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TO: GENERAL COMMITTEE

SUBJECT: ZONING BY-LAW 2009-141 HOUSEKEEPING - REQUEST FOR

PUBLIC MEETING

WARD: ALL

PREPARED BY AND KEY

CONTACT:

C. TERRY, M.C.I.P., R.P.P., POLICY PLANNER, EXTENSION #4430

and K. BRISLIN, SENIOR POLICY PLANNER, EXTENSION #4440

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

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

 That a public meeting be held on October 19, 2015, pursuant to Section 34 of the Planning Act related to a series of proposed amendments to Zoning By-law 2009-141 intended to address matters of a housekeeping nature; and

 That the Director of Planning Services be delegated the authority to schedule public meetings for the purpose of minor updates of a housekeeping nature to the City's Official Plan and Zoning Bylaw on an as-needed basis.

PURPOSE & BACKGROUND

Report Overview

- 3. The City's current Comprehensive Zoning By-law 2009-141 was passed in August of 2009 and amended in 2013 to address matters of a housekeeping nature. Additional matters related to minor errors and omissions continue to and will continues to be identified or new issues arise that need to be addressed as staff work with the by-law.
- 4. Staff have prepared a summary of the recommended changes which are attached as appendices to this report. Due to the relatively minor nature of the proposed amendments, staff are recommending that they be addressed simultaneously in the form of a housekeeping By-law amendment.
- The purpose of this staff report is to recommend that a public meeting be held under the Planning Act to consider these minor revisions and updates to the text and schedules of Comprehensive Zoning By-law 2009-141.
- 6. Given the generally minor nature of these types of housekeeping amendments, Staff are also recommending that the Director of Planning Services be delegated authority to schedule public meetings on an ongoing basis, as-need basis to address housekeeping matters for both the Official Plan and the Zoning By-law. This would eliminate the need for a report recommending the scheduling of public meetings for these minor matters.

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ANALYSIS

- 7. Comprehensive 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 as of January 1, 2010.
- 8. The proposed amendments to the text of the By-law relate primarily to addressing minor errors, omissions and clarification and, in some cases, may result in recommendations for the creation of new definitions or standards to address challenges identified by staff through day to day usage of the By-law (refer to Appendix "A" attached).
- 9. Revisions related to the Zoning Map Schedule deal primarily with issues resulting from property line adjustments, mapping errors and land assembly (refer to Appendix "B" attached). In the cases where mapping errors have been identified that impact individual property owners, staff will contact the landowner as well as adjacent property owners using the notification parameters of Section 34 of the Planning Act.
- 10. In cases where identifiable stakeholder groups may be impacted such as blended parking rates, staff will be meeting with these groups separately between now and when staff provide the final report with the recommended actions.
- 11. As indicated earlier in this report, staff have attached a complete list of the proposed amendments to both the text and the schedule of the By-law as appendices to this report.
- 12. Under the provisions of the Planning Act, a public meeting is required to be conducted related 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 General Committee recommending the passing of the Housekeeping By-law.
- 13. If additional matters of a housekeeping nature arise between Council consideration of this staff report and the holding of the public meeting these will be included if appropriate notification can be provided.

ENVIRONMENTAL MATTERS

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

ALTERNATIVES

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

Alternative #1

General Committee could refuse the request to hold a public meeting to consider revisions to the existing Comprehensive Zoning By-law 2009-141.

This alternative is not recommended as a meeting is required under the Planning Act for revisions to the Zoning By-law, and updates are required to maintain and improve the accuracy of the City's Zoning By-law document.

FINANCIAL

16. The proposed changes being recommended are minor in nature and no significant costs other than staff time and costs associated with notification for the public meeting are anticipated as a result of the proposed recommendations.



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LINKAGE TO 2014-2018 STRATEGIC PLAN

17. The recommendations included in this Staff Report are not specifically related to the goals identified in the 2014-2018 Strategic Plan.

Attachments: Appendix "A" - Proposed Housekeeping Changes to the Text of By-law 2009-141

Appendix "B" - Proposed Housekeeping Changes to the Zoning Map Schedule of By-law

