



TO: PLANNING COMMITTEE

SUBJECT: PROPOSED CITY-WIDE AMENDMENT TO COMPREHENSIVE ZONING BY-LAW 2009-141 FOR AFFORDABLE HOUSING

WARD: ALL

PREPARED BY AND KEY CONTACT: S. WHITE, RPP, PLANNER, EXT. 4517

SUBMITTED BY: M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES

GENERAL MANAGER APPROVAL: A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the proposed City initiated amendment to Zoning By-law 2009-141 be approved as outlined in Appendix "A" to Staff Report DEV021-21.
2. That the proposed amendment to Site Plan Control By-law 99-312 be approved as outlined in Appendix "B" to Staff Report DEV021-21.
3. That Fees By-law 2021-020 be updated to include a new application fee of \$307.77 under Schedule K, Section 11. for scoped site plan review of detached accessory dwelling units.
4. That the proposed amendment to the Second Suites Registration By-law 2020-010 be approved as outlined in Appendix "C" to Staff Report DEV021-21.
5. That the written and oral submissions received relating to the application, have been, on balance, taken into consideration as part of the deliberations and final decision related to the approval of the zoning by-law amendment, as amended, including matters raised in the submissions and identified within Staff Report DEV021-21.
6. That, in accordance with Section 34(17) of the *Planning Act*, no further public meeting is required to finalize the proposed by-law.

PURPOSE & BACKGROUND

Report Overview

7. The City of Barrie, like many municipalities across Canada, is facing an affordable housing crisis and continues to work on introducing measures to mitigate this crisis within the City's mandate.
8. The purpose of this staff report is to bring forward a proposed amendment to Comprehensive Zoning By-law 2009-141, and associated amendments to Site Plan Control By-law 99-312, Fees By-law 2021-020 and the Second Suites Registration By-law 2020-010.

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9. These amendments aim to facilitate more affordable housing options by addressing matters that may create barriers to housing affordability and by improving the implementation of City by-laws. The intent is to also clarify definitions and update development standards for second suites and detached accessory dwelling units.
 10. The report provides background information, policy analysis, and a review of the feedback received through the public engagement process.

Background

11. In March 2021, Development Services provided an update to Council on progress made towards the City's Affordable Housing Strategy goal to create 840 affordable units by 2024. Included in that report were several recommendations, including a review of Zoning By-law standards and proposed amendments to facilitate more affordable housing options.
12. On April 12, 2021, City Council adopted motion 21-P-010 regarding Affordable Housing Monitoring Report 2018, 2019 and 2020 as follows:

"1. That staff in the Development Services Department be directed to complete the following:

[...]

d) Begin the public engagement process and schedule a statutory public meeting in accordance with the *Planning Act* to initiate the process for considering the following amendments to the City's Comprehensive Zoning By-law 2009-141, as amended:

- i. Review standards for second suites and detached accessory dwelling units;
 - ii. Review standards for minimum dwelling unit floor area requirements in all zones, as well as opportunities for permitting tiny homes; and
 - iii. Consider amendments to Section 4.4 Non-Conforming Uses to include provisions allowing the conversion of existing non-conforming buildings to affordable housing."
13. Following the adoption of this motion, City staff in Development Services conducted research to prepare an initial draft of the proposed amendment to the Zoning By-law; this research included an assessment of existing standards; analysis of comparative municipalities' approaches, departmental consultation, and interdepartmental consultation.

Public Consultation

14. On June 15, 2021, a statutory public meeting was held regarding this proposed amendment to the Zoning By-law. A total of 16 people spoke at the virtual public meeting both in support of and against the proposed amendment and provided a diversity of opinions and viewpoints. Additionally, members of Council asked a number of questions of City staff and received responses. In addition to the verbal comments provided at the public meeting, staff received 29 written submissions in advance of the public meeting, and several additional comments following the public meeting, also both in support of and against the proposed amendments.

