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**TO:** GENERAL COMMITTEE

**SUBJECT:** HOUSEKEEPING AMENDMENTS TO COMPREHENSIVE ZONING BY-LAW 2009-141

**WARD:** ALL

**PREPARED BY AND KEY CONTACT:** R. WHITE, PLANNING SERVICES SENIOR BUSINESS PERFORMANCE SPECIALIST EXT. 4417

**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 the proposed Housekeeping text and Zoning Map Schedule Amendments to Zoning By-law 2009-141 be approved as outlined in Appendix "A" to Staff Report PLN014-18.
2. That the written and oral submissions received relating to the proposed amendments have been on balance, taken into consideration as part of the deliberations and final decision related to the approval of the application.
3. That, in accordance with Section 34(17) of the *Planning Act*, no further public meeting is required to finalized the proposed by-law.

**PURPOSE & BACKGROUND**

Report Overview

4. The purpose of this Staff Report is to implement a number of amendments meant to assist with the implementation, interpretation and enforcement of the Zoning By-law 2009-141.

**ANALYSIS**

5. Planning Services staff identified a number of challenges with the Zoning By-law 2009-141 through day-to-day implementation and enforcement of the By-law, referrals from other departments and comments from industry and the public.
6. Staff researched the challenges identified, looking at the cause and effect of the challenges and identifying potential solutions.
7. On December 4, 2017 a public meeting was hosted to obtain input on a number of amendments proposed by staff. A member of the public asked how the amendments will be enforced, and it was confirmed it would continue to be on a complaint basis. Some members of council expressed concern that several of the amendments do not meet the definition of housekeeping.

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8. Staff considered the recommendations from the public meeting, including the comments from council and the public when writing this report. A number of the items have been removed from the recommended amendments at this time, and may be brought forward at a future date through specific amendments to the Zoning By-law.
  9. The recommended amendments are as follows:
  10. Revise the definition of “Commercial Vehicle” to provide clarity and improve the application of the term from a land use perspective.
    - a) In Zoning By-law 2009-141, the existing definition of “Commercial Vehicle” is, “*shall mean a motor vehicle used for commercial 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, semitrailers and any vehicle which has an exterior fixture or fixtures for the purposes of carrying equipment, materials, or supplies for commercial purposes*”.
    - b) This definition does not account for vehicles that are designed for commercial, industrial or agricultural purposes, but may no longer be used for those purposes.
    - c) Staff experienced issues with an older tractor being parked at a residential location in the City of Barrie while being repaired. This became very difficult to enforce based on the existing definition for “Commercial Vehicle”.
    - d) Staff recommend that the definition of “Commercial Vehicle” be amended, as follows, “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, semitrailers and any vehicle which has an exterior fixture or fixtures for the purposes of carrying equipment, materials, or supplies for commercial, industrial or agricultural purposes”.
    - e) The proposed amendment will capture vehicles which are designed for commercial, industrial and agricultural purposes, regardless of the purpose of the existing use.
  11. Revise the definition of “Group Home” to remove the reference to “unrelated” individuals.
    - a) The existing definition of “Group Home” in Zone By-law 2009-141 is, “*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.*”
    - b) As per the Planning Act, R.S.O. 1990, c. P.13, Section 35(2), “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. 1994, c. 2, s. 43”.
    - c) The proposed amendment will ensure that the definition of “Group Home” will be consistent with the policies in the *Planning Act*.

