

**PUBLIC MEETING:
HOUSEKEEPING AMENDMENTS TO
ZONING BY-LAW 2009-141
FALL 2017**

Presented By: Ryan White
Date: November 27, 2017



Introduction

Purpose of Housekeeping Amendments

- To address inconsistencies, barriers for implementation, errors and omissions that have become apparent through the use of the Zoning By-law since its approval on August 10th, 2009.
- In doing so, staff are proposing to amend the following sections of the Zoning By-law:
 - Section 3.0 – Definitions
 - Commercial Vehicle, Group Home and Accessory Building or Structure.
 - Section 4.0 – General Provisions
 - Temporary Sales Trailers, Commercial Vehicle Parking, Low-density Residential Parking and Zoning Exemptions.
 - Section 5.0 – Residential Zone Provisions
 - Bed and Breakfast Establishments, Minimum Dwelling Unit Areas/Sizes, Area and Lot Coverage for Accessory Buildings and Structures, Above-ground Swimming Pools, Driveways, and Air Conditioners and Below-grade Unenclosed Entrances.
 - Section 6.0 – Commercial Zone Provisions
 - Bed and Breakfast Establishments, Arcade or Game Establishments and Residential uses in C1 and C2 Commercial Zones.
 - Section 14.0 – Residential & Neighbourhood Mixed-use Provisions for the Hewitt's and Salem Secondary Plan Areas
 - Rear yard setbacks for Back-to-Back Townhomes
 - Mapping Changes
 - Vista Place Unopened Road Allowance and 312 & 322 Georgian Drive

Changes to Section 3.0 - Definitions

'Commercial Vehicle'

- The Zoning By-law currently defines a *Commercial Vehicle* as, “shall mean a motor vehicle used for commercial purposes...”
- This definition does not include vehicles which may have been designed for commercial purposes, but are no longer used for those purposes.
- The proposed amendment would include “shall mean a motor vehicle used for **or intended to be used for** commercial, **industrial or agricultural** purposes...”



Changes to Section 3.0 - Definitions

'Group Home'

- The definition for *Group Home* in Zoning By-law 2009-141 currently refers to "...up to 5 unrelated individuals".
- Section 35(2) of the *Planning Act, R.S.O. 1990, c.P.13* does not permit the passing of by-laws which distinguish between persons who are related and persons who are unrelated.
- The proposed amendment will remove the word "unrelated" from the definition of Group Home to comply with the *Planning Act*.

Changes to Section 3.0 – Definitions and Section 5.3.1

‘Accessory Building or Structure’

- The Zoning By-law currently defines a *Accessory Building or Structure* as, “shall mean any subordinate building or structure which is separate from or attached to the main building on the same lot and subordinate to a principal use of a building or structure, is not used for human habitation, and may include but not be limited to the following: a private garage, swimming pool, private greenhouse, carport, deck, boat house, porch, solar collector, garbage bin enclosure, raised play structure in a Residential Zone, fences over 2m in a Residential zone.
- Based on this definition, attached garages are an accessory building.
- In most municipalities, an attached garage is part of the principal building.
- The proposed amendment revises the definition to exempt attached private garages.
- Potential affects of this amendment would be an increase in permitted height for attached garage (to the maximum permitted in the zone) and the ability to operate home occupations from an attached garage (provided they comply with all other regulations in Zoning By-law 2009-141).
- Based on this definition changes, Section 5.3.1. will also be amended to maintain the existing setback requirements to an attached garage.

Changes to Section 4.0 – General Provisions

Temporary Sales Trailers

- Temporary Sales Trailers are currently permitted provided they are located on the same lot as the proposed development, for as long and construction is in progress, and provided the trailer complies with the regulations for accessory structures in the zone in which they are located.
- The current regulations require a building permit to be issued and construction commence, prior to the creation of a temporary sales trailer.
- In residential zones, an accessory building is not permitted in the front yard (sales trailer would need to be in the rear).
- The proposed amendment would require temporary sales structures to be located in accordance with the provisions for the zone.
- An agreement would be required between the applicant and the City to ensure structures are constructed in a visibly pleasing manner, properly situated on the site, and do not remain on site should a project be abandoned.