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15. On July 16, 2021, Planning staff held two non-statutory virtual follow-up meetings with those who provided written comments or spoke at the public meeting and were identified as part of the real estate, investment, or development community. A total of 15 people attended these meetings. At these workshops, Planning staff provided further clarification on the proposed changes that were presented at the public meeting, answered questions, and received additional feedback on the proposed amendment, with a focus on the proposed changes to the standards for detached accessory dwelling units.
16. On August 20, 2021, Planning staff held two additional non-statutory virtual follow-up meetings with members of the public who provided written comments or spoke at the public meeting, including those who identified as concerned neighbours or members of neighbourhood associations. A total of 14 people attended these meetings. At these meetings Planning staff provided an overview of some of the public feedback received, and an opportunity for additional feedback on the proposed amendment, with a focus on the proposed changes to the standards for detached accessory dwelling units.
17. The comments, questions and concerns expressed through the public consultation process at the public meeting and in the follow-up consultation are summarized in Appendix "E," along with a response from staff. To summarize, comments received from the public included:
- a) Support for removing minimum dwelling unit size requirements.
 - b) Support for adding residential uses as a permitted accessory use in the Institutional (I) zone.
 - c) Support for the use of detached accessory dwelling units in principle, and concerns that proposed restrictions could make it difficult to build them, particularly changes related to unit size restrictions and prohibiting basements.
 - d) Concerns about the impact of detached accessory dwelling units on established neighbourhoods and a desire to increase regulations to mitigate impacts. Concerns included: height; privacy; setbacks; neighbourhood character; size, scale, and affordability of units; property value impacts; parking; grading; fencing and landscaping; number of occupants; infrastructure demands; waste management; absentee landlords; and impacts on mature trees.
 - e) Recommendations to consider site plan control for detached accessory dwelling units, and additional notice to neighbours.
18. Following this consultation, Development Services staff also consulted with relevant departments across the City. From there, revisions to the initially proposed amendments were made. The rationale for the proposed changes to the amendments that followed from both external and internal consultation can be found in the "Analysis" section of this staff report.

Proposed Amendment to the Comprehensive Zoning By-law

19. The proposed amendment to the Zoning By-law is generally summarized as follows and fully detailed in Appendix "D". A conceptual plan illustrating the proposed development standards for detached accessory dwelling units has also been included in Appendix "F".
- a) Delete minimum dwelling unit floor area requirements from the Zoning By-law to permit smaller units as of right, and instead rely on the Ontario Building Code (OBC) to regulate minimum unit size.

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- b) Make changes to Section 3.0 Definitions to improve clarity and implementation of the By-law, including:
- i) Revise “Attic,” “Basement,” “First Storey,” and “Storey” to match the Ontario Building Code and add the OBC definition for “Grade” to improve clarity.
 - ii) Revise “Detached Accessory Dwelling Unit,” “Dwelling, Duplex,” and “Second Suite” to improve clarity and better distinguish between these built forms.
 - iii) Delete “Dwelling, Detached Accessory” to avoid confusion with “Detached Accessory Dwelling Unit”.
 - iv) Revise “Dwelling, Multiple” to state it is a building containing 4 or more units.
 - v) Add the Provincial definition for “Tandem Parking Space” to provide greater clarity.
- c) Making changes to Section 4.4 Non-Conforming Uses to make it easier to add additional dwelling units into existing, legal non-conforming buildings or lots by exempting them from meeting current zoning standards, except for parking, when adding units into an existing building, including converting non-residential buildings to a residential use or mixed use. This would only apply when the proposed use is already permitted on the property. Any new construction or additions to the existing building would need to comply with applicable zoning standards.
- d) Make changes to the existing Second Suites standards, including:
- i) Clarify that these are only permitted as an accessory use to a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit.
 - ii) Set a new maximum unit size and clarify how this is calculated.
 - iii) Require a 1.2 metre (3.9 feet) wide unobstructed path of travel to be provided to the primary entrance of the second suite from the street, driveway, or an exterior parking area.
 - iv) Restrict new second suites from locating within any areas subject to natural hazards.
 - v) Ensure the standards for home occupations clearly apply to this type of dwelling unit.
 - vi) Revise Table 14.5.2 and cross-references to ensure consistent language is used throughout the By-law.
 - vii) No changes have been proposed to parking requirements, and second suites would continue to be permitted on existing lots or in principal buildings that do not meet the current residential zoning standards, provided parking requirements can be met and any new construction complies with applicable development standards.
- e) Introduce new standards for Detached Accessory Dwelling Units, including:

