

Legislation Details (With Text)

File #:	20-P-010	Version:	1	Name:	
Type:	Staff Report - PC	Status:		Carried	
File created:	2/10/2020	In control:		City Council	
On agenda:	3/23/2020	Final action:		4/27/2020	
Title:	APPLICATION FOR ZONING BY-LAW AMENDMENT - (BALLYMORE BUILDING (BARRIE) CORP. C/O BALLYMORE HOMES) 750 LOCKHART ROAD (WARD 10)				

1. That the Zoning By-law Amendment application submitted by KLM Planning on behalf of Ballymore Building (Barrie) Corp. c/o Ballymore Homes to rezone lands known municipally as 750 Lockhart Road, Barrie (Ward 10) from 'Agricultural General' (AG) and 'Environmental Protection' (EP) to 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX), 'Residential Hold Special Provision No. XXX' (RH)(SP-XXX) and 'Environmental Protection' (EP), be approved.

2. That the following Special Provisions (SP) be referenced in the implementing of Zoning By-law 2009-141 for the subject lands:

- a) The porches and steps shall be permitted to encroach into any required front yard and/or required exterior side yard up to 0.8 metres from the front or exterior side lot line in the 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX) Zone, whereas a building, porch or balcony, with or without a foundation, may encroach into the front or exterior side yard setback up to 1 metre from the lot line;
- b) The steps shall be permitted to encroach 0.3 metres into a required parking space located within a garage in the 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX) Zone, whereas steps are not permitted to encroach into a required parking space;
- c) The bay, bow or box windows with or without a foundation below shall not exceed 4.5 metres in width and may project a maximum of 0.6 metres into the required front, exterior side and rear yards in the 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX) Zone, whereas only sills, belt courses, cornices, eaves and gutters, chimney breasts or pilasters may project a distance of not more than 0.6 metres into a required yard;
- d) A rear walkout basement shall not be considered a storey in the 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX) Zone, whereas a basement that extends more than 1.8 metres from finished grade level to the ceiling shall be considered a storey;
- e) The tandem parking is permitted in the 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX) Zone, whereas tandem parking is not permitted for residential dwellings containing more than 3 units; and
- f) The following Special Provisions (SPs) shall apply lands zoned the 'Residential Hold Special Provision No. XXX' (RH)(SP-XXX):
- i) The uses permitted under Section 12 of Zoning By-law 2009-141, including Agricultural Uses, Conservation Uses such as forestry, reforestation, and other activities connected with the conservation of soil and wildlife, and Accessory Uses shall be permitted;
- ii) The uses, buildings and structures permitted under Sections 4.2.1 through to 4.2.1.4, Sections 4.2.1.6 through to 4.2.1.11 and Section 4.2.1.13 of Zoning By-law 2009-141 shall be permitted;
- iii) A minimum lot area of 0.4 hectares is required;

iv) A minimum lot frontage of 22 metres is required;

v) A by-law to re-zone lands identified as 'Residential Hold Special Provision No. XXX' (RH)(SP-XXX) shall not be approved until such time as 60 percent of the Hewitt's Secondary Plan Area Phase 2 lands have received Draft Plan approval, or as otherwise deemed appropriate by the City of Barrie; and

vi) For the purposes of the by-law, provisions of the Planning Act respecting the moratorium for amendment of, or variance to, the by-law shall not apply to lands zoned 'Residential Hold Special Provision No. XXX' (RH)(SP-XXX).

3. That the written and oral submissions received relating to the application, have been, on balance, taken into consideration as part of the deliberations and final decision related to the approval of the application as amended, and including the matters raised in those submissions and identified within Staff Report DEV007-20.

4. That pursuant to Section 34(17) of the Planning Act, no further public notification is required prior to the passing of the by-law. (DEV007-20) (File: D14-1674)

Sponsors:

Indexes:

Code sections:

Attachments: 1. DEV007-200303

Date	Ver.	Action By	Action	Result
4/27/2020	2	City Council	Adopted	
3/3/2020	1	Planning Committee	recommended for consideration of adoption (Section "A")	

APPLICATION FOR ZONING BY-LAW AMENDMENT - (BALLYMORE BUILDING (BARRIE) CORP. C/O BALLYMORE HOMES) 750 LOCKHART ROAD (WARD 10)

1. That the Zoning By-law Amendment application submitted by KLM Planning on behalf of Ballymore Building (Barrie) Corp. c/o Ballymore Homes to rezone lands known municipally as 750 Lockhart Road, Barrie (Ward 10) from 'Agricultural General' (AG) and 'Environmental Protection' (EP) to 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX), 'Residential Hold Special Provision No. XXX' (RH)(SP-XXX) and 'Environmental Protection' (EP), be approved.
2. That the following Special Provisions (SP) be referenced in the implementing of Zoning By-law 2009-141 for the subject lands:
 - a) The porches and steps shall be permitted to encroach into any required front yard and/or required exterior side yard up to 0.8 metres from the front or exterior side lot line in the 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX) Zone, whereas a building, porch or balcony, with or without a foundation, may encroach into the front or exterior side yard setback up to 1 metre from the lot line;
 - b) The steps shall be permitted to encroach 0.3 metres into a required parking space located within a garage in the 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX) Zone, whereas steps are not permitted to encroach into a required parking space;
 - c) The bay, bow or box windows with or without a foundation below shall not exceed 4.5 metres in width and may project a maximum of 0.6 metres into the required front, exterior side and rear yards in the 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX) Zone, whereas only sills, belt courses, cornices, eaves and gutters, chimney breasts or pilasters may project a

distance of not more than 0.6 metres into a required yard;

- d) A rear walkout basement shall not be considered a storey in the 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX) Zone, whereas a basement that extends more than 1.8 metres from finished grade level to the ceiling shall be considered a storey;
 - e) The tandem parking is permitted in the 'Neighbourhood Residential Special Provision No. XXX' (R5)(SP-XXX) Zone, whereas tandem parking is not permitted for residential dwellings containing more than 3 units; and
 - f) The following Special Provisions (SPs) shall apply lands zoned the 'Residential Hold Special Provision No. XXX' (RH)(SP-XXX):
 - i) The uses permitted under Section 12 of Zoning By-law 2009-141, including Agricultural Uses, Conservation Uses such as forestry, reforestation, and other activities connected with the conservation of soil and wildlife, and Accessory Uses shall be permitted;
 - ii) The uses, buildings and structures permitted under Sections 4.2.1 through to 4.2.1.4, Sections 4.2.1.6 through to 4.2.1.11 and Section 4.2.1.13 of Zoning By-law 2009-141 shall be permitted;
 - iii) A minimum lot area of 0.4 hectares is required;
 - iv) A minimum lot frontage of 22 metres is required;
 - v) A by-law to re-zone lands identified as 'Residential Hold Special Provision No. XXX' (RH)(SP-XXX) shall not be approved until such time as 60 percent of the Hewitt's Secondary Plan Area Phase 2 lands have received Draft Plan approval, or as otherwise deemed appropriate by the City of Barrie; and
 - vi) For the purposes of the by-law, provisions of the *Planning Act* respecting the moratorium for amendment of, or variance to, the by-law shall not apply to lands zoned 'Residential Hold Special Provision No. XXX' (RH)(SP-XXX).
3. That the written and oral submissions received relating to the application, have been, on balance, taken into consideration as part of the deliberations and final decision related to the approval of the application as amended, and including the matters raised in those submissions and identified within Staff Report DEV007-20.
4. That pursuant to Section 34(17) of the *Planning Act*, no further public notification is required prior to the passing of the by-law. (DEV007-20) (File: D14-1674)