


TO: GENERAL COMMITTEE


SUBJECT: ZONING BY-LAW 2009-141 – HOUSEKEEPING BY-LAW

WARD: ALL

PREPARED BY AND KEY CONTACT: K. BRISLIN, SENIOR POLICY PLANNER, EXTENSION # 4440 AND R. COTTON, POLICY PLANNER, EXTENSION # 5135

SUBMITTED BY: S. NAYLOR, MES, M.C.I.P., R.P.P., DIRECTOR OF PLANNING SERVICES 

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG. GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That a Public Meeting be held pursuant to Section 34 of the Planning Act related to a series of proposed amendments to Zoning By-law 2009-141 intended to address minor matters of a housekeeping nature.

PURPOSE & BACKGROUND

Report Overview

2. The City's Comprehensive Zoning By-law 2009-141 was passed in August of 2009 to replace the former Zoning By-law 85-95. In the three and a half years since this By-law was approved, City staff and several property owners have identified minor issues with the By-law related to the map schedules and to the text of the By-law.
3. Staff have prepared two tables identifying the changes which are attached as appendices to this report. Due to the relatively minor nature of proposed amendments, staff are recommending that they be addressed simultaneously in the form of a housekeeping by-law amendment.
4. The purpose of this Staff Report is to provide General Committee and Council with a summary of these proposed amendments and to seek Council approval to schedule a Public Meeting pursuant to Section 34 of the Planning Act.

ANALYSIS

5. Zoning By-law 2009-141 applies to all lands within the boundary of the City of Barrie with the exception of those lands annexed into the City in January of 2010.
6. Revisions related to the map schedules deal primarily with issues resulting from road realignments, property line adjustments, mapping errors, land assembly and/or severance. There are some amendments to the zone schedules being recommended which resulted from requests by individual property owners. In some cases, these were actual errors which occurred inadvertently in the mapping process, but in other cases these are requests by property owners to address an actual change in zoning. Typically the amendments associated with the latter would

not be considered acceptable as part of a "housekeeping" by-law, however some of these are anomalies and minor in nature and staff are recommending them. In those instances, staff propose to contact the landowner as well as adjacent property owners using the provisions of Section 34 of the Planning Act for a conventional rezoning application which requires notification within 120m of the lands. However, no application fee is being required.

7. The proposed amendments to the text of the By-law relate primarily to points of clarification, interpretation and in some cases recommendations for the creation of new definitions or standards to address deficiencies identified by staff across the City through day to day usage of the By-law.
8. As indicated earlier in this report, staff have attached a complete list of all the proposed amendments to both the text and the maps of the By-law as appendices to this report, however a brief summary of these proposed amendments are provided as follows:
9. Proposed Mapping Changes:
 - 10 Checkley Street – correct mapping error associated with property boundary adjustment.
 - Address remnant parcels created by the realignment of Lakeshore Drive and Simcoe Street. C2-1 and OS Zones are proposed for these lands.
 - 54 and 58 Clapperton Street – address typographical error resulting from inadvertent reversal of SP numbers between properties.
 - 44 and 42 Anne Street – Proposed rezoning from RM1 to C4 (SP-419)(H-109) to reflect previous zoning of lands provided by By-law 2008-109. Special Provision 13.5.1 C4 (SP-118) was included in text yet not on Map Schedule.
 - 50 Anne Street - Address remnant parcel resulting from road widening of Anne Street and subsequent rezoning. Proposed rezoning from RM1 to C4 (SP-419)(H-109) in conformity with adjacent lands. Also proposed rezoning from RM1 to C4 (SP-419)(H-109) to reflect previous zoning of lands provided by By-law 2008-109. Special Provision 13.5.1 C4 (SP-118) was included in text yet not on Map Schedule. Addresses also remnant MTO owned parcel with proposed rezoning from RM1 to EP.
 - City owned land to rear of 92 and 96 Ardagh Road – Proposed change from R1 to EP to recognize the identification of the lands as Level 1 Natural Heritage Resource on Schedule H of the Official Plan. This EP zoning is the same as the existing zoning of balance of this block of City owned land.
 - 466 Mapleview – Proposed change from Agricultural (A) Zone to Residential (R2) Zone to reflect existing dwelling on lands (request by owner). This is a site specific rezoning and staff will contact the property owner and the adjacent property owners to advise of proposed amendment in accordance with Section 34 of the Planning Act.
 - City owned land to east of 8 and 10 Trotter Court – Proposed Schedule change from R1 to EP to reflect floodplain boundary.
 - City owned land to northeast of Molson Arena – Proposed Schedule change from EM3 (SP-408) to EM3 SWM and EM4 (SP-409) to EM4 SWM to reflect stormwater management facility located on the lands.
 - 19 and 22 Herrell Avenue – Proposed Schedule change from EP and OS respectively, to R2; in both cases to reflect existing single detached residences. There are site specific rezonings and staff will contact the property owners and the adjacent property owners to advise of proposed amendment in accordance with Section 34 of the Planning Act. Staff have confirmed that current property taxes are based on the residential property class in both cases.
 - City owned land to rear of 126 Penvill Trail – Propose Schedule change from R2 (SP-287) to EP and EP to R2 (SP-287) to reflect property exchange with abutting owner and the City. Also included in related text change related to special provision SP-287.

- Revision to Appendix "B" – addition of TransCanada Pipeline right of way (related to Text revision request by TransCanada Pipeline).

10. Proposed Text Changes:

- Clarify definition of Boarding, Lodging and Rooming House. The intent of this amendment will be to distinguish Boarding, Lodging and Rooming Houses from other types of dwellings.
 - Amend Section 4.0 General Provision to revise parking standards for Data Processing Centre to be more reflective of the office and other uses parking requirements.
 - Amend Section 4.0 General Provisions to provide a standard related to the minimum length of a parallel parking space.
 - Amend Section 4.0 General Provisions by adding a provision to allow the temporary seasonal sale of fruit and vegetables on vacant commercially zoned properties.
 - Amend Section 4.0 General Provisions by adding a standard to provide for minimum building setbacks from TransCanada pipeline rights of way at the request of TransCanada Pipeline.
 - Amend Section 5.0 Residential Zone standards to establish a standard for the minimum driveway length and minimum internal private roadway width for multi – residential uses.
 - Amend Section 5.0 Residential Section to allow minimum outdoor area to be permitted in the required rear and side yard area.
 - Amend Section 6.0 Commercial Zone standards related to minimum landscaped buffer area and building setback requirements for apartments in the C1 and C2 zones to ensure consistency with other development standards in the Urban Growth Centre.
 - Amend Section 8 Institutional Provisions to add a standard related to the I-M-1 Zone for the Court House lands with a maximum 15 metre height restriction. This maximum standard of 15 metre height had been included in former By-law 85-95 but had inadvertently not been included in By-law 2009-141. The amendment also moves the provisions for I-E-1 from Section 13 Special Provisions to Section 8.3.6 for ease in zoning administration. No standards are changed. The property owners will be contacted to advise of proposed amendment in accordance with Section 34 of the Planning Act.
 - Amend Section 12.0 Agriculture Zone standard revised to clarify requirements related to setbacks for single detached dwellings.
 - Amend Section 13.0 Special Provisions amended to add Special Provision 13.5.1 OS (SP-118) that is identified on the Map Schedule yet not included in text, as it had been previously included in former By-law 85-95.
11. Under the provisions of the Planning Act, a Public Meeting is required to be conducted relating to revisions to the Zoning By-law including housekeeping matters. Following the Public Meeting, any comments will be reviewed and a further Staff Report will be provided to Council for consideration.
12. Staff recognize that additional matters of a housekeeping nature may arise between Council consideration of this staff report and the scheduling of the public meeting. Staff will include any additional matters in the notice of the public meeting provided such matters are of minor nature and do not affect any specific property.

ENVIRONMENTAL MATTERS

13. One of the effects of the proposed Housekeeping By-law is the addition of further Environmental Protection (EP) Zoned City owned lands to the City's inventory of lands protected for environmental purposes. In total, approximately 0.3 additional hectares of land are being rezoned to Environmental Protection EP Zone.