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- i) Clarify that these are only permitted as an accessory use to a single detached dwelling, duplex dwelling, semi-detached dwelling unit, or street townhouse dwelling unit that has frontage on a municipal street.
 - ii) Establish development standards for accessory buildings and structures containing a detached accessory dwelling unit, including:
 - a) maximum building height of 4.5 metres (14.8 feet) or the height of the principal building, whichever is lesser;
 - b) minimum front yard setback of 7.0 metres (23.0 feet);
 - c) minimum interior side yard setback of 3.0 metres (9.8 feet);
 - d) minimum exterior side yard setback of 3.0 metres (9.8 feet); and
 - e) minimum rear yard setback of 3.0 metres (9.8 feet).
 - f) Notwithstanding these standards, if special provisions in the Cumberland/Burton Area or Shear Park Area require additional or different standards for detached accessory buildings and structures, the greater restriction shall apply.
 - iii) Clarifying that a maximum of one detached accessory dwelling unit, that contains only one dwelling unit, is permitted per lot.
 - iv) Set a maximum distance between the front lot line and the primary entrance to a detached accessory dwelling unit of 40.0 metres (131.2 feet).
 - v) Require a 1.2 metre (3.9 feet) wide unobstructed path of travel to be provided to the primary entrance of the detached accessory dwelling unit from the street, driveway, or parking area.
 - vi) Set a maximum unit size to require a detached accessory dwelling unit to be smaller than the principal dwelling unit, and equal to no more than 45% of the principal building gross floor area (including any basement area), up to a maximum gross floor area (including any basement area) of 75 square metres (807 square feet).
 - vii) Clarify that any external stairways, landings, steps, eaves, roof overhangs, air conditioners, mechanical equipment, chimney breasts, bay windows, decks, porches, awnings or any other similar architectural or mechanical features, or attached accessory structures are permitted to encroach a maximum of 0.6 metres within the required yard setbacks.
 - viii) Require a minimum 3.0 metre (9.8 feet) wide landscaped buffer area along the abutting rear and interior side lot lines adjacent to the detached accessory dwelling unit.
 - ix) Ensure the standards for home occupations clearly apply to this type of dwelling unit.

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- x) Revise Table 14.5.2 and cross-references to ensure consistent language is used throughout the By-law.
 - xi) Detached accessory dwelling units would continue to be required to hook up to full municipal services, subject to the maximum 10% lot coverage requirements for accessory structures and would not be permitted in front yards. Further, no changes to parking standards have been proposed.
 - f) Amend Section 8.0 Institutional to permit residential uses in conjunction with permitted Institutional uses on properties zoned Institutional (I), subject to appropriate development standards. The proposed standards include the existing Institutional development standards in Table 8.3 plus the following additional standards:
 - i) For accessory residential uses in the same building as institutional uses: a minimum of 50% of the ground floor frontage shall be used for institutional purposes; and a consolidated outdoor amenity space shall be provided.
 - ii) For accessory residential uses in standalone buildings: the lot shall have a minimum of one standalone institutional building with frontage on a municipal street; and a consolidated outdoor amenity space, or unconsolidated amenity spaces shall be provided per unit.
 - iii) Parking shall be provided at the rate specified in Table 4.6 for institutional uses, and at a rate of 1 parking space per dwelling unit for residential uses. Barrier free parking shall be calculated at the rates in Section 4.6.4 based on the total required parking for the site.
 - g) Allow institutional uses permitted in Residential Zones to follow the Residential Standards in Section 5.3, instead of the Institutional Standards in Section 8.3, and delete the requirement for uses permitted under Section 4.2.1 (public utilities or services owned and operated by the City of Barrie), libraries, places of worship, child care, and assisted living facilities in residential zones to have a greater minimum side yard setback than other permitted uses.

ANALYSIS

20. The following provides a review of the recommendations in accordance with applicable Provincial and municipal policy, followed by an overview of the affordable housing situation within the context of these amendments, and an overview of the changes revisions made to the proposed Zoning By-law Amendment since the draft amendments were presented at the Public Meeting on June 15, 2021.

Ontario Planning Act, R.S.O. 1990

21. The *Planning Act* is the overarching policy framework and associated regulations to guide land use and planning policy in the Province of Ontario. The *Planning Act* and supporting Ontario Regulation (O. Reg.) 299/19 require the passing of a by-law to permit additional residential units, including the use of two dwelling units in a detached dwelling, semi-detached dwelling unit or street townhouse dwelling unit, and in a building or structure ancillary to these. Recognizing the importance of additional dwelling units is clear and the implementing zoning by-law cannot be appealed. Further, O. Reg. specifies that:

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- a) A maximum of one parking space shall be required for each additional residential unit, and that it may be a tandem parking space (which is a defined term).
 - b) An additional residential unit may be occupied by any person regardless of relationship or owner occupancy.
 - c) Where the use of additional residential units is authorized, a unit is permitted regardless of the date of construction of the primary residential unit.
22. Section 2 of the *Planning Act* requires that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, shall have regard to, among other matters, matters of provincial interest such as, but not limited to, the protection of ecological systems, including natural areas; the adequate provision and efficient use of transportation, sewage and water services and waste management systems; the adequate provision of a full range of housing, including affordable housing; the resolution of planning conflicts involving public and private interests; the appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and the mitigation of greenhouse gas emissions and adaptation to a changing climate.
23. The proposed Zoning By-law amendment is consistent with the *Planning Act*.

