



**PLANNING AND BUILDING SERVICES DEPARTMENT
MEMORANDUM**

TO: MAYOR J. LEHMAN, AND MEMBERS OF COUNCIL

FROM: R. WHITE, ZONING ADMINISTRATIVE OFFICER, ETX. 5446

NOTED: A. BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES
R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

**RE: PUBLIC MEETING FOR HOUSEKEEPING AMENDMENTS TO ZONING BY-LAW
2009-141**

DATE: NOVEMBER 27, 2017

The purpose of this Memorandum is to advise members of Council of a Public Meeting for Housekeeping Amendments to Zoning By-law 2009-141 Housekeeping Amendments.

The proposed amendments are intended to address inconsistencies, barriers for implementation, and/or errors and omissions that have become apparent through the use of the By-law since its approval on August 10th, 2009. The primary planning/land use items being considered at this time include:

1. Changes to the definition of 'Commercial Vehicle' to include vehicles used for or intended to be used for commercial, industrial or agricultural purposes ([Appendix "A", Figure 1](#)).
 - a. There have been scenarios where vehicles previously used for "commercial" purposes have been retrofitted and converted. These would not be captured in the definition of a 'Commercial Vehicle' and thus the By-law can be interpreted as permitting the parking of these vehicles in Residential Zones.
 - b. The proposed amendment will help to alleviate these concerns by defining a 'Commercial Vehicle' as a vehicle "used for or intended to be used for commercial, industrial or agricultural purposes".
 - c. The proposed amendment will provide clarity to residents on which types of vehicles are not permitted to be parked in Residential Zones.
2. Changes to the definition of 'Group Home' to remove the reference to relationship when referring to tenancy ([Appendix "A", Figure 2](#)).
 - a. The Zoning By-law should attempt to remove any "people zoning" and only refer to use.
 - b. Section 35(2) of the Planning Act states, "The authority to pass a by-law under section 34, subsection 38 (1) or section 41 does not include the authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit."
3. Changes to the definition of 'Accessory Building or Structure' to exempt attached garages from this definition ([Appendix "A", Figure 3](#)).
 - a. Currently, a 'private garage' is considered to be an Accessory Structure (this includes attached garages).
 - b. In many other municipalities, an attached garage is part of the principal building or structure.

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- c. The impacts of the recommended change include the ability to operate home occupations from an attached garage and a maximum permitted height of the zone.
 4. Changes to the standards for 'Temporary Sales Structures' to require an agreement with the City to regulate the location, design, servicing and duration ([Appendix "A", Figure 4](#)).
 - a. The current regulations for a 'Temporary Sales Trailer' permit the structures as an accessory use in any zone as long as it complies with the accessory building standards of the zone, and as long as the construction has not been finished, nor abandoned.
 - b. The current regulations would not permit a temporary sales trailer on site until a building permit has been issued and construction has commenced. Many developers wish to operate sales facilities during the site plan process.
 - c. The proposed standards would permit a temporary sales structure as long as it complies with the standards for the zone in which it is located. In addition, an agreement must be entered into with the City of Barrie to regulate the location, design, servicing and duration.
 - d. The agreement can come in the form of a Site Plan Agreement, or a Development Agreement, registered with the City of Barrie.
 - e. The agreement will give the City the ability to ensure structures are constructed in a visibly pleasing manner, located properly on the site and do not remain on site should a project be abandoned.
 5. Revise the provisions for parking of Commercial Vehicles in Residential Zones ([Appendix "A", Figure 5](#)).
 - a. The current standards prohibit the parking of commercial vehicles in excess of 4500 kg registered gross vehicle weight from being parked in a Residential Zone.
 - b. The proposed amendments would also include vehicles that may not exceed 4500 kg registered gross vehicle weight but are specifically designed for commercial, industrial or agricultural purposes.
 6. Remove references to tenancy for low density parking requirements ([Appendix "A", Figure 6](#)).
 - a. The existing standards require a certain number of parking spaces for every 2 tenants.
 - b. It is very difficult to determine the 'tenancy' of a new Single Detached House. There could be 5 bedrooms when the permits are approved, but only 3 individuals move into the home (reducing the required parking).
 - c. The proposed amendment would require 2 spaces for each dwelling unit in low density residential developments. This is a standard in most municipalities and will accommodate the majority of households which contain 2 vehicles.
 - d. In addition, the proposed amendment would add the required one parking space for a second suite to the parking standards table (4.6.1).
 7. Proposed new section of the By-law, under the General Provisions, for exemptions ([Appendix "A", Figure 7](#)).
 - a. Exempt clothes poles, flag poles, ornamental lift poles, required retaining walls and accessibility ramps from the provisions of the By-law.
 - b. Currently these structures would be subject to the "Accessory Structures" provisions in the By-law and thus, would not be permitted in the front yard.
 8. Add "Bed and Breakfast" use to the permitted uses table 5.2 ([Appendix "A", Figure 8](#)).
 - a. As per section 4.2.1.6, a Bed and Breakfast is permitted in all Residential and Commercial Zones.
 - b. The amendment will simply provide clarity by adding the use as permitted in Table 5.2.