ALTERNATIVES

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

Alternative #1 General Committee could maintain the existing Zoning By-law 2009-141 (i.e. Status Quo).

This alternative is not recommended as it does not recognize the identified need for the revisions to the By-law

FINANCIAL

14. One purpose of this Housekeeping Zoning By-law is to correct mapping and text inconsistencies. If these changes were not made, the City could potentially be subject to legal action resulting in costs being incurred by the City in terms of direct financial costs and redirection of staff time related to any legal actions.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

15. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.

Attachments: Appendix "A" - Table 1 – Revisions to By-law 2009-141 Zoning Schedules
Appendix "B" - Table 2 – Revisions to By-law 2009-141 Zoning Text
Appendix "C" – Existing and Proposed Zoning Maps

APPENDIX "A"

Table 1 – Revisions to By-law 2009-141 Zoning Schedules

Mapping Change Number	Related By-law Section Number	Proposed Amendment on Schedule or Appendices	Rationale / Discussion	Address
1	N/A	Present C4 and C2-2 Zoning to be changed to C2-1 Zone	This property should be zoned C2-1 in accordance with former By-law 85-95. The lands were incorrectly zoned C4 and C2-1 as a result of property boundary adjustments. This issue was identified by staff. Staff will advise adjacent property owners of the proposed change.	10 Checkley Street
2	N/A	Parcels zoned to C1-1 and OS Zones	The realignment of Simcoe St. and Lakeshore Drive resulted in the creation of a remnant parcel of land where the old Lakeshore Drive right of way was. This proposed amendment will apply a zone to this parcel based on adjacent zoning.	35 Simcoe Street and 3 Toronto Street and Former Road Allowance owned by City of Barrie
3	13.2.43 and 13.2.44	C2-1(SP-179) to C2-1(SP-175) and C2-1(SP-175) to C2-1(SP-179)	The site specific (SP) numbers on these properties were inadvertently reversed. This amendment will correct this issue.	54 and 58 Clapperton Street
4	C4-(SP-419)(H-109)	Change portion of lands from RM1 to C4-(SP-419)(H-109)	The subject lands were originally rezoned to C4(SP 419) by By-law 2008-136. However, when the new Zoning By-law was approved, two parcels to the south of the property known as 40 and 42 Anne St were inadvertently left as RM1. This amendment would serve to rezone the lands to C4(SP-419) in accordance with the intent of By-law 2008-136.	50, 40 and 42 Anne Street North

Mapping Change Number	Related By-law Section Number	Proposed Amendment on Schedule or Appendices	Rationale / Discussion	Address
5	N/A	R1 to EP	This amendment will serve to rezone a small portion on the southwest corner of a parcel of City owned lands which were inadvertently zoned R1 and should have been zoned EP to reflect a Level 1 Natural Heritage feature.	Portion of City land to rear of 92 and 96 Ardagh Road.
6	Schedule A	A to R2	This amendment reflects a request made by the Oasis of Hope Church to rezone lands from Agriculture A to R2 to allow the sale of a surplus property containing an existing detached dwelling. Although not typically a housekeeping issue, staff concur with this request. The adjacent property owners will be notified of the proposed rezoning.	466 Maplevue Drive West
7	Schedule A	R1 to EP	This amendment will serve to rezone a portion of City owned lands from R1 to EP to reflect the fact that they form part of the environmentally sensitive lands in City ownership.	East of 8 and 10 Trotter Court
8	Schedule A	EM3 (SP-408) to EM3 (SWM) and EM4 (SP-409) to EM4 (SWM)	This amendment will add the suffix SWM to reflect the use of these lands for Storm Water facilities consistent with how these types of lands are zoned elsewhere throughout the City.	To northeast of Molson Arena
9	Schedule A	OS to R2	This amendment will serve to rezone 19 Herrell from EP to R2 and 22 Herrell from OS to R2 both of which have an existing house. The properties were inadvertently zoned Environmental Protection and Open Space and should be zoned R2. The property owner as well as adjacent landowners will be notified. Staff are in the process of investigating if this will have any impact on property taxes for the subject property.	19 and 22 Herrell Avenue
10	Schedule A	EP to R2 (SP-287)	This amendment will serve to reflect the	Adjacent to 126 Penvill Trail

Mapping Change Number	Related By-law Section Number	Proposed Amendment on Schedule or Appendices	Rationale / Discussion	Address
		and R2 (SP-287) to EP	appropriate EP and Residential zone on the subject parcel resulting from an exchange of lands between the City and the owner of 126 Penvill Trail.	
11	Appendix "B"	Show TransCanada Pipeline on Appendix "B"	This amendment will serve to identify the location of the TransCanada pipeline on Appendix B of the By-law. It is being recommended in conjunction with a requested text amendment by the Pipeline dealing with minimum set back requirements from the Pipeline right of way	Cross reference to #6 in Table 2 -Text Revisions

APPENDIX "B"

Table 2 – Revisions to By-law 2009-141 Zoning Text

Text Change Number	By-law Section Number	Proposed Amendment to Text	Rationale / Discussion
1	3.0 Definitions Boarding, Lodging, Rooming House	Amendment to present wording to state: "Boarding, Lodging, Rooming House shall mean a building or part of a building where lodging is provided to one or more tenants...."	The intent is to revise the definition of a Boarding, Lodging and Rooming House (BLR) to indicate that a BLR is to be conducted within a "building" rather than as the present definition provides within a "dwelling" since you could have several dwellings within a "building". This revised wording is to provide clarity to the BLR definition as indicated in a recent Court case Balmoral Developments vs City of Orillia.
2	4.0 General Provisions Table 4.6	Amendment to Table 4.6 "Uses Data Processing Centre Revised to: "Uses Data Processing Centre a) Office b) Non-office uses Parking Standards a) 1 space/ 30 m sq b) 1 space / 1000 m sq"	Currently a Data Processing Centre requires 1 space / 30m sq. These businesses have an office component and warehousing component. The change would de-aggregate the office component with 1 space/30 m sq for the office component and 1 space / 1000 m sq for the non-office uses
3	4.0 General Provisions 4.6.2.6 <u>Size of Parking Spaces</u>	1. Amend Section 4.6.2.6 by adding after the words "barrier free parking spaces" the words "and parallel parking spaces" 2. Addition of new Section 4.6.6 "4.6.6 Parallel Parking Spaces Each parallel parking space shall be a minimum width of 2.7 metres and a minimum length of 6.7 metres. If there is no curb at the front or the back of the parking space, the minimum length 5.5 metres is permitted. One way aisle width shall be a minimum of 3.7 metres	To implement the provisions of the City's existing Urban Design Manual which provided for parallel parking spaces with a minimum length of 6.7 metres. This standard is significant enough that staff are of the opinion it should be a requirement of the Zoning By-law rather than an urban design guideline.

Text Change Number	By-law Section Number	Proposed Amendment to Text	Rationale / Discussion
		and a 2 way aisle width shall be a minimum of 6.4 metres."	
4	4.0 General Provisions 4.3.2. Use of a trailer: suggest exempt fruit/vegetable stands from general prohibition	1. Amend by addition of new Section: "4.2.1.12 Sale of Fruit and Vegetables The sale of fruit and vegetables and other home-made/farm produce on a seasonal basis, on a vacant commercially zoned property." 2. Amend Section 4.3.2 "4.3.2 Use of Trailer b) 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, 4.2.1.8, 4.2.1.9, and 4.2.1.12 shall not be permitted in any zone. This shall not apply to trailers which are entirely removed from the property on a daily basis."	Temporary fruit and vegetable stands were not addressed in the new Zoning By-law. This issue has been raised by Zoning staff and a vendor as a potential concern. Staff are of the opinion that the temporary sale of fruit and vegetables is appropriate and desirable on vacant and unused commercially zoned lands.
5	4.0 General Provisions 4.5.9 add Minimum setback from Trans Canada Pipeline	Amend by addition of new Section 4.5.11 4.5.11. Minimum Setback from TransCanada Pipeline No Permanent building or structure shall be located within 7 metres of the pipeline right of way. Accessory structures shall have a minimum setback of at least 3m from the limit of the right of way unless otherwise provided for in this By-law.	TransCanada Pipeline requested the change in the By-law related to building setbacks from their right of way. This was originally dealt with on an application by application basis. Staff are of the opinion that the requested change is appropriate and will assist property owners and developers.
6	5.0 Residential 5.2.5 Block/Cluster/Street/ Stacked Townhouse Development and Walk-up Apartments	Amendment to Section 5.2.5.2 Standards by the addition of the following: "d) a minimum driveway length of 6 metres per unit is required for block and cluster townhousing development e) a minimum 6.4 metre wide internal private roadway for walk-up apartments and/or block/cluster/stacked townhousing development"	The proposed changes are being recommended to provide adequate parking and driveway access and sufficient width for emergency vehicle access.