2009-141

Appendix "C" - City Centre Planning Area

APPENDIX "A" Proposed Housekeeping Changes to the Text of By-law 2009-141

			P	age #
	Section Number	Proposed Revisions, Deletions and Additions	Rationale	Affected Zones
1.	2.7 PROVINCIAL STATUTES	Add text to section as follows: 2.7 FEDERAL AND PROVINCIAL STATUTES References to Federal and Provincial Statutes throughout this By-law shall include any amendments and successors thereto.	Clarification of section to also recognize federally regulated acts referenced in the Zoning By-law.	General By-law
2.	3.0 DEFINITIONS	Delete "/or" as noted below: Nursery or Garden Supply Centre shall mean a building and/er lot, where young trees and other plants are grown for transplanting or sold for transplanting and may also include the sale of related accessory supplies and accessory outdoor storage.	Suggest revising definition to ensure the use of the property as a business, and to restrict plantings independent of a formal use, such as a tree plantation.	Commercial and Industrial Zones where a Nursery or Garden Supply Centre is permitted.
3.	4.2.1.5 Temporary Building	Delete section in its entirety and renumber section 4.2.1 as necessary. 4.2.1.5 <u>Temporary Building</u> Where a temporary building is permitted under Section 4.2.1.3 or 4.2.1.4 the prescribed time as to when the temporary building shall be removed, shall be set out in the building permit and in no case shall it exceed one year.	This section identifies a time frame under the Building Code, however a temporary building is not stipulated in the Code or for a building permit. Sections 4.2.1.3 and 4.2.1.4 do identify that the temporary structure, such as construction and real estate trailers, shall be permitted for as long as works/construction is in progress and the project has been neither finished, nor abandoned. If staff determine that it is necessary to identify a formal time frame for a structure, it should instead be incorporated as a condition of development (Draft Plan or Site Plan).	General By-law
4.	4.2.1.12 Sale of Fruits and Vegetables	Delete "vacant" and add text as follows: 4.2.1.12 Sale of Fruits and Vegetables The sale of fruit and vegetables and other home-made/farm produce on a seasonal basis is permitted on vacant commercially zoned property provided the required zoning standards for any existing use, including but not limited to parking, is not impacted.	Farm Produce sales are currently permitted on vacant commercial lands. This expands the permitted venues to additional locations provided zoning standards for the primary use are not impacted.	All Commercial Zones
5.	4.6.2.2 Number of Parking Spaces	Delete section in its entirety and renumber section 4.6.2 as necessary. 4.6.2.2 Number of Parking Spaces Parking spaces required for each permitted use shall be provided in accordance with Table 4.6. For commercial and industrial building, where the tenant mix is not known, the initial requirement shall be 1 space per 50m2 of gross floor area. Delete all text in section as noted below:	Recommend coordinating the amount of parking required for multiple uses in industrial and commercial areas as there may be overlap and overflows to accommodate sharing of space. In addition, as use changes over time it is challenging for new occupants to meet requirements for spaces if the number of spaces is strictly based on the primary use for the site, notwithstanding the difficulty for staff to calculate the provision of parking as uses change.	General By-law
	Parking – Multiple Uses	4.6.2.4 Parking – Multiple Uses: Where there are 2 or more permitted uses in any building or on any lot, the parking requirements for each use shall be calculated	the provision of parking as uses change. A blended rate is an alternative to parking based on individual uses. The blended parking rate was based on a traffic study and recommendations undertaken for a	

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	Section Number	Proposed Revisions, Deletions and Additions											Rationale	Affected Zones			
		separately and the individual requirements combined. The total number of parking spaces so calculated shall be provided and maintained.											typical Mixed Use development project in Barrie.				
		Add new text to Section 4.6.2.4 Parking – Multiple Uses as follows: 4.6.2.4 Parking – Multiple Uses That notwithstanding the parking requirements set out in Table 4.6, when there are 2 or more permitted uses in any building or on any lot,															
		 the following parking requirements shall apply: a) Multiple Uses in Industrial Zones: A minimum of 1 parking space per 40m² 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 40m². b) Multiple Uses in Commercial Zones: A minimum of 1 parking space per 24m² 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 24m². 															
3	Table 5.3	Add reference to footnote (7) to the Side Yards (min.) for every residential zone as noted below: 5.3 RESIDENTIAL STANDARDS 5.3.1 The uses permitted in the Residential Zone are subject to the development standards referenced in Table 5.3.											The footnote referencing section 5.3.5 (f) is necessary for all zones as it permits garages on residential lots to be closer to the property line than living space. This was the practice in past City By-laws and was inadvertently removed from	Residential Single Detached (RH, R1, R2, R3, R4) and Residentia Multiple (RM1-SS)			
									Table 5.	3	<u> </u>					the Table in By-law 2009-141.	
									Z	ones]		
		ļ.		Single Detached						The second division in	Itiple		Apartment				
				RH	R1	R2	R3	R4	RM1	RM1-	RM2	RM2- TH	RA1	RA2			
			Side Yards (min.)	7m	1.2m	1.2m	1.2m	1.2m	1.2m (2) (7)(8)	1.2m	1.8m (2) (7) (8)(9)	1.8m (2) (7)(8)	5m (7)(8)	5m (7)(8)			
		(1) - See 5.3.3.2 (a) (4) - See 5.3.4.1 (7) - See 5.3.5 (f) (2) - See 5.3.3.2 (b) (5) - See 5.3.4.2 (8) - See 5.3.3.2 (d) (3) - See 5.3.3.2 (c) (6) - See 5.3.4.3 (9) - See 5.3.2															
		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:										all:					
		f) be erected closer than 0.6m from the side lot line, except in the case of attached units, in which case no side yard shall be require on the interior side where the accessory building or structure is attached to the main building;															