- Current provisions prohibit the parking of commercial vehicles in excess of 4500 kg gross vehicle weight in Residential, Environmental Protection, Institutional and Open Space Zones.
- These provisions do not account for vehicles specifically designed for commercial, industrial or agricultural purposes which do not exceed 4500 kg.
- The proposed amendment would include “...Commercial Vehicles in excess of 4500 kg registered gross vehicle weight, **or those designed specifically for commercial, industrial or agricultural purposes...**” in the provisions.

Changes to Section 4.0 – General Provisions

Parking Requirements

- Existing regulations specify parking requirements based on the number of tenants in a low density residential building, making enforcement problematic.
- It is very difficult to determine the number of individuals that will be accommodated in a Single Detached Dwelling, Semi-Detached Dwelling or other low density residential building.
- The proposed amendments would require 2 spaces per dwelling unit.
- This will accommodate the majority of households which own 2 vehicles.
- An additional parking space would be required for a second suite.
- Tandem parking would still be permitted.



Changes to Section 4.0 – General Provisions

Exemptions

- Add provisions which exempt flag poles, ornamental light poles, required retaining walls and accessibility ramps from the provisions of the Zoning By-law.



- Amend table 5.2 to add *Bed and Breakfast* as a permitted use.
- Add sub note to table 5.2 which directs readers to the provisions in Section 4.2.1.6 on Bed and Breakfast uses.
- Add sub note to table 6.2 which directs readers to the provisions in Section 4.2.1.6 on Bed and Breakfast uses.

Dwelling Unit Sizes

- Remove provisions relating to minimum dwelling unit sizes in Sections 5.3.1, 14.5.6 and 5.2.9.1.(f).
- Remove any reference to dwelling unit sizes from Section 6.0.

Reasoning:

- The *Ontario Building Code* (OBC) has minimum requirements for room sizes and dwelling unit sizes.
- The requirements in the Zoning By-law exceed those in the OBC, causing issues with the creation of affordable second suites.

- Remove the maximum of 50 m² from provision 5.3.5.(h).

Reasoning:

- The maximum lot coverage will be 10 % of the lot area.
- This will provide a sliding scale for accessory structure size which is appropriate for each lot.
- There have been 7 minor variance applications in 2017 to exceed the maximum lot coverage for accessory structures. Of these applications, only one exceeded 10 % of the lot area.

- Remove Section 5.3.5.3 which exempts above ground swimming pools from lot coverage requirements.

Reasoning:

- In-ground swimming pools are currently subject to the provisions for lot coverage.
- The perceived impacts of an above ground swimming pool are similar to an in-ground swimming pool, which are exempt from lot coverage.

- Currently, Section 5.3.6.1 requires driveways in the front yard to be constructed of a hard surface.
- Driveways in a side or rear yard could be constructed of gravel.
- A crushed surface can produce dust and can be washed into the City of Barrie catch basins.
- The proposed amendment would remove “front yard” from Section 5.3.6.1, requiring all driveways and parking areas in residential zones to be constructed of a hard surface, regardless of the yard in which they are located.

Changes to Section 5.0 – Residential

Air Conditioners and Below Grade, Unenclosed Entryways

- There are currently no provisions with regards to air conditioners or below ground entryways.
- These structures do not require setbacks from property lines.
- The proposed amendments would require a 0.6 m side yard setback and 4 m rear yard setback to any air conditioners or below grade, unenclosed entryways.
- These setbacks would ensure there is appropriate access to all yards and mitigate some of the effects on neighbouring properties.



Changes to Section 6.0 – Commercial

Arcade or Game Establishment Uses

- The General Commercial (C4) zone currently permits every commercial use in Zoning By-law 2009-141, except for Arcade or Game Establishments.
- The Central Area Commercial (C1) and Transition Centre Commercial (C2) Zones also permit a wide variety of commercial uses.
- An Arcade or Game Establishment is unlikely to have impacts other than those of other uses currently permitted in C1, C2 and C4 zones.
- The proposed amendment would permit an Arcade or Game Establishment as a principal use in a C4 zone, and as an accessory use in the C1 and C2 zones.
- To help mitigate some of the impacts of “Arcades” in downtown areas, the proposed amendment would only permit the use in accessory to another permitted use in the C1 or C2 zone.