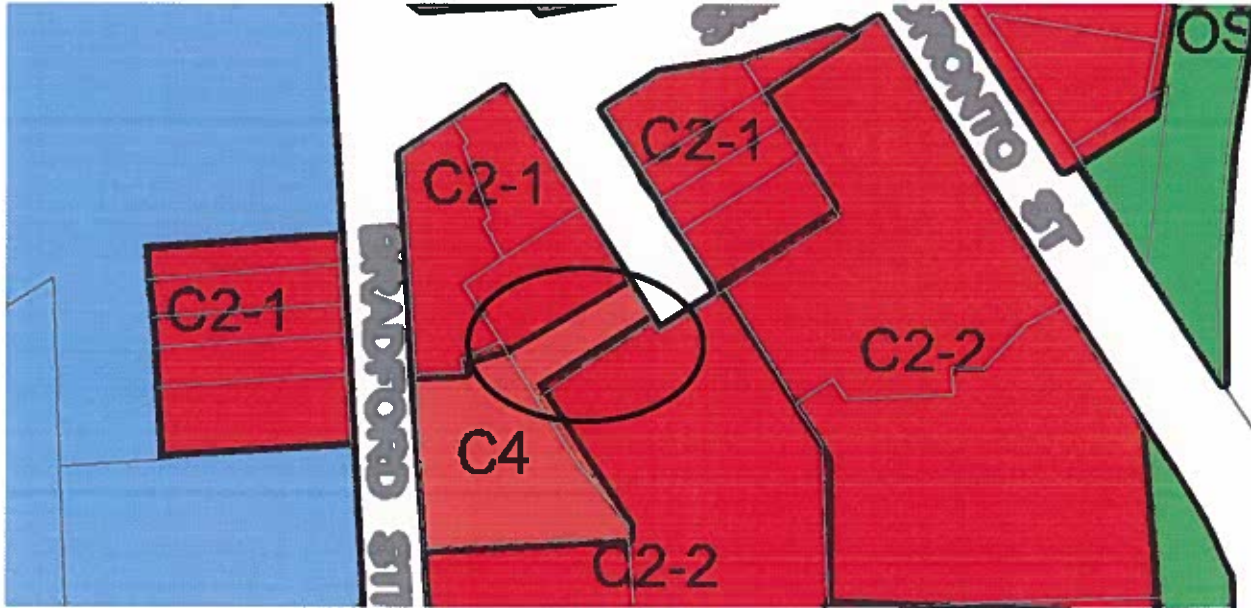
Text Change Number	By-law Section Number	Proposed Amendment to Text	Rationale / Discussion
7	5.0 Residential Section 5.2.5.2 Standards	Proposed wording: b) A minimum outdoor amenity area of 12m ² per unit in a consolidated form. That notwithstanding other provisions of this By-law such required area is permitted to encroach into the required rear and side yard area adjacent to each unit, and exclusive of any on site community centre building(s), is required for walk-up apartments and/or block/cluster/stacked townhousing development.	This proposed amendment is being recommended to provide clarity to existing requirement relating to location of required minimum outdoor amenity area. The amendment is intended to allow the location of the outdoor amenity area to encroach into the required and side yard.
8	6.0 Commercial Table 6.3.1 and 6.3.7 Landscaped Buffer Area	Recommend revisions to the C1 and C2 Zones related to Apartment Dwellings so as to reduce setback and landscape buffer area requirements to ensure new developments are consistent with the urban design objectives of the City.	This amendment is being proposed to address potential conflicts in the By-law related to building setbacks and landscaped buffer areas required in the Central Area and Transition Commercial Zones and to assist in meeting the intent of the Intensification Area Urban Design Guidelines.
9	8.0 Institutional Standards	Add new provisions as follows: "8.3.6 Other Additional Standards 8.3.6.1 Major Institutional (I-M-1) The lands zoned I-M-1 shall have a maximum height of 15 m. (By-law 1985-95) 8.3.6.2 Institutional Educational Zone (I-E-1) The lands zoned I-E-1 shall have a maximum height of 15 m. (By-law 1985-95)" and That Section 13.4.1 be deleted	The Court house property is zone Major Institutional I-M-1 but there are no standards associated with this zone. The "-1" standard for commercial and residential zones relates to maximum height provisions. This proposed amendment would establish a maximum height of 15m There is also a revision to move the provisions of Section 13.4.1 related to the I-E-1 Zone at 19 Burton Avenue to Section 8.3.6 to provide ease in the administration of this zoning provision.
10	12.0 Agriculture Section 12.3.1 Table 12.3	Revise Table 12.3 as follows: Delete the suffix "(1)" from reference to Dwelling unit Single Detached Dwelling . Revised wording would be: "Dwelling unit (2) and Single Detached Dwelling (2)"	Both "Dwelling Unit" and "Single Detached Dwelling", make reference to subparagraphs (1) and (2). Subparagraphs (1) and (2) contradict each other. (1) requires a 10m. setback for all structures from all lot lines whereas (2) requires that standards shall be in accordance with the standards for residential zones which require greatly reduced setbacks. There should

Text Change Number	By-law Section Number	Proposed Amendment to Text	Rationale / Discussion
			only be reference to (2), and the (1) should be eliminated. The standards referenced in subparagraph (2) are considered as appropriate to be to dwelling unit and single detached dwellings.
11	13.0 Special Provisions for Open Space Zones	<p>Add new Subsection 13.5.1 and renumber existing Subsections 13.5.1 – 13.5.4 to 13.5.2 – 13.5.8</p> <p>New Subsection to state: “13.5.1 OS (SP-118) 351 Town Line Road (Parts 1 and 2 on Reference Plan 51-16987 and Part 1 on Reference Plan 51R-24998) notwithstanding the requirements of Table 9.3, the property zoned OS (SP-118) shall provide a Front Yard minimum setback of 1.5 m for the building existing as of June 16, 1996.</p>	Special Provision is missing from text of By-law but is shown on Zoning Map Schedule. Zoning had previously been approved by By-law 96-13
12	13.0 Special Provision for Residential	<p>Amend Subsection 13.1.113 R2 (SP-287) to include the words after 126 Penvill Trail “and Block 180 Plan 51M-783/Block 219 Plan 51M-771/Part 1, 51R-32786”</p>	To include in the Special Provisions, the additional lot created through a property line adjustment referenced on Table 1. Mapping Change #10

