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**TO:** GENERAL COMMITTEE

**SUBJECT:** UPDATES ON VARIOUS PLANNING POLICY MATTERS

**WARD:** ALL

**PREPARED BY AND KEY CONTACT:** K. SUGGITT, RPP, MANAGER OF STRATEGIC INITIATIVES, POLICY AND ANALYSIS EXT. 5268

**SUBMITTED BY:** A BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES

**GENERAL MANAGER APPROVAL:** D. FRIARY, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT (ACTING)

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

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### **RECOMMENDED MOTION**

1. That staff in the Planning and Building Services undertake the necessary public engagement process in accordance with the *Planning Act* on the following matters:
  - a) Potential Amendments to the City's Comprehensive Zoning By-law 2009-141;
  - b) Potential Amendments to the City's Community Improvement Plans;
  - c) Potential Amendments to the City's Official Plan and Comprehensive Zoning By-law to implement the findings of the intensification analysis of the Essa Road/Bradford Street Corridor Study;
  - d) Proposed Mid-Rise Design Guidelines; and
  - e) Completion of the Sustainable Development Strategy.
2. That staff in the Planning and Building Services Department consider the conversion of the three employment lands identified within paragraph 35 of Staff Report PLN025-18 following the resolution of the appeals to the Official Plan Amendments 44 and 55.

### **PURPOSE & BACKGROUND**

#### Report Overview

3. Several planning related initiatives have been underway having been either directed by Council or staff initiated, many of which are necessary to set the stage for the City's Official Plan update and Zoning By-law update.
4. The purpose of this Staff Report is to update Council on these initiatives and to seek authorization to proceed with the public engagement on those matters that require a public process. Further, this report helps to put these initiatives in context and to understand how they are linked to setting the foundation for the Official Plan update and Zoning By-law update.

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5. The initiatives include the following:
- a) Zoning By-law Peer Review and associated proposed amendments based on five general items that required further analysis apart from the recent Housekeeping Amendment considered by Council on June 4, 2018;
  - b) A Peer Review of the City's Community Improvement Plans (CIPs) and associated potential amendments based on recommendations from the peer review;
  - c) Essa Road/Bradford Street Corridor Study technical analysis findings and recommendations to proceed with pre-zoning for intensification opportunities;
  - d) Development of Mid-Rise Design Guidelines;
  - e) Completion of the Sustainable Development Strategy;
  - f) Employment Lands Conversion options based on the November 2011 Employment Lands Municipal Comprehensive Review Phase 3 report, having been delayed as a result of an appeal to the mixed use section policies of Official Plan Amendment (OPA 44 and OPA 55);
  - g) Analysis of vacant Employment Lands Inventory; and
  - h) Gathering of data and analysis for Population and Growth to support growth projections and the Official Plan update.

## **ANALYSIS**

### **Zoning By-law Peer Review and Potential Amendments:**

- 6. After the Public Meeting for the Housekeeping Amendment held on December 4, 2017, five items were recommended to be removed from the amendments as they warranted further consideration and public engagement.
- 7. On June 4, 2018, City Council received and approved a staff report with the recommended Zoning By-law Amendment to address some general housekeeping matters. Council is expected to approve the implementing By-law on September 17<sup>th</sup>.
- 8. In Winter 2018, Planning staff requested a peer review of the City's Comprehensive Zoning By-law 2009-141 to identify key zoning issues including the five items stemming from the housekeeping public meeting, and provide recommended updates to improve the overall clarity and function of the Zoning By-law during the period before a new comprehensive zoning by-law is prepared. WSP Canada Group Limited (WSP) was retained to undertake the peer review. A report was finalized on August 22, 2018 from WSP with their findings and recommendations. (see Appendix "A")
- 9. WSP have identified a number of items that should be addressed in the Zoning By-law together with the five items that were removed from the proposed Housekeeping Amendment for future consideration. Upon further discussion with Planning staff, a few items have been identified as tied to the Official Plan update, requiring policy considerations and therefore should be dealt with through that process. As well, although addressed in the WSP report as issue 3.3, no further action

will be taken on Parking Regulations for Recreational Vehicles within Residential Areas, based on prior Council direction.

10. Staff propose to continue to work through the items recommended through the peer review in the Fall of 2018. Staff believe that many of the items can and should proceed for consideration by the community and ultimately Council in Winter 2019 as they are not tied to the Official Plan update. This will ensure that the City's Comprehensive Zoning By-law functions effectively while the Official Plan update is underway.
11. Staff are seeking the authority to proceed with the necessary analysis and public process under the *Planning Act* in order for Council to consider a Zoning By-law Amendment in Winter 2019.

Community Improvement Plans Amendments:

12. After a full year of implementation in the new format, Planning staff requested a peer review of the City's Community Improvement Plans (CIPs), with a purpose of reviewing the Plans and related programs, to identify any issues and make recommendations for improvements based on best practices. The goal is to ensure the CIPs function to the best of their ability and achieve their planned objectives.
13. WSP Canada Group Limited (WSP) was retained and they provided a report to the Director of Planning and Building Services on June 7, 2018 (see Appendix "B"). Their conclusions overall were that the City's two existing CIPs have been successful and function quite well. They did, however, make some observations relative to best practices and provided some recommendations for the City to consider in improving the clarity of such things as eligibility criteria for the programs and the implementation of the grants programs.
14. Staff has reviewed the recommendations provided by WSP and agree that certain aspects of the CIPs could be improved to make them more clear including more formal criteria for the implementation of the grants programs as well as possibly restructuring how the grants would align with key aspects of renovation projects such as facades and others. Staff also believe that additional programs and/or tools can be added to the CIP to achieve evolving economic development needs as well as affordable housing.
15. Planning staff are seeking the authority to proceed with the necessary public process under the *Planning Act* to bring forward the proposed CIP amendments in Winter 2019.

Essa Road/Bradford Street Corridor Study:

16. In 2009 City Council adopted the City of Barrie Intensification Study. The intent of the Study was to provide a vision and establish priorities for achieving the Growth Plan targets for intensification while also recommending new Official Plan policies and performance standards for the Zoning By-law that would facilitate the type of development envisioned for the intensification areas. The Mixed Use Zones concept was derived out of that Study.
17. Planning staff received direction from Infrastructure, Investment and Development Services Committee (IIDSC) on June 10, 2015 "to initiate a review and assessment of the potential to pre-zone only the Essa Road corridor" to properly assess the best implementation of the proposed Mixed Use Corridor (MU2) zone.

18. In early 2018 Planning staff started work to develop concept drawings to illustrate what intensification along the Essa Road/Bradford Street corridor could look like including at key intersections that could be considered as Intensification Nodes in accordance with the Study. These concepts were used during public consultation sessions in Spring 2018 to help the public visualize intensification in the local context.
19. On June 11, 2018 City Council received a Planning and Building Services Department Memorandum which provided an update on "what we heard" during the public engagement process that had been undertaken around intensification initiatives and the Essa Road/Bradford Street Corridor Study. The memorandum noted that further technical analysis would be undertaken over the summer and staff would report back to Council in the fall with the hope of bringing recommendations to Council in early 2019.
20. The Planning and Building Services Department Memorandum dated September 24, 2018 provides an update to Council on the technical analysis currently underway, including a review of Official Plan considerations. The memo outlines that staff is continuing with the technical analysis this fall and will report back to Council in early 2019 with the identification of preferred sites for the proposed Zoning By-law Amendment to pre-zone certain sites along the intensification corridor in an effort to stimulate development to achieve the desired community building outcome.
21. Although an updated intensification strategy will be required as part of the Municipal Comprehensive Review (MCR) that will be undertaken as part of the Official Plan update for conformity with Growth Plan, 2017, it is felt that the work that is being done on the Essa Road/Bradford Street corridor to identify pre-zoning candidate sites can proceed ahead of the MCR as it was identified on the existing OP schedule "I" and the technical analysis and findings are consistent with the goals and objectives of the Official Plan and the intensification policies in particular.

#### Mid-Rise Design Guidelines

22. Planning applications for mid-rise buildings have become more frequent in the City of Barrie. Planning Department staff has seen more applications outside of designated Intensification Areas yet still consistent with the intent of the Official Plan's intensification policies. Currently there are no policy tools to support or guide these types of developments. With more intensification projects anticipated in the coming years, the City needs guidelines in order to ensure the quality of development and the standards are in place to achieve good urban design.
23. Planning staff has been working together with urban design consultants Perkins + Will on the development of highly visual Mid-Rise Design Guidelines to assist in establishing the requirements for this type of built form. The guidelines will build upon existing policies from the Official Plan and Intensification Area Urban Design Guidelines.
24. The draft guideline is being developed now and it is anticipated that later this fall we will be in a position to engage with internal City departments and to go out for public consultation on the guideline.
25. Staff is seeking authorization to undertake the necessary public engagement process in accordance with the *Planning Act*.
26. Depending on the outcome of the engagement efforts, it is expected that staff will seek Council endorsement and/or approval of the final guidelines in early 2019 to ensure there is a tool in place to guide this type of development.

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#### Completion of the Sustainable Development Strategy

27. Planning staff has been preparing a draft Sustainable Development Strategy based on direction from Council dating back to a Council adopted motion 12-G-018 of February 13, 2012 and a November 20, 2012 report to Community Services Committee.
28. The Strategy will provide a foundation for sustainability principles during the Official Plan update. The Strategy will set out the five pillars to anchor a sustainable community and will include goals, action items and measurement and monitoring parameters to guide growth and development in a sustainable manner. The Strategy will also be accompanied by a series of topical Bulletins to help describe sustainability, some leading practices, policy considerations and emerging trends.
29. Planning staff propose to consult and collaborate with other internal departments and external agencies to discuss the preparation of the Strategy to obtain feedback and to begin to encourage alignment of other projects and policies across the Corporation.
30. Staff are looking for authorization to proceed with the necessary public engagement on this and are anticipating bringing the proposed Sustainable Development Strategy to Council in Winter 2019, as part of the background work in the Official Plan update.

#### Employment Lands Conversion Options

31. The Growth Plan for the Greater Golden Horseshoe has forecasted a total of 101,000 jobs in the City of Barrie by the year 2031 growing to 129,000 jobs by the year 2041. The City must ensure there is adequate land available and protected to accommodate that amount of job growth.
32. As part of the previous Growth Plan conformity work and municipal comprehensive review that the City undertook, Watson and Associates Economics Limited in association with McCaulay Shiomi Howson Ltd. prepared a report entitled Employment Lands Municipal Review Phase 3 Final Report dated November 2011 wherein a short list of four potential sites to be considered for employment lands conversion was provided.
33. OPA 44 was a City-initiated amendment which sought to introduce some Mixed Use designation policies to advance the concept of intensification nodes and corridors. OPA 55 sought to strengthen the existing Official Plan employment lands conversion policies. Official Plan Amendments 44 and 55 were appealed to the Ontario Municipal Board (OMB).
34. As a consequence of the appeals to OPAs 44 and 55, there is a moratorium on converting employment lands pending the resolution of those appeals. The City has been actively working towards a resolution of the outstanding appeals and a Settlement Hearing is now scheduled before the OMB on September 25, 2018. Provided the settlement is accepted by the Board, these amendments will come into full force and effect. With that, the moratorium would be lifted and the City would be able to consider the previously identified employment sites for conversion.
35. Of the four potential sites that were identified in the 2011 report referenced above, only three sites remain under the moratorium because 300 Essa Road was developed through site-specific Official Plan and Zoning By-law Amendments to permit mid-rise residential. The three remaining sites are 521 Huronia Road, south of Loon; 316 Bryne Drive and 268 Essa Road.
36. When the Growth Plan came into effect on July 1, 2017 the rules that apply to employment lands conversions changed. The Growth Plan 2017 stipulates that the only time that employment lands may be considered to be converted is at the time a municipality is undertaking a Municipal Comprehensive Review (MCR) for conformity with the Growth Plan. As part of the City's recently initiated work on the Official Plan Update, an MCR will be undertaken.

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37. Much additional work will be done and some is already underway, as described below, to review the amount of vacant employment lands in the City to determine if there is sufficient land for the proposed employment forecast to the year 2041 of 129,000 jobs. That analysis will help to determine if there are other opportunities for employment lands conversions, should they be deemed appropriate. This MCR technical work is anticipated to be complete by summer 2019, however the MCR won't be approved until Provincial approval is obtained, and the MCR results will feed into the Official Plan update and policy development.
  38. On the basis of the work that was done previously wherein four sites were identified as potential conversion candidates, three of those sites still remain vacant. The sites were considered as conversion candidates because they are small, isolated parcels and it was determined that the City would be able to absorb the employment growth on the remaining employment lands. Now that there are additional designated employment lands available in the Salem Secondary Plan area, Planning staff believe that it is appropriate to allow consideration of those three sites for conversion once the moratorium is lifted and not further delay the opportunity for their conversion to non-employment uses while the City undertakes a new MCR. The conversions would be subject to the criteria outlined in the Official Plan in section 3.1.2.
  39. Council's concurrence with the approach described above is requested.

#### Analysis of Vacant Employment Lands Inventory

40. Recently, Planning staff, with input from Invest Barrie, has undertaken data collection and analysis together with mapping of land that is zoned for employment uses within the City. A template has been developed to report on each of the vacant sites which will be shared with Invest Barrie staff for use in promoting development opportunities. An example of the template is included as Appendix "C".
41. Staff has identified over 900 sites zoned for employment uses that are either developed, vacant or underutilized, ranging in sizes from under an acre to over 85 acres. Of those sites, there are 123 vacant parcels (for a total of just over 1,700 acres of land), however, more than half of those sites have a feature or regulation on them that poses a potential development constraint. As such the City has a limited supply of currently zoned and vacant employment lands. The employment lands which are designated in the Salem Secondary Plan area are not included as they are zoned yet.
42. A detailed analysis of each site has been undertaken to identify the types of constraints such as easements, natural heritage features, regulatory areas, water or drainage features, well head protection areas, road access to the sites, etc. which may help to explain why some sites are not fully developed or remain vacant. The sites have been scanned for active or previous development applications. Invest Barrie staff find that this information will be very useful to their business development activities.
43. This information will also be very useful as a basis for an employment land needs assessment and employment strategy required as part of the MCR leading to the Official Plan update for conformity with Growth Plan, 2017. Staff will report back to Council on this information as part of the MCR and land needs assessment as that work is undertaken.

#### Population and Employment Projections to 2041

44. Population and Employment Projections to 2041 were prepared by Watson and Associates Economists Ltd. in early 2018 for use in all current Master Plans as well as for use in the Development Charges and Official Plan updates recently initiated.

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45. A presentation and staff report was provided to Infrastructure, Investment and Development Services Committee on January 10, 2018 and to Council on February 5, 2018 to overview this material and to start to “change the conversation about intensification”.
  46. A key component of this Report is the *Made in Barrie* projection that recognizes the need to intensify in the Urban Growth Centre and Intensification Areas and how that will look and feel. This will form part of the MCR.
  47. Over the summer months, Planning staff has been gathering additional data on population and growth to feed into the Official Plan update as well as to prepare the growth management reports required by the Province. The data relates to the Urban Growth Centre, the Built Boundary and the Secondary Plan Areas.
  48. The required growth management reports include data on such things as the number of new residential dwelling units constructed and where those are located (i.e. inside the Delineated Built-up Area or in the Designated Greenfield Area to determine if the City is tracking towards the required density and intensification targets set out in the Growth Plan, 2017). The reports also look at demographics and Census Canada information as well as information on things such as vacant lands and how those are designated and zoned, and non-residential development statistics. While all of this information is a Provincial Reporting requirement, it is useful in the MCR and OP update.
  49. Planning staff are working towards bringing the finalized Growth Management Report to General Committee and Council in early 2019.

## **ENVIRONMENTAL MATTERS**

50. Sustainable development is supported through intensification and employment lands development.

## **ALTERNATIVES**

51. The following alternatives are available for consideration by General Committee:

### **Alternative #1**

General Committee could direct staff not to undertake any further public consultation on the items requested as they would be considered as part of the Official Plan update to the Comprehensive Zoning By-law update.

This alternative is not recommended as it is important to move forward on these items ahead of the OP and Zoning By-law work to provide a foundation for further assessment and updates to the operational documents in the meantime.

### **Alternative #2**

General Committee could alter the proposed recommendation by allowing some further public processes to continue but not others.

Although this alternative is available, it is not recommended as the current initiatives being undertaken by Planning staff are seen as somewhat tied together in setting the stage for the future OP review and MCR.

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**FINANCIAL**

52. There are no financial matters related to the recommendation.

**LINKAGE TO 2014-2018 STRATEGIC PLAN**

53. The recommendation(s) included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:

Vibrant Business Environment

Responsible Spending

54. Several of the on-going initiatives being undertaken by the Planning staff support a vibrant business environment by identifying opportunities to improve existing planning policies and by-law provisions to align with Provincial policy and best practices, as well as create an inventory of vacant employment lands which can be promoted for new business opportunities.

55. Several of the initiatives also support the responsible spending goal by looking for opportunities for intensification and investment in the downtown and urban core, and the best use of available CIP funding.