9. Remove the minimum dwelling unit size standards in Table 5.3, Table 14.5.6 and section 5.2.9.1.(f) ([Appendix "A", Figure 9](#)).
 - a. The minimum room/dwelling sizes are governed by the Ontario Building Code.
 - b. The minimum standards prescribed in the Zoning By-law exceeded those of the Building Code. This made the creation of affordable units more cumbersome.

10. Add standards to table 5.3 which require minimum setback requirements to attached garages ([Appendix "A", Figure 10](#)).
 - a. By revising the definition of Accessory Buildings and Structures to exclude attached garages, these attached garages would simply be subject to the standards of table 5.3 as they are part of the main building.
 - b. The proposed amendments will discourage the construction of 'snout houses' (a house with a protruding garage that takes up most of the street frontage).
 - c. In addition, the proposed amendment will continue to allow for a driveway that would accommodate at least one parking space which meets the minimum size required by the By-law (2.7 m x 5.5 m).

11. Amend section 5.3.5.(h) to remove the provision for 50 m² and make the maximum permitted lot coverage for accessory structures 10 % of the lot area ([Appendix "A", Figure 11](#)).
 - a. This provision adds undue hardship to residents with large lots, often requiring a minor variance.
 - b. There have been 7 minor variance applications for 'oversized' accessory buildings in 2017, while 6 of the proposed accessory buildings did not exceed 10 % of lot coverage.
 - c. The objectives of limiting the size of accessory buildings would be achieved, however the maximum size would be scaled with the size of the lot in all cases.

12. Delete section 5.3.5.3 which exempts above ground swimming pools from the maximum permitted lot coverage ([Appendix "A", Figure 12](#)).
 - a. The perceived impacts of an above ground swimming pool are the same as an in ground swimming pool, which are subject to lot coverage standards.
 - b. There are no provisions limiting the size of an above ground swimming pool, meaning it could take up an entire rear yard (minus the 0.6 m setback).

13. 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 ([Appendix "A", Figure 13](#)).
 - a. This provision currently allows any driveway or parking spaces located in a side yard or rear yard of a residential property to be constructed of gravel, dirt, or other coarse surfaces.
 - b. The surfaces currently permitted can create dust and can be washed into the City of Barrie catch basins.

14. Add section 5.3.3.1.(g) which requires a minimum 0.6 m side yard setback and minimum 4 m rear yard setback to any air conditioner or below grade, unenclosed entryway. In no case shall an air conditioner or unenclosed entryway be located in a front yard ([Appendix "A", Figure 14](#)).
 - a. There are currently no provisions in the Zoning By-Law which regulated the location and setbacks to these structures.

15. Amend Table 6.2 to permit Arcade or Game Establishment uses in the General Commercial (C4) zones and to permit Arcade or Game Establishment uses in the Central Area Commercial (C1) and Transition Centre Commercial (C2) zones as an accessory use to a permitted use as identified in Table 6.2 ([Appendix "A", Figure 15](#)).
 - a. The General Commercial (C4) zone currently permits every other commercial use as identified in the Zoning By-law 2009-141.
 - b. An Arcade or Game Establishment use would not have any further perceived negative impacts if permitted in C4 zones which are generally on larger lots with significant parking lots.
 - c. The Arcade or Game Establishment use was previously removed from the C1 and C2 zones by council, however the type of "Arcades" have changed significantly since that time.
 - d. It may be beneficial for business such as bars, nightclubs, restaurants and others to offer several amusement devices. The proposed amendment would allow these as part of a permitted use, but not as a standalone use. This amendment should help to mitigate some of the effects that caused the Arcade or game Establishment use to be removed from the C1 and C2 zones previously.