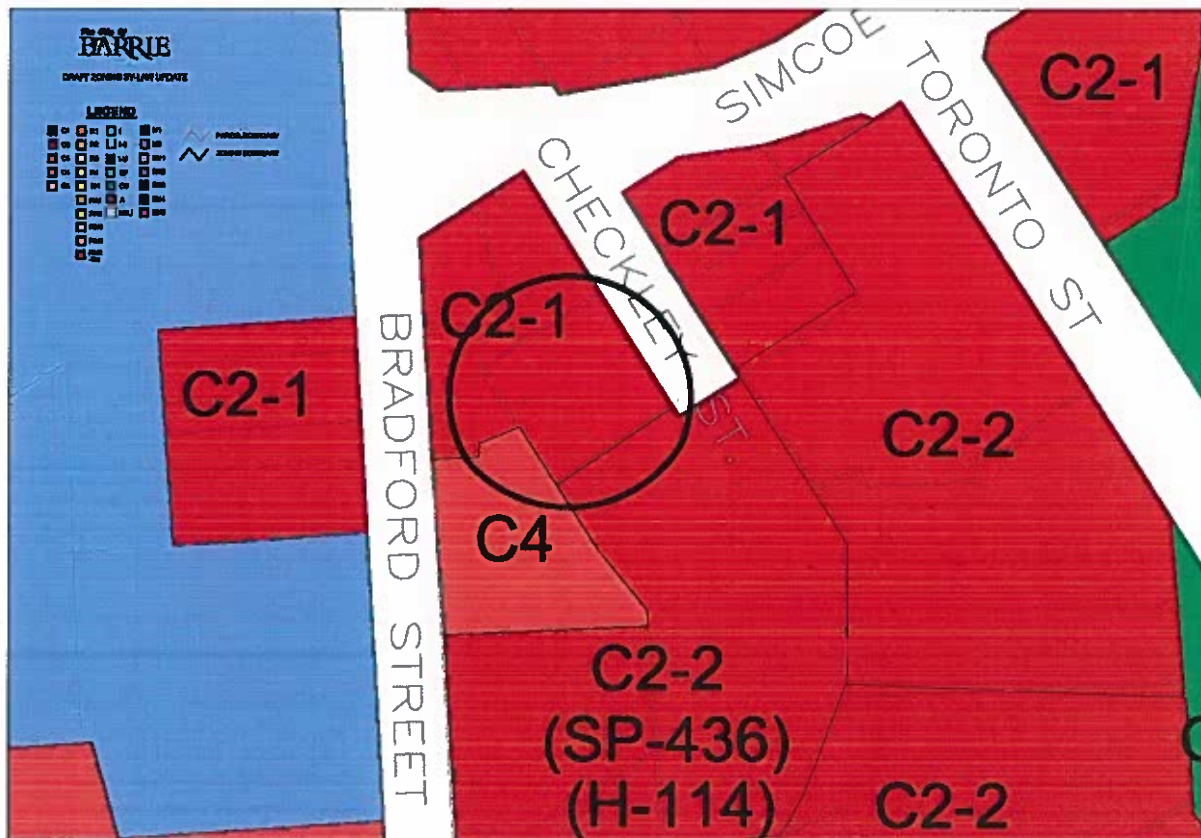
APPENDIX "C"

Existing and Proposed Zoning Maps

#1 – 10 CHECKLEY STREET – EXISTING



#1 – 10 CHECKLEY STREET – PROPOSED



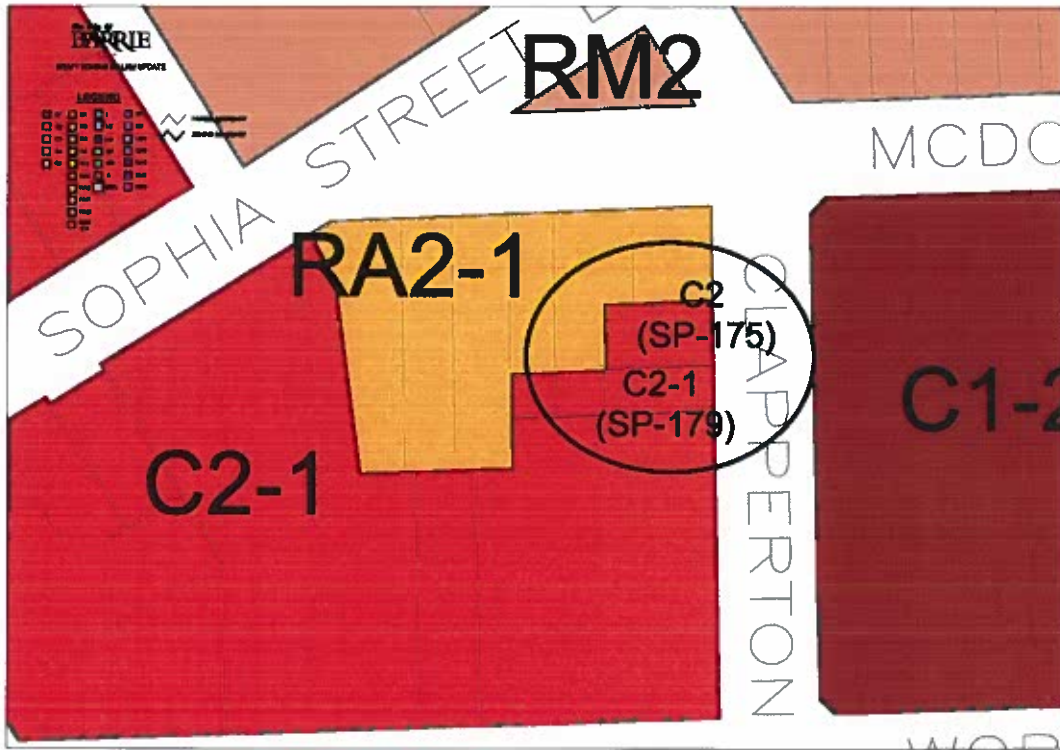
#2 – 35 SIMCOE STREET & 3 TORONTO STREET & FORMER ROAD ALLOWANCE OWNED BY THE CITY OF BARRIE – EXISTING



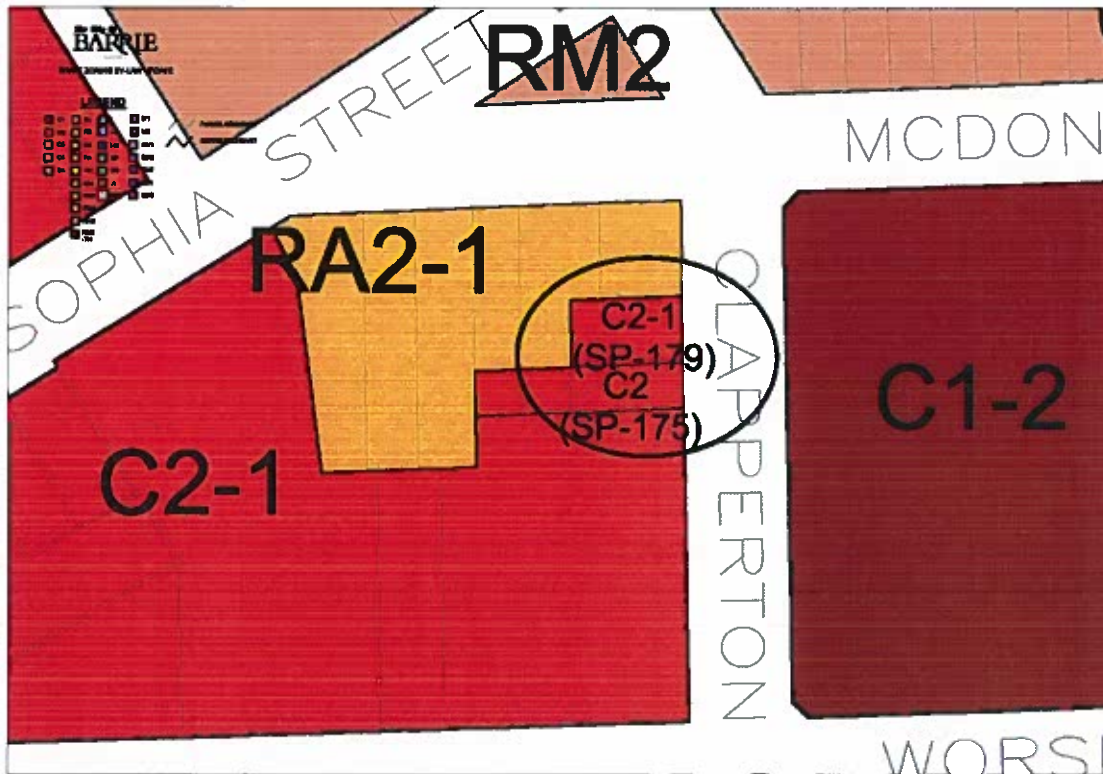
#2 – 35 SIMCOE STREET & 3 TORONTO STREET & FORMER ROAD ALLOWANCE OWNED BY THE CITY OF BARRIE – PROPOSED