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APPENDIX "A"

Peer Review of the City of Barrie Zoning By-law 2009-141



MEMO

**TO:** Kathy Suggitt, MCIP, RPP  
**FROM:** Randall Roth, MCIP, RPP and Tommy Karapalevski, B.A. Hons.  
**SUBJECT:** City of Barrie Zoning By-law 2009-141 – Issues Report  
**DATE:** August 22, 2018

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1. INTRODUCTION

A review of the City's Zoning By-law 2009-141 is being undertaken to identify key zoning issues and recommend updates to improve the overall clarity and function of the Zoning By-law, in anticipation of a more comprehensive review of the Zoning By-law following the City's Official Plan Review. This Issues Report has been prepared to address the key issues and challenges the City is facing in administering the implementing the Zoning By-law, and identify recommended updates for discussion with City staff.

This memo is generally structured as follows:

- 1.1 **Key Issue** – Description of the issue and challenges in administering the Zoning By-law.
  - a) **Current Zoning By-law** – Includes a summary of the current Zoning By-law regulations regulating the key issue, where applicable;
  - b) **Background Context** – Includes a description of the applicable Official Plan policies, Urban Design Guidelines, or other documents and best practices which may inform the Zoning By-law in regulating the key issue; and
  - c) **Recommendations** – Includes recommended Zoning By-law updates or potential options to address the key issue, based on a review of the background context and best practices from other municipalities.

The recommended Zoning By-law updates have been reviewed with City staff to identify which key issues may be addressed through this review, as well as those key issues that require further consideration, pending the City's on-going Official Plan Update (which are identified in Section 4 of this Report).



## 2. CITY'S HOUSEKEEPING AMENDMENTS

The City has been working to identify and address a number of housekeeping amendments to the Zoning By-law, which has resulted in a Public Meeting on November 27, 2017 before the General Committee of Council, and recommended Zoning By-law amendments that were brought forward to the General Committee on June 4, 2018. The amendments relate to various housekeeping matters to address a number of issues that have become apparent through the day to day use of Zoning By-law 2009-141.

The following issues and proposed revisions have been identified:

- Revise the definition of 'Commercial Vehicle' to provide clarity to include vehicles designed for commercial, industrial and agricultural purposes, and restrict their parking within residential locations.
- Revise the definition of 'Group Home' to remove reference to 'unrelated' individuals, as the *Planning Act* does not provide the authority to regulate the use of land based on people or occupancy.
- Revise the definition of 'Accessory Building or Structure' to specify that attached garages are not considered accessory buildings, thereby permitting home occupations within an attached garage.
- Addition of minimum setbacks for attached garages.
- Revised parking provisions for Commercial Vehicles in Residential Zones to also restrict vehicles that do not exceed 4,500kg registered gross vehicle weight and are designed for commercial, industrial or agricultural purposes.
- New section under General Provisions for "Exemptions" to exempt required retaining walls and accessibility ramps from the general provisions, and exempt clothes lines, flag poles, ornamental poles and similar items from the setback and height requirements.
- Addition of "Bed and Breakfast Establishment" use to the permitted uses in table 5.2 to provide clarity that such uses is permitted in all Residential and Commercial zones, as per Section 4.2.1.6.
- Amend table 6.2 to add a sub note to the "Bed and Breakfast Establishment" uses to direct readers to the general provisions in Section 4.2.1.6 for greater clarity.
- Amend section 5.3.5.(h) to remove the provisions for 50 m<sup>2</sup> and make the maximum permitted lot coverage for accessory structures 10% of the lot area.



- Amend section 5.3.6.1 to require any driveway or parking spaces, regardless of where they are located on the property, to be constructed and maintained with an asphaltic or concrete surface or brick pavers.
- Add new section 5.3.3.1.(g) which requires a minimum 0.6 m side yard setback, minimum 4 m rear yard setback and minimum 3 m front yard setback to any air conditioner or below grade, unenclosed entryway, and prohibit air conditioners in a front yard.
- Amend table 14.5.6 to exempt back to back townhouses from the rear yard setback requirements, as this built form does not provide for a rear yard.
- Correct a typographical error by deleting reference to the 'LI (SP-338)' zone and replace with 'BP (SP-338)' zone to provide consistency between the Zoning By-law document and Zoning By-law Map.
- Change the zoning of 277 Cox Mill Road from 'Agricultural' (A) to 'Residential Single Detached Dwelling Second Density' (R2) to reflect the existing use.
- Change the zoning of the Vista Place Unopened Road Allowance from 'Residential Single Detached Dwelling Second Density' (R2) to 'Open Space' (OS) to be consistent with a Council recommendation.
- Change the zoning of 312 and 322 Georgian Drive from 'Residential Single Detached Dwelling Second Density' (R2) and 'Residential Single Detached Dwelling First Density' (R1), respectively, to 'Residential Multiple Dwelling Second Density – Special Provision No. 511' (RM2) (SP-511) for consistency across the entire property.

A number of additional matters were also identified for review, which are further addressed in this memo, including regulations for:

- Shipping Containers;
- Parking for low density residential units;
- Minimum dwelling unit sizes for second suites;
- Arcade or game establishment uses; and
- Commercial uses in multi-use buildings in the C1 and C2 zones and the difficulty to meet minimum lot coverage requirements in the City Centre.



### 3. ADDITIONAL KEY ISSUES TO BE ADDRESSED

Based on our review of the Zoning By-law, and in consultation with City staff, the following identifies additional issues that may be addressed through the review of the City's Zoning By-law to improve the clarity and administration of the Zoning By-law, and address emerging planning issues and trends, which may be regulated through the City's Zoning By-law. The key issues identified include:

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### 3.1. Key Issue: Shared (Time of Day) Parking Standards

#### a) Current Zoning By-law

The City's Zoning By-law does not provide regulations for the provision of shared parking standards for multiple uses on the same lot.

The provision of shared parking standards provides opportunity to reduce the minimum number of parking spaces that may be required on a lot containing a mix of uses (i.e., residential, commercial, institutional and employment uses). Shared parking standards are effective in ensuring that a sufficient minimum number of parking spaces are provided, while not requiring an over-supply of parking spaces for mixed use developments, where the parking demand varies by use throughout the day. Shared parking standards can support more compact development, more efficient use of land and be beneficial to existing businesses.

#### b) Background Context

##### City of Barrie Official Plan

Section 9.5.4.3(h) of the City of Barrie Official Plan notes that, *recognizing that at least in the initial development, the provision of surface parking will generally be necessary, the amount of surface parking should be minimized and located away from the street frontage and shall not generally be permitted in front of buildings. The Zoning By-law shall establish maximum parking standards and joint accesses shall be encouraged.*

Section 4.3.2.3(c) of the Official Plan also encourages common parking and loading facilities for development in the Regional Centre designation.

##### Best Practices

Based on a review of Zoning By-laws of comparable municipalities, the shared parking provisions primarily consist of two elements:

- The land uses that exhibit variations in parking demands by time of day and/or by day of week; and,
- The time periods when the peak parking demands related to the different land uses occur.

A parking occupancy percentage is provided for each combination of land use and time period. The parking occupancy percentage represents the typical ratio of the parking demand generally observed during the specific time period to the overall peak parking demand related to the land use.

For instance, in the City of Brampton Zoning By-law, the parking occupancy percentage for office uses are 100%, 95%, and 15% for the morning, afternoon, and evening periods, respectively. In other words, the overall peak parking demand related to office uses is typically observed during the morning and afternoon periods, while the parking



demand for office uses during the evening period is estimated at the level of 15% of the peak parking demand.

The table below lists the municipalities reviewed that include shared parking provisions in their Zoning By-laws.

**Municipalities with Zoning Standards for Shared Parking Provisions**

MUNICIPALITY	TIME PERIODS	USE
City of Brampton	(3) Morning, Afternoon, Evening Periods	Office, Retail/Commercial, Restaurant, Residential, Library, Theatre/Cinema
City of Markham	(3) Morning, Afternoon and Evening Periods	Assembly Hall, Banquet Hall, Business Office, Commercial Fitness Centre, Hotel, Industrial Use, Recreational Establishment, Retail Store (not a shopping centre), Theatre
City of Mississauga	(8) Morning, Noon, Afternoon, Evening Periods for both weekdays and Saturday	Office/Medical, Office/Financial Institution, Retail Centre/Retail Store/Personal Service Establishment, Restaurant, Overnight Accommodation, Residential - Resident and Visitor
City of Ottawa	(8) Morning, Noon, Afternoon, and Evening Periods for both weekdays and weekend	Office, Bank, Retail Store, Restaurant, Cinema and Residential Visitor Parking
City of Toronto	(3) AM, PM, and Evening Periods	For all uses

In addition, the Urban Land Institute (ULI) publication entitled *Shared Parking, 2<sup>nd</sup> Edition* (2005) also identifies time-of-day parking occupancy rates for weekdays and weekends for various residential, commercial and recreational land uses.

**c) Recommendations**

- It is recommended that shared parking provisions be incorporated in the Zoning By-law for mixed-use zones, and particularly in more intensive areas such as the downtown core (Central Commercial C1 Zone). The following are example provisions:

*For mixed-use development where more than one of the uses listed in the table below are located on the same lot, the minimum parking requirement may be reduced through sharing of parking spaces, and the cumulative total of parking spaces required for all the uses on the lot may be calculated as follows:*

- Calculate the required parking spaces for each use in the mixed-use development;
- Multiply the number of parking spaces required in the By-law by the occupancy rate for each use in each of the time periods (weekday and weekend, morning, afternoon and evening occupancy);



- For each time period add the parking space calculations for all the uses to arrive at a cumulative total; and
- The largest cumulative total of all the uses in any time period is the number of parking spaces required for the lot.

**Example of Shared Parking Rates - Weekday and Weekend (Ajax Transportation Technical Report)**

USE	WEEKDAY		
	MORNING OCCUPANCY RATE	AFTERNOON OCCUPANCY RATE	EVENING OCCUPANCY RATE
Detached Dwelling, Duplex Dwelling, Linked Villa Dwelling, Semi-Detached Dwelling, Street Townhouse Dwelling, Triplex, Live-Work Units, Back-to-Back Townhouse Dwelling on a Public Street	100	100	100
Apartment Dwelling, Double Duplex, Maisonette, Block Townhouse Dwelling, Back-to-Back Townhouse Dwelling on a private road, and All Other Housing Forms Not Identified Above with More than 2 Dwelling Units (Visitor Parking only)	20	35	100
Accessory Apartment	100	100	100
Bed and Breakfast Establishment	100	100	100
Group Home	100	100	100
Home Based Business	100	100	100
Lodging House	100	100	100
Senior Citizen's Home and Senior's Apartment	100	100	100
Boarding Kennel, Veterinary Clinic	100	100	10
Financial Institution	100	95	10
Medical Clinic	100	100	10
Office	100	95	10
Accessory Retail Sales Outlet	60	100	85
Convenience Store	60	100	85
Restaurant - Drive-Thru	20	60	100
Garden Centre	60	100	0
Model Home	100	100	100
Personal Service Shop	60	100	85
Restaurant	20	60	100
Retail Store	60	100	85
Retail Warehouse	60	100	85
Laundromat, Self Serve Dry Cleaning	60	100	85
Service or Repair Shop	60	100	85
Shopping Centre	60	100	85
Temporary Sales Structure	100	100	100
Commercial Fitness Centre	60	100	85



USE	WEEKDAY		
	MORNING OCCUPANCY RATE	AFTERNOON OCCUPANCY RATE	EVENING OCCUPANCY RATE
Golf Course	100	100	100
Golf Driving Range, Miniature Golf Course	100	100	100
Hotel, Motel	70	70	100
Sports Arena	25	50	100
Medical Marijuana Production Facility	100	100	100
Manufacturing – Manufacturing, Light	100	100	100
Motor Vehicle Repair Facility	100	100	100
Motor Vehicle Sales Establishment	100	100	100
Motor Vehicle Service Centre	100	100	100
Motor Vehicle Sales Establishment	100	100	100
Public Storage Facility	100	100	100
Transportation Depot	100	100	100
Temporary Sales Structure	100	100	100
Warehouse/Distribution Centre	100	100	100
Day Care Facility	100	100	50
Crisis Care Facility	100	100	100
Nursing Home	100	100	100
School, Elementary	100	100	50
Commercial School	100	100	100
School, Secondary	100	100	50
Banquet Facility	20	60	100
Funeral Home	20	100	100
Place of Assembly	25	50	100
Place of Entertainment	25	50	100
Place of Worship	100	100	100

USE	WEEKEND		
	MORNING OCCUPANCY RATE	AFTERNOON OCCUPANCY RATE	EVENING OCCUPANCY RATE
Detached Dwelling, Duplex Dwelling, Linked Villa Dwelling, Semi-Detached Dwelling, Street Townhouse Dwelling, Triplex, Live-Work Units, Back-to-Back Townhouse Dwelling on a Public Street	100	100	100
Apartment Dwelling, Double Duplex, Maisonette, Block Townhouse Dwelling, Back-to-Back Townhouse Dwelling on a private road, and All Other Housing Forms Not Identified Above with More than 2 Dwelling Units (Visitor Parking)	20	70	100
Accessory Apartment	100	100	100
Bed and Breakfast Establishment	100	100	100



USE	WEEKEND		
	MORNING OCCUPANCY RATE	AFTERNOON OCCUPANCY RATE	EVENING OCCUPANCY RATE
Group Home	100	100	100
Home Based Business	100	100	100
Lodging House	100	100	100
Senior Citizen's Home and Senior's Apartment	100	100	100
Boarding Kennel, Veterinary Clinic	100	10	0
Financial Institution	100	10	0
Medical Clinic	100	10	0
Office	10	10	0
Accessory Retail Sales Outlet	80	100	70
Convenience Store	80	100	70
Restaurant - Drive-Thru	100	50	100
Garden Centre	80	100	0
Model Home	100	100	100
Personal Service Shop	80	100	70
Restaurant	100	50	100
Retail Store	80	100	70
Retail Warehouse	80	100	70
Laundromat, Self Serve Dry Cleaning	80	100	70
Service or Repair Shop	80	100	70
Shopping Centre	80	100	70
Temporary Sales Structure	100	100	100
Commercial Fitness Centre	80	100	70
Golf Course	100	100	100
Golf Driving Range, Miniature Golf Course	100	100	100
Hotel, Motel	90	70	100
Sports Arena	25	100	100
Medical Marijuana Production Facility	100	100	100
Manufacturing - Manufacturing, Light	100	100	100
Motor Vehicle Repair Facility	100	100	100
Motor Vehicle Sales Establishment	100	100	100
Motor Vehicle Service Centre	100	100	100
Motor Vehicle Sales Establishment	100	100	100
Public Storage Facility	100	100	100
Transportation Depot	100	100	100
Temporary Sales Structure	100	100	100
Warehouse/Distribution Centre	100	100	100
Day Care Facility	100	100	50
Crisis Care Facility	100	100	100
Nursing Home	100	100	100



USE	WEEKEND		
	MORNING OCCUPANCY RATE	AFTERNOON OCCUPANCY RATE	EVENING OCCUPANCY RATE
School, Elementary	100	100	50
Commercial School	100	100	100
School, Secondary	100	100	50
Banquet Facility	20	60	100
Funeral Home	100	100	100
Place of Assembly	25	100	100
Place of Entertainment	25	100	100
Place of Worship	100	100	100

*All required parking spaces must be accessible for all uses at all times and may not be reserved for any specific user.*

To maximize shared parking opportunities, shared parking occupancy rates are recommended for 6 time periods, including both weekdays and weekends.

**3.2. Key Issue: Blended Parking Rates**

City Staff have also expressed interest in exploring lower blended parking rates. Blended parking rates may be applicable to lots with multiple commercial or industrial uses on the same lot. Blended rates are reduced rates directly applied to a site’s total area and requires consideration of the amount of gross floor area occupied by each use.

**a) Current Zoning By-law**

Section 4.6.2.3 of the Zoning By-law establishes parking requirements for instances where there are 2 or more permitted uses:

- For Multiple Uses in Industrial Zones: A minimum of 1 parking space per 40m<sup>2</sup> of gross floor area shall be required except where data warehousing is in combination with another use, in which case the data warehousing components shall be at the rate identified in Table 4.6 and the additional multiple uses shall be at a rate of 1 parking space per 40m<sup>2</sup>.
- For Multiple Uses in Commercial Zones: A minimum of 1 parking space per 24m<sup>2</sup> of gross floor area shall be required except where residential uses are in combination with another use, in which case the residential use components shall be at the rate identified in Table 4.6 and the additional multiple uses shall be at a rate of 1 parking space per 24m<sup>2</sup>.
- For development that existed prior to the passing of this By-law (December 7, 2015), when change of use occurs, the less restrictive of the standard parking



rate or the blended parking rate for multiple uses in accordance with the above can be applied.