Provincial Policy Statement (2020)

24. The Provincial Policy Statement (PPS) provides overall policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land.
25. Policy 1.0 of the PPS is Building Strong Healthy Communities in part by the efficient use of land and development patterns. Further, Policy 1.1.1 states that healthy, liveable and safe communities are sustained, in part, by accommodating an appropriate range and mix of residential types including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons.
26. Policy 1.4.3 requires planning authorities to provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area, including by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities.
27. The proposed Zoning By-law amendment to encourage a range and mix of affordable housing options in the City consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

28. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan) is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. It provides a framework for implementing Ontario's vision for building strong, prosperous communities by managing growth and it establishes the long-term framework for where and how the region will grow.

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29. Some of the Guiding Principles outlined in Section 1.2.1 of A Place to Grow include supporting the achievement of complete communities and a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.
 30. Policy 2.2.6.1 directs single-tier municipalities to support housing choice through the achievement of the minimum intensification and density targets in the Growth Plan, as well as other policies in the Growth Plan, in part by providing for a diverse range and mix of housing options and densities, including additional residential units and affordable housing, in zoning by-laws.
 31. The proposed amendment is consistent with the Growth Plan as it seeks to encourage a range and mix of housing options, including additional residential units and affordable housing, in the City of Barrie.

City of Barrie Official Plan (OP)

32. The Official Plan provides guidance for the consideration of land use changes, the provision of public works, actions of local boards, municipal initiatives, and the actions of private enterprise. It gives direction for implementing by-laws, guidelines for more detailed planning and the means for controlling growth so that the City's capacity to provide a healthy community environment is not exceeded
33. The housing policies in Section 3.3.1 of the Official Plan include goals to provide an appropriate range of housing types, unit sizes, affordability and tenure arrangements at various densities and scales to efficiently use land, resources, infrastructure, and public service facilities.
34. Section 3.3.2.1(a) states that the City will encourage the maintenance of reasonable housing costs by encouraging a varied selection with regard to size, density and tenure, and that the Zoning By-law *will* be amended to allow for innovative housing where it is recognized to be in accordance with good land use planning principles. Further, Section 3.3.2.1(c) states that the City shall encourage residential revitalization and intensification throughout the built-up area in order to support the viability of healthy neighbourhoods and to provide opportunities for a variety of housing types. Residential intensification includes secondary suites, conversion of existing housing into multiple unit forms, infill, redevelopment of clean and brownfield sites, and other innovative strategies.
35. The proposed Zoning By-law amendment is consistent with the Official Plan.

The Affordable Housing Crisis in Barrie

36. The City of Barrie is currently facing an affordable housing crisis. In March 2021, Development Services provided an update to Council on progress made towards the City's Affordable Housing Strategy goal to create 840 affordable units by 2024. The data reported over the 2018 to 2020 monitoring period suggests that there is a continued, significant need for both additional deeply affordable rental units for low-income households, as well as more workforce rental and affordable homeownership options. Vacancy rates and the overall supply of purpose-built rental housing remain low, and the affordability of second suites is decreasing over time.
37. Planning staff recognize the need to provide more affordable housing options in Barrie, including continuing to permit as of right second suites and detached accessory dwelling units, as mandated by the provincial *More Homes, More Choices Act, 2019 (Bill 108)*. Stakeholders have provided diverse opinions on the proposed amendment through the public consultation process, and staff

have aimed to strike an appropriate balance that respects existing neighbourhoods while also encouraging affordability and more housing options in a way that is right for Barrie.

38. Providing more as-of-right permissions in the Zoning By-law for affordable units is intended to provide greater project certainty for housing providers, make it easier to secure funding, and reduce approval times – all of which both directly and indirectly impact the cost and feasibility of building affordable housing. Staff are also continuing to work on many other affordable housing initiatives as directed by Council.
39. Given the critical need for more affordable housing and housing options in the City, the proposed amendment has been brought forward in advance of the comprehensive Zoning By-law update to facilitate more affordable housing options, address potential barriers to housing affordability, and address potential conflicts emerging as detached accessory dwelling units are built in existing neighbourhoods. If adopted, Staff will continue to monitor the implementation of these interim updates and can recommend further changes in the new comprehensive Zoning By-law.