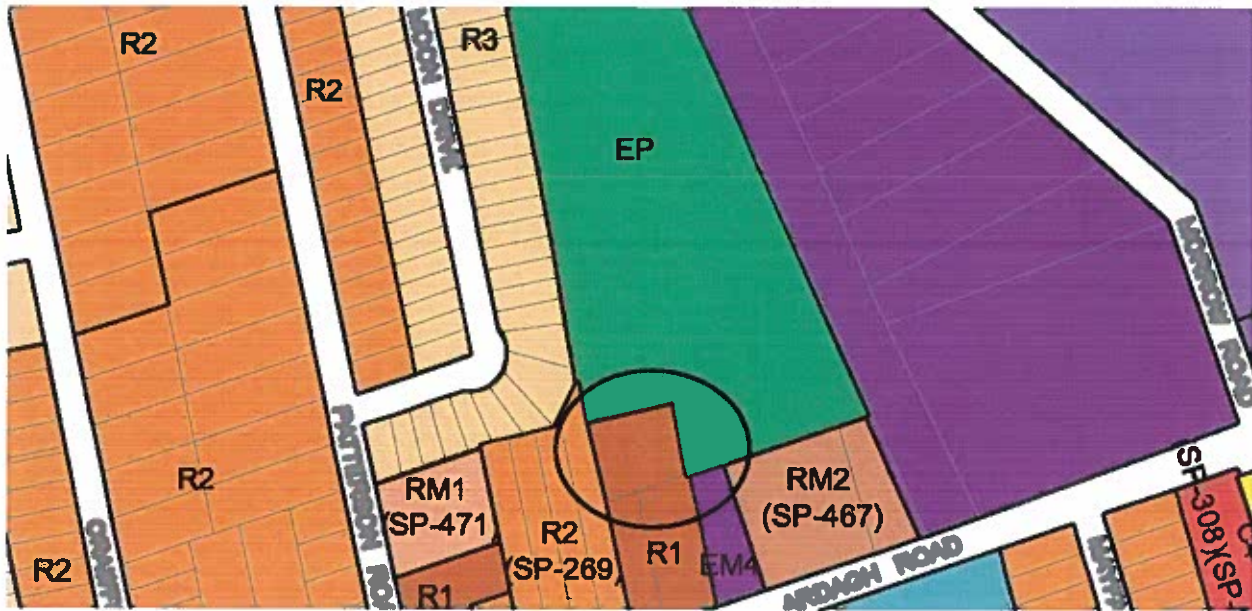
#3 – 54 & 58 CLAPPERTON STREET – EXISTING



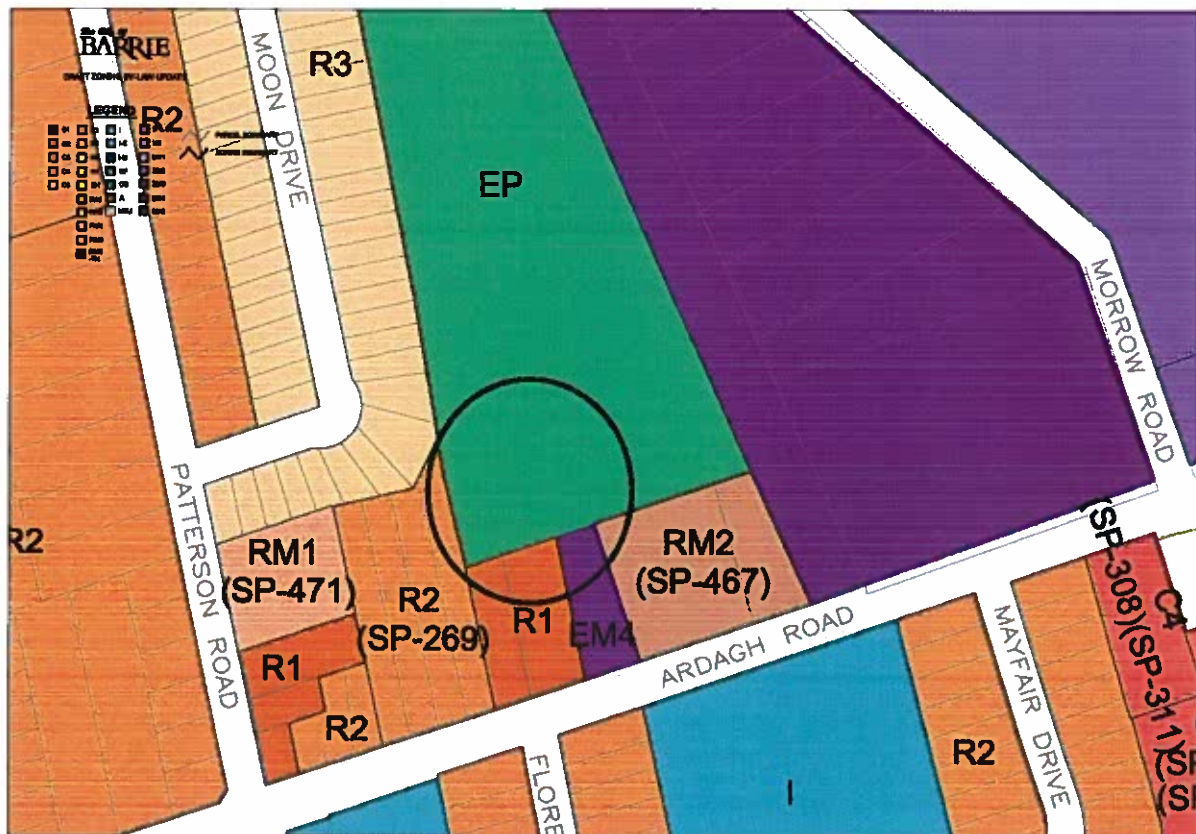
#3 – 54 & 58 CLAPPERTON STREET - PROPOSED