**b) Background Context**

Examples of Blended Rate Standards

The Town of Oakville’s Zoning By-law 2014-014 uses a blended approach to parking. All non-residential uses (except Hotel and Public Hall) have a common parking ratio in each of the Town’s designated mixed-use growth areas. Downtown Oakville has no minimum requirement. The table below summarizes the ratios of minimum number of parking spaces for lots with multiple premises:

USE	MINIMUM NUMBER OF PARKING SPACES
<b>Blended Rates for Lots with Multiple Premises</b>	
Where multiple premises are located on a lot in the Neighbourhood Commercial (C1) Zone	1.0 per 22.0 m <sup>2</sup> net floor area
Where multiple premises are located on a lot in all other Commercial Zones	a) 1.0 per 18.0 m <sup>2</sup> net floor area for the first 2,500.0 m <sup>2</sup> net floor area; plus, b) 1.0 per 22.0 m <sup>2</sup> net floor area for any additional net floor area
On a lot in the Office Employment (E1), Business Employment (E2), and Industrial (E3) Zones where: a) The lot has a minimum of five premises; b) The lot has a minimum of 5,000.0 m <sup>2</sup> total floor area; c) No use cumulatively occupies more than 50% of the net floor area on the lot; d) None of the following uses, where permitted, together cumulatively occupy no more than 20% of the net floor area on the lot: <ul style="list-style-type: none"> <li>• Financial institutions;</li> <li>• Restaurants; and,</li> <li>• Service commercial establishments;</li> </ul> e) A hotel is not located on the lot; and, f) The maximum number of storeys is two.	The lesser of the sum total of the requirements for each of the component uses or 1.0 per 50.0 m <sup>2</sup> net floor area
On a lot in the Business Commercial (E4) Zone where: a) The lot has a minimum of three premises; b) A minimum of two uses occur on the lot; c) A hotel is not located on the lot; and, d) The maximum number of storeys is two.	The lesser of the sum total of the requirements for each of the component uses or 1.0 per 40.0 m <sup>2</sup> net floor area

**c) Recommendations**

- Section 4.6.2.3 of the Zoning By-law can be revised to reflect lower blended rates similar to those used in the Town of Oakville:



- Commercial zones - 1.0 per 18.0 m<sup>2</sup> net floor area for the first 2,500.0 m<sup>2</sup> net floor area; plus, 1.0 per 22.0 m<sup>2</sup> net floor area for any additional net floor area; and
- Industrial Zones - The lesser of the sum total of the requirements for each of the component uses or 1.0 per 50.0 m<sup>2</sup> net floor area.

### 3.3. Key Issue: Parking Regulations for Recreational Vehicles Within Residential Areas

The City has identified concerns with the parking of recreational vehicles in residential areas, particularly in the front yards. Larger recreational vehicles can potentially restrict sightlines for pedestrians and drivers. There is also impact to the visual appearance of the streetscape and vehicles intruding into the sidewalks.

#### a) Current Zoning By-law

The City's Zoning By-law currently does not have any parking provisions associated with recreational vehicles.

#### b) Background Context

##### Best Practices

Many Zoning By-laws include provisions for the parking of recreational vehicles in residential zones.

Section 4.13.7.3.2 & 4.13.7.3.3 of the City of Guelph's Zoning By-law offers the following provisions:

*No Recreational Vehicle shall be parked or stored except in a Garage, Side Yard or Rear Yard and:*

- *when the Recreational Vehicle is a converted bus, it shall only be parked or stored in a Garage or Rear Yard;*
- *no Recreational Vehicle shall be occupied or used for living or residential purposes;*
- *when a Recreational Vehicle is parked or stored in a Side Yard, the Vehicle shall be at least 1 metre away from the Side Lot Line and shall be parked or stored on a paved portion of the property; and*
- *no Recreational Vehicle shall occupy or obstruct any access to or from the required off-street Parking Space of a Residential Unit.*

Section 5.2.9 of the Town of Oakville's Zoning By-law 2014-014 provides the following regulations:

- *Any trailer or recreational vehicle that does not exceed a height of 2.3 metres and a maximum length of 7.0 metres exclusive of hitch or tongue may be parked in any flankage yard, interior side yard or rear yard year-round.*



- Any trailer or recreational vehicle that does not exceed a height of 2.3 metres and a maximum length of 7.0 metres exclusive of hitch or tongue may be parked on a driveway only between May 1st and October 31st.
- Any trailer or recreational vehicle that exceeds a height of 2.3 metres and a maximum length of 7.0 metres exclusive of hitch or tongue may be parked on a lot only between May 1st and October 31st and only in any flankage yard, interior side yard, or rear yard. The trailer or recreational vehicle shall be set back 10.5 metres from the flankage lot line.
- The maximum total number of trailers and recreational vehicles permitted on a lot is 2.

**c) Recommendations**

- There are potentially three options for consideration:
  - Regulate parking of recreational vehicles based on size and location on the lot.
  - Incorporate time limits on parking on the driveway by season.
  - Restrict recreational vehicle parking in the front or exterior side yards.

**3.4. Key Issue: Parking for Low Density Residential Units**

The City has concerns with existing parking requirements for low density residential units which regulates buildings with not more than 3 dwelling units, to require 1 space per dwelling unit, plus 1 additional space for every 2 tenants accommodated. The number of tenants occupying a dwelling unit is difficult to ascertain.

**a) Current Zoning By-law**

For residential buildings containing not more than 3 dwelling units, Section 4 of the Zoning By-law requires 1 space per dwelling unit, plus 1 additional space for every 2 tenants accommodated. Tandem parking is also permitted.

**b) Background Context**

**Best Practices**

An additional space for every 2 tenants may be difficult to regulate. Most municipalities regulate residential parking based on the type of unit. The table below shows parking requirements for low density residential units in comparable municipalities:



MUNICIPALITY	SINGLE DETACHED	SEMI- DETACHED	DUPLEX	TRIPLEX	TOWNHOUSE
London ZBL Z-1	2 per unit	2 per unit	1 per unit	1 per unit	1 per unit
Oakville ZBL 2014-014	2 per dwelling	2 per dwelling	2 per dwelling	-	2 per dwelling, 1.5 per dwelling (stacked)  Condominium: Of the total number of parking spaces required, 0.25 of the parking spaces required per dwelling shall be designated as visitors parking spaces.
Mississauga ZBL 0225-2007	2 per unit  Condominium: 0.25 visitor spaces per unit	2 per unit  Condominium: 0.25 visitor spaces per unit	1.25 per unit	1.25 per unit	2 per unit  Condominium: 0.25 visitor spaces per unit
Ottawa ZBL 2008-250	1 per unit	1 per unit	1 per unit	0.5 per unit	0.75 per unit (1.2 for Area D on Schedule 1A)  Condominium requirements: 0.1 visitor spaces per unit.
Vaughan ZL 1-88	minimum of 2-3 spaces depending on the residential zone (minimum frontage)	minimum of 2-3 spaces depending on the residential zone (minimum frontage)	-	-	2.0 parking spaces per dwelling unit

c) *Recommendations*

- Inclusion of minimum parking requirements for each type of low density housing including single detached, semi-detached, duplex, and townhouse units is recommended. The following standards may be considered:



	SINGLE DETACHED	SEMI- DETACHED	DUPLEX	TOWNHOUSE
Proposed # of Spaces	2 per dwelling	2 per dwelling	1 per dwelling	1 per dwelling Condominium requirements: 0.25 visitor spaces per unit

**3.5. Key Issue: Bicycle Parking Standards**

The Zoning By-law does not provide regulations for the provision of bicycle parking spaces (except within the Salem and Hewitt’s Communities). Bicycle parking regulations can support active transportation and reduce automobile dependency.

**a) Current Zoning By-law**

The Zoning By-law only provides Bicycle Parking Standards within the Provisions for the Salem and Hewitt’s Communities (Section 14). It is noted that within these designated areas, bicycle parking spaces shall be provided in accordance with the following:

- A minimum of 0.2 spaces per unit shall be provided in all apartment units including walk-up apartments.
- Additional spaces shall be provided for all non-residential uses in the Neighbourhood Mixed Use (NMU) Zone at a rate of one bicycle parking space for every 7% of required non-residential vehicular parking spaces in the Neighbourhood Mixed Use (NMU) Zone.
- Location of spaces (accessible to main entrances).

Section 3 of the Zoning By-law defines Bicycle Parking Space as *an area that is equipped with a bicycle rack or locker that is suitable for the purpose of long term bicycle parking and is not provided within a dwelling unit, suite or balcony.*

**b) Background Context**

Official Plan

Sections 8.4.4.4 and 9.4.4.4 of the Official Plan both state that *“bicycle parking standards for other than freehold, ground related housing, shall be prepared and implemented through the zoning by-law”.*

Best Practices

The City of Toronto’s Zoning By-law includes provisions of bicycling parking facilities. Bicycle parking ratios are prescribed for 12 non-residential land use classes, although provision 230.5.10.1(3) exempts all non-residential developments with an interior floor space area of 2,000 m<sup>2</sup> or less from providing bicycle parking. The By-law also includes



separate standards for short-term (visitor) bicycle parking and long-term (employee and resident) bicycle parking. A schedule of required change and shower facilities for non-residential developments is included in the zoning by-law with an upper limit of 4 facilities for each gender in developments requiring more than 180 long-term bicycle parking spaces.

Milton's Zoning By-law provides an example of providing the required number of bicycle parking spaces as a percentage of the required number of vehicle parking spaces.

The City of Orillia's Zoning By-law includes the following bicycle parking requirements for residential, commercial, industrial and institutional uses:

USE	BICYCLE PARKING SPACE REQUIREMENT
Residential	Where more than 10 parking spaces are required, one Bicycle Parking Space shall be provided for every 10 parking spaces (Section 6.2.2.2).
Commercial, Industrial and Institutional	1 Bicycle Parking Space for each 300.0 m <sup>2</sup> of Net Floor Area (Section 6.2.3.1).

**c) Recommendations**

- 1) It is recommended that bicycle parking standards be introduced into Section 4.6 for apartment dwellings and non-residential uses. The required bicycle parking rates may be differentiated based on intensification areas and other areas. Potential zoning regulations may include:

*Minimum Number of Bicycle Parking Spaces*

- a) *The minimum number of bicycle parking spaces required for uses permitted by this By-law are established and calculated in accordance with the ratios set out in the table below.*
- b) *Where the application of bicycle parking standards results in part of a bicycle space being required, a full bicycle parking space shall be required.*
- c) *When there are two or more uses on a site, the required bicycle parking for the site shall be calculated as the sum of the required bicycle parking spaces for the individual uses.*



*Table: Ratios of Minimum Number of Bicycle Parking Spaces*

LAND USE	MINIMUM NUMBER OF BICYCLE PARKING SPACES REQUIRED
<b>Residential Uses</b>	
Apartment dwelling, Townhouse dwelling (with shared parking facilities or condominium tenure)	<p>Intensification Areas: 1.0 bicycle parking spaces per dwelling unit, except in a building having fewer than 10 dwelling units, the minimum number of bicycle parking spaces required shall be zero.</p> <p>Other Areas: 0.75 bicycle parking spaces per dwelling unit, except in a building having fewer than 10 dwelling units, the minimum number of bicycle parking spaces required shall be zero.</p> <p>Of the total number of bicycle parking spaces required, 0.25 of the bicycle parking spaces required per dwelling unit shall be designated as short-term bicycle parking spaces and 0.75 as long-term bicycle parking spaces of which no more than 30 short-term bicycle parking spaces shall be provided externally to the building.</p>
<b>Commercial Uses</b>	
Retail store, Retail centre or Service Commercial	1.0 per 1,000m <sup>2</sup> GFA or 6 spaces, whichever is greater (for developments greater than 2,000 m <sup>2</sup> )
<b>Office Uses</b>	
Business / Medical office	2 spaces plus 1.0 per 1,000 m <sup>2</sup> GFA or 6 spaces, whichever is greater (for developments greater than 2,000 m <sup>2</sup> )
<b>Industrial Uses</b>	
All industrial uses	1.0 per 2,000m <sup>2</sup> GFA or 6 spaces, whichever is greater (for developments greater than 2,000 m <sup>2</sup> )
<b>Institutional</b>	
School, Elementary	1.0 per 20 students / employees
School, Secondary	1.0 per 10 students / employees
School, Post-Secondary	1.0 per 10 students / employees
Community Centre	2 spaces plus 1.0 per 250m <sup>2</sup> of GFA

*Bicycle Parking Location*

- *Bicycle parking must be located on the same lot as the use or building for which it is provided.*
- *Bicycle parking spaces must be located within 35 metres of a principal building entrance and shall not occupy or impede any pedestrian access or required parking area.*
- *A bicycle parking space shall be permitted in any yard.*



- Short-term bicycle parking spaces shall be located at grade.
- A maximum of 50% of the required bicycle parking spaces or 15 spaces, whichever is greater, shall be permitted in a landscaped area.
- Long-term bicycle parking spaces shall be accessed by a two-way aisle measuring a minimum of 1.75 metres in width.

#### Bicycle Parking Space Dimensions

- the minimum dimensions of a bicycle parking space located in a horizontal position is 0.6 metres in width, 2.0 metres in length, and 1.2 metres in height.
- the minimum dimensions of a bicycle parking space located in a vertical position on a wall, structure or mechanical device is 0.6 metres in width, 1.2 metres in length, and 2.0 metres in height.
- if a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres.

Provisions to accommodate facilities in support of cyclists in exchange for a reduction in required bicycle parking may also be considered.

#### 2) Introduction of new definitions:

**Stacked Bicycle Parking Space:** means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.

**Long-term Bicycle Parking:** means a secure, weather-protected bicycle parking facility used to accommodate long-term bicycle parking, such as for residents or employees, usually within a room or covered, fenced area.

**Short-term Bicycle Parking:** means a visitor bicycle parking facility that is either provided externally or internally and may offer some security. External short-term bicycle parking may be partially protected from the weather, for example a bike rack at a building's entrance. Internal short-term bicycle parking may be provided on the visitor parking level of an apartment dwelling.

### 3.6. Key Issue: Second Suite Permissions

We understand that second suites are currently restricted in the Georgian College Area to mitigate the impact of intensive student accommodation in established neighbourhoods and to ensure that dedicated student housing is provided and properly administered by a property management specialist. This is an issue because it may contravene the Human Rights Code, by zoning based on the people accommodated in the dwelling.



**a) Current Zoning By-law**

The Zoning By-law defines a Second Suite as a second dwelling unit on the same property that is accessory and subordinate to the principle unit. (By-law 2015-056) (By-law 2017-079)”.

Section 5.2.9 of the Zoning By-law outlines the following provisions for Second Suites:

General

A free standing detached dwelling in an (RM1-SS) Zone may be constructed or converted to include a second dwelling unit.

Except as provided herein, a second suite shall be permitted in the R1, R2, R3, R4, RM1, RM2 and RM2-TH zones where the principal dwelling unit has frontage on a municipal street subject to the following:

- a) A second suite shall not be permitted in the Georgian Neighbourhood Study Boundary Area identified in Schedule “A”.
- b) (Deleted by By-law 2017-079)
- c) A maximum of one detached accessory dwelling or second suite shall be permitted per lot.
- d) A maximum of 2 bedrooms is permitted in the second suite or detached accessory dwelling unit.
- e) A detached accessory dwelling unit shall be permitted in a detached accessory building subject to the standards in section 5.3.5 and sections 4.5.1 & 4.5.2 of this By-law.
- f) A second suite or detached accessory dwelling unit shall not be less than 35m<sup>2</sup> in size for a bachelor unit and for each additional bedroom a minimum of 10m<sup>2</sup> shall be required (By-law 2015-056).

Parking

That notwithstanding the parking requirements set out in Table 4.6 the following shall apply to a property containing a second suite.

- a) A minimum of 1 parking space per dwelling unit is required in the R1, R2, R3, R4, RM1, RM1-SS, RM2 and RM2-TH zones; and
- b) Tandem parking is permitted. (By-law 2015-056)

Standards

a) Any existing lot or structure is exempt from meeting the current residential zoning standards when incorporating a second suite, save and except for parking required in section 5.2.9.2. New construction or additions to an existing building are required to comply with the development standards referenced in section 5.3. (By-law 2017-079)



b) *Except in the Georgian Neighbourhood Study Boundary Area, any second suite that existed on February 18th, 2015 shall be permitted subject to compliance with the standards set out in section 5.2.9.2. (By-law 2015-056)*”.

**b) Background Context**

Strong Communities Through Affordable Housing Act

The *Strong Communities through Affordable Housing Act* (Bill 140), 2011 includes a wide range of actions to address affordable housing needs, including amendments to the *Planning Act*. The amendments provide municipalities with enhanced land use planning tools to support the creation of second units and garden suites. To further expand affordable housing opportunities, Bill 140 requires municipalities to implement official plan policies and zoning by-law provisions to allow second units in single detached, semi-detached and townhouse dwellings.

City of Barrie Official Plan

Policies related to second suites are included under the affordable housing policies of the City’s Official Plan (S. 3.3.2.2). Subsection (e) notes that Second Suites are permitted in single detached, semi-detached and street townhouses subject to the standards and provisions of the Zoning By-law. Subsection (e) also notes that Second Suites are not permitted in the area of the Georgian College Neighbourhood Community Improvement Plan on the basis that the City has taken significant initiatives to encourage purpose built student housing within this area in order to maintain the stability of existing neighbourhoods and minimize the impact of an undue concentration of second suites within this area.

