



Bill No. 087

BY-LAW NUMBER 2012-

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;

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 12-G-043.

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** Section 3.2 of the Comprehensive Zoning By-law 2009-141 be amended by adding the following new definition after the definition of "Cemetery" as follows:

City Centre Revitalization Area shall mean the area indicated in the zoning map that is comprised of the Allandale Community Improvement Project Area and the Downtown Next Wave Community Improvement Project Area, as such terms are defined in the Allandale Community Improvement Plan and the Downtown: Next Wave Community Plan, respectively.

2. **THAT** the zoning map is amended to reflect the City Centre Revitalization Area in accordance with Schedule "A" attached to this By-law.
3. **THAT** Section 3.2 of the Comprehensive Zoning By-law 2009-141 be amended by adding the following new definition after the definition of "Naturalized Buffer" as follows:

Nightclub shall mean an establishment that provides alcoholic refreshments and dancing for any period of time during its hours of operation. This shall include establishments which for a majority of their operational hours function as restaurants and convert to offer alcoholic beverages and dancing after the dinner hour, late at night and into the early hours of the morning.

4. **THAT** Section 3.2 of the Comprehensive Zoning By-law 2009-141 be amended by adding the word "nightclub" after the words "community centre" in the definition of "Outdoor Patio". The definition of "Outdoor Patio" shall read as follows:

Outdoor Patio shall mean an outdoor patron area ancillary to a restaurant, conference centre, community centre, nightclub, private club and assembly hall.

5. **THAT** Section 4.6 be amended by inserting the word "**Nightclub**" between "**Museum**" and "**Nursery Garden Supply Centre**" under the "Uses" column and inserting the words "**1 space per 4 persons**" under the "Parking Standards" column.
6. **THAT** Section 4 General Provisions be amended by adding a new section 4.13 as follows:

4.13 NIGHTCLUBS

4.13.1 General Provisions

- a) **Maximum capacity:** 600 persons, including outdoor patio areas, where capacity is the lesser of licensed capacity or occupancy load as calculated under the Building Code or Fire Code requirements.
- b) **Minimum setback from any Residential zone including residential exception zones:** 200m.
- c) **Minimum distance setback from any nightclub:** 200m, measured from the property boundary.
- d) Where existing adjoining nightclubs or restaurants are connected by internal passageways used by patrons or staff, the capacity of all the connected uses

must be totaled for the purposes of calculating the maximum capacity referred to in subsection 4.13.1(a) and subsection 6.2.7 of this by-law.

7. **THAT** Section 6.2 be amended by inserting the word "**Nightclub**" between Miniature Golf (outdoor) and Nursery Garden Centre, under the "Uses" column, and inserting an **X** in the "C1", "C2" and "C4" columns.
8. **THAT** Section 6 Commercial Provisions be amended by adding 6.2.7 and 6.2.8 after 6.2.6 as follows:
 - 6.2.7 Where nightclubs and restaurants are permitted within the City Centre Revitalization Area, the capacity of the restaurant or nightclub shall not exceed 350 persons which, for the purpose of this section, shall include any seasonal or permanent outdoor commercial patio area in association with the use, and may include any patio area located either on the subject premises or adjacent to the subject premises, or within the City owned right of way, and shall be based on the lesser of licensed capacity, or occupancy load as calculated under the Building or Fire Code.
 - 6.2.8 All other provisions applicable to nightclubs in section 4.13.1 shall apply to nightclubs in the City Centre Revitalization Area, except that the provisions of section 4.13.1(a) – (d) and section 6.2.7 and 6.2.8 shall not apply to any restaurant or nightclub which is in association with or in combination with a hotel/convention centre, located in the City Centre Revitalization Area.
9. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this 14th day of May, 2012.

READ a third time and finally passed this 14th day of May, 2012.

