

Legislation Text

File #: 11-G-253, Version: 3

ZONING REGULATION OF RESTAURANTS, TAVERNS, BARS AND NIGHTCLUBS IN THE DOWNTOWN AND ELSEWHERE IN THE CITY

1. That a public meeting be scheduled to consider the following proposed changes to the City of Barrie Comprehensive Zoning By-law 2009-141 or the equivalent changes to Comprehensive Zoning By-law 85-95 as applicable:

a) Section 3 Definitions be amended by adding the following definition after the definition for Naturalized Buffer:

Nightclub shall mean a licensed drinking establishment, the principal business of which is to serve alcoholic beverages to the public for consumption on the premises and has an open floor area used for dancing to music, and viewing musical performances and other forms of entertainment and shall include restaurants which may convert a portion of their floor area for the purposes of a nightclub during their hours of operation, but shall not include theatres, assembly halls, adult entertainment establishments, or restaurants which exist in combination.

b) Section 3 Definition of an “Outdoor Patio” is amended by adding the word “nightclub” after the words “community centre” so that the definition of Outdoor Patio is as follows:

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

c) Section 4 General Provisions and General Standards Table 4.6 is hereby 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** following parking standards.

d) Section 4 General Provisions is hereby amended by adding a new section 4.13 as follows:

4.13 NIGHTCLUBS

4.13.1 General Provisions

Nightclubs

- i) 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.
- ii) Minimum setback from any Residential zone including residential exception zones: 200m.
- iii) Minimum distance setback from any nightclub: 200m, measured from the

property boundary.

- iv) 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 section 6.2.6 of this by-law.

- e) A New Zoning Map “City Centre Revitalization Area” be added, showing the boundaries of the Allandale Community Improvement Project Area and the Downtown Next Wave Community Improvement Project Area, as denoted on Schedule 1 attached to staff report PLN 019-11.

- f) Section 6 Commercial Uses, table 6.2 be amended by inserting a new use Nightclub between Miniature Golf (outdoor), and Nursery Garden Centre; and placing an X in the corresponding column denoting the use be permitted in the C1, C2 and C4 Zones.

- g) Section 6 Commercial be amended by adding 6.2.6 and 6.2.7 after 6.2.5 as follows:

6.2.6 Where nightclubs and restaurants are permitted within the area identified on the attached Schedule 1 “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.

6.2.7 All other provisions applicable to nightclubs in section 4.13.1 shall apply.

6.2.8 Except that the provisions of section 4.13.1 a) - d), and section 6.2.6 and 6.2.7, shall not apply to any Restaurant or Nightclub in association or in combination with a Hotel/Convention Centre.

- 2. That the business licensing by-law be amended to modify the definitions if required to support implementation and enforcement of zoning provisions for restaurants, bars and nightclubs.

- 3. That development applications within the “City Centre Revitalization Area” that propose residential development be required to provide the following:

- a) A Noise Impact Assessment Study to assess noise impacts and recommend appropriate mitigating measures.

- b) That site plan or condominium conditions require the preparation of a Community Information Map showing the existing and proposed uses in the downtown, including the neighbourhoods established in the downtown commercial masterplan, and identification of uses, highlighting entertainment uses, restaurants, nightclubs, theatres, service uses including grocery stores, pharmacies and community uses such as libraries, parks and the like.

- 4. That the Alcohol and Gaming Commission of Ontario (AGCO) be requested to deny licenses for applications to expand any existing nightclubs that exceed the maximum capacities as outlined in this report. (PLN019-11) (File: D14TE-MDS)