Best Practices

The City of Waterloo, on the other hand, does not restrict second units in near campus neighbourhoods. The draft City of Waterloo Zoning By-law 2017-000 includes the following provisions for Secondary Dwelling Units:

*One secondary dwelling unit shall be permitted within any:*

- *single detached building*
- *semi-detached dwelling unit*
- *townhouse dwelling unit*
- *freehold townhouse dwelling unit, provided that:*
  - *one (1) parking space, in addition to the parking space or spaces required for the principal dwelling unit shall be provided for the secondary dwelling unit;*
  - *the parking space for the secondary dwelling unit may be provided as a tandem parking space;*



- *the principal dwelling unit and the secondary dwelling unit shall be connected to municipal sanitary services and municipal water services; and*
  - *the secondary dwelling unit shall not occupy more than forty percent (40%) of the building floor area of the building.*
  - *Notwithstanding section 3.s.1.1, a secondary dwelling unit shall not be permitted:*
    - *on a lot zoned residential conservation one (rc1);*
    - *within a building containing a lodging house;*
    - *within a building or dwelling unit containing an accessory apartment;*
    - *within a building containing a bed & breakfast establishment;*
    - *on a lot containing a coach house or garden suite; or*
    - *within the floodplain as determined by the grand river conservation authority.*
  - *Coach houses and garden suites are prohibited*
- c) Recommendations**
- Based on discussions with City staff, it is recommended that this issue be deferred following the City's Official Plan Review in order to provide further policy guidance. It is recommended that the City re-evaluate the restrictions on second suites to be located in the Georgian College Area to accommodate more affordable housing. However, it is recognized that an Official Plan Amendment would be required to implement such a change to the Zoning By-law. Additional zone regulations may be considered to mitigate any potential negative impacts on the character of the neighbourhood (i.e., restrict secondary suites in detached accessory buildings).

### **3.7. Key Issue: Minimum Dwelling Unit Sizes for Second Suites**

The City has expressed concerns with minimum dwelling unit sizes for second suites as they may be as much as three times the required size based on the Ontario Building Code.

#### **a) Current Zoning By-law**

The Zoning By-law states "a second suite or detached accessory dwelling unit shall not be less than 35m<sup>2</sup> in size for a bachelor unit and for each additional bedroom a minimum of 10m<sup>2</sup> shall be required".



**b) Background Context**

Examples used in other Municipalities are summarized in the following table:

BY-LAW	MINIMUM DWELLING UNIT SIZE (SECOND SUITE)
Aurora ZBL 6000-17	In a building containing a second suite dwelling unit, the minimum area for each dwelling unit shall be 35.0m <sup>2</sup> .
London ZBLZ-1	No secondary dwelling unit shall be erected or used unless it has a minimum gross floor area of 25m <sup>2</sup> .  The gross floor area of a secondary dwelling unit shall not be greater than 40% of the combined total gross floor area of the primary dwelling unit and the secondary dwelling unit. For the purposes of calculating gross floor area requirements for secondary dwelling units the following shall not be included: a) additions to dwelling units completed after the date of passage of this by-law; and b) the gross floor area of accessory structures.
Vaughan ZBL 1-88	A Secondary Suite shall have a minimum floor area of 35m <sup>2</sup> .  A Secondary Suite shall not exceed forty-five percent (45%) of the total gross floor area of the Single Family Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling within which it is located.

**c) Recommendations**

- 1) It is recommended that consideration be given to restricting the size of the second suite based of the GFA of the dwelling. It is proposed that the following provision be added to Section 5.2.9 of the Zoning By-law:  
  
*The gross floor area of a second suite unit shall not be greater than 40% of the combined total gross floor area of the principal dwelling unit and the second suite.*
- 2) Consider maintaining a minimum size of 35 m<sup>2</sup>, but irrespective of the number of bedrooms (only 2 bedrooms are permitted).

**3.8. Key Issue: Boarding, Lodging, Rooming Houses**

The City has identified an issue regarding the separation distances between Boarding, Lodging, Rooming Houses as it may contravene the Human Rights Code, by zoning based on the people accommodated in the dwelling and therefore limiting housing



choices for certain people. It is also not clear how many rooms/units are permitted as the definition relates to the number of tenants.

**a) Current Zoning By-law**

The current Zoning By-law defines a Boarding, Lodging, Rooming House as a dwelling where lodging is provided for one or more tenants where at least 1 of the tenant-occupied rooms is equipped with an external locking mechanism that prevents access to said room by the other house occupants when the room is unoccupied, or; lodging is provided for more than 4 tenants; but shall not include a group home, hotel, motel, hospital, children's home, assisted living facility, or a bed and breakfast establishment, or other similar establishments.

A Boarding, Lodging, Rooming House is categorized by being either "Large" or Small":

- "Boarding, Lodging, Rooming House (Large) shall mean a Boarding, Lodging, Rooming House where lodging is provided for more than 6 tenants"; and
- "Boarding, Lodging, Rooming House (Small) shall mean a Boarding, Lodging, Rooming House where lodging is provided for not more than 6 tenants".
- "Tenant means a person who receives lodging in return for remuneration or for the provision of services or both".

Section 5.2.8 provides regulations for boarding/rooming houses:

**a) Small Boarding, Lodging, Rooming Houses shall:**

- (i) be permitted in all residential zones;
- (ii) except as noted herein, shall comply with the Residential Zone standards identified in Table 5.3;
- (iii) have a maximum of 1 kitchen, at least 1 bathroom and a least 1 other room.

b) Each sleeping room or suite to be rented shall have a minimum of 7m<sup>2</sup> of habitable living space;

c) The total aggregate floor area of all sleeping rooms shall not exceed 40% of the total habitable living space;

d) The occupants of the house must operate as a single housekeeping unit;

e) No Small Boarding, Lodging, Rooming House shall be permitted to locate within 75m of another licensed Boarding, Lodging, Rooming House in the (R1), (R2), (R3), (R4) and (RM1) zones.

Large Boarding, Lodging, Rooming Houses:

a) Shall only be permitted within the (RM2), (RA1) and (RA2) zones.

b) Each sleeping room or suite to be rented shall have a minimum of 7m<sup>3</sup> of habitable living space.



**b) Background Context**

Best Practices – Definitions

Under the Building Code (Division A, Part 1, Section 1.4.1.2), rooming houses are defined as a building that has a building height not exceeding three storeys and a building area not exceeding 600 m<sup>2</sup>, in which lodging is provided for more than four persons in return for remuneration or for the provision of services or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

The City of Oshawa defines a lodging house as a building or a part of a building, containing three to ten lodging units, which does not appear to function as a dwelling unit, although one may be included with the lodging units. It includes, without limitation, a rooming house and a boarding house, a fraternity or sorority house. It does not include a hotel, (...), an apartment building, or a block townhouse. A lodging house may involve shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas, such as living rooms, may or may not be provided.

In 2009, the City of Toronto recommended that the definition of rooming houses:

- Specify a minimum size of 4 rooms designed for separate living accommodation (with either kitchen or washroom facilities, but not both), in order to acknowledge that its intention is to provide housing for residents in individual rooms;
- Specify that the rooming house may contain one dwelling unit, in addition to dwelling rooms, to allow, for example, the owner to reside in the same building;
- Specify certain uses as not being a rooming house, such as group homes, residential care facilities, nursing homes, retirement homes, religious residence, student residence, tourist home or hotel.

Separation Distance from Same Use

The provision of a separation distance between other Boarding, Lodging, Rooming Houses does not appear to exist in other municipalities as it contravenes Human Rights Code by separating uses based on the types of users.

**c) Recommendations**

- Delete the current definition of Tenant and identify a maximum number of rooms as opposed to tenants in the definition of Boarding, Lodging, Rooming House.



- In definition of “Tenant”, delete requirement for tenant occupied rooms to be equipped with an external locking mechanism that prevents access to said room by the other house occupants.
- Delete regulation 5.2.8.1 e) which requires a 75m separation distance from other licensed Boarding, Lodging, Rooming Houses in the (R1), (R2), (R3), (R4) and (RM1) zone.

**3.9. Key Issue: Short-Term Accommodations**

Municipal regimes for managing other short-term accommodations such as Airbnb are fairly new, but municipalities are increasingly using zoning by-laws as a means to regulate the use as well as municipal licensing by-laws.

**a) Current Zoning By-law**

The Zoning By-law does not contain regulations related to short-term accommodations.

**b) Background Context**

Best Practices

Municipalities have taken a broad range of approaches to address the particular issues and considerations that are especially important to their own communities:

- The City of Toronto Council approved to a Zoning By-law Amendment to provide a new definition for short-term rental, identify where the use is permitted, and provide conditions under which the use is permitted. As short-term rentals would be permitted to occur in dwelling units, they would be limited to residential and mixed use zones. The details of the amendment are summarized below:

Bylaw	Definition	Proposed Use Permissions	Permitted Zones
City of Toronto Zoning By-law 569-2013	Staff proposed adding a new definition of Short-Term Rentals to city zoning bylaws as follows: "all or part of a dwelling unit, that is the principal residence of the short-term rental operator, used to provide sleeping accommodations for any rental period that is 28 consecutive days or less". The city-wide zoning bylaw defines a dwelling unit as: "living accommodation for a person or persons living together as a single housekeeping unit, in which	150.13.20 Use Requirements Use Permission (A) short-term rentals are only permitted in a dwelling unit; (B) bed-sitting rooms used for short-term rentals may be in any dwelling unit that is in a zone that permits short-term rentals; (C) A dwelling unit, secondary suite and bed-sitting room may	All zones where dwelling units are permitted: Residential Zone (R) Residential Detached Zone (RD) <ul style="list-style-type: none"> <li>• Residential Semi-Detached Zone (RS)</li> <li>• Residential Town House Zone (RT)</li> <li>• Residential Multiple Dwelling Zone (RM)</li> <li>• Residential Apartment Zone (RA)</li> <li>• Residential Apartment Commercial Zone (RAC)</li> </ul>



	<p>both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit."</p>	<p>be used as short-term rentals; and, (D) A maximum of three bed-sitting rooms are permitted in any one dwelling unit.</p> <p>150.13.60 Ancillary Buildings and Structures (1) Short-term rentals may not be in an ancillary building or vehicle.</p>	<ul style="list-style-type: none"> <li>• Commercial Residential Zone (CR)</li> <li>• Commercial Residential Employment Zone (CRE)</li> </ul>
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- City Staff also proposed regulations would require that short-term rental companies be licensed, meet a set of requirements, and pay an annual licence fee. Companies would only advertise short-term rental listings that are registered with the City. This would drive operators to register with the City to increase compliance with the proposed regulations. Companies would be required to share anonymized information on the volume and locations of short-term rental activities facilitated by the company. Companies would also be required to provide specific information about individual operators if requested by the City. This would enable the City to analyze the impacts of short-term rental activity broadly and gain information about certain operators to ensure they are complying with City by-laws.
- Vancouver is moving forward with similar regulatory regimes, which permit short term rentals very broadly, provided that the proprietor uses the residence as a principal dwelling. The key driver behind these provisions is in the interest of protecting housing availability and rental supply.
- The City of Markham has recommended that short term accommodations be subject to zoning approvals and not permitted as-of-right. This appears to be in response to lack of support from the community.
- The Town of the Blue Mountains and the Town of Niagara-on-the-Lake have implemented thorough licensing processes involving numerous checks and processes to help manage nuisances, which represent the key concern driving the Town's position on the use. In Niagara-on-the-Lake, this included a comprehensive set of definitions to classify different types of short term accommodations.

**c) Recommendations**

- Based on discussions with City staff, it is recommended that this issue be deferred following the City's Official Plan Review in order to provide further policy guidance.



- The development of a regulatory regime for managing short-term accommodations should be considerate of particular local issues and context. The approaches taken by Vancouver, Toronto and similar larger municipalities propose a solution that is strongly geared towards protecting the housing supply and promoting housing affordability, by requiring that the operator also use the dwelling as the principal residence. In Blue Mountains and Niagara-on-the-Lake, the focus was on providing a robust licensing process which seeks to minimize nuisances and provide a means for complaints, inspections and other preventative measures. In all of these cases, the approach taken is very much intended on addressing important local concerns.

Three options for addressing short term accommodations in the Zoning By-law include:

1. A permissive approach, in which short-term accommodations are permitted in all zones. This could be associated with regulations, such as limiting the length of stays and requiring that short term rental accommodations only be permitted in association with a principal residence. This is, however, also often accompanied by a licensing process.
  2. A selected permissive approach, in which the use is limited to certain zones or areas of the City. In this case, permissions could be tied to the areas in which bed and breakfasts are permitted by the Official Plan and/or the areas in which hotels are permitted. This would ensure that the short-term rental accommodations are compatible with other similar uses already permitted in the zone.
  3. A very restrictive approach, in which all short-term rental accommodations are required to receive a zoning by-law amendment. Under this approach, short term accommodations may be defined by the Zoning By-law but not explicitly permitted in any zone. The City would be able to enforce its zoning by-law and issue charges on a complaint basis anywhere in the City.
- It is difficult to make specific zoning recommendations on this issue in the absence of guiding policy. Further, the issue is typically addressed both as a planning policy/zoning issue as well as a licensing and by-law enforcement issue. The City should consider implementing Official Plan policies to provide guidance on the regulation of short term accommodations for subsequent implementation through the Zoning By-law.



### 3.10. Key Issue: Bed and Breakfast Establishments

With the rise of online platforms such as AirBnB, VRBO, etc., illegal Bed and Breakfasts, primarily referring to persons renting out rooms without obtaining a proper license and persons renting entire or partial dwellings in residential buildings other than single detached dwellings, has become an issue.

#### a) Current Zoning By-Law

The Zoning By-law defines Bed and Breakfast Establishment as “a detached dwelling unit which is owner occupied and operated to provide the traveling public with sleeping accommodation and meals”.

Section 4.2.1.6 notes that “*Bed and Breakfast establishments shall be permitted in all Commercial and Residential Zones. In Residential Zones, Bed and Breakfast establishments shall be located in a detached dwelling unit; be owner occupied; and are restricted to a maximum of 3 guest rooms or 5 guest rooms within the City Centre Planning Area. In Commercial Zones, Bed and Breakfast establishments shall be located in a detached dwelling unit*”.

The parking requirement for Bed and Breakfast Establishments, as identified in Table 4.6 of the Zoning By-law, is 1 space per guest bedroom, plus 1 space for the owners.

#### b) Background Context

##### Best Practices

A number of Ontario Zoning By-laws deal with standard issues for regulating the use, either through the definition or general provisions, which include such matters as:

- permitted locations and within permitted dwelling types (e.g. single detached dwelling);
- a maximum number of suites/lodging units/rooms (in some instances, no more than two units);
- total GFA of the dwelling for the Bed and Breakfast uses (e.g. 25% of the dwelling floor area devoted to Bed and Breakfast uses);
- operator requirements (although not really a zoning matter), but require the operator/owner to reside in the dwelling to maintain the Bed and Breakfast and function principally as a residential use;
- that the residential character of the dwelling is maintained;
- accommodate a minimum amount of outdoor amenity space; and
- additional parking requirements (e.g. one additional space per suite/lodging unit, including provisions for the location of parking (permitted yards), buffer or setback requirements for parking, and permissions for tandem parking).



**c) Recommendations**

- 1) The definition of Bed and Breakfast Establishments may be revised to specifically require that Bed and Breakfast Establishments shall be licensed in accordance with the City's General Business Licensing By-law.
- 2) More contemporary zoning by-laws also do not require that the owner must reside on the premises, but rather, that it includes the living accommodations of the residents of the dwelling, and the principal use of the dwelling unit is for residential purposes and the Bed and Breakfast Establishment is an ancillary use to the main residential use. It is still imperative that the dwelling is occupied by the operator of the Bed and Breakfast Establishment, in order to fulfill the function of the Bed and Breakfast Establishment as an accessory use.
- 3) Consideration could be given to including additional general provisions related to the following:
  - o Maintaining the residential character of the dwelling;
  - o Minimum requirements for the provision of outdoor amenity space; and
  - o Establishing a maximum permitted GFA of the dwelling that is devoted to Bed and Breakfast uses.
- 4) The existing parking requirements appear to remain appropriate, which require an additional space per guest room, and regulates the location of the parking spaces as well as setbacks/buffering.
- 5) Revisions to the maximum number of accessory guest rooms permitted in a dwelling are not recommended as this may have a detrimental impact on existing Bed and Breakfast Establishments.

**3.11. Key Issue: Shipping Containers**

The City has identified an issue with shipping containers being used as buildings/structures for residential accommodation.

**a) Current Zoning By-law**

The current Zoning By-law does not contain any specific provisions for Shipping Containers. Section 43.2 b), however, notes that *the use of a tent, trailer, recreational vehicle transport trailer, railroad car, caboose, container, truck, bus coach or streetcar-body, either as is or modified, for purposes of a retail establishment, restaurant, refreshment pavilion, office, sales or service of any nature except as provided for in Section 4.2.1.3, 4.2.1.4, 4.2.1.7, 4.2.1.8 and 4.2.1.11 shall not be permitted in any zone. This shall not apply to trailers which are entirely removed from the property on a daily basis.*



**b) Background Context**

Best Practices

BY-LAW	DEFINITION	GENERAL PROVISIONS
Oakville ZBL 2014-014	Shipping Container - means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes intermodal containers, bodies of transport trucks, or straight truck boxes.	a) Shipping containers shall only be permitted on a lot where outside storage is a permitted use. b) A shipping container shall only be used as a building in conjunction with the following uses: i) Manufacturing; ii) Transportation terminal; and, iii) Warehousing
Orillia ZBL 2014-44	Shipping Container means an article of transportation equipment that is specifically designed or used to carry goods or freight on a truck, train or boat for use in intermodal transportation.	5.34 Shipping Containers Shipping Containers shall only be permitted accessory to a permitted Light, Medium and/or Heavy Industry Use and shall comply with the provisions for the applicable Zone and with the provisions of Subsection 5.25 with respect to Outdoor Storage.