Revisions since the Public Meeting

40. Since the statutory public meeting and follow-up non-statutory consultations, the following revisions have been made to the proposed Zoning By-law amendment based on the public and staff feedback discussed in Appendix “E”, which are summarized as follows:
 - a) Minimum dwelling unit floor area deletions:
 - i) Revisions to Section 5.2.10.1 a) to delete the requirement for any dwelling containing a home occupation to maintain the minimum dwelling unit floor area required for the zone in which it is located have been added, given those requirements will be deleted in the zoning by-law and kept in accordance with the OBC.
 - b) Section 3.0 Definition updates:
 - i) Revisions to the existing “attic” definition to match the Ontario Building Code definition have been added.
 - ii) A definition for “grade” that matches the OBC has been added to aid in By-law implementation.
 - iii) The proposed “tandem parking space” definition has been revised to match the Provincial definition provided in O. Reg. 299/19: Additional Residential Units.
 - iv) Delete the extra definition of “dwelling, detached accessory” and retain “detached accessory dwelling unit” to be updated as proposed.
 - c) Section 4.4 Non-Conforming Uses updates:
 - i) A provision under the proposed Section 4.4.2.3 has been added that would prohibit additional dwelling units from being added to existing buildings that are located within any area subject to natural hazards, as recommended by the Nottawasaga Valley Conservation Authority.

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- d) Updates to standard for Second Suites:
- i) A provision has been added that will require any finished or unfinished habitable living space area within a basement to be included in the calculation of the gross floor area (GFA) of the principal building, the principal dwelling unit, and the second suite for the purpose of determining the maximum unit size of a second suite, notwithstanding the definition of GFA provided in Section 3.0 (which excludes basements).
 - ii) A requirement for a 1.2 metre wide unobstructed path of travel to be provided to the primary entrance of the second suite from the street, driveway or parking area has been added, to improve accessibility, ensure safe egress and emergency access, and ensure that Ontario Building Code requirements for a landing can be met where entrances are provided in side yards.
 - iii) A provision has been added to restrict new second suites from locating within any area subject to natural hazards, as recommended by the Nottawasaga Valley Conservation Authority. This would also apply to lands governed by the Lake Simcoe Region Conservation Authority.
- e) Proposed standards for Detached Accessory Dwelling Units:
- i) Minor revisions to wording have been made to improve clarity and by-law implementation.
 - ii) Proposed minimum lot area requirements have been deleted, as have proposed as-of-right permissions and all associated standards for two-storey detached accessory dwelling units, including proposed minimum driveway lengths for detached garages attached to a detached accessory dwelling unit.
 - iii) Proposed maximum height has been revised to require an accessory building or structure containing a detached accessory dwelling unit to be less than the height of the principal building.
 - iv) Proposed minimum interior side yard setbacks have been increased to 3.0 metres from the proposed 1.2 metres.
 - v) Proposed minimum rear yard setbacks have been increased to 3.0 metres from the proposed 1.2 metres.
 - vi) The proposed maximum unit size for a detached accessory dwelling unit has been revised to increase the maximum unit size to 45% of the principal building, up to 75 square metres (from 65 square metres). Further, a provision has been added that will require any finished or unfinished habitable living space area within a basement to be included in the calculation of the GFA of the principal building, the principal dwelling unit, and the detached accessory dwelling unit for the purpose of determining the maximum unit size of a detached accessory dwelling unit.
 - vii) The proposed restrictions on basements have been deleted, however any proposed finished or unfinished habitable basement area shall be included within the maximum GFA requirements, as noted above.