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page 1	Section	Proposed Revisions, Deletions and Additions	Rationale	Affected Zones
	Number	Proposed Revisions, Deletions and Additions	Rauoliaie	Allected Zolles
7	5.3.5 h)	Add text to section as follows:	The expansion of accessory structures for multi-	Multiple and Apartment
••	Accessory	Add text to section as follows.	unit development projects is intended to better accommodate those developments that include a number of structures including garbage enclosures, pergolas, sun shades, and play	Zones (RM2, RA1, RA2)
,	Buildings and Structures	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:	equipment.	
		h) collectively exceed 10% lot coverage for detached accessory structures or a maximum of 50m ² 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 or		
		100m ² whichever is lesser shall apply. The 10% lot coverage permitted for accessory buildings and structures is in addition to the lot		
8.	5.3.6.1	coverage as set out in Table 5.3 (By-law 2015-195). Add text to footnote (1) as follows:	Clarification of permissions for front yard parking	General By-law
	Parking in	The same to reasonate (2) as removed.	for multi-residential uses and existing/permitted uses in the RM2 and RM2-TH zones. The footnote appears to contradict the standard in the table. The intent is that the 60% front yard parking only applies to lower density housing forms and other permitted uses when they occur	Constantly law
ļ	Front Yards	5.3.6.1 Parking in Front Yards		
		a) That the driveway and/or parking space that is located in the front yard of a property accessed by a public street cannot exceed		
		the maximum percentage of the front yard as follows:		
		Zone Front Yard Parking Coverage	in the RM2 and RM2-TH zones.	
		R1,R2,R3 50%		
		R4 60% RM1, RM1-SS 60%		
		RM2, RM2-TH ₍₁₎ 60%		
		(1) Front Yard Parking coverage for a Three or More Unit Dwelling, Block/Cluster/Street/Stacked Townhouse or Walk-Up Apartment shall be limited to 50%. All other permitted or existing housing forms, including single detached houses semi-detached houses, units with second		
		suites and other permitted uses in the RM2 zone shall be subject to the maximum parking standard (60%) as noted in the table in 5.3.6.1(a).		
	3.0	Delete the following definition for Crisis Care Facility:	Facilities like the Busby Center and Pathways are	Institutional (I),
	DEFINITIONS	Crisis Care Facility	not fully captured by the term and definition of "Crisis Care Facility".	Commercial (C1, C2) and Residential (RM2, RA1, RA2) zones where <i>Crisis Care Facility</i> was permitted, would now permit <i>Social Services Facility</i> .
		Crisis Care Facility		
		shall mean a place where short-term and temperary accommodation is provided for persons requiring immediate care. In addition to	The Zoning By-law includes a definition for a Crisis Care Facility. The term and current definition do not capture the full range of social	
ı		providing counseling, meals and lodging may be supplied.		
		Add a new definition for Social Services Facility as follows:		
		Social Services Facility		
		shall mean an office, including a medical office of a non-profit social service agency which may provide a variety of support services		
i	i	including counseling services and which may provide recreational facilities, educational and training facilities, place of assembly and		
		temporary overnight accommodation and serve meals, and offer day-care services. More than one social service provider may exist on a property in a single building or group of buildings.		
		Consider restricting Social Services Facilities to the City Centre Planning Area as identified on Appendix "C" attached to Staff Report		
		PLN025-15.		
		Delete and replace the term Crisis Care Facility with Social Services Facility throughout the entire Zoning By-law as necessary.		