One of the most detailed and comprehensive approaches to Shipping Containers can be found in City of London Zoning By-law Z.-1. Shipping Containers and Trailers may be used as temporary uses in residential and non-residential zones subject to the time period and dimensions of the container. In addition, Shipping Containers are permitted as building additions to any multi-family (3 or more units) or non-residential zone, in accordance with the dimensions identified in Section 4. Lastly, it is noted that Shipping containers (as permanent structures) shall be prohibited on any property designated under Part IV or Part V of the *Ontario Heritage Act*.

**c) Recommendations**

- The Zoning By-law may include a definition and general provisions for Shipping Containers so that they permit limited, or non-habitable space. The following table includes examples of how shipping containers are used in this context and general provisions. It should be noted specifically where shipping containers are permitted (i.e., by zone category, or where outdoor storage is a permitted use). For example, a shipping container shall only be used as a building in conjunction with the following uses:
  - Manufacturing;



- Transportation terminal; and,
- Warehousing.
- It is not recommended that shipping containers provide for habitable space, as this form of structure may not be in keeping with the character of the neighbourhood.

**3.12. Key Issue: Arcade or Game Establishment Uses**

The City has indicated the need to review provisions related to where Arcade or Game Establishment uses are permitted, to broaden the permitted zones.

**a) Current Zoning By-law**

Arcade or Game Establishment is defined as “any premises or part thereof containing 3 or more amusement devices operated for gain and includes any commercial or private club but does not include a bingo hall”.

An Arcade or Game Establishment is currently only permitted within the Shopping Centre Commercial (C3) Zone.

Section 6.2.2 of the Zoning By-law notes that any “arcade or game establishment shall be located a minimum distance of 300m from a school”.

**b) Background Context**

Best Practices

The following table includes examples of how Arcades or Game Establishments are regulated in other municipalities:

ZONING BY-LAW	DEFINITION	PROVISIONS
City of Orillia ZBL 2014-44	Place of amusement means commercial premises where indoor facilities are provided for participatory entertainment and amusement activities, or where exhibits are displayed for gain or profit, and includes, without limit the generality of the foregoing, a bowling alley, pool hall, Billiard lounge, arcade or game establishment, pinball arcade and wax museum.	Place of Amusement is permitted within the Main Street Commercial (C1), Mixed Use Intensification (C4) and Community Commercial (C5) Zones  Parking Requirements:  3 parking spaces per bowling lane and 1 parking space per 20 m2 for all other uses.



Oakville ZBL 2014-14	Place of entertainment means a premises devoted to the offering of facilities for the entertainment of the public including a cinema, live theatre, concert hall, planetarium, or other similar use, as well as facilities for the playing of games for the amusement of the public including an arcade, billiard room, bowling alley, electronic or laser game, indoor miniature golf, indoor paintball facility, and bingo hall.	Place of entertainment is permitted in the Midtown Transitional Commercial (MTC), Community Commercial (C2), Core Commercial (C3), Business Commercial (E4), and all Mixed-Use Zones.  Parking requirements:  1.0 space per 22.0 m <sup>2</sup> net floor area
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**c) Recommendations**

- Consider permitting Arcades or Game Establishments in the General Commercial (C4) Zone to establish Arcade or Game Establishments as a broader use/commercial use.
- Most municipalities do not regulate a separation distance for this use. It is recommended that the minimum separation distance requirement be deleted.

**3.13. Key Issue: Commercial Uses in the City Centre**

The City has noted that it is difficult to meet the minimum lot coverage requirement in the City Centre, presumably due to parking requirements.

**a) Current Zoning By-law**

The Central Area Commercial Zone (C1) generally applies to Barrie’s City Centre. The Minimum Lot Coverage for the Central Area Commercial Zones (C1-1 and C1-2) is 50% of the lot area, as outlined in Section 6.3.2 of the Zoning By-law.

**b) Background Context**

Official Plan

Per Section 4.3.2.2 of the Official Plan, lands designated City Centre are intended to provide a broad range of retail, service, office, institutional, public and residential uses to serve the general needs of Downtown residents as well as specialized functions for the entire community and market area. Retail stores, offices, hotels, institutional, and entertainment uses shall be integrated, where possible, with residential uses,



community facilities, and open space. The City Centre includes the Downtown Barrie urban growth centre which is planned to achieve a minimum gross density target of 150 residents and jobs combined per hectare.

The Official Plan notes that Municipal parking lots and structures in the City Centre shall be provided in locations that are convenient and accessible to the Downtown and waterfront. New parking spaces shall be constructed when needed and when economically feasible (Section 4.3.2.2 (g))

*c) Recommendations*

- Based on discussions with City staff, it is recommended that this issue be deferred following the City's Official Plan Review in order to provide further policy guidance, particularly related to the City's Intensification Strategy.
- The minimum lot coverage requirements in the C1 zone may be appropriate to encourage more intensive development in the central core. Consideration may be given to underground /structural parking. Zoning By-law regulations regarding blended parking rates and shared parking regulations may assist in reducing the number of required parking spaces.
- However, an alternative to regulating minimum lot coverage is to introduce other standards that achieve the desired built form and require more intensive development (i.e., build to lines, max setbacks), minimum building height and density (e.g., min. FSI requirements).

**3.14. Key Issue: Built Form Requirements in the City Centre**

The City has indicated a need to review built form requirements in the City Centre to encourage more compact and street-related development that enhances the streetscape and pedestrian environment, while minimizing impacts on adjacent residential neighbourhoods. Additional matters are to be identified in consultation with City staff.



a) **Current Zoning By-law**

As identified in Sections 6.3.1 and 6.3.2, the following provisions apply to the Central Area Commercial Zone:

ZONE PROVISION		CENTRAL AREA COMMERCIAL (C1)	CENTRAL AREA-1 (C1-1)	CENTRAL AREA-2 (C1-2)
Lot Area (min.)		-	-	-
Lot Frontage (min.)		-	-	-
Front Yard (min.)		-	-	-
Side Yard Adjoining	Residential Zone (min.)	6m	-	-
	Street (min.)	-	-	-
Rear Yard (min.)		-	-	-
Rear Yard Adjoining	Residential Zone (min.)	7m	-	-
	Street (min.)	-	-	-
Lot coverage (max)		-	-	-
Gross floor area (max % of lot area)		600%	-	-
Building Height (max)		15m	10m within 5m of the front lot line and the lot flankage, 30m beyond 5m of the front lot line and the lot flankage (1)	10m within 5m of the front lot line and the lot flankage, 45m beyond 5m of the front lot line and the lot flankage (1)
Minimum Coverage for Commercial uses (% of lot area).		-	50%	50%

Notes for table:

(1) Save and except Collier Street frontages and/or flankages, where the stepping provision shall not apply.



b) **Background Context**

Official Plan

The following are built form requirements for the Centre, identified in Section 4.3.2.2:

- All types of new residential development, including modifying existing single detached homes to accommodate multiple units while retaining the existing character of the area, shall be encouraged.
- Existing front yards are encouraged to be preserved as landscaped open space rather than parking spaces in those areas being redeveloped or converted through a change of use.
- Street furniture such as garbage bins, bike racks, benches, street lamps, tree lighting, banners and flower treatments, and sidewalks, crosswalks, bike paths, signage and landscaping shall achieve a high standard of design and be located to link the City Centre and the Lakeshore in a consistent manner.
- Municipal parking lots and structures in the City Centre shall be provided in locations that are convenient and accessible to the Downtown and waterfront. New parking spaces shall be constructed when needed and when economically feasible.
- The provision of public open space, in the form of active and passive parks, is recognized as an essential component within the City Centre for the enjoyment of workers, residents and visitors to the City. Visual and pedestrian linkages between commercial and related uses in the City Centre and the public open space system along the waterfront shall be encouraged.
- All new development in the City Centre shall respect the physical scale and characteristics of the existing structures. Any redevelopment of properties shall be in keeping with the existing character of the area and, where possible, the existing heritage structures shall be retained.

Urban Design Manual

Section 7.F of the Urban Design Manual includes a requirement to ensure that buildings over 3 storeys in the City Centre contribute to the skyline and all roof top penthouses and equipment is screened in a distinctive manner (e.g. in the form of an angled rooftop design).

c) **Recommendations**

Based on discussions with City staff, it is recommended that this issue be deferred following the City's Official Plan Review in order to provide further policy guidance, particularly related to the City's Intensification Strategy. Further consideration should be given to:



- 1) requiring commercial uses on the ground floor, abutting the street, and only permit residential uses above the ground floor, in certain locations.
- 2) the opportunity to include a regulation for minimum height of the ground floor in order to accommodate commercial uses in the future (i.e., minimum 4.5m high), when residential uses are permitted at grade.

Build within zones (and/or minimum/maximum front yard setbacks may be considered to improve the streetscape), and bring buildings closer to the street, while minimizing surface parking, or locating it at the rear. Build within zones may provide for a minimum % of the building façade to be located within the maximum front yard setback.

- 3) the maximum Gross Floor Area requirement could be expressed as a Floor Space Index.

### 3.15. Key Issue: Compatibility of Commercial Zones with Abutting Residential Areas

The City has identified a need to review land use compatibility between commercial uses and lower density residential uses to ensure appropriate transitions in built form.

#### a) Current Zoning By-law

The Zoning By-law includes the following provisions to control the height/setbacks/buffers of commercial uses next to residential uses:

- Where any lot in a non-residential zone abuts a lot in a Residential Zone, 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, with the exception of the Education Institutional Zone (Section 4.8.2.1)
- In the General Commercial Zone, the maximum building height is 9 metres. Where a General Commercial (C4) Zone property does not abut a residentially zoned property the height of the building may be increased to a maximum of 14 metres (Section 6.3.1)
- For the Neighbourhood Mixed Use Zone within the Salem and Hewitt's Communities, it is noted that: no step-back is required for a four storey building; no step-back is required for five storeys and up to six storeys if the building is setback 3m or more from the property line; and in all other cases, a 45 degree angular plane at height above 80% equivalent of the right of way width using 3m minimum step backs.

The maximum building heights for commercial zones are outlined in Sections 6.3.1 and 6.3.2 of the Zoning By-law, and summarized in the table below:



	C1	C2	C3	C4	C5	C1-1	C1-2	C2-1	C2-2
Building height (max)	15m	15m	14m	9m(2)	9m	0m within 5m of the front lot line and the lot flankage, 30m beyond 5m of the front lot line and the lot flankage.(1)	0m within 5m of the front lot line and the lot flankage, 45m beyond 5m of the front lot line and the lot flankage.(1)	0m within 5m of the front lot line and the lot flankage, 30m beyond 5m of the front lot line and the lot flankage.(1)	0m within 5m of the front lot line and the lot flankage, 45m beyond 5m of the front lot line and the lot flankage.(1)

Notes for table:

(1) Save and except Collier Street frontages and/or flankages, where the stepping provision shall not apply

(2) Where a General Commercial (C4) Zone property does not abut a residentially zoned property the height of the building may be increased to a maximum of 14m.

**b) Background Context**

Official Plan

The City’s Official Plan notes in Section 6.6.4 (e) i), “where taller buildings are located next to lower scale buildings, design elements which make use of height transitions between sites shall be encouraged. Towers should be located on site away from areas directly adjacent to lower scale buildings. Compatibility between sites is not intended to be interpreted as restricting new development to exactly the same height and densities of surrounding areas, particularly in areas of transition such as the intensification corridors”.

With regards to tall buildings, the Official Plan states that “buildings with frontages adjacent to view corridors will make use of setbacks, stepping provisions, and 45 degree angular planes to reduce the visual impact of building height on vistas terminating at Kempenfelt Bay”.

Intensification Areas Urban Design Guidelines

Section 4.3.7 of the Intensification Areas Urban Design Guidelines provides the following guidelines for intensification areas that are adjacent to stable residential neighbourhoods:

- Where Intensification Areas are adjacent to stable residential neighbourhoods, the application of an angular plane is recommended to provide a transition in height from mid-rise buildings to low residential homes to reduce shadow impacts on the residential properties, as well as the perception of height.



- a) *Above 80% of the building's permitted height, the property should step-back sideways 5.5 metres to provide sky views and sunlight penetration to the sidewalks in the right-of-way, and to other nearby properties.*
- b) *When a more "porous" street wall is preferred, side stepbacks should be encouraged above the minimum building height for that area.*
- c) *Upper storey side step-backs are not required for buildings that are 20 metres (6 storeys) or less.*

Section 5.3.2 also notes that rear yard parking accessed from a lane is preferred over front yard parking to allow for greater flexibility in the design of the front façade and front yard.

#### Best Practices

Provisions for angular planes can be used to control height and transition adjacent to established or low-rise neighbourhoods.

City of Orillia Zoning By-law 2014-44 includes the following provisions for angular planes with its General Provisions (Section 5.2):

*Notwithstanding the Height provisions of this By-law, all Development in excess of 3 storeys shall be subject to an Angular Plane in accordance with the following:*

- *A 45 degree Angular Plane shall be established with its vertex 7.5 m directly above the Abutting property line and its initial and terminal sides extending toward the Building for the following:*
  - *Development located in an Intensification Area*
  - *Development in the Downtown Shoulder One (DS1) or Downtown Shoulder Two (DS-2) Zone and adjacent to a Residential One, Two or Three (R1, R2, R3) Zone; and,*
- *Development located within the Height Overlay in the Downtown Area Overlay Zones as shown on Schedule "C" shall also have an Angular Plane on building wall that provide views to Lake Couchiching. A 45 degree Angular Plane shall be established with its vertex 7.5m directly above the respective property line or lines.*

*Notwithstanding the foregoing, an Angular Plane shall not apply to a property line Abutting a Public Road allowance.*



*c) Recommendations*

Based on discussions with City staff, it is recommended that this issue be deferred following the City's Official Plan Review in order to provide further policy guidance, particularly related to the City's Intensification Strategy.

Further consideration should be given to applying a 45 degree angular plane requirement to all Intensification Areas, which may be implemented through general provisions related to Intensification Areas, or through the zone standards related to each of the Intensification Area zones (i.e., notation to the minimum and maximum height requirements).

The 45 degree angular plane requirement may be applied only to properties that directly abut an adjacent low-rise residential area (often referred to as 'stable residential areas'). As such the 45 degree angular plane would only apply to the rear and interior side yards of the lots abutting an applicable low-rise residential zone or existing low-rise residential use.

The 45 degree angular plane would not be appropriate to be applied to the front and exterior side yards as they would not directly abut a low-rise residential development, but rather abut the street. In these instances, other zoning standards, such as podium height restrictions requiring a 1:1 street to building ratio, and tower setbacks above the podium to minimize visual impacts while also ensuring the building provides a good relationship to the street may be used. The width of the street itself helps ensure appropriate separation between a taller building and the uses on the other side of the street, so an angular plane is not typically used.

In order to distinguish what areas constitute "low-rise residential development, outdoor amenity spaces and public spaces", it is recommended that the appropriate zone categories be identified, which consist predominately of established low-rise residential uses and built forms, such as single detached, dwellings, semi-detached dwellings, triplex dwellings and similar built forms, and townhouse dwellings which are within a Residential Zone category. In this instance, the 45 degree angular plane requirement would not apply to properties within an Intensification Area that may accommodate townhouse dwellings.

**3.16. Key Issue: Building Height**

A review of the definition of Building Height is required to include greater clarity and assist in interpretation.



**a) Current Zoning By-law**

The Zoning By-law currently defines Building Height as “the vertical distance from the finished grade level to:

- in the case of a flat roof, the highest point of the highest roof surface;
- in the case of a mansard roof, the roof decline;
- or in the case of any other roof, the mean height between the eaves and the ridge;

exclusive of any roof or penthouse structure accommodating an elevator, staircase, ventilating fan or other similar equipment, a chimney or other ornamental structure which rises above the roof level but which does not provide habitable living space”.

Finished Grade level is defined as the average elevation of the finished surface of the ground abutting the external walls of the building or structure, exclusive of any embankment in lieu of steps.

**b) Background Context**

Best Practices

The following table provides examples of how Building Height is defined in comparable municipalities:

ZONING BY-LAW	DEFINITION
London ZBL Z.-1	Buildings Height means the vertical dimension between the grade of such building or structure and: <ul style="list-style-type: none"> <li>a) in the case of a flat roof, the highest point of the roof surface or parapet wall;</li> <li>b) in the case of a mansard roof, the deck line;</li> <li>c) in the case of a gabled, hip, gambrel or one-slope roof, the average level between eaves and ridge, except that a one-slope roof having a slope of less than 20 degrees from the horizontal shall be considered a flat roof for the purposes of this By-Law;</li> <li>d) in the case of a structure not having a roof, the top part of such structure; or</li> <li>e) where an exterior wall other than a required fire wall extends above the top of the roof of a building, the topmost part of such exterior wall”.</li> </ul>
Oakville ZBL 2014-014	Height means the vertical distance between established grade to the highest point of a structure, unless otherwise specified by this By-law  Height, First Storey means the vertical distance between the top of the finished floor level of the first storey and the top of the finished floor level of the storey above.