16. Amend table 6.2 to add a sub note to the "Bed and Breakfast Establishment" uses to direct readers to the provisions in Section 4.2.1.6 of the Zoning By-law ([Appendix "A", Figure 16](#)).
 - a. Currently, the Bed and Breakfast Establishment use is permitted, however there are no provisions in Section 6 (Commercial Zones).
 - b. This amendment would be to provide clarity and direct readers to the provisions for Bed and Breakfast Establishments.

17. Remove stand-alone residential uses from the list of permitted uses in the 'Central Area Commercial' (C1) and 'Transition Centre Commercial' (C2) zones ([Appendix "A", Figure 17](#)).
 - a. The C1 and C2 zones are largely located within the City Centre designation of the Official Plan.
 - b. Policy 4.3.2.2.(a) of the Official Plan states that retail stores, offices, hotels, institutional, and entertainment uses shall be integrated, where possible, with residential uses, community facilities and open space.
 - c. The intent of the Official Plan is to create mixed use buildings within this designation (and thus the C1 and C2 zones).

18. Delete the minimum coverage for commercial uses in Table 6.3.2, add section 6.3.4.1 and renumber the By-law as necessary ([Appendix "A", Figure 18](#)).
 - a. The minimum coverage for commercial uses is currently based on the percentage of lot area, whereas the intent is to have a portion of the ground floor area of the building as commercial uses.
 - b. The table currently covers C1-1, C1-2, C2-1 and C2-2 zones, but does not cover standard C1 or C2 zones.
 - c. To achieve the goals of the Official Plan and the Urban Design Guidelines, the proposed provisions will include a percentage of the street level floor area and percentage of the flankage along a street to be used for commercial purposed. In addition, the minimum height of the street level floor must be 4 m and the maximum height must be 5 m within a C1 or C2 zone.



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19. Amend the zoning map to change the zoning of the Vista Place Unopened Road Allowance from 'Single Detached Residential Second Density' (R2) to 'Open Space' (OS).
 - a. The proposed amendment is a result of Council Motion 17-G-227, To investigate the appropriateness of rezoning the Vista Place Unopened Road Allowance from Residential (R2) to Open Space (OS) (Ward 8).
 - b. Staff concluded that residents use the area as open space throughout the year, and the City maintains to area to a minimal standard.

20. Amend the zoning map to change the zoning of 312 and 322 Georgian Drive from 'Single Detached Residential First Density' (R1) and 'Single Detached Residential Second Density' (R2) to 'Residential Multiple Dwelling Second Density – Special Provision No. 511' (RM2) (SP-511). To provide consistency across the existing development on the site.
 - a. The properties subject to the proposed zoning change are used as supplementary parking for the residential development at 306 Georgian Drive.
 - b. The subject properties cannot be used as a commercial parking lot, as the use is not permitted in the RM2 zone.

In the Public Meeting Notice that was circulated on October 31st, 2017, Planning staff identified that housekeeping amendments would be made to the City's standards for the 'Mixed-use' (MU) and 'Neighbourhood Mixed-use' (NMU) zones, as well as the standards for shipping containers. These items will no longer be addressed through the current housekeeping amendment. Instead, these items will be considered separately as individual zoning by-law amendment applications at a future date. Planning staff have also removed proposed changes to some typographical errors in the By-law as they can be addressed through the consolidation of Zoning By-law 2009-141.

Planning staff are targeting December 11th, 2017 to bring a staff report forward for General Committee's consideration of the proposed zoning by-law amendment.

For more information, please contact Andrew Gameiro, Planner at extension 5038 or Ryan White, Zoning Administrator at extension 5446.

APPENDIX "A"

Figure 1

Commercial Vehicle

shall mean a motor vehicle used for, or intended to be used for commercial, industrial or agricultural purposes with or without an attached or permanently attached delivery body and includes vehicles such as catering or canteen trucks, buses, cube vans, tow trucks, tilt and load, dump trucks, tractor trailers, semi-trailers and any vehicle which has an exterior fixture or fixtures for the purposes of carrying equipment, materials, or supplies for commercial purposes.

Figure 2

Group Home

shall mean a community-based housekeeping unit in which up to 5 unrelated individuals (exclusive of staff) live under responsible supervision consistent with the requirement of its residents. Group homes shall mean accommodation for:

- the mentally and physically disabled;
- the homeless, mistreated or abused child or adult, but foster homes shall not be considered as group homes uses;
- children with behavioral and/or legal problems.

Figure 3

Accessory Building or Structure

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

Notwithstanding the above, a private garage that is attached to the main dwelling unit shall not be considered an accessory structure.