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Section Number	P	roposed Revisions, Deletions and Additions	Rationale	Affected Zones			
Table 4.6	Delete the parking standard for <i>Crisis Care</i> Add parking standard for Social Services F 4.6 PARKING STANDARDS 4.6.1 The following standards shall apply for the standards of the standard of the stand		Occupancy is not an appropriate measure for parking for uses such as this where occupancy may fluctuate over time. In addition the clientele for social services establishments are generally more dependent on other modes of transportation than private vehicles, at the most each service provider may need some parking space. When these uses are located in the Urban Growth Centre, they have in the past been accommodated in conjunction with places of worship in the C1 City Centre zone where parking is not required. The proposed exemption for parking for this use is considered consistent with parking standards taken for other uses in the urban growth centre and city centre zone.				
6.2.4 Crisis Care Facility	Delete section in its entirety and renumber 6.4.2 Crisis Care Facility Any crisis care facility shall be located a m	section 6.2 as necessary. inimum distance of 300m from any other crisis care facility.	separation imposed for Crisis Care Facility should not apply to the more encompassing term social services facility. In addition, the application of a minimum distance separation for this use would not allow for more than one such facility to operate in a building or lot. The application of minimum distance separations	Institutional (I), Commercial (C1, C2) and Residential (RM2, RA1, RA2) zones for Crisis Care Facility Institutional (I),			
8.3.2 Additional Standards for Group Homes and Crisis Care Facilities	8.3.2 Additional Standards for Group Group homes and crisis care facilities each group home and each crisis			Residential (R1-R4, RM1 RM2, RA1, RA2) zones for Group Home			

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APPENDIX "B" Proposed Housekeeping Changes to the Zoning Map Schedule of By-law 2009-141

1. 379,381,385,and 387 Leacock Drive, and 374,376,378,380,384,386 Leacock Drive

Proposed Amendment to Zoning Map Schedule

Change Zoning of 379, 381, 385 and 387 Leacock Drive (east side) - 5 properties and 374, 376, 378, 380, 384, and 386 Leacock Drive (west side) - 8 properties from Residential Hold Zone RH to Residential Single Detached Second Density R2.

Rationale

These properties were so zoned in 1985-95 to reflect the need for Leacock Drive to connect through these lands. The lands were severed and building permits issued in 1993-1994 for the existing single detached homes, however the zoning remained as RH and was carried over in 2009-141. The adjacent zone to the north and south is Residential Single Detached Second Density R2 zone. The lot area and frontage for the subject properties complies with the R2 Zone, therefore the R2 zone is recommended to reflect the existing built-form.

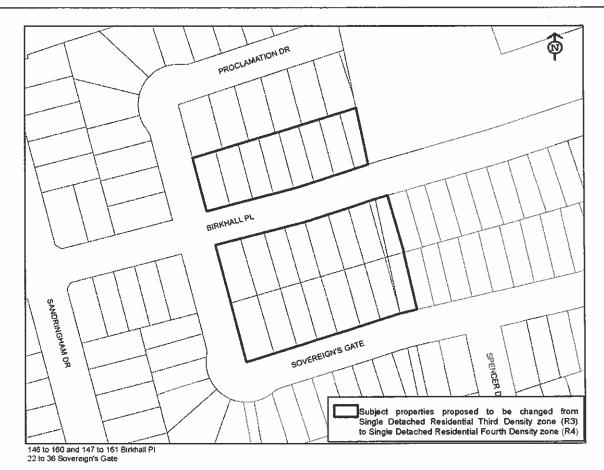
Affected Properties

A total of 13 properties in private ownership are affected.

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Location

2. 140 to 160 and 147 to 161 Birkhall Place, 22 to 36 Sovereign's Gate



Proposed Amendment to Zoning Map Schedule

Change from Single Detached Residential Third Density Zone (R3) to Single Detached Residential Fourth Density Zone R4.

Rationale

A mapping error occurred when 2009-141 was prepared. The subject properties should have been zoned R4 per By-law 99-209 which was passed when the subdivision was developed. The developed lots comply with the R4 standards for which they were originally zoned.

Affected Properties

26 Privately owned properties are affected.

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Location 3. 18 - 21 Revelstoke Court MAPLEVIEW DRW AGSINIBOINE DR Subject properties Proposed change from Environmental Protection zone (EP) to Single Detached Residential Third Density zone (R3) Proposed change from Environmental Protection zone (EP) to Single Detached Residential Second Density with Special Provision zone (R2(SP-138)) 18/20/21/19 Revelstoke Crt **Proposed Amendment to Zoning Map Schedule** Change from Environmental Protection Zone (EP) to Single Detached Residential Third Density Zone (R3), and Single Detached Residential Second Density Zone with Special Provision Zone R2(SP-138). Rationale Mapping error. Zone lines should match the parcel fabric based on the registered M-Plans. EP boundary should match City owned lands and not extend into private lots. **Affected Properties** 4 privately owned.