ZONING BY-

LAW	DEFINITION
Brampton ZBL 270-2004	BUILDING HEIGHT shall mean the vertical distance between the established grade, and: (a) in the case of a flat roof, the highest point of the roof surface, (b) in the case of a mansard roof, the deck line, or (c) in the case of a peaked, gabled, hip or gambrel roof, the mean height level between eaves and ridge.
Wasaga Beach ZBL	BUILDING HEIGHT Shall mean the vertical distance between the established grade and a) the highest point of a flat roof; b) the deck line of a mansard roof; c) the mean height between the eaves and ridge of a gabled or hip roof. In calculating the height of a building, any construction used as an ornament or for the mechanical operation of the building such as a mechanical penthouse or a chimney, tower, cupola, steeple, or an antenna, or a free-standing farm silo shall not be included unless otherwise stipulated herein.

*c) Recommendations*

- The definition of building height and finished grade is generally consistent with comparable zoning by-laws. Further discussion with City is required to confirm the issue and what revisions to the definition and calculation of building height may be required.

**3.17. Key Issue: Permitted Yard Encroachments**

Aside from a few provisions established through Special Provisions, the Zoning By-law does not contain any general provisions related to permitted yard encroachments.

*a) Current Zoning By-law*

The Zoning By-law regulates maximum encroachments within the Special Provisions sections of the by-law. For a number of Special Zones, it is noted that a maximum encroachment of 1.5m shall be permitted for covered porches and steps and 0.6m for bay windows.

*b) Background Context*

It is generally common for Zoning By-laws to include a list of permitted encroachments to give some flexibility for certain structures and architectural elements to project into a required yard.

*c) Recommendations*

- 1) It is proposed a new section be included with the General Provisions Section of the Zoning By-law to address Yard Encroachments. An example from the Nobleton Zoning By-law in the Township of King is provided below:



Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky, provided that the structures listed below shall be permitted to encroach into the minimum yards indicated for the distances specified.

**Example of Permitted Yard and Setback Encroachments**

STRUCTURE	YARD	NO PART OF ANY BUILDING OR STRUCTURE SHALL PROJECT INTO THE SPECIFIED YARD MORE THAN:
i) Architectural elements, including sills, belt, courses, cornices, gutters, chimneys, pilasters, eaves, parapets, canopies or fireplaces	Any yard	0.6 m
ii) Window bays	Front, rear and exterior side yards only	0.9 m, at a maximum width of 3.0 m
iii) Balconies	Front, rear and exterior side yards only	1.8 m
iv) Open or roofed porches not exceeding one (1) storey in height and uncovered terraces	Front, rear and exterior side yards only	2.4 m including eaves and cornices
v) Decks with a height no greater than 0.6 m from grade	Rear and interior side yards only	Unrestricted, but no closer than 0.6 m from any lot line
vi) Decks with a height greater than 0.6 m, but less than 3.0 m, from grade	Rear yard only	1.5 m
vii) Air conditioners, heat pumps, swimming pool pumps/filters/heaters	Rear, exterior side and interior side yards only	Unrestricted, but no closer than 0.6 m from any lot line
viii) Unenclosed barrier-free wheelchair access ramps	Any yard	Unrestricted, but no closer than 0.6 m from any lot line

**3.18. Key Issue: Signage**

The Zoning By-law will require implementation and consistency with the City's Sign By-law 2005-093 as it does not contain any provisions related to signage.

**a) Background Context**

The Sign By-law currently contains the following provisions which refer to the Zoning By-law:



- “Poster panel signs are permitted in all vacant undeveloped lots zoned Commercial or Industrial and on all lands zoned Agricultural, according to the City of Barrie Zoning By-law (S. 12.1.1.1.0)”.
- One poster panel sign is permitted to be located on any lot zoned Agricultural according to the City of Barrie Zoning By-law (S. 12.1.2.1.0)”.
- “Mobile signs are permitted in all areas zoned Commercial, Industrial and Institutional, according to the City of Barrie Zoning By-law (S. 12.2.2.2.0)”.
- No more than one (1) mobile sign is permitted to be located on any lot zoned Commercial, Industrial or Institutional according to the City of Barrie Zoning By-law (12.2.3.1.0)”.

#### Best Practices

Most Zoning By-laws will either include no mention, or defer to their sign by-laws to regulate the usage of signs.

Within the General Provisions Section of the Town of Wasaga Beach’s Zoning By-law, it is stated that *nothing in the Zoning By-law shall prevent the erection, alteration or use of any sign, provided such sign complies with any by-law of the Corporation regulating signs and provided such sign complies with the provisions of this By-law regarding sight triangles* (Section 3.14).

The Township of King’s Zoning By-law for the Schomberg and King City Urban Areas also defers to its Sign By-law in Section 3.42 regarding Yard and Setback Encroachments Permitted. It is noted that *signs erected in accordance with the provisions of the Municipality’s By-law regulating signs, or other similar accessory structures shall be permitted in any required yard or in the area between the road or street line and the required setback*.

#### **b) Recommendations**

- 1) The City may consider updates to the Sign By-law.
- 2) Alternatively, the Sign By-law 2005-093 provisions S. 12.1.1.1.0, S.12.1.2.1. and 12.2.3.1.0 be incorporated within the General Provisions section of the Zoning By-law to address the sign size, location and number of signs per lot, or reference be made to the Sign By-law to regulate the usage of signs.

### **3.19. Key Issue: Rooftop Mechanical Equipment**

The Zoning By-law does not provide any general provisions to regulate the location/screening of mechanical equipment/mechanical penthouses.



**a) Background Context**

Section 6.3.1 of the Official Plan notes that an objective of Site Plan Control is to address exterior design elements of buildings including, but not limited to character, scale, appearance, massing, design features, roof pitch, materials and screening of rooftop mechanical and electrical equipment, sustainable exterior design of buildings, sustainable design elements on any adjoining boulevards /municipal rights-of-way.

Best Practices

The Draft Cambridge Zoning By-law includes the following regulations related to rooftop mechanical equipment:

- *A mechanical penthouse, including any appurtenances thereto, shall not exceed 6.0 metres in height;*
- *Rooftop mechanical equipment, including any appurtenances thereto, that exceeds 2.0 metres in height shall be fully enclosed within a mechanical penthouse; and*
- *Rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof if it is not fully enclosed within a mechanical penthouse or screened by an architectural feature.*

Section 4.6.4 of Oakville Zoning By-law 2014-014 includes the following regulations related rooftop mechanical equipment and mechanical penthouses:

*The following provisions shall apply where rooftop mechanical equipment is provided on any lot not located in any Residential Low (RL) Zone and the Residential Medium (RM1) and (RM2) Zones:*

- a) *A mechanical penthouse, including any appurtenances thereto, shall not exceed 6.0 metres in height.*
- b) *Rooftop mechanical equipment, including any appurtenances thereto, that exceeds 2.0 metres in height shall be fully enclosed within a mechanical penthouse.*
- c) *Rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof if it is not fully enclosed within a mechanical penthouse or screened by an architectural feature.*
- d) *A mechanical penthouse is deemed not to be a storey for the purposes of this By-law. (2015-079)*

**c) Recommendations**

- It is recommended that regulations be included within the General Provisions section of the Zoning By-law which requires Rooftop mechanical equipment to be appropriately located and/or screened from view of any abutting street by



regulating the location (setbacks from edge of roof), height and screening through the use of enclosures or architectural features.

**3.20. Key Issue: Funeral Establishments**

There are currently 3 funeral home related definitions/terms which permit the uses in different zones: Funeral home; funeral establishment; and funeral service provider.

**a) Current Zoning By-law**

Definitions for the 3 funeral home uses are as follows:

- 1) Funeral Service Provider - shall mean a wholly enclosed building for the purpose of furnishing funeral services to the public and may include facilities for the preparation of the human body for internment or cremation, and may include facilities for cremation, but shall not include ceremonies such as celebrations of life or wakes.
- 2) Funeral Establishment - shall mean premises used for the care and preparation of human remains and related coordination of rites and ceremonies, but does not include a cemetery, columbarium, crematorium or place of worship.
- 3) Funeral Home – Not defined but the term is used in the Zoning By-law.

The following table summarizes where funeral home uses are permitted in the Zoning By-law:

	CENTRAL AREA COMMERCIAL (C1)	TRANSITION CENTRE COMMERCIAL (C2)	GENERAL COMMERCIAL (C4)	CONVENIENCE COMMERCIAL (C5)	LIGHT INDUSTRIAL (LI)	HIGHWAY INDUSTRIAL (HI)
Funeral Establishment	x	x	x	x (SP-358 only)		
Funeral Home		x (SP-57 only)	x (SP-69 only)			
Funeral Service Provider					x	x (SP-545 only)

**b) Background Context**

Official Plan

The only policy related to funeral home uses can be found in Section 8.5.4.4 where it is noted that *applications for place of worship and funeral home uses may be considered in the Highway 400 Industrial/Business Park designation on properties fronting on Veteran’s Drive or McKay Road West subject to an amendment to the zoning by-law and the submission of an evaluation that demonstrates the use can satisfy the Ministry of Environment separation guidelines and a traffic impact analysis.*



Best Practices

A single term “Funeral Home” is widely used in the zoning by-laws of comparable municipalities. The table below summarizes the definitions used:

London ZBL Z.11	"FUNERAL HOME" means a building or part thereof wherein a licensed undertaker prepares corpses for interment and may include a chapel for funeral services.
Orillia ZBL 2014-44	Funeral Home means premises used for furnishing funeral supplies and service to the public and includes facilities where human corpses are preserved or otherwise prepared for interment or cremation.
Oakville ZBL 2014-014	Funeral Home means a premises used for the purpose of furnishing funeral supplies or services to the public and includes facilities intended for the preparation of bodies for interment or cremation off site such as embalming.

**c) Recommendations**

- It is recommended that that the funeral home uses and definitions identified in the Zoning By-law (funeral home, funeral establishment, funeral services provider) be consolidated into one term: “Funeral Home” and the existing permitted zones are maintained.

**3.21. Key Issue: Clothing Donation Bins**

The Zoning By-law does not provide any general provisions to regulate the use of clothing donation bins.

**a) Background Context**

Provisions for clothing donation bins are sometimes regulated through a municipal by-law (i.e., Bradford West Gwillimbury, Markham) or the Zoning By-law.

Section 2.1.28 of the Mississauga Zoning By-law 0225-2007 provides the following regulations for outdoor clothing drop boxes and vending machines:

- *Outdoor clothing drop boxes and vending machines shall be permitted in Commercial and Employment Zones in compliance with the following:*
  - *Only outdoor clothing drop boxes for registered charities shall be permitted;*
  - *Minimum setback of an outdoor clothing drop box and/or a vending machine from a Residential Zone shall be 6.0 m;*
  - *An outdoor clothing drop box and/or a vending machine shall be located outside of any required landscaped area;*
  - *An outdoor clothing drop box and/or a vending machine shall not be located on any required parking area or obstruct any required parking space.*



c) *Recommendations*

- Should the City wish to integrate a regulatory framework for clothing donation bins, it is recommended that the following provisions are generally appropriate:

*Outdoor donation bins shall be permitted in Commercial and Industrial Zones in compliance with the following:*

- *the minimum setback of an outdoor donation bin from a Residential Zone shall be 6.0 m;*
- *an outdoor donation bin shall be located outside of any required yard setback; and*
- *an outdoor donation bin shall not be located on any required parking area or obstruct any required parking space.*

**3.22. Miscellaneous**

A number of miscellaneous revisions have also been identified:

- Section 4.10 - Revise "Site Triangles" to "Sight Triangles"
- Inconsistencies in provisions and definitions, for example:
  - Reference to "data warehousing" in Section 4.6.2.3(a), whereas "data warehousing" is not listed in Table 4.6 or Section 3. It is recommended that Section 4.6.2.3(a) be revised to replace "data warehousing" with "data processing centre" as it is currently defined and listed in Table 4.6.
  - Reference is made to "Two unit dwelling" and "Three or more unit dwelling" in Table 5.2 and Table 5.3, whereas these terms are not defined in the by-law. It is recommended that these uses be more clearly defined based on the use (i.e., semi-detached dwelling, duplex, etc.).



#### 4. SUMMARY OF KEY ISSUES RECOMMENDED TO BE DEFERRED FOLLOWING THE OFFICIAL PLAN UPDATE

The City is undertaking the preparation of a new Official Plan which will replace the current City of Barrie Official Plan (2010) and implement the Growth Plan, 2017 municipal comprehensive review requirements. As a result, and based on discussions with the City, the following key issues in this Report have been identified to be deferred following the preparation of the new Official Plan in order to provide further policy direction to update the Zoning By-law:

- Section 3.6 - Second Suite Permissions – Requires an Official Plan Amendment.
- Section 3.9 - Short-term Accommodations – Requires guiding Official Plan policies to be developed to inform the Zoning By-law regulations.
- Section 3.13 - Commercial Uses in The City Centre – Parking and lot coverage requirements should be further assessed through the City's Intensification Strategy.
- Section 3.14 - Built Form Requirements in the City Centre – Urban design and built form requirements in the City Centre should be further assessed through the City's Intensification Strategy.
- Section 3.15 - Compatibility of Commercial Zones with Abutting Residential – Compatibility matters (i.e., angular plane requirements, etc.) should be further assessed through the City's Official Plan Review and policy formulation regarding urban design/compatibility.

It is Staff's intention that a Comprehensive Zoning By-law Update will be completed following the Official Plan Review to address these key issues, among other matters as identified through the Review.

#### 5. NEXT STEPS

Based on the recommendations of this Report, it is anticipated that City staff will advance work on addressing the key issues through amendments to the Zoning By-law. A full public process under the *Planning Act* will be required and is anticipated for Fall 2018/ Winter 2019.

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**APPENDIX “B”**  
**Peer Review of the City of Barrie Community Improvement Plans**



**MEMO**

**TO:** City of Barrie  
**FROM:** WSP  
**SUBJECT:** Peer Review of the City of Barrie Community Improvement Plans  
**DATE:** June 7, 2018

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**1. BACKGROUND**

The City of Barrie has retained WSP Canada Group Limited to conduct an external Peer Review of the City’s Community Improvement Plans. A Community Improvement Plan (CIP) is an economic development and planning tool enabled by Section 28 of the *Planning Act*. Using a CIP, the City may administer a wide range of potential grant and loan programs to property owners and tenants, to promote private property investment. The provisions of the *Planning Act* apply with respect to the development, content and use of Community Improvement Plans.

CIPs are very common planning tools that are used to support many different economic development and planning objectives. There are well over 100 CIPs in effect in Ontario. CIPs have been used mainly to promote revitalization of specific geographic areas, including downtown areas, commercial corridors, brownfield (contaminated) areas, and other targeted geographies. Municipalities have also applied CIPs to achieve and support other planning and economic development objectives, such as supporting intensification and community transformation; promoting value-added and diversified uses to strengthen agricultural and rural areas; promoting the creation of affordable housing; promoting energy and water efficient uses and buildings; promoting conservation of historic buildings and properties; and achieving urban design and architectural design standards, for example.

This memo includes the following sections:

- Section 2 – Purpose of this Review;
- Section 3 – Overview of Barrie’s Community Improvement Plans;
- Section 4 – review of each CIP’s Program Purpose/Objectives sections;
- Section 5 – review of the CIP’s current incentive programs;
- Section 6 – discussion of a potential cash-in-lieu of parkland dedication grant program to promote affordable housing;
- Section 7 – review of design guidelines;



- Section 8 – review of general eligibility criteria;
- Section 9 – review of administrative documents;
- Section 10 – options for funding tax increment grant programs;
- Section 11 – review of program success;
- Section 12 – review of marketing/promotion policies and approaches; and
- Section 13 – summary of conclusions and recommendations.

## 2. PURPOSE OF THIS REVIEW

The purpose of this review is to provide an evaluation of the current Community Improvement Plans (CIPs) being administered by the City of Barrie, and to recommend potential opportunities for improvements to bring about greater success and to advance Barrie's planning and economic development goals. This review has been conducted by WSP in consideration of the firm's experiences in developing CIPs and municipal best practices.

This review examines all aspects of the City's current CIPs, administration processes and administrative documentation, to identify potential improvements to administrative processes and policies. Further, this review considers specific requests by the City for WSP's input into specific matters as highlighted throughout this memo.