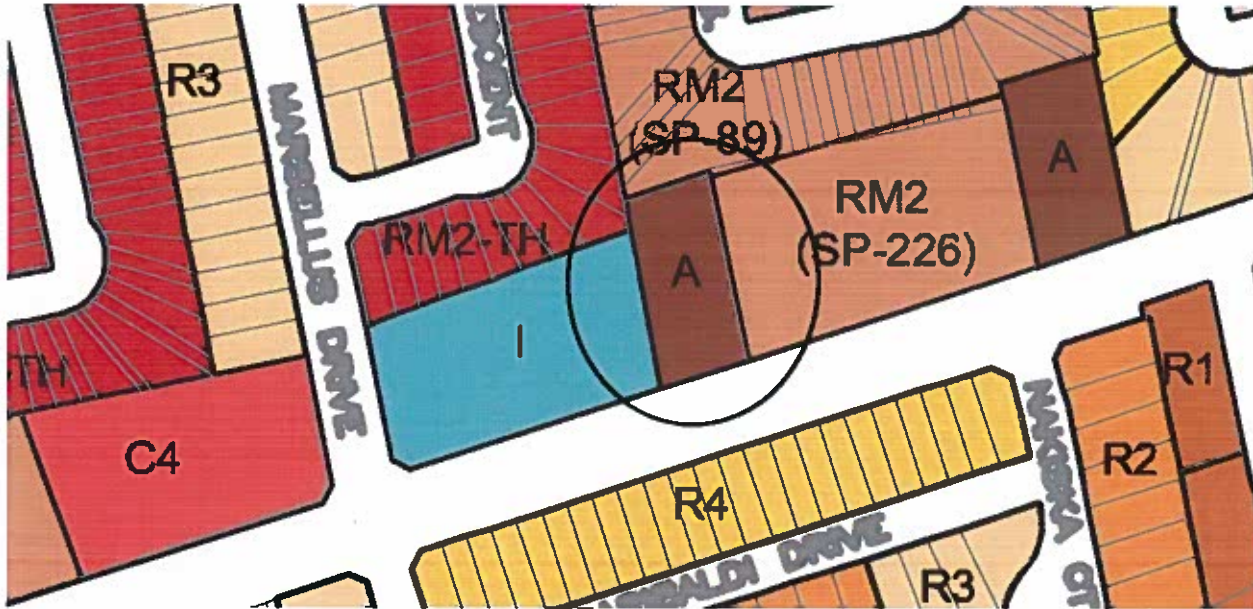
#5 – PORTION OF CITY LAND TO THE REAR OF 92 & 96 ARDAGH ROAD - EXISTING



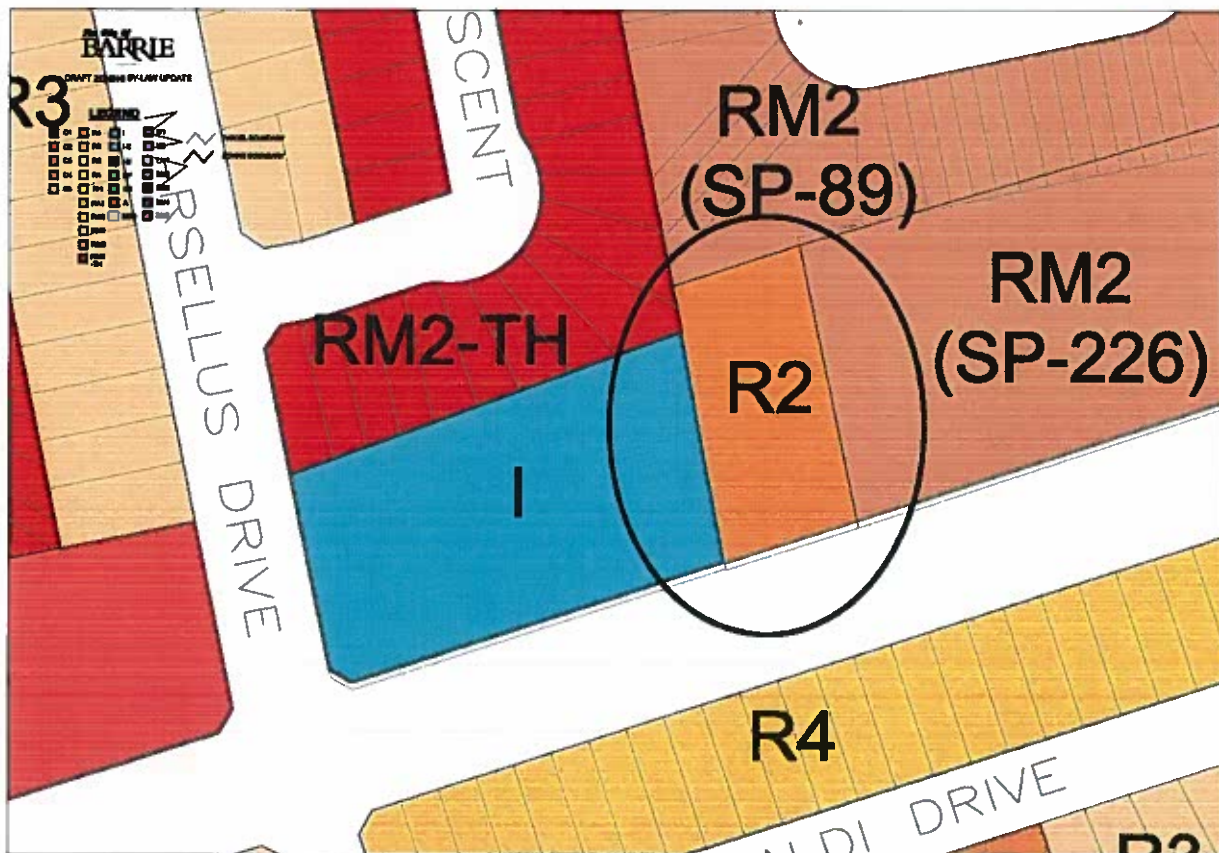
#5 – PORTION OF CITY LAND TO THE REAR OF 92 & 96 ARDAGH ROAD – PROPOSED



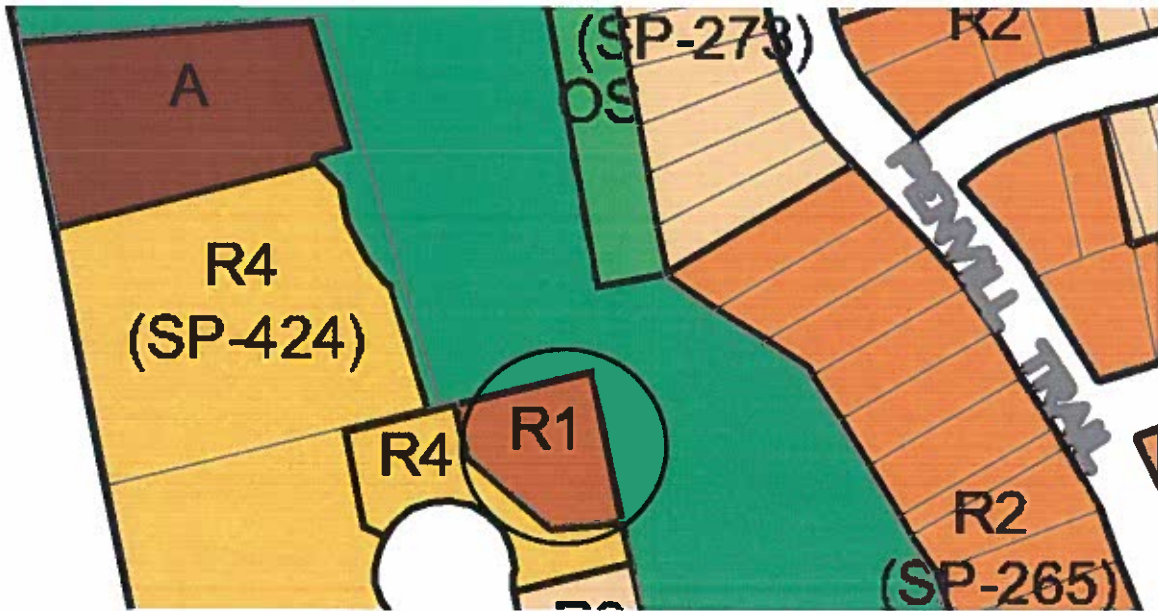
#6 – 466 MAPLEVIEW DRIVE WEST – EXISTING



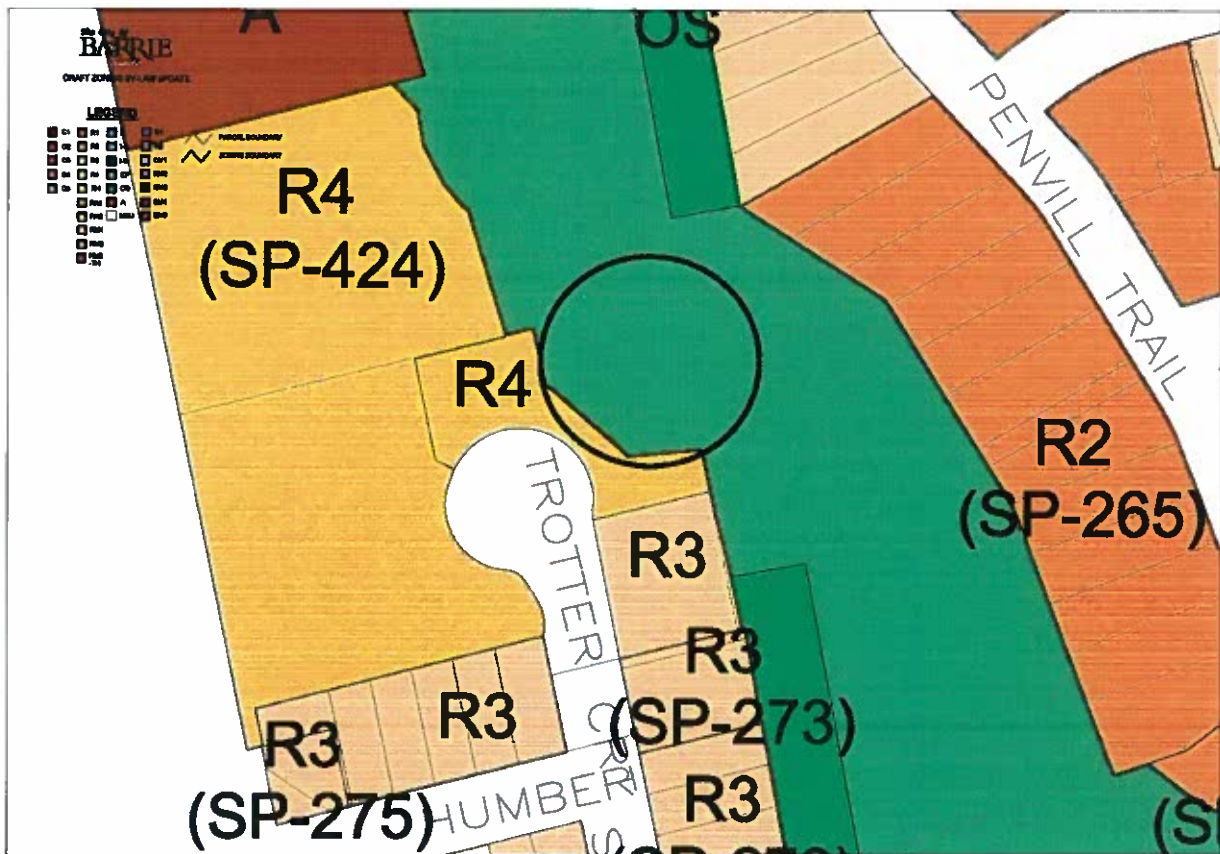
#6 – 466 MAPLEVIEW DRIVE WEST – PROPOSED