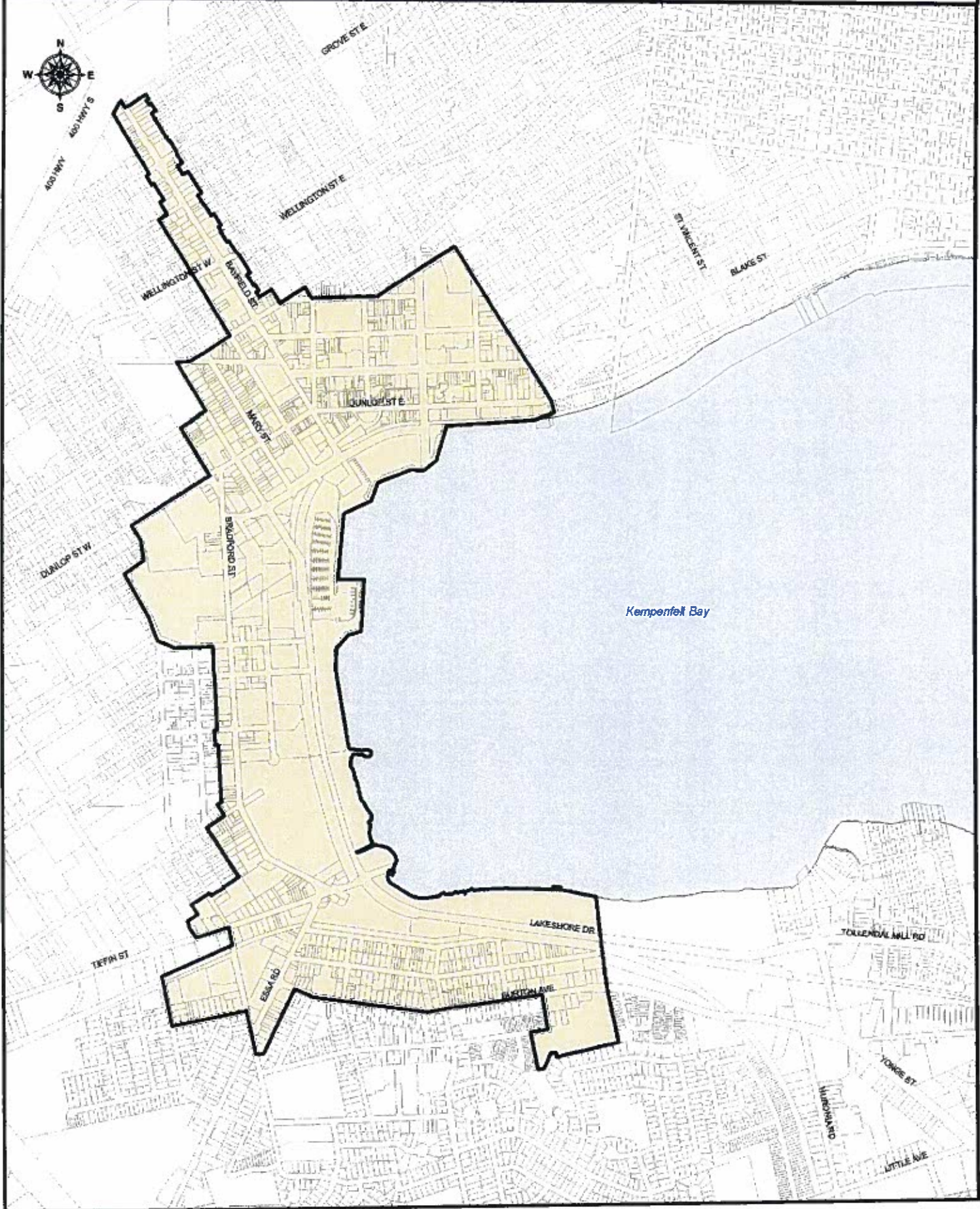
THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. R. LEHMAN

CLERK – DAWN A. McALPINE

CITY CENTRE REVITALIZATION AREA

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Schedule "A" to attached By-law 2012-

MAYOR - JR LEHMAN

CITY CLERK - DAWN A. MCALPINE