Changes to Section 6.0 – Commercial

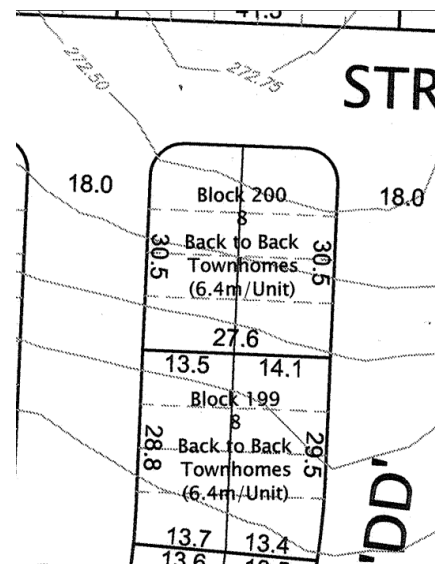
Residential and Commercial Uses in C1 and C2 Zones

- C1 and C2 zoned properties are largely located within the ‘City Centre’ designation in the Official Plan which promotes a mix of uses.
- The intent was NOT to permit standalone residential uses in the C1 and C2 Zones, thus the proposed amendment would remove the ‘Permitted Uses in the RA2 Zone’ use class from table 6.2 because the RA2 Residential zone does permit stand-alone residential uses.
- In addition, the current requirement for commercial uses in these zones is 50 % of the lot area. This provision is not realistic as some lots are significantly larger than the buildings they accommodate.
- The proposed amendment would require 65 % of any frontage on a municipal street to be commercial uses. This would achieve the goals of the Official Plan and Urban Design Guidelines while allowing more flexibility to applicants on the amount/area of the commercial uses.
- In addition, the amendment would require a minimum 4.5m street level storey height to possibly accommodate future commercial.

Changes to Section 14.0 – Salem and Hewitt’s Communities

Rear Yard Setback for Back to Back Townhouses

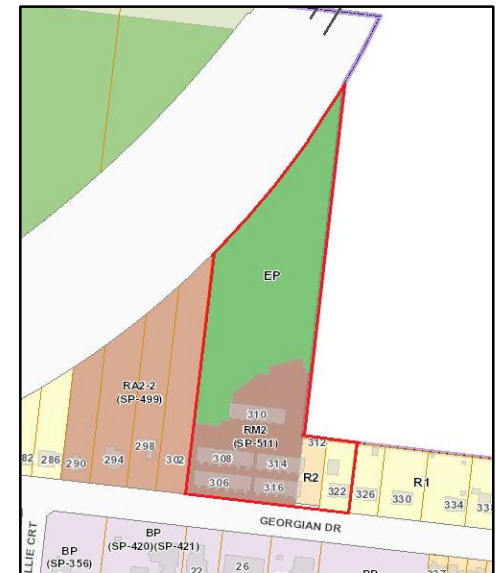
- Amend table 14.5.6 to exempt Back to Back Townhouses from the rear yard setback requirements.
- For the specific built form, no rear yard setback is able to be provided.
- The provision would still apply to blocks being designed as a Plan of Condominium.
- **Note:** This amendment was not included in the Public Meeting Notice.



Zoning Map Changes

Vista Unopened Road Allowance and 312/322 Georgian Drive

- The proposed amendment is a result of Council Motion 17-G-227, to investigate the appropriateness of re-zoning the Vista Place Road Allowance from Residential (R2) to Open Space (OS).
- Staff concluded that the residents use the area as open space throughout the year and the re-zoning is appropriate.
- 312 and 322 Georgian Drive are being used as supplementary parking for the dwellings at 306 Georgian Drive.
- The zoning of 306 Georgian Drive is RM2 SP-511, while the zoning of the adjacent lots used for parking are R1 and R2.
- The proposed amendment will re-zone the adjacent lots to RM2 SP-511 to be consistent with the development which it serves.



Next Steps

Staff Report

- Comments received from the public will be considered by City staff in formulating a recommendation on the Housekeeping Amendments to Zoning By-law 2009-141. A Staff Report is targeted for General Committee's consideration in **January 2018**.
- The report will discuss the appropriateness of the proposed amendments and the improvements they will have on the implementation of the Zoning By-law, as well as conformity with municipal and provincial planning policies.

Questions

- Any questions can be directed to me. My business cards are also available tonight. You can reach me by phone or email.

Contact:

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