Figure 4

4.2.1.4 Temporary Sales ~~Trailer Structure~~

~~Real estate sales and a sales trailer shall be considered as permitted accessory uses on the same lot as the proposed development for as long as the construction is in progress and the project has been neither finished, nor abandoned. The trailer shall comply with the accessory use standards of the zone in which it is located.~~

A temporary sales structure shall be permitted in any zone provided that:

- i) the temporary sales structure is located in accordance with the zone provisions for the zone in which it is located; and,
- ii) an agreement is entered into with the City of Barrie to regulate the location, design, servicing and duration.

Figure 5

5.3.6.3 Commercial Parking

The parking or storage of commercial *vehicles* and trailers in excess of 4,500 kg. registered gross *vehicle* weight, ~~or those designed specifically for commercial, industrial or agricultural purposes~~ is prohibited in any Residential *Zone* other than a Residential Holding *Zone* (RH).

4.3.1 Notwithstanding anything contained in this By-law, the following *uses* shall not be permitted within any *zone* in the City of Barrie:

- J) the parking and storage of commercial *vehicles* in excess of 4500kg gross *vehicle* weight, ~~or those designed specifically for commercial, industrial or agricultural purposes~~ is prohibited within the Residential, Environmental Protection, Institutional and Open Space *Zones*;

Figure 6

Table 4.6	
Uses	Parking Standards
<i>Residential building containing not more than 3 dwelling units</i>	4 2 spaces per dwelling unit, plus 1 additional space for every 2 tenants accommodated. Tandem parking will be permitted.
<i>Residential building containing more than 3 dwelling units</i>	1.5 spaces per dwelling unit
<i>Residential dwelling(s) in the Urban Growth Centre (see Appendix "C").</i>	1 space per dwelling unit(s) (By-law 2014-110)
<i>Second Suites</i>	1 space per dwelling unit (in addition to the parking required for the main dwelling unit(s))

Figure 7

4.1.4 Exemptions

Clothes poles, flag poles, ornamental light poles, required retaining walls or other similar accessory structures are permitted in any yard and are not subject to height and setback requirements of the zone in which they are located.

Accessibility ramps are permitted in any yard and are not subject to height and setback requirements of the zone in which they are located.

Figure 8

Table 5.2											
Uses	Zones										
	Single Detached					Multiple				Apartment	
	RH	R1	R2	R3	R4	RM1	RM1-SS	RM2	RM2-TH	RA1	RA2
Accessory Uses											
<i>Bed and Breakfast Establishment ⁽¹⁵⁾</i>	X	X	X	X	X	X	X	X	X	X	X

Child Care ⁽¹²⁾	X	X	X	X	X	X	X	X	X	X	X
Home Occupation ⁽¹²⁾	X	X	X	X	X	X	X	X	X	X	X

(15) See 4.2.1.6

Figure 9

	Zones										
	Single Detached					Multiple				Apartment	
	RH	R1	R2	R3	R4	RM1	RM1-SS	RM2	RM2-TH	RA1	RA2
Dwelling unit floor area (min.)	100m ²	110m ^{2(e)}	90m ^{2(e)}	70m ^{2(e)}	70m ^{2(e)}	70m ^{2(e)}	70m ^{2(e)}	35m ² /dwelling unit + 10m ² /bedroom			

5.2.9.1 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:

- e) ~~A second suite or detached accessory dwelling unit shall not be less than 35m² in size for a bachelor unit and for each additional bedroom a minimum of 10m² shall be required. (By-law 2015-056)~~

	Zones						
	Neighbourhood Residential R5 Zone			Neighbourhood Residential Multiple Zone RM3			
	Single	Semi	Street Townhouse	Back To Back Townhouse	Block/ Cluster/ Street Townhouse	Walk-Up Apartments	Apartments
Dwelling unit floor area (min.)	90m ²	90m ²	90m ²	35m ² /dwelling unit + 10m ² /bedroom			

Figure 10

Table 5.3											
	Zones										
	Single Detached					Multiple				Apartment	
	RH	R1	R2	R3	R4	RM1	RM1-SS	RM2	RM2-TH	RA1	RA2
Front yard to Dwelling Unit (min.)	12m	4.5m	4.5m	4.5m	4.5m	4.5m	4.5m	7m ⁽⁵⁾	7m ⁽⁵⁾	7m	7m
Front yard to Attached Garage (min.)	7m	7m	7m	7m	7m	7m	7m	7m	7m	7m	7m
Side Yards (min.) <small>(1)(3)(7)(By-law 2015-129)</small>	7m	1.2m ⁽²⁾	1.2m ⁽²⁾	1.2m ⁽²⁾	1.2m ⁽²⁾	1.2m ⁽²⁾⁽⁸⁾	1.2m ⁽²⁾	1.8m ⁽²⁾⁽⁸⁾⁽⁹⁾	1.8m ⁽²⁾⁽⁸⁾	5m ⁽⁸⁾	5m ⁽⁸⁾
Interior Side Yard to attached garage (min.)	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m

