and City Centre Commercial (C1-2) (SP-481) (H-125) in accordance with Schedule "A" attached to this By-law being a portion of the zoning map.

2. **THAT** notwithstanding the provisions set out in Section 6.2.1 of By-law 2009-141, the additional permitted uses of a school, college or university shall be permitted in the City Centre Commercial (C1-2) (SP-481) zone.

3. **THAT** notwithstanding the provisions set out in Section 6.2.1 of By-law 2009-141, the following uses of Automotive Service Station, Building Supply Centre, Bus Terminal, Bus Transfer Station, Nightclub, Nursery or Garden Supply Centre shall be prohibited in the City Centre Commercial C1-2 (SP-481) zone.

4. **THAT** notwithstanding the provisions set out in Section 6.2.1 of By-law 2009-141, the additional permitted uses of a school, college or university shall be permitted in the City Centre Commercial (C1-2) (SP-481) (H-125) zone.

5. **THAT** notwithstanding the provisions set out in Section 6.2.1 of By-law 2009-141, the following uses of Automotive Service Station, Building Supply Centre, Bus Terminal, Bus Transfer Station, Nightclub, Nursery or Garden Supply Centre shall be prohibited in the City Centre Commercial C1-2 (SP-481) (H-125) zone.

6. **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 City Centre Commercial (C1-2) (SP-481) (H-125) 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:

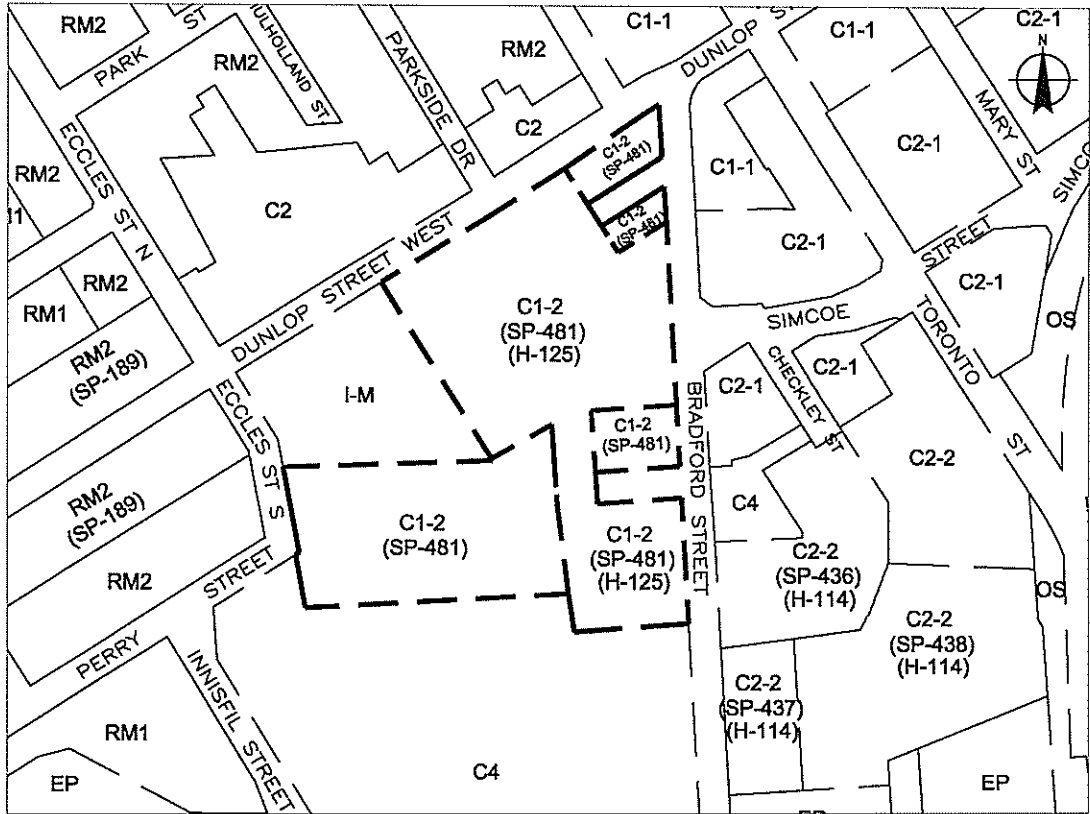
(a) That the owner/applicant enters into a Site Plan Agreement with the City of Barrie for the lands identified as C1-2 (SP-481) (H-125)."