## 3. OVERVIEW OF BARRIE'S COMMUNITY IMPROVEMENT PLANS

The City of Barrie currently administers two Community Improvement Plans:

1. The **Built Boundary CIP** was approved by the City in October 2016. The broad purpose of the CIP is to encourage improvements to eligible existing buildings and appropriate development within the City's intensification areas. The CIP incorporates and replaces two of the City's prior CIPs: the Downtown Barrie CIP and Allandale Centre CIP. The Plan applies to the entirety of the Built Boundary of the City of Barrie. Two grant programs are administered under this Plan:
  - a. The **Renovation Grant** promotes renovation and restoration of existing buildings. It applies to the Urban Growth Centre and to buildings listed in the Municipal Heritage Register. The grant, aimed at improving existing buildings, is awarded in the amount of up to 50% of eligible project costs or \$25,000, whichever is less.
  - b. The **Redevelopment Grant** is intended to promote affordable housing, brownfield redevelopment as well as mixed-use development. Grants for mixed use development are applicable only within the City's intensification areas (per Schedule I of the Official Plan).
2. The **Georgian College CIP** is aimed at a specific area of the City located in proximity to Georgian College. The CIP promotes the creation of affordable housing geared toward students. The CIP was developed upon the basis established in the Georgian College Neighbourhood Strategy.



- a. The **Planning Fees and Building Permit Fees** grant program provides incentives to assist with the cost associated with completing certain types of planning applications (Official Plan Amendment, Zoning, Committee of Adjustment and Site Plan Control) as well as building permit fees.
- b. The **Tax Increment-Based Grant** provides a grant for a portion of taxes resulting from increased assessment for eligible projects. Eligible projects include rehabilitated properties or infill development/redevelopment for multi-unit residential uses. The majority of units must consist of at least four bedrooms. The value of the grant is a percentage of the tax increment, and is intended to be paid in decreasing amounts over a period of five years.

A Cash-in-Lieu of Parkland Dedication Grant was previously active but has been discontinued. The grant previously provided for up to 100% of the required cash-in-lieu of parkland dedication as would normally be required for multiple residential projects, provided the majority of units were four bedroom units. Additionally, the commercial and institutional components of mixed-use developments were eligible.

It is noted the Georgian College CIP (2007) outlines grants for planning applications and building permits, but these programs are not 'advertised' by the City's website. It is understood that the program is still active and should be added to the website. The cash-in-lieu of parkland dedication grant may also be removed from the website as it is no longer active. The Renovation Loan as listed on the City's website as a program under the Georgian College CIP may also be removed from the website as it is intended to be a program under the Built Boundary CIP and is advertised there accordingly.

#### 4. PROGRAM PURPOSE/OBJECTIVES

Each of the CIPs outlines a Purpose (Section 1.0 of each CIP) and several key objectives (Section 3.0 of each CIP). The objectives are fairly high-level in nature, and speak more to the purpose of the CIP, rather than setting out a measurable target. It would be beneficial to elaborate on the purpose and objectives of the CIP, to:

- Establish more specific intentions about what the programs are trying to achieve; and
- Clearly connect the CIP to the policies of the Official Plan.

As much as possible, it is desirable to set out more measurable objectives in a CIP, to monitor the plan's success overtime. Objectives should be established by utilizing benchmark data and trends, to ensure that the objectives are meaningful and achievable. In particular, this could include:

- Setting out an expectation for the ratio of public grant dollars to private investment;
- Identifying objectives for the number of applications in certain areas of the City, where the City desires to see more improvement;
- Specific targets related to planning objectives, such as number of residential units, commercial floor area, targeted rents/affordability of incented development, number/proportion of applicants that are heritage buildings, etc.



The key benefit of setting out objectives is that it sets a framework to make future revisions to the CIP, if the objectives are not being achieved. For example, if the City's objective for the ratio of public grant dollars to private investment being leveraged is not being achieved, there may be an opportunity for the City to focus its funding or grants on more valuable/substantial projects, or to change the proportion of eligible costs that are covered by the grant program. Without setting objectives, it is difficult to identify the need for future tweaks or improvements to the CIP.

## 5. REVIEW OF CURRENT INCENTIVE PROGRAMS

### RENOVATION GRANT (BUILT BOUNDARY CIP)

The Renovation Grant is a very broad program with a wide range of eligible costs and projects. Only buildings in the Urban Growth Centre are eligible. The purpose of the program is broadly described as promoting renovation and restoration of historic buildings in the Urban Growth Centre and buildings listed on the Municipal Heritage Register.

Buildings listed on the Municipal Heritage Register are eligible anywhere in the Built Boundary, which encompasses a large portion of the City. Eligible works are very broadly stated, and include both interior and exterior renovations related to adaptive reuse, façade, signage, building code compliance upgrade, accessibility, HVAC improvements, restoration/renovation to Municipal Heritage Register Buildings and energy efficiency improvements. The program does not appear to address property (non-building) improvements (e.g., landscaping, parking, etc.).

The maximum grant is up to \$25,000 or 50% of eligible costs. The value of the grant is generally appropriate and in line with similar grant programs in other municipalities. However, given the wide range of eligible costs, the grant value may not always be suitable. For example, this grant value would be high in relation to a proposal for improved signage, compared with a typical signage grant used by other municipalities.

The nature of the program and wide range of eligible costs provides a great deal of flexibility for the City to adapt the program from year-to-year to focus on changing priorities. The specific policies for the program also establish the potential for the City to establish additional eligibility criteria, including consideration of priority streets (6.4.4). This could allow the City to react to the use and challenges of the program without having to amend the Plan. However, where detailed criteria are not clearly established outside the Plan, the program could incent projects that are not necessarily contributing to the overall objectives of the Plan. The eligible costs are not as explicit as are typically used in CIPs. For example, energy efficiency improvements could be interpreted to relate to minor costs such as energy-efficient light bulbs rather than more permanent upgrades.

Other administrative policies as included in Sections 6.3 and 6.4 are reviewed as follows:

- The policies establish an "intake window" application process in which applications are accepted on a limited basis. This could include more than one intake period per year. According to the City's website, the last intake occurred in April-May 2017. Most municipalities accept applications year-round, although there are pros and cons to each approach. An intake window process works well where there is expected to be high demand and relatively limited funding, and thus a need to prioritize projects. Many CIPs provide flexible policies to enable a municipality to change between intake/year-round processes without having to amend the Plan.



We understand the City has had good success with the use of an intake process so far. With an intake process, we note there may be limited opportunity to provide comments back to potential applicants, which is a key means of ensuring that applicants are best implementing design principles and achieving other objectives. A year-round application process would typically involve greater opportunity to meet with applicants in advance of submitting applications. A potential approach to achieve this benefit in an intake window process would be to require participation in an enhanced Expression of Interest program in which potential applicants will need to submit more robust information about their intentions, and potentially even meet with the City. The City could also issue documentation in association with the Expression of Interest, such as guidelines and minimum design expectations to increase the quality of applications that are ultimately received.

- Applications are scored and the scoring system and specific criteria are subject to change from year-to-year. While this provides flexibility for the City, it may create uncertainty for potential applicants.
- It is intended that an agreement will be executed and registered on title. Generally, agreements for one-time grants are not normally registered on title by most municipalities, but rather just represent an agreement that is fulfilled upon completion of construction and payment of the grant. More often, grants paid over multiple years (e.g., tax-based grants) are registered on title, and loans are more typically registered on title to ensure repayment.
- Approval is conditional upon completion of the works within one year. This is a reasonable requirement, but it could alternatively be addressed in the agreement to increase flexibility. The CIP could more generally indicate that construction is to be completed within a reasonable timeframe to be established in the agreement.
- The grant is paid upon 50% of building occupancy. This is not a typical requirement in other municipalities and may pose implementation challenges (i.e., it is difficult to determine achievement of 50% occupancy). The best practice is to pay the grant upon completion of construction (the property owner advises the municipality, and staff can conduct a site inspection, if required). Should there be a need to tie grant payment to occupancy, this could be detailed in the agreement.
- The policies enable changes to the upset maximum of the grant subject to a resolution of Council. While this is not a typical policy in a CIP, it provides additional flexibility.
- The grant program is approved by the Director of Planning and Building Services. This is a suitable approach. Most municipalities delegate approval to staff (either a committee or individual). Delegating to staff enables the greatest degree of flexibility and ability to respond quickly to applications while ensuring that appropriate expertise is involved in decision-making.
- It is notable that there are no criteria or policies regarding urban design, architectural design or similar requirements for the Renovation Grant. This is a key best practice to ensure that the proposed improvements represent a positive, desirable improvement over



existing conditions in terms of architectural detail, scale/massing, height, setbacks and other elements.

Generally, the broad approach used by this program varies from the approach typically used by municipalities. This has both advantages and potential risks. CIPs more commonly set out more specific incentive programs aimed at specific project types (e.g., a façade improvement grant versus a Building Code compliance grant). Further, the broad permission of including interior renovations as part of eligible costs differs from other CIPs, which largely focus on exterior improvements.

It is somewhat unclear from the CIP itself (Part B) what specific projects are being targeted and encouraged, given the wide range of potential costs. The narrative of what the program is intending to achieve is somewhat unclear throughout the document. It appears that the function of the CIP is to set out eligible costs very broadly (Section 6.2), and for the evaluation criteria to focus on funding those priority, high-scoring projects, subject to funding availability. This enables the City to change priorities year to year by setting out the detailed scoring system. This approach has merits, particularly where it is the objective of the CIP to broadly encourage private property investment and general building renewal. However, there are disadvantages of this approach compared with a more typical approach to CIPs.

The more typical approach to a CIP is to establish explicit incentive programs aimed at encouraging specific projects (e.g., a façade improvement grant, adaptive reuse grant, Building Code upgrade grant, etc.). In some cases, these more detailed programs can be tied to more specific areas or precincts contained within the community improvement project area. While this may not have the flexibility of the current Renovation Grant, it allows the City to target certain programs to certain areas (and to accordingly target how the programs are marketed). The individual grants may also be applied geographically to targeted areas, rather than applying the Renovation Grant broadly to the entire Urban Growth Centre. There may be areas within the Urban Growth Centre where certain improvements are more desirable than others.

### **REDEVELOPMENT GRANT (BUILT BOUNDARY CIP)**

The Redevelopment Grant provides incentives for affordable housing, certain development/redevelopment within intensification areas (as contemplated by the Official Plan/zoning) and redevelopment of brownfields.

The Affordable Housing program is specifically applicable to affordable housing development within the Built Boundary, Urban Growth Centre or within an Intensification Node or Corridor outside the Built Boundary. There are criteria setting out what will constitute an affordable housing development. The program is applicable to both affordable rental and affordable ownership housing as defined in the Plan (Section 7.2). Available programs include a tax increment grant and affordable housing charges and fees grant, and the values will vary based on the type of affordable housing, and range from 25% to 100% of development charges, building permit fees and planning application fees. However, the larger grant values are reserved for emergency housing (100%), transitional housing (75%) and social housing (50%) whereas rental housing is limited to 25% of the grant.

Typically, the other housing forms could be developed by the public sector. The tax increment grant is paid back over a 5-year period for specified project types. Generally, the program is a



fairly flexible tool aimed at promoting the creation of new affordable housing units. Due to the nature of a tax increment grant program, which is paid over a period of several years, the program is likely to be more attractive to builder-operators, who will continue to develop and rent the units. This can be substantial, since not-for-profit housing development can operate very tightly, and since the value of a tax increment grant can be substantial over the life of the grant. Some tax increment grant programs in Ontario are implemented for as long as 10 years which can provide even more substantial incentives.

There is opportunity to further consider other means of promoting affordable housing through a CIP, including the following opportunities. The intent of these suggestions is to provide some identification of ideas for further analysis and should not be construed as a suggested approach that is necessarily appropriate for Barrie:

- **Secondary suites grant** – There is opportunity to establish a grant or loan program to support the establishment of secondary suites across the City or in targeted areas. Such a program could be designed to support needed improvements to meet the Building/Fire Code, to provide a second suite or to meet other zoning requirements (e.g., separate entry).
- **Greenfield opportunities** – As part of greenfield development, there is opportunity to provide grants in association with the provision of secondary suites in new homes, or laneway/coach houses. This can benefit the affordability of the home itself, as well as providing an opportunity for secondary units to be designed and thoughtfully integrated in the new development. It is recognized, however, that the current CIPs focus on the Built Boundary, so exploration of these programs would require consideration for a new CIP or an expansion of the scope of the current CIP.

An example of such a grant could be a development charge (DC) grant in relation to a second suite that is provided by the builder, to reduce the cost for the builder to provide a second suite option to the purchaser of the new home. This could help the builder provide the option at a reduced cost. Consideration may be made to establish an agreement with the new home owner to ensure the second suite is rented as an affordable unit.

The alternative to providing a DC grant is to explore a DC exemption through a Development Charge Background Review and By-law process. In reviewing the City's most recent DC Background Study (2014), there did not appear to be any explicit reference to second suites. Within the City's current Development Charges By-law (2014-108), it appears that second suites are exempted from development charges for existing buildings, subject to some criteria (Section 9 (a)(ii)-(vi)). It is interpreted that this exemption would not likely apply to second suites proposed as part of new dwellings constructed in a greenfield context.

- **Acquisition of land / Public-Private Partnership** – Under Section 9.0, the CIP contemplates the opportunity for the City to acquire potential affordable housing sites, and to initiate a public/private partnership. There may be an opportunity to outline a specific pilot project.
- **Cash-in-lieu of parkland dedication grant** – refer to Section 6.0 of this memo.



The Intensification Area Redevelopment program is specifically applicable to properties within or partially within the Urban Growth Centre, within 500m of a transit station and properties with at least 100m of frontage on a road forming an intensification corridor or one of the intersections forming an intensification node. The grants include a tax increment grant and a charges/fee grant for the commercial component of development. This could include up to 50% of development charges, 50% of building permit fees or 100% of planning application fees. The tax increment grant is applicable to the ground-related commercial component of the project. There is a need to provide commercial uses in the ground floor for those commercial uses to be eligible. Projects must also comply with applicable Official Plan policies including densities and zoning. It is noted that the CIP's requirements reference the need for the proposed development to comply with zoning. The Background context (Part A of the CIP) explains that zones were established for Intensification Nodes and Corridors to implement future development in these areas. It is presumed that eligibility should rather relate to the need to apply these zones. More explicit reference to the need to apply these zones would be beneficial for clarity.

The program's focus on incenting only commercial uses will limit its ability to be attractive to promoting redevelopment generally, but it can help encourage development to adopt a mixed-use format which better aligns with the City's design and mixed-use intentions for the intensification corridors and nodes.

The brownfield program is available for redevelopment of brownfields within the Built Boundary or within an intensification node or corridor outside the Built Boundary. Brownfields are defined in the Plan. The grant is a tax increment grant, and can be used to address costs related to Phase I / Phase II environmental site assessments, risk assessments, remediation and monitoring plans. It may provide up to 50% the cost of rehabilitating the property to a Record of Site Condition and up to 50% of the cost of complying with a certificate of property use under the *Environmental Protection Act*. The eligible costs are similar to many other brownfield programs in Ontario. It is also common to apply these programs broadly within the municipality.

Some municipalities alternatively enable taxation deferral/cancellation during the rehabilitation and/or redevelopment period, as opposed to (or in combination with) a tax increment grant as enabled under Section 365.1 of the *Municipal Act*. This program can be supported by Provincial funding to cover the education portion of taxes.

Further, the following general policies apply to administration of the Redevelopment Grant:

- Approval is delegated to a group of staff as well as the Executive Director of Invest Barrie. As noted, this is an appropriate and desirable approach to approving incentives and ensuring timely decisions.
- The program requires the application be processed along with the Site Plan application. This is generally appropriate as an expectation. However, in the case of brownfields, there may not be a Site Plan until at least some of the studies are completed for the brownfield site.
- The program enables the incentive to be combined where the various elements of the program are included.
- It is understood that applications for this program may be made at any time throughout the year.



### **TAX INCREMENT-BASED GRANT (GEORGIAN COLLEGE CIP)**

The Tax Increment-Based Grant under the Georgian College CIP is utilized to promote the rehabilitation of land and buildings which results in the creation of additional multi-unit residential rental units which are geared toward students. This will include a minimum of four bedrooms within a unit and must involve an increase in the assessment of the property by at least \$100,000. The tax increment grant is paid for up to 5 years, in decreasing amounts, from 100% of the tax increment in years 1 and 2 to 25% in year 5.

### **APPLICATION FEES, PERMIT FEES AND SPECIAL FEES GRANT (GEORGIAN COLLEGE CIP)**

This program provides grants to cover fees for planning applications and building permits. The same projects are eligible as with the Tax Increment-Based Grant, namely developments consisting of a majority of four-bedroom units. The assistance ranges from 25% to 50% for building permit fees, depending on the fee value, and up to 100% for planning application and parkland dedication fees.

## **6. POTENTIAL CASH-IN-LIEU OF PARKLAND GRANT FOR AFFORDABLE HOUSING (BUILT BOUNDARY CIP)**

We understand the City is examining the potential of integrating a cash-in-lieu of parkland dedication grant and/or exemption in relation to promoting affordable housing in the Built Boundary CIP. This could build upon the wide range of programs already offered for affordable housing under the Built Boundary CIP (tax increment grant, and building/planning fee grant). The alternative to providing a grant would be to examine the potential for an exemption to parkland dedication/cash-in-lieu of parkland requirements. If the program is included within the CIP, the grant would need to be funded from the CIP incentives budget.

The program could provide a further opportunity to help encourage affordable housing by reducing the cost of development. For affordable housing projects, any incentive can help to make a project viable, as it would be considered in the developer's pro forma.