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- viii) A provision has been added to require a minimum 3.0 metre wide landscaped buffer area to be provided along the rear and interior side lot lines adjacent to the detached accessory dwelling unit.
 - ix) A provision has been added to restrict new detached accessory dwelling units from locating within any area subject to natural hazards, as recommended by the Nottawasaga Valley Conservation Authority. This would also apply to lands governed by the Lake Simcoe Region Conservation Authority.
- f) Home occupation standards
- i) Revisions to home occupation standards have been added to ensure they clearly apply to all dwelling units, including second suites and detached accessory dwelling units.
- g) Accessory buildings and structures standards
- i) A provision has been added to the accessory buildings and structures standards to clarify that an accessory building or structure containing a detached accessory dwelling unit shall be subject to the development standards in Section 5.2.9.2.
- h) Residential Uses in Conjunction with Institutional Uses
- i) Standards have been added for accessory residential uses located in the same building as institutional uses, and in standalone buildings on the same lot as institutional uses, including amenity space and parking requirements.
- i) Institutional uses permitted in Residential Zones
- i) The deletion of the requirement for Institutional Uses in residential zones to meet the Institutional Standards in Section 8.3 has been added to the amendment. This would make it easier for smaller scale institutional uses, including assisted living facilities and social services facilities, to locate on smaller properties or in existing buildings.
 - ii) The deletion of the requirement for uses permitted under Section 4.2.1 (public utilities or services owned and operated by the City of Barrie), libraries, places of worship, child care, and assisted living facilities in residential zones to have greater minimum side yard setbacks has been added to the amendment. This would allow these permitted institutional uses to follow the standard residential zone requirements and make it easier for smaller scale supportive housing (such as assisted living facilities) to be created.
41. While revising the proposed amendment in response to public, agency, and departmental feedback, Planning staff also reviewed other comparable municipal zoning by-laws, including Innisfil, Hamilton, Kitchener and Toronto. These municipalities have all recently updated, or are currently updating, the standards for second suites and detached accessory dwelling units.

Scoped Site Plan Control

42. Section 41 of the *Planning Act* allows the council of a local municipality to designate the whole or part of any area as a site plan control area by reference to one or more land use designations in the Zoning By-law. Section 6.3.2.1 of the City Official Plan designates all lands within the City of

Barrie as potential site plan control areas and states that the City may, by by-law, designate any or all areas within any land use designation as a site plan control area.

43. Currently, detached accessory dwelling units are only subject to the City's Site Plan Control By-law if they are located within the Residential Multiple Dwelling Second Density (RM2) zone.
44. Planning staff are recommending introducing a scoped site plan control review process for all detached accessory dwelling units based on public, departmental and technical feedback. An application for scoped site plan approval would need to be reviewed and approved in advance of obtaining a building permit. This process would be modelled after the existing Allandale Scoped Site Plan Review process. A site plan agreement would not be required to be registered on title to the property but instead would be kept in the property file.
45. The Site Plan Control process is not a public process. It does not seek input from the public or require approval of Council. Rather this process would allow Staff to review and consider matters that are currently outside the scope of zoning and building permit review, including overall site design and grading, the location of parking areas, and proposed removal or planting of vegetation and trees. Approval of applications would be delegated to the Director of Development Services.
46. While not a requirement, in response to the public request for notice of detached accessory dwelling units, a sign could be placed on the property following acceptance of an application, and prior to the start of the building permit review process.
47. The proposed amendment to Site Plan Control By-law 99-312 is outlined in Appendix "B" and would require all detached accessory dwelling units within the R1, R2, R3, R4, R5, RM1, RM1-SS, RM2, RM2-TH, and RM3 zones to be subject to a scoped site plan review and approval prior to making a building permit application.
48. In support of an application, the following would need to be provided for review, however staff could request additional details as deemed appropriate:
 - a) Existing conditions plan, including details of features on adjacent lands within a 6 metre setback from the property line, that details:
 - i) Existing grading
 - ii) Existing servicing (including underground or overhead utilities)
 - iii) Location of any easements
 - iv) Existing vegetation and tree location (trunk locations and general extent of the canopy)
 - v) Existing fencing
 - vi) Photos of the existing site conditions
 - b) Proposed grading plan (including any cut and fill impacts)
 - c) Proposed Site Plan Drawing that includes:
 - i) Zoning compliance matrix

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- ii) Fence and gate locations
 - iii) Proposed parking layout (including all driveways, parking areas, turnaround areas and parking spaces)
 - iv) Location of walkways
 - v) Proposed servicing
 - vi) Proposed lighting
- d) Proposed building elevation drawings
 - e) Proposed landscaping/planting/retained trees plan (including any proposed vegetation/tree removal)

Updates to the Second Suites Registration By-law

- 49. Given the proposed amendments to the definitions for “second suite” and “detached accessory dwelling unit” in the Zoning By-law, Planning staff recommend updating the Second Suites Registration By-law to ensure consistency, and that detached accessory dwelling units continue to be subject to the By-law requirements.
- 50. The proposed amendment to the Second Suites Registration By-law 2020-010 is outlined in Appendix “C” and includes updated definitions and the addition of “detached accessory dwelling unit” following “second suite” wherever it is currently used in the By-law.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

- 51. The following environmental and climate change impact matters have been considered in the development of the recommendation:
 - a) Greater side and rear yard setbacks to detached accessory dwelling units have been recommended in part to provide greater setbacks to mature trees, and to allow for enough space for additional plantings to occur.
 - b) Provisions have been added to restrict additional dwelling units, including second suites and detached accessory dwelling units, from locating within an area subject to natural hazards such as flooding or erosion hazards.