7. **THAT** this By-law shall come into force and effect as of the 12th day of August, 2015, as per the Decision of the Ontario Municipal Board.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – DAWN A. MCALPINE



D14-1553
34/ 40 - 44 High St
34/ 38/ 38/ 40/ 50 Bradford St & 111, 119, 125 Dunlop St W



PL140066

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Simcoe County District School Board
Subject:	Zoning Bylaw 2013-183
Property Address/Description:	125 Dunlop Street West
Municipality:	City of Barrie
Municipal File No.:	D14-1553
OMB Case No.:	PL140066
OMB File No.:	PL140066

BETWEEN:

SIMCOE COUNTY DISTRICT SCHOOL BOARD

(the "School Board")

-and-

THE CORPORATION OF THE CITY OF BARRIE

("Barrie")

MINUTES OF SETTLEMENT

WHEREAS the School Board has appealed Bylaw 2013-183;

AND WHEREAS the Parties wish to resolve the Appeal as noted below;

AND WHEREAS As a result of settlement discussions the parties have agreed, subject to the approval of the Ontario Municipal Board (the "Board") to settle the Appeal in accordance with these Minutes of Settlement (the "Minutes");

In consideration of the premises and other good and valuable consideration the parties hereto agree to settle the above noted appeal on the following basis:

1. That the recitals are true.

2. This Settlement shall be conditional upon the approval of the Ontario Municipal Board.
3. The Parties hereto agree to support the settlement set out herein before the Ontario Municipal Board.
4. The previous Minutes of Settlement executed by the Parties shall be revoked.
5. The appeal shall be allowed in part and Bylaw 2013-183 shall be amended as follows:
6. That the following be added after Section 2 of By-law 2013-183:

That notwithstanding the provisions set out in Section 6.2.1 of By-law 2009-141, the following uses of Automotive Service Station, Building Supply Centre, Bus Terminal, Bus Transfer Station, Nightclub, Nursery or Garden Supply Centre shall be prohibited in the City Centre Commercial C1-2 (SP-481) zone.

7. That the following be added after Section 3 of By-law 2013-183:

That notwithstanding the provisions set out in Section 6.2.1 of By-law 2009-141, the following uses of Automotive Service Station, Building Supply Centre, Bus Terminal, Bus Transfer Station, Nightclub, Nursery or Garden Supply Centre shall be prohibited in the City Centre Commercial C1-2 (SP-481) (H-125) zone.

8. That section 4 be deleted and replaced by the following:

4. 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 City Centre Commercial (C1-2) (SP-481) (H-125) 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) That the owner/applicant enters into a Site Plan Agreement with the City of Barrie for the lands identified as C1-2 (SP-481) (H-125)

9. In all other respects, the appeal is dismissed.

10. The both parties shall bear their own costs and that no claim for costs be made by one party against another.

IN WITNESS WHEREOF the Parties hereto have duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED)
) **SIMCOE COUNTY DISTRICT SCHOOL BOARD**
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) _____
) Ian J. Rowe
) Solicitor on behalf of Simcoe
) County District School Board
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)
)
)
) **THE CORPORATION OF THE CITY OF BARRIE**
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)
)
)
 Authority provided)
 pursuant to resolution)
 _____)
) Mayor - J.R. Lehman
) on behalf of The Corporation
) of the City of Barrie
)
)
) _____
) City Clerk – Dawn A. McAlpine
) on behalf of The Corporation
) of the City of Barrie