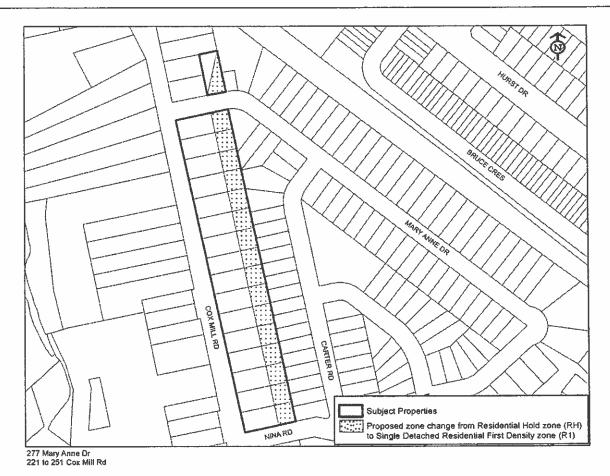
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Location 4. 16 Surrey Drive Subject property SURREY DR Proposed zone change from Environmental Protection zone (EP) to Single Detached Residential Second Density with Special Provision zone (R2 (SP-353)) 16 Surrey Dr **Proposed Amendment to Zoning Map Schedule** Proposed Change for Environmental Protection Zone (EP) to Single Detached Residential Second Density Zone with Special Provision Zone R2(SP-353). Rationale Mapping error. The lands are part of privately owned residential property and not the EP lands to the north of it. Zoning lines to follow City owned EP lands, as reflected on mapping of By-law 85-95 as amended. **Affected Properties** 1 privately owned property.

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Location

5. 277 Mary Anne Drive and 221 - 251 Cox Mill Road



Proposed Amendment to Zoning Map Schedule

Change from Residential Hold Zone (RH) to Single Detached Residential First Density Zone (R1).

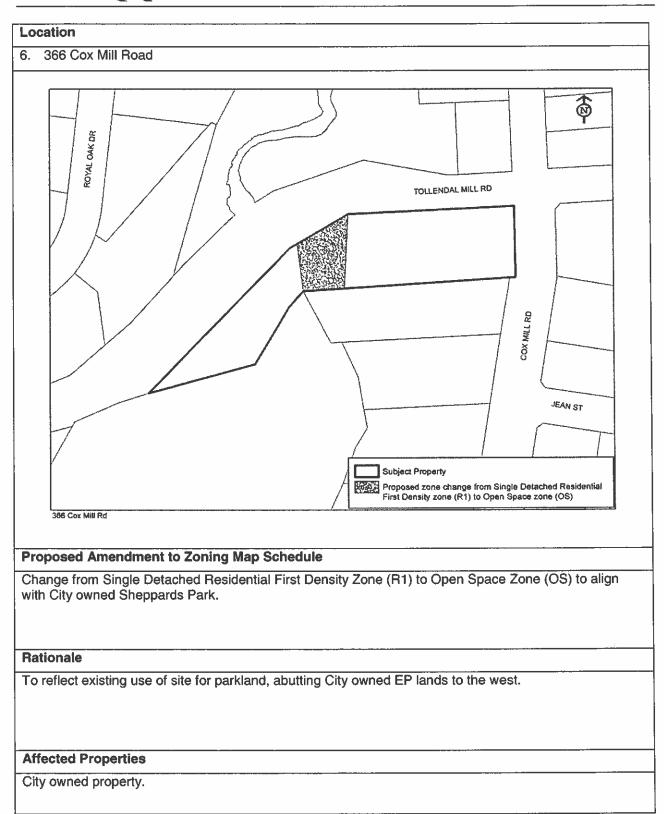
Rationale

The rear portion of the lots fronting on Cox Mill Drive has been identified as RH. Although a complete history of this zone has not been found, it is presumed that the zoning was to reflect the potential need for infrastructure along this general line for stormwater management. The stormwater devices are in place along the rear property line and do have the appropriate easements registered with the properties fronting on Carter Road. It is staff's recommendation that the RH be lifted as it is no longer required.