ALTERNATIVES

- 52. The following alternatives are available for consideration by Planning Committee:

Alternative #1

Planning Committee could maintain the existing Zoning By-law provisions. (i.e., Status Quo).

This alternative is not recommended as Planning staff are of the opinion that the proposed amendment could better position the City to support affordable housing projects, and also mitigate some of the concerns arising through an uptake in the construction of detached accessory dwelling units.

Alternative #2

Planning Committee could revise the proposed amendments through an addition or subtraction of a standard or provision.

While this alternative is available, it is not recommended. The proposed amendments, particularly with respect to detached accessory dwelling unit standards, have gone through the public review process, and assessed for possible unintended consequences based on the balance of public feedback.

Alternative #3

Planning Committee could revise the proposed amendments with respect to the minimum parking requirements in Section 5.2.9.3 (formerly 5.2.9.2) to require dwellings adding a second suite and or detached accessory dwelling unit to provide parking for the principal unit at the rate set in Table 4.6 [1.5 spaces (rounded up to 2) or 1 space in the Urban Growth Centre], plus 1 additional parking space for a second suite and or detached accessory dwelling unit, respectively. Current requirements are 1 parking space per dwelling unit.

This alternative is available, but it is not recommended by Planning staff. Owners are able to provide more parking than the minimum requirements, subject to meeting applicable zoning standards, if there is a greater need. Increasing minimum parking requirements could result in an oversupply of parking in some cases, and would eliminate the ability to add a legal additional residential unit in most street townhouse units and many smaller single and semi-detached units with single car driveways. Further, requiring additional parking can have other negative impacts, including increased impervious surface area/runoff, additional tree and vegetation removal, and a continued emphasis on private automobiles over public transit and active transportation. These issues were also noted during public consultation; recommendations have been made based on the balance of public feedback.

Alternative #4

Planning Committee could refer the proposed amendment back to staff for further review and consultation.

Although this alternative is available, it is not recommended given the immediacy of the affordable housing crisis in Barrie. Planning staff have undertaken public consultation beyond the statutory requirements under the *Planning Act*. Further, as noted in the report, staff will continue to monitor implementation of the proposed amendment and can make further changes in the new comprehensive zoning by-law.

FINANCIAL

53. Staff resources will be required to implement the proposed scoped site plan control application for detached accessory dwellings. As a result, staff recommend that the current Fees By-law 2021-020 be updated to include an application fee of \$307.77 under Section 1.1 Zoning Review of Development Applications. This fee is equivalent to the current fee for scoped Allandale site plan control applications.

LINKAGE TO 2018–2022 STRATEGIC PLAN

54. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:

- Fostering a Safe and Healthy City

Affordable housing is a requirement of a safe and healthy city. The proposed amendment is intended to address barriers to the development of affordable housing as well as address concerns that have been arising with the increased number of detached accessory dwelling units being built in the City.

- Building Strong Neighbourhoods

In accordance with Council's goals, the proposed amendment is intended to make it easier to increase housing options within the City, including affordable housing. This helps to promote a diverse and complete community.

APPENDIX "A" – Draft Zoning By-law Amendment



Bill No. XXX

BY-LAW NUMBER 2021-XXX

A By-law of The Corporation of the City of Barrie to amend By-law 2009-141, a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.

WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend Comprehensive Zoning By-law 2009-141;

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 21-G-XXX.

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** Section 3.0 Definitions of Comprehensive Zoning By-law 2009-141 be amended by adding the following definitions:
 - a. Grade – shall mean the average level of proposed or finished ground adjoining a building at all exterior walls.
 - b. Tandem Parking Space – shall mean a parking space that can only be accessed by passing through another parking space from a street, lane, or driveway.
2. **THAT** Section 3.0 Definitions of Comprehensive Zoning By-law 2009-141 be amended by deleting Dwelling, Detached Accessory and the associated definition.
3. **THAT** Section 3.0 Definitions of Comprehensive Zoning By-law 2009-141 be amended by deleting the current definitions of Attic, Basement, Detached Accessory Dwelling Unit, Dwelling, Duplex, First Storey, Dwelling, Multiple, Storey, and Second Suite and replacing them as follows:
 - a. Attic – shall mean the space between the roof and the ceiling of the top storey or between a dwarf wall and a sloping roof.
 - b. Basement – shall mean one or more storeys of a building located below the first storey.
 - c. Detached Accessory Dwelling Unit – Shall mean an accessory dwelling unit that is located

within a detached accessory building on the same lot as a single detached dwelling, semi-detached dwelling unit, duplex dwelling, or street townhouse dwelling unit, and is subordinate to the principal unit.