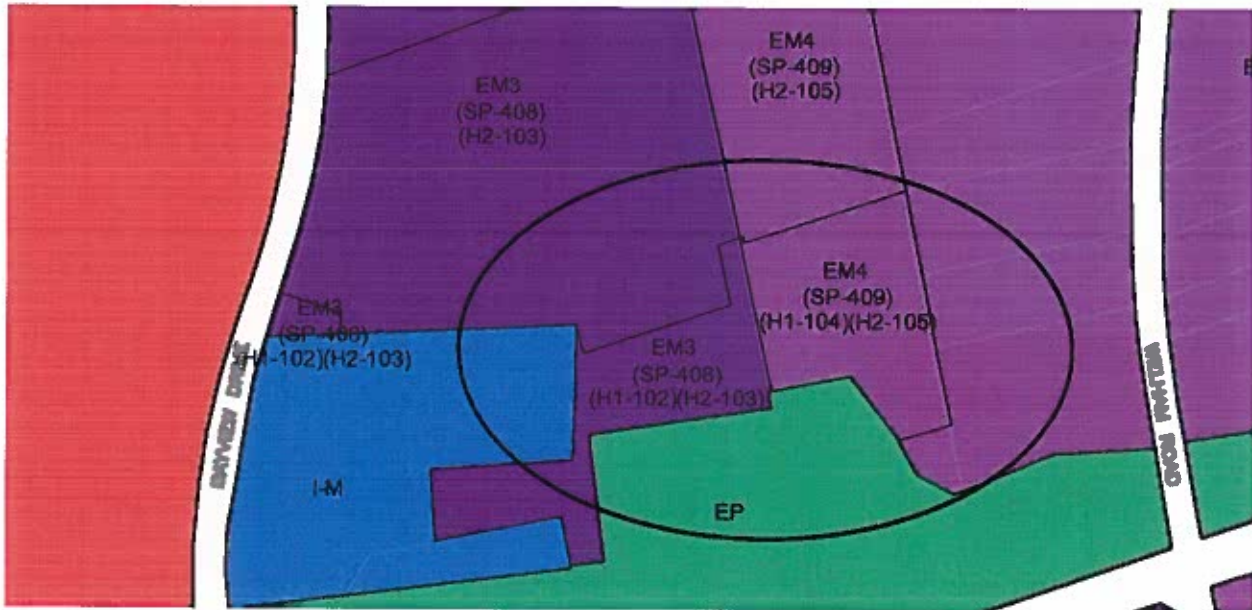
#7 – EAST OF 8 & 10 TROTTER COURT - EXISTING



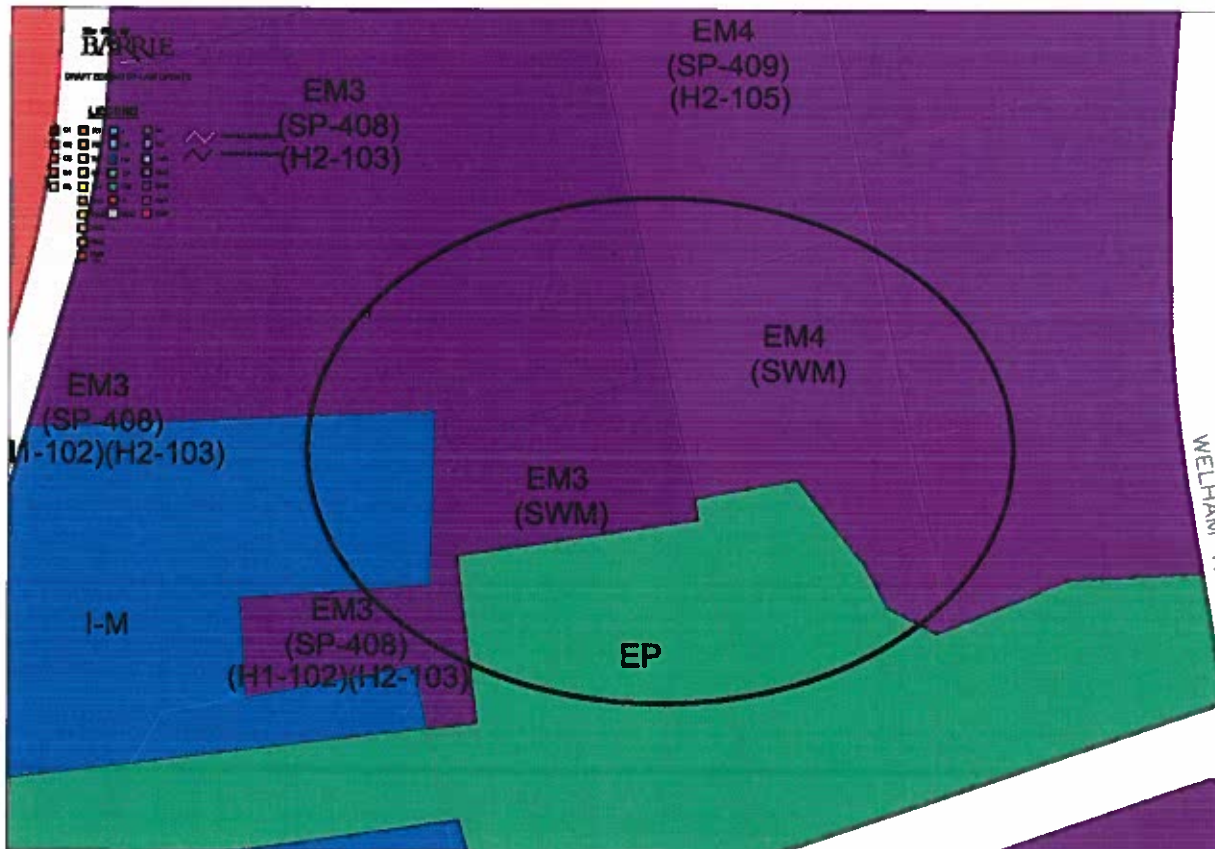
#7 – EAST OF 8 & 10 TROTTER COURT – PROPOSED