A grant for cash-in-lieu of parkland dedication is also a grant that would be paid upon project completion, and thus would be attractive to all types of affordable housing builders (in contrast with a tax increment grant, which is paid out over time and thus is appealing principally to builder-operators of affordable housing). Ultimately, for market rental housing, a tax increment grant is likely the most attractive type of financial incentive, as it offers the greatest opportunity for large incentives which can most positively impact the pro forma. In our experience in consulting/working with affordable housing developers, the need to acquire appropriate development sites is often a significant barrier. Under Section 28 of the *Planning Act*, the City can acquire land for the purposes of affordable housing, and then enter into a process to partner with developers and/or seek requests for proposals. The acquisition of land appears to be enabled by the current Built Boundary CIP (section 9).



## 7. REVIEW OF DESIGN GUIDELINES/CRITERIA

The implementation of design guidelines or criteria are a key aspect of a Community Improvement Plan. There is a need to establish criteria for built form, massing, height and architectural detailing to ensure the project incented achieves the City's design expectations. This is an important public interest that can be achieved by a CIP. The City continues to administer Façade Improvement Guidelines, although they are not specifically tied to eligibility criteria, but would be applicable to the Renovation Grant, in particular. Further, the City implements Intensification Area Urban Design Guidelines (dated April 2012), which are tied to the eligibility criteria under the Redevelopment Grant in the Built Boundary CIP. It is noted that the detailed evaluation matrix identifies some criteria related to urban design and architectural quality.

It is suggested that there should be design criteria established in relation to all programs involving development, redevelopment or any exterior improvements. This is a critical best practice established by most municipal CIPs. The risk of not having clear, mandatory design criteria is that the CIP will incent projects that are contrary to positive streetscape beautification or are impactful to the historic elements of buildings.

## 8. REVIEW OF GENERAL ELIGIBILITY CRITERIA

Section 5.0 of the Built Boundary CIP addresses general eligibly criteria. Further, Section 8.0 outlines other requirements applicable to both programs (these could be combined into general eligibility criteria). These criteria are typically included in most CIPs. The criteria help to ensure that the programs will support only desirable improvements that meet the intent of the CIP. Further, the criteria protect certain financial interests. The criteria established are generally consistent with general eligibility criteria included in other municipal CIPs.

Some potential opportunities for elaboration could include:

- It is a best practice in most CIPs to require that projects currently under construction (or completed) are not eligible to apply for a grant. There are some exceptions to this, such as applications under the affordable housing program.
- Some CIPs establish a minimum project value. While some of the programs have an implied minimum project value (i.e., anything that would be eligible for a tax increment grant would need to be a major project that results in a tax assessment increase), the Renovation Grant in particular could incent potentially very minor improvements.
- The criteria should ensure disclosure/relationship to other potential grants the applicant may be receiving (e.g., Provincial, CMHC, etc.).

## 9. ADMINISTRATIVE DOCUMENTS

### APPLICATION FORMS

We have reviewed the application forms provided on the City's website, and note the following opportunities for improvements:

- The Georgian College Neighbourhood Improvement Plan financial incentive application does not precisely match with the programs listed on the City's website, so there is a need



to ensure consistency with the currently administered programs. There are no questions in the application relating to the number of bedrooms or the intent of the project in relation to student housing, which are key aspects of the CIP's eligibility. Further, there are several questions regarding commercial uses, which may be valuable for tracking purposes, but are not related to the CIP.

- The Renovation Grant Application Form (Built Boundary CIP) generally appears to be consistent with the CIP and no major gaps are noted with respect to best practice.
- Similarly, the application form for the Redevelopment Grant (Built Boundary CIP) appears to be appropriate to relate to the CIP.

### AGREEMENTS

The City has provided a draft loan agreement, which was previously used as part of the Allandale Façade Improvement Loan Program. While the agreement is brief, it appears to effectively ensure that the loan will be repaid by the owner and that the loan will be registered on title as a lien or charge. We note the agreement references Section 32 of the *Planning Act*, which specifically relates to grants/loans that may be issued in relation to assist an owner to comply with an order to comply with a municipal Property Standards By-law. This is separate from a Community Improvement Plan.

The terms included in the agreement provided to WSP appear to be mostly sufficient with respect to ensuring the loan will be repaid. However, an agreement that is executed for a grant or loan should also address the conditions upon which the City will agree to pay the grant or loan, and the responsibilities of the applicant. This may include reiterating some of the eligibility criteria (i.e., compliance with zoning/Official Plan, and ensuring that the ultimate final costs do not exceed eligible costs as required by the *Planning Act*) and ensuring that the project that is ultimately constructed is consistent with the applicant's description of the project. Generally, the agreement should indicate the events that will cause the applicant to default or to have to repay the grant. The agreement can also set out expectations for expediency of construction being completed. Grant or loan programs that have a long-term duration may need to be registered on title, or the agreement will need to sufficiently ensure that the approval conditions are being maintained over time.

There is not always a need to register the agreement on title. For one-time grant payments (e.g., the Renovation Grant), it is appropriate to craft an agreement that will ensure the City's interests will be paid and to set out the conditions upon which the grant will be paid. However, even for a one-time grant there may be value in setting out an expectation to register the agreement on title where there is a need to ensure some aspect of the improvements or criteria will be maintained over time (such as an expectation in relation to landscaping or to ensure that units will be maintained as rental units, in the context of an affordable housing-related grant).

It is recommended that the legal agreement be reviewed by a solicitor representing the municipality's interests.



## ONLINE OPPORTUNITY

There are opportunities to implement administrative functions via an online application form. This could be particularly useful for soliciting expressions of interest in association with an intake program, since an expression of interest would be a relatively simple form and could be developed at relatively low cost. This provides a convenient tool for many users but it would be worthwhile to maintain flexibility by also providing a paper option.

Further, there is opportunity to administer and/or communicate applications and success via an added layer on the City's current interactive map.

The face-to-face aspect of administering a CIP, however, is important. It provides opportunity to establish meaningful connections with business owners and developers and continue to promote the CIP and advance other economic development objectives. An electronic system should not entirely replace meeting opportunities. Further, meetings with applicants provide an often-necessary opportunity for the City to communicate its expectations regarding design, materials and built form.

## 10. TAX INCREMENT GRANT PROGRAM FUNDING

Financial incentives under CIPs are supported by an annual budget, as set out by Council through its normal annual budgeting process. Where the budget is fully utilized, there could be opportunity for Council to consider adding funding from other reserves, as may be available. Where funding is not fully utilized, most municipalities typically carry over unused funding to future years and the reserve grows over time. Most CIP grant programs, consisting of a one-time payment upon project completion (e.g., a façade grant), are very simply funded and administered in this way.

However, the tax increment grant program is somewhat different, because:

- the value of the grant is tied to tax increases on the property; and
- the grant is paid over a period of time (usually 5 to 10 years).

We note that the City appears to fund its tax increment grants from the broader budget established for other one-time grant programs. This approach could be limiting in terms of the magnitude of potential tax increment grants that could be issued, depending on the size of the overall CIP grant budget. Many other municipalities in Ontario have issued tax increment grants in the hundreds of thousands or millions of dollars for individual properties. Typically, the other non-tax increment grant programs are budgeted separately from tax increment grants. The funding used to pay for a tax increment grant comes from the tax increase on the individual property. The tax increment grant is paid as a rebate on paid taxes, and it is recalculated annually to ensure that the rebate is appropriately in line with the taxes being paid.

The municipality's budget forecasting also needs to consider committed grants since tax increment grants are typically paid out for a period of time. In the City of Barrie's case, where tax increment grants are being paid from the overall CIP fund, there will be a great limitation on the number, magnitude and duration of tax increment grants. Further, use of the grant budget by tax increment grants could limit the budget available for other types of grant programs.

The specific approach to funding tax increment grants is a decision made by City staff (finance) / Council in consideration of municipal financial priorities. Some municipalities have issued tens of



millions of dollars in grants under tax increment programs, and have considered the programs as being instrumental in the positive revitalization of certain areas, particularly downtown areas and brownfield sites. We recommend the City review its practices to consider opportunities to fund more substantial tax increment grants, as other municipalities have similarly done. Otherwise, the program could have a limited effect.

## 11. PROGRAM SUCCESS

WSP has reviewed the various annual progress reports describing program success. These reports are largely related to predecessors of the Built Boundary CIP, so the commentary is more applicable to the prior CIP documents.

Generally, the CIPs appear to have had a substantial and positive impact in terms of supporting business. Overall, there has been a fairly high number of applications and incentives provided by the CIP, and the City's Plans definitively represent one of the most successful CIPs in Ontario from the perspective of number of applications and the construction value and improvements that have been leveraged.

It appears that the CIPs have principally functioned as a means of incenting private property investment, which is associated with many benefits: continued longevity/viability of the business; investment and economic activity which produces an economic multiplier effect through the economy (i.e., the grants/loans will often be spent on contractors/suppliers in the local community); and strengthening the ties between the City and businesses. In reviewing some of the incented projects (including photos), it appears some of the approved projects do not always reflect a high standard of design that would normally be required as part of a CIP's eligibility criteria. There are also limited connections between some of the examples of improvements and Official Plan objectives. The CIP has been successful in encouraging private property investment. This is an important (and principal) objective of a CIP, but a CIP can also achieve other public interests. The newer Built Boundary CIP appears to be more aligned with achieving planning objectives (e.g., intensification, affordable housing) but the Renovation Grant Program continues to be quite broad.

Further, the key value of a CIP is to leverage improvements that would have otherwise not have occurred. It is possible that some of the projects listed in the progress reports may have also occurred without the City's intervention. This is difficult to determine or track but it may be asked of the applicant. Where applicants would already complete the project without the aid of the CIP, there may be a need to tighten eligibility criteria (e.g., higher design standards), or there may not be a need for City intervention in a certain area or for a certain type of improvement.

## 12. REVIEW OF MARKETING/PROMOTION OPPORTUNITIES

### WEBSITE

The City's website would benefit from more simplified language and a clearer explanation about who and what might be eligible for grants. The descriptions of the CIPs use largely technical explanations and are unclear with respect to potential projects that might be eligible. It may also



be beneficial to provide a direct link to the CIP webpage under the Doing Business headline of the City's website.

### COMMUNICATION OF PLAN SUCCESS

The City clearly posts its progress reports and updates them on an annual basis. This is an important marketing tool, as it helps to visualize the types of improvements that are incented. Potential applicants may relate more easily to more simplified explanations of the types of renovations, rather than the planning policy context.

### 13. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

In summary, the following conclusions and recommendations have been identified throughout the memo:

1. The Built Boundary CIP is broadly aimed at encouraging a wide range of improvements related to renovations, affordable housing, brownfields, and intensification of targeted nodes and corridors. The readability of the CIP would benefit from a clearer and more consistent statement of purpose, objectives and outcomes.
2. The Georgian College CIP has a clearly stated purpose. However, as the Plan is more than 10 years old, and was based on a 10-year-old neighbourhood strategy, there may be a need to update the metrics and assumptions upon which the CIP is based. A thorough review of the CIP is recommended, with consideration made to potentially integrating the programs into the Built Boundary CIP.
3. The broad nature of the Renovation Grant has advantages, but alternatives should be considered in light of Barrie's context. It is recognized that the approach used is to provide this broad range of potential improvements and to evaluate the wide range of applications received against various eligibility criteria which can change from time to time. However, there may be value in considering breaking up the program into more specific, targeted programs, and more clearly tying the programs to relevant geographies within the City (e.g., tie the façade improvement program to areas clearly in need of façade improvements). This approach reduces flexibility but has marketing advantages. Further, other municipalities integrate more detailed eligible costs as part of their programs.
4. Further to the above, the implementation of a year-round application process for the Renovation Grant may be beneficial. The CIP could be amended to provide flexibility regarding intake processes. We understand from City staff that there has been a very positive response on the intake approach. However, some of the benefits of a year-round process may be integrated by introducing an enhanced Expression of Interest process, in which the City may set out submission expectations and work with potential applicants. This would give the City opportunity to meet with applicants and encourage higher quality improvements.
5. Overall, the brownfield program offered is consistent with approaches used by most Ontario municipalities. However, there is an opportunity to utilize Section 365.1 of the



*Municipal Act* to cancel/defer taxes which may be eligible for Provincial funding to cover the costs of school board taxes, subject to Provincial approval.

6. There are opportunities to build upon the affordable housing program to promote its effectiveness. This should include a review of the grant values and considering other affordable housing sources (e.g., secondary suites in built up and greenfield areas).
7. There is a need to establish additional design criteria/guidelines. While the City may have façade guidelines for reference purposes, the criteria and guidelines should be identified explicitly as eligibility criteria. There may be some critical design elements that should not be incented under any circumstance which can be integrated directly as criteria (e.g., covering historic building materials which are in a good condition).
8. Based on the template agreement form provided by the City, there is a need to expand the agreement to more specifically outline City and applicant responsibilities and the terms and conditions for grant/loan issuance. Further, it is noted that agreements do not always need to be registered on title, particularly for one-time grants.
9. There are some opportunities for minor additions to the general eligibility criteria, as noted in the memo. However, the current criteria are generally consistent with best practice.
10. The website would benefit from simpler language to target the audience (i.e., potential applicants). Consideration could be made to integrate online application forms and an interactive map to communicate program applications and successes.
11. The application forms also reflect best practice. There appear to be some inconsistencies between the City's website's description of the Georgian College CIP, the content of the Georgian College CIP and the associated application form.
12. There is value in establishing more specific, measurable objectives to tie the monitoring activities more closely to program success and to track and respond to any gaps in achieving the specified objectives.
13. The City has had exceptional success with the Downtown Barrie and Allandale CIPs, resulting in numerous applications and major investment. The Plans have been highly successful in promoting investment, but there may also be a need to better focus on achieving other planning objectives and public interests, such as setting out urban design expectations. Some of the improvements recommended in this memo may further support success and achieving these other interests.
14. The City appears to fund its tax increment grant program from the overall incentive program budget. This can be limiting in terms of the magnitude of the program as well as the duration of the grant period. Typically, other municipalities budget tax increment grant programs separately from other one-time grant programs. Further, funding for the tax increment grant is essentially derived from the tax increases gained on the incented properties, enabling municipalities to issue large grants for a period of up to 10 years in some cases. We recommend that the City review its approach to budgeting for tax increment grant programs, to consider the potential to increase the magnitude of potential grants that can be offered.



15. The City is exceeding typical practice and level of effort with respect to monitoring the success of its CIPs, producing detailed, annual reports and tracking appropriate indicators as part of its application form. This is desirable as it contributes to marketing the programs. As previously indicated, establishment of benchmarks and measurable objectives will provide more meaning to the outcomes of the reports.
16. It is worthwhile for the City to track how well the CIP is actually promoting investment, or whether the projects would have occurred without the CIP. This is best addressed as a discussion between the City and the applicant to understand why they are submitting the application. If there is an indication that the projects are not being driven by the CIP, there may be a need to tighten eligibility criteria or to refocus the program.
17. There is a need to review and re-evaluate the Georgian College CIP. Most CIPs are designed for a 10-year life and while some CIPs may continue longer, they are often developed with a wide range of programs. We recommend the City conduct a comprehensive review of the program, and recommend an update or other measures.

Thank you for engaging WSP in the review of the City's Community Improvement Plans. We trust this review has been of assistance and will be pleased to discuss our comments with City staff further. Please do not hesitate to contact me at [bobby.gauthier@wsp.com](mailto:bobby.gauthier@wsp.com) or 519-904-1729.

Yours Truly,

**WSP CANADA GROUP LIMITED**



Bobby Gauthier, MCIP, RPP  
Senior Project Manager  
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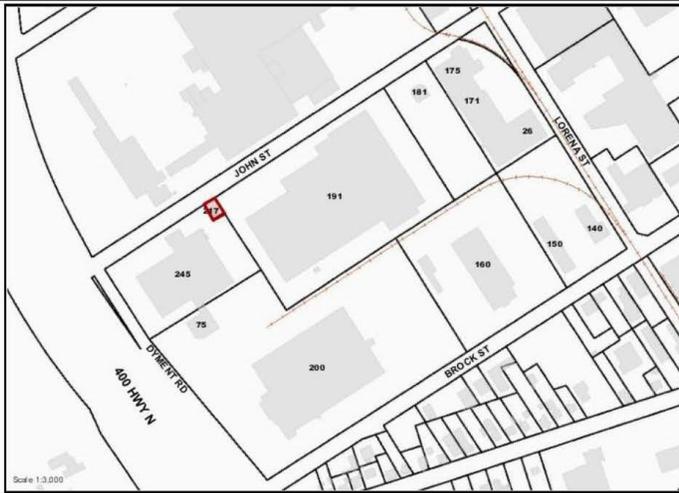
APPENDIX "C"

Employment Lands Inventory – Sample Property Information Template

**3B-02**

**217 John St**

CON 6 VESPRE PT TWP LOT 25 RP 51R31798 PARTS 1 AND 2



Zoning

**GI**

Parcel Area

0.0326 ha

*Owner Details*

**City of Barrie**

PO Box 400 Stn Main  
Barrie, ON  
L4M 4T5

*Current Use(s)* municipal services & utilities

*2018 Assessment*

Roll No. 434203200214300  
Code CFN  
Value \$13,200