Figure 11

5.3.5 Accessory Buildings and Structures

No other *building or structure*, except a *parking structure underground* which is accessory to any residential use in any zone shall:

- h) collectively exceed 10% lot coverage for detached accessory structures ~~of a maximum of 50m² whichever is lesser except in the case of block/cluster/stacked townhouse developments, walk-up apartments or apartments where a maximum of 10% lot coverage shall apply.~~ The 10% lot coverage permitted for accessory buildings and structures is in addition to the lot coverage as set out in Table 5.3. (By-law 2010-195) (By-law 2015-129)

Figure 12

~~5.3.5.3 Swimming Pools~~

~~Above ground swimming pools shall be exempted from the maximum permitted lot coverage.~~

Figure 13

5.3.6 Parking Standards

5.3.6.1.1 ~~Parking in Front Yards Residential Zones~~

- C) That the ~~front yard~~ driveway and/or parking space is not permitted to encroach on the required landscaped open space and shall be constructed and maintained with an asphaltic or concrete surface or brick pavers. (By-law 2012-020)

Figure 14

5.3.3.1 Every part of any required yard, required by this By-law shall be open and unobstructed by any *structure* from grade level to the sky, with the following exceptions:

- g) ~~air conditions and below grade, unenclosed entryways, which in no case shall have a side yard reduced to less than 0.6 m and a rear yard reduced to no less than 4 m.~~

Figure 15

Table 6.2					
Uses	Zones				
	Central Area Commercial (C1)	Transition Centre Commercial (C2)	Shopping Centre Commercial (C3)	General Commercial (C4)	Convenience Commercial (C5)
Commercial Uses					
<i>Adult Entertainment Parlour</i>				X	
<i>Arcade or Game Establishment</i>	X ⁽¹⁾	X ⁽¹⁾	X	X	

(1) Shall only be permitted as an accessory use to the uses identified in Table 6.2.

Figure 16

Table 6.2					
Uses	Zones				
	Central Area Commercial (C1)	Transition Centre Commercial (C2)	Shopping Centre Commercial (C3)	General Commercial (C4)	Convenience Commercial (C5)
Commercial Uses					
<i>Bed and Breakfast Establishment⁽²⁾</i>	X	X	X	X	X

(2) See Section 4.2.1.6

Figure 17

Table 6.2					
Uses	Zones				
	Central Area Commercial (C1)	Transition Centre Commercial (C2)	Shopping Centre Commercial (C3)	General Commercial (C4)	Convenience Commercial (C5)
Residential Uses					
<i>Dwelling Unit(s) in conjunction with permitted commercial uses except defined automotive uses</i>	X	X	X	X	X
<i>Residential uses permitted in the Second Density RA2 Zone</i>	X	X	X		
<i>Group Home</i>	X	X			

Figure 18

6.3.2 Additional Standards for Commercial Zones

	Central Area-1 (C1-1)	Central Area-2 (C1-2)	Transition Centre-1 (C2-1)	Transition Centre-2 (C2-2)
Maximum Building Height	10m within 5m of the front <i>lot line</i> and the lot flankage, 30m beyond 5m of the front <i>lot line</i> and the lot flankage. ⁽¹⁾	10m within 5m of the front <i>lot line</i> and the lot flankage, 45m beyond 5m of the front <i>lot line</i> and the lot flankage. ⁽¹⁾	10m within 5m of the front <i>lot line</i> and the lot flankage, 30m beyond 5m of the front <i>lot line</i> and the lot flankage. ⁽¹⁾	10m within 5m of the front <i>lot line</i> and the lot flankage, 45m beyond 5m of the front <i>lot line</i> and the lot flankage. ⁽¹⁾
Minimum Coverage for Commercial uses (% of lot area).	50%	50%	50%	50%

6.3.4.1 In a C1 or C2 Zone

Where a Residential Use is located in the same building as a Commercial use in the C1 or C2 zones, a minimum of 65 % of the ground level street frontage must be used for Commercial Uses.

The minimum ground level floor height must be 4.5 m for any newly constructed building in a C1 or C2 zone.