Affected Properties

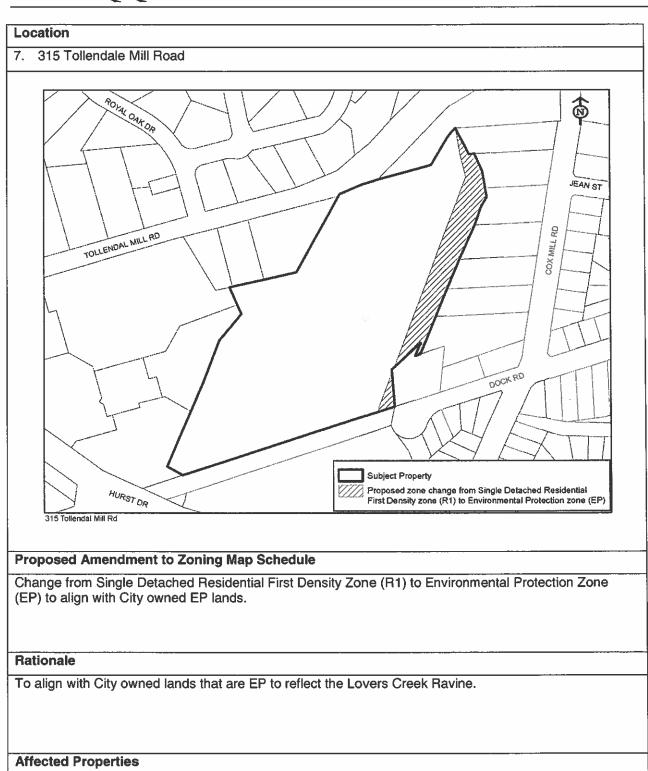
17 properties in private ownership.

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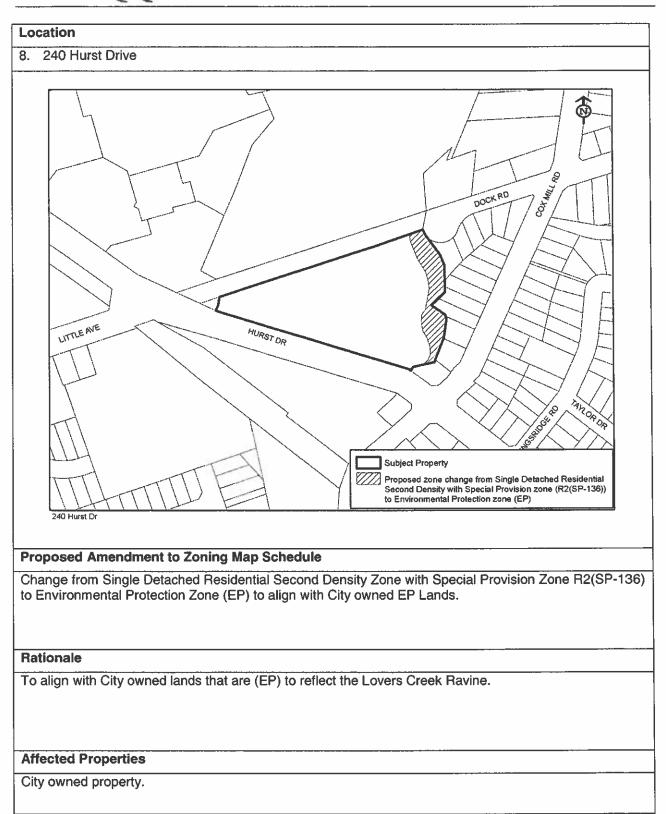


City owned property.