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12. Revise the definition of “Accessory Building or Structure” to specify that attached garages are not considered accessory buildings.
- a) The existing definition of “Accessory Building or Structure” in Zoning By-law 2009-141 is, *“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:*
- |                           |  |
|---------------------------|--|
| <i>A Private Garage</i>   | <i>Porch</i>                                       |
| <i>Swimming pool</i>      | <i>Solar collector</i>                             |
| <i>Private greenhouse</i> | <i>Garbage bin enclosure</i>                       |
| <i>Carport</i>            | <i>Raised play structure in a Residential Zone</i> |
| <i>Deck</i>               | <i>Fences over 2 m in a Residential Zone</i>       |
| <i>Boat house”</i>        |  |
- b) The current definition classifies an attached garage as an accessory structure, leading to confusion. Generally, an attached garage is not seen as an “Accessory Structure”.
- c) There are also implications with defining an attached garage as an accessory structure, since a home occupation can only be operated within the principal dwelling, thus they cannot be operated in an attached garage. In addition, the height of an attached garage is currently restricted to 4 m.
- d) Staff recommend that the definition of “Accessory Building or Structure” be amended to include an exemption for attached garages.
13. Add standards to table 5.3 which require minimum setbacks to attached garages.
- a) By revising the definition of Accessory Buildings and Structures to exclude attached garages, these attached garages would be subject to the provisions for minimum front and side yard setbacks in table 5.3 and Table 14.5.6 as they are part of the main building.
- b) The proposed amendments would require a minimum setback to the living space of the dwelling and a minimum of 7 m to the attached garage, discouraging the construction of houses with the attached garage protruding beyond the front of the rest of the dwelling and continuing to allow for a driveway that meets the minimum size of a parking space required by By-law 2009-141.
14. Revise the provisions for parking of Commercial Vehicles in Residential Zones.
- 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.
15. Add a new section to the Comprehensive Zoning By-law, under General Provisions, for “Exemptions”.
- a) Exempt required retaining walls and accessibility ramps from the provisions of the Zoning By-law.
- b) Exempt clothes lines, flag poles, ornamental poles and other such items from the setback and height requirements of the Zoning By-law.

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- c) 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 and/or subject to the setback and height requirements.
16. Add “Bed and Breakfast Establishment” use to the permitted uses table 5.2.
- a) As per section 4.2.1.6, a Bed and Breakfast Establishment use is permitted in all Residential and Commercial zones.
17. 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.
- a) Currently, Bed and Breakfast Establishments are a permitted use, however the provisions for the use are located in General Provisions.
- b) The amendment would provide clarity and direct readers to the provisions for Bed and breakfast Establishments in the General Provisions.
18. 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.
- a) This provision creates inconsistency in the application of the intent of the Zoning By-law, with large lots often requiring a minor variance (Appendix “A”).
- 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 the total lot area.
- c) The objectives of limiting the size of accessory buildings would continue to be achieved, however maximum size would be scaled with the size of the lot in all cases.
19. 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.
- a) The provision currently allows any driveway or parking spaces located in a side or rear yard of a residential property to be constructed of gravel, dirt or other coarse materials.
- b) The surfaces currently permitted can create dust and can be washed into the City of Barrie catch basins, creating other issues.
20. Add 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. Notwithstanding the above, air conditioners shall be prohibited in a front yard.
- a) There are currently no provisions in the Zoning By-law which regulate the location and setbacks to air conditioners and below grade, unenclosed entryways.
21. Amend table 14.5.6 to exempt back to back townhouses from the rear yard setback requirements.
- a) For back to back townhouses where both sides front onto a municipal street, a rear yard setback cannot be provided as a result of the built form.