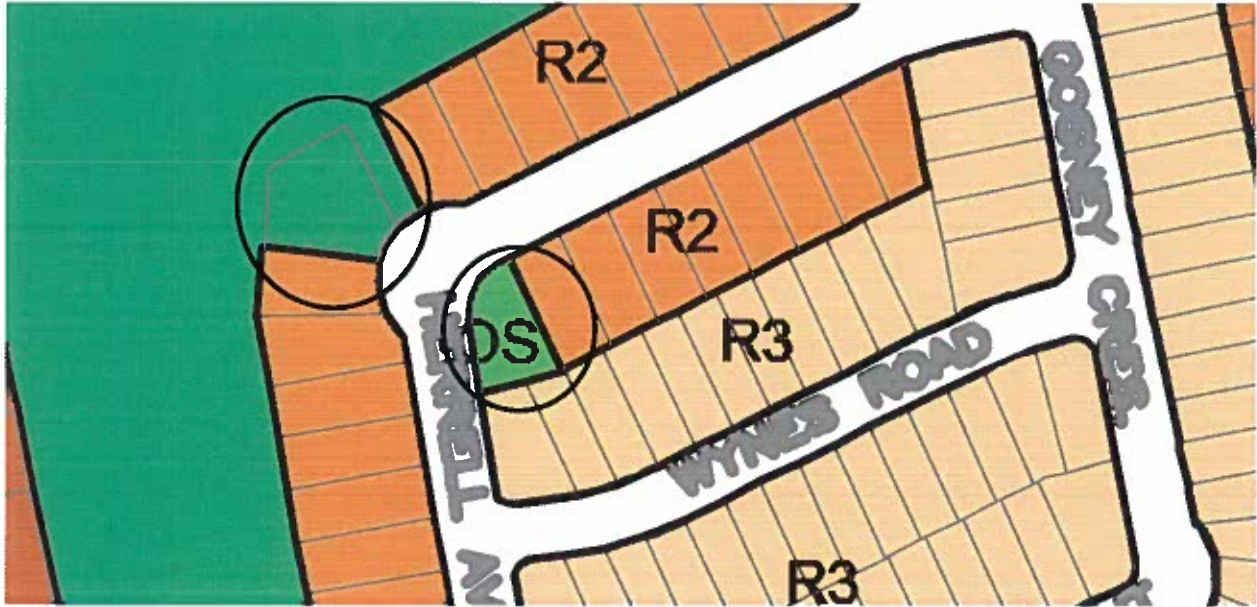
#8 – TO THE NORTHEAST OF MOLSON ARENA – EXISTING



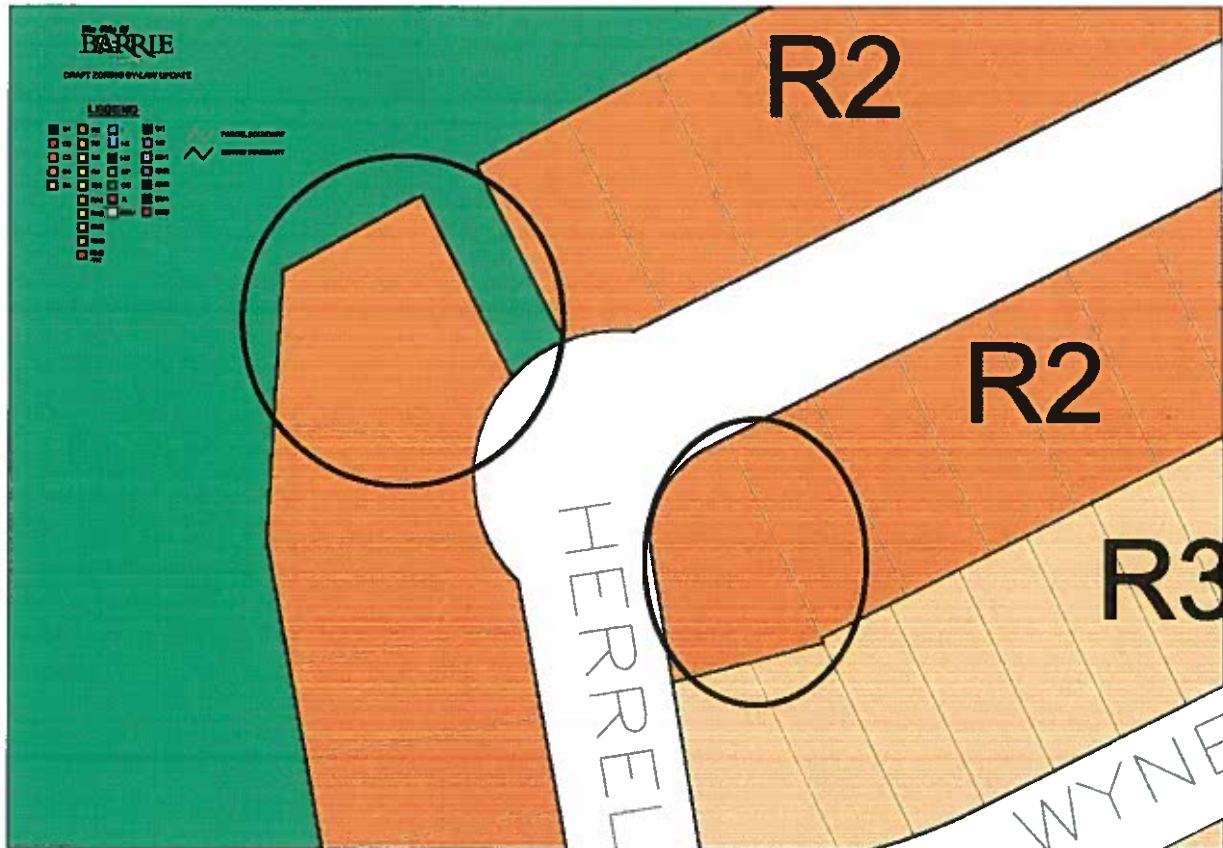
#8 – TO THE NORTHEAST OF MOLSON ARENA – PROPOSED



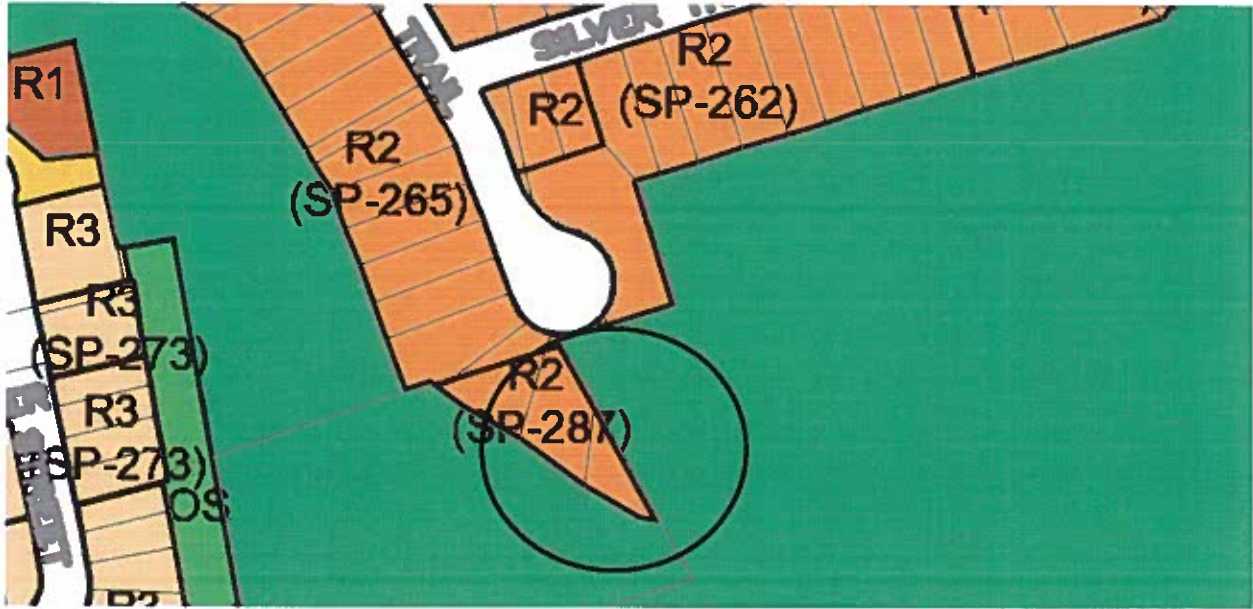
#9 – 19 & 22 HERRELL AVENUE – EXISTING



#9 – 19 & 22 HERRELL AVENUE – PROPOSED



#10 – ADJACENT TO 126 PENVILL TRAIL – EXISTING



#10 – ADJACENT TO 126 PENVILL TRAIL - PROPOSED