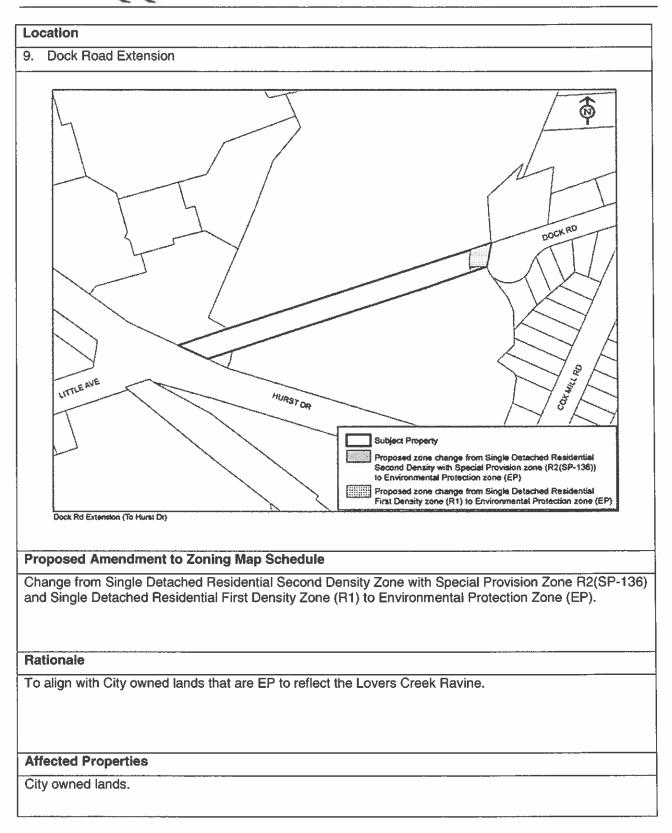
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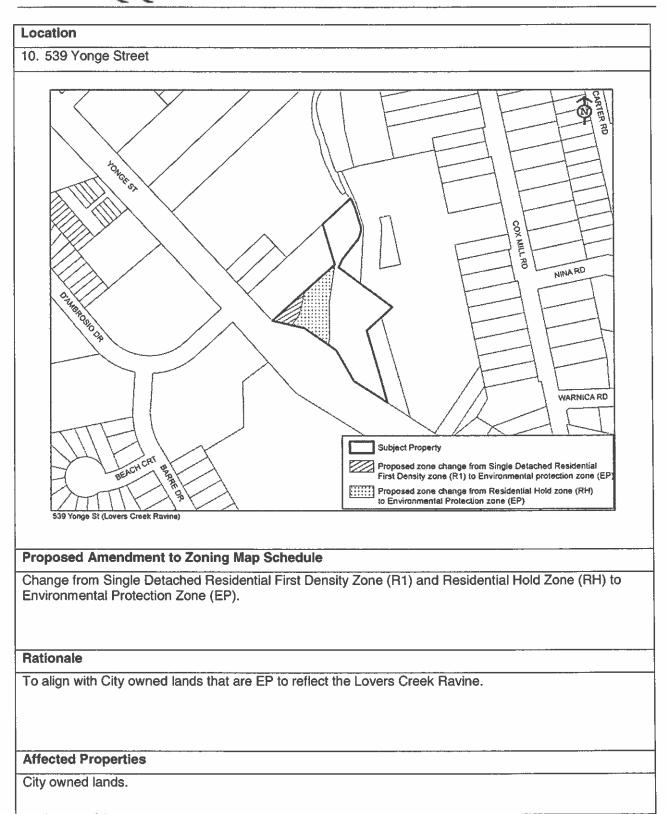
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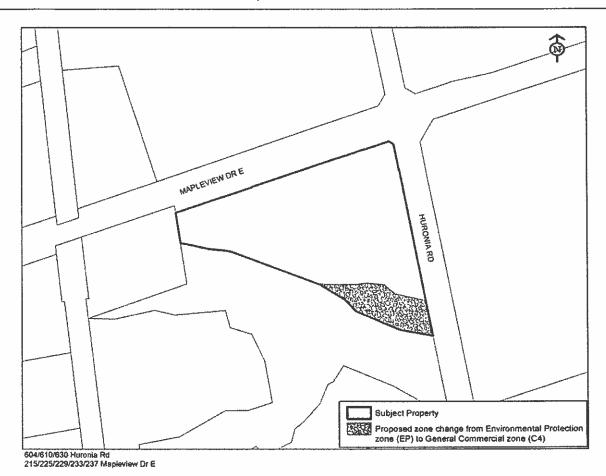
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Location

11. West Side of Huronia Road, South of Mapleview Drive East



Proposed Amendment to Zoning Map Schedule

Change from Environmental Protection Zone (EP) to General Commercial Zone (C4).

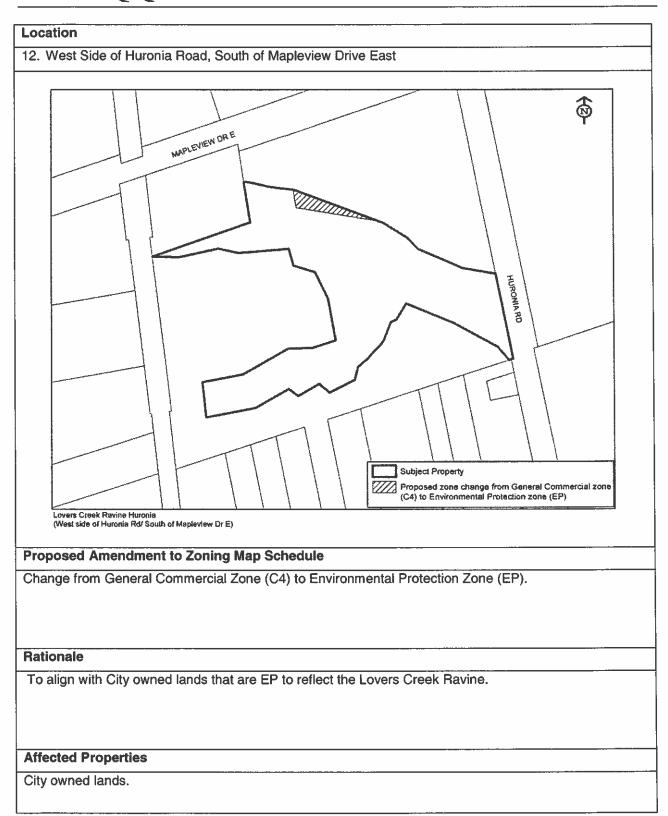
Rationale

Mapping error has identified part of the developed parcel as EP. Correct to C4. The original By-law 2002-117 reflects the correct zone line in this area.