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- b) The amendment would add a sub-clause to the rear yard setback section under back-to-back townhouses that would state the minimum rear yard setback shall not apply to any lot line that contains a shared wall between two dwelling units.
22. Change the zoning of 277 Cox Mill Road from “Agricultural” (A) to “Residential Single Detached Dwelling Second Density” (R2) (Appendix ‘A’, Figure 1).
- a) The general intent and purpose of the Agricultural Zone is for Agricultural uses, with Single Detached Dwellings being an accessory use.
- b) The subject property is no longer used for Agricultural purposes and is strictly a residential use.
- c) The lot currently meets the minimum size requirements for the R2 zone and the surrounding properties are zoned R2.
23. Change the zoning of the Vista Place Unopened Road Allowance from “Residential Single Detached Dwelling Second Density” (R2) to “Open Space” (OS) (Appendix ‘A’, Figure 2).
- a) On October 24, 2016, City Council directed Planning and Building Services Department staff by Motion 16-G-227 to investigate the appropriateness of re-zoning the Vista Place Unopened Road Allowance and Lots 17 to 20 on Registered Plan 51M-1473 from R2 to OS and to report back to General Committee.
- b) Staff Report PLN017-17, submitted to General Committee on September 27, 2017 recommended that the lands be re-zoned from R2 to OS.
- c) On October 2, 2017, Council made a motion that the lands be re-zoned from R2 to OS as part of the next housekeeping amendment to the Zoning By-law (Motion 17-G-227).
24. 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) (Appendix ‘A’, Figure 3).
- a) The subject lands contain surplus parking for the adjacent development.
- b) The zoning changing would simply be for clarity and consistency, permitting the same zoning across the entirety of the development.
25. There were a number of items identified on the public notice and discussed during the public meeting which staff have investigated and may bring forward separate, scoped staff reports for each item, as they are not considered to be housekeeping amendments. These items include:
- i) Shipping Containers – there has been an appetite for the use of shipping containers as accessory structures, storage units and even dwelling units or retail establishments.
- ii) Parking for low density residential units – a more comprehensive review is required to determine the appropriate minimum requirements for required parking spaces for low density residential uses.
- iii) Dwelling unit sizes – there has been feedback that the minimum dwelling unit sizes have made the creation of new second suites and other affordable housing options challenging. Staff will investigate whether new provisions would be beneficial to the City of Barrie’s Affordable Housing Policies.

- iv) Arcade or Game Establishment uses – the use class is currently not permitted in the C4 zone, while all other commercial uses are permitted. Staff will investigate the viability of permitting an Arcade of game Establishment in general commercial areas.
- v) Commercial uses in multi-use buildings in the C1 and C2 zones – The policies within the Official Plan permit stand-alone residential uses in the downtown commercial zones. A comprehensive review of Official Plan policies is required prior to any amendments to the Zoning By-law.

### **ENVIRONMENTAL MATTERS**

26. There are no environmental matters related to the recommendation.

### **ALTERNATIVES**

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

**Alternative #1** General Committee could maintain the existing by-law provisions.

This alternative is not recommended as it may impede staff's ability to effectively administer and enforce the Zoning By-law.

**Alternative #2** General Committee could alter the proposed recommendation by requesting additional changes to the recommended amendments.

Although this alternative is available, staff have investigated the recommended changes and believe the changes, as recommended, will best achieve the purpose and intent of the Zoning By-law and the Official Plan.

### **FINANCIAL**

28. There are no financial implications for the Corporation resulting from the proposed recommendation.

### **LINKAGE TO 2014-2018 STRATEGIC PLAN**

29. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2014-2018 Strategic Plan.

APPENDIX "A"

**Figure 1**



**Figure 2**



**Figure 3**



**Amendments to Section 3.0 - Definitions**

***Amend the definition of Commercial Vehicle as follows:***

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

***Amend the definition of Group Home as follows:***

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.

***Amend the definition of Accessory Building or Structure as follows:***

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:



Home Occupation (12)	X	X	X	X	X	X	X	X	X	X	X
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(15) See 4.2.1.6

Amend Table 5.3 as follows:

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

Amend section 5.3.3.1 as follows:

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. Notwithstanding any other provisions in this By-law, air conditioners shall be prohibited in a Front Yard.

Amend section 5.3.5 as follows:

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 ~~or a maximum of 50m<sup>2</sup> 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.

Amend section 5.3.6.1 as follows:

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)

**Amend section 5.3.6.3 as follows:**

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).

**Amendments to Section 6.0 – Commercial**

**Amend Table 5.2 as follows:**

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

(2) See Section 4.2.1.6

**Amendments to Section 14.0 – Salem and Hewitt’s Communities Provisions**

**Amend Table 14.5.6 as follows:**

Table 14.5.6							
	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
<b>Rear Yard (min.)</b>	5.0m	5.0m	5.0m	5.0m <sup>(2)</sup>	5.0m	5.0m	5.0m

(2) The minimum rear yard setback shall not apply to back-to-back townhouses where the lot line contains a shared wall between two dwelling units.