Affected Properties

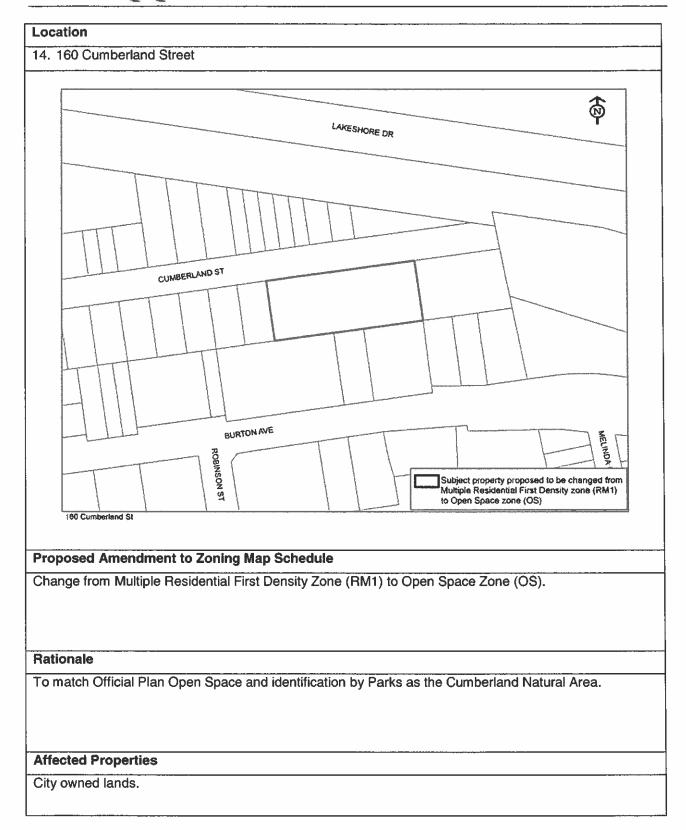
1 privately owned parcel

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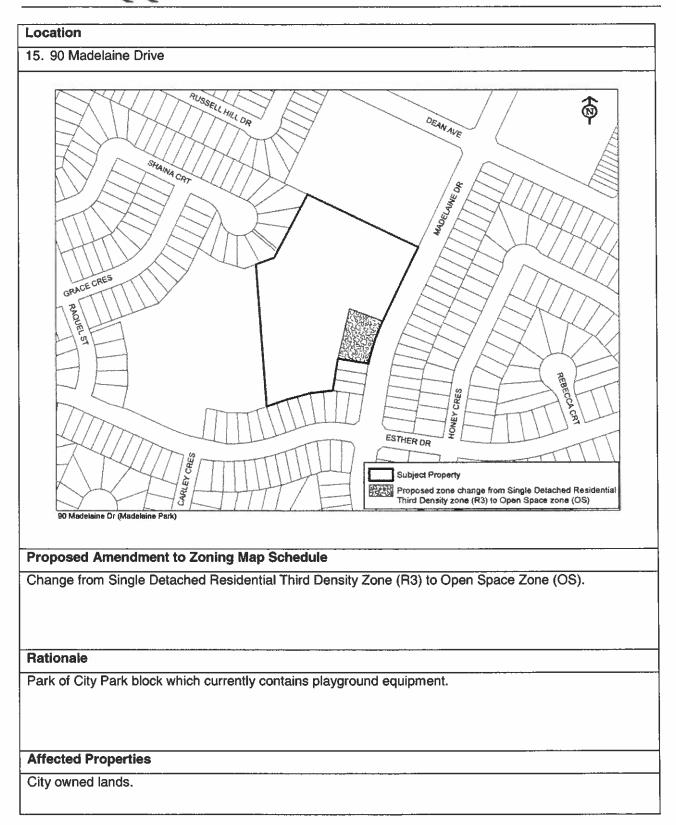


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Location 13. 751 Big Bay Point Road BIG BAY POINT RD Subject Property Proposed zone change from Agricultural zone (A) to Environmental Protection zone (EP) **Proposed Amendment to Zoning Map Schedule** Change from Agricultural Zone (A) to Environmental Protection Zone (EP). Rationale To align zoning with City owned land that is EP to reflect the Hewitts Creek Ravine. **Affected Properties** City owned lands.



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APPENDIX "C"

City Centre Planning Area