- d. Dwelling, Duplex – shall mean a detached residential building divided horizontally, or back to front, above grade into 2 separate dwelling units, each of which has an independent entrance either directly or through a common vestibule. A single detached dwelling with a second suite is not a duplex.
 - e. First Storey – shall mean the storey that has its floor closest to grade and it's ceiling more than 1.8 metres above grade.
 - f. Dwelling, Multiple – Shall mean a residential building, containing 4 or more dwelling units but shall not include an apartment dwelling or a converted dwelling.
 - g. Storey – Shall mean, except for the purposes of Part 7 of Division B of the Ontario Building Code, the portion of a building, (a) that is situated between the top of any floor and the top of the floor next above it; or (b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.
 - h. Second Suite – Shall mean an accessory dwelling unit that is located within a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit, and is subordinate to the principal unit.
4. **THAT** Section 4.4.3 of Comprehensive Zoning By-law 2009-141 be amended by adding “, two-unit dwelling, three-unit dwelling” after the words “converted dwelling”.
5. **THAT** Section 4.4.2.1 of Comprehensive Zoning By-law 2009-141 be amended by deleting the current provision and replacing it with the following:
- Notwithstanding Section 4.4.2.1, any existing *lot* or *building* is exempt from meeting the current zoning standards, save and except for parking required in Section 4.6, when adding *dwelling units* within the existing *building* provided the *use* is permitted in the *zone* in which it is located. New construction or additions to an existing *building*, including the conversion of a detached *accessory building* or *structure* into a *detached accessory dwelling unit*, shall comply with all applicable development standards. Notwithstanding the above permissions, additional *dwelling units* shall not be permitted within any area subject to natural hazards such as flooding or erosion hazards.
6. **THAT** Table 5.2 of Comprehensive Zoning By-law 2009-141 be amended as follows:
- a. Relocate “*Second Suite* ⁽¹⁵⁾” from the list of permitted “Residential Uses” to below the list of “Accessory Uses”; continue to permit this use in the following zones: R1, R2, R3, R4, RM1, RM1-SS, RM2, RM2-TH, RA1, and RA; and remove the (2), (3) and (4) notations from this row.
 - b. Add “*Detached Accessory Dwelling Unit* ⁽¹⁵⁾” below “*Second Suite* ⁽¹⁵⁾” as a permitted “Accessory Use” in the following zones: R1, R2, R3, R4, RM1, RM1-SS, RM2, and RM2-TH.

7. **THAT** Section 5.2.7.2 c) of Comprehensive Zoning By-law 2009-141 be deleted.
8. **THAT** Section 5.2.9 of Comprehensive Zoning By-law 2009-141 be amended by adding “and Detached Accessory Dwelling Units” after “Second Suites” and deleting the current subsections 5.2.9.1, 5.2.9.2, and 5.2.9.3 and replacing them with the following:

5.2.9.1 Standards for Second Suites

- a) A second suite is a permitted *accessory use* within a *single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit* in accordance with Table 5.2.
- b) A *second suite* shall be located within the *principal building* that has *frontage* on a *municipal street*;
- c) A maximum of one (1) *second suite* is permitted per *lot*.
- d) A *second suite* shall occupy a maximum of 45% of the *gross floor area* of the *principal building* it is located within, except where a *second suite* is located wholly within the *basement* of a one (1) *storey* dwelling, in which case it may occupy the whole of the *basement*. Notwithstanding the definition of *gross floor area* provided in Section 3.0, the finished or unfinished *habitable living space* of any *basement* shall be included in the calculation of the *gross floor area* of the principal building, the principal dwelling unit, and the second suite, for the purpose of determining the maximum size of a *second suite*.
- e) A 1.2 metre wide unobstructed path of travel shall be provided to the primary entrance of the *second suite* from the street, driveway, or parking area.
- f) Any existing *lot* or *principal building* is exempt from meeting the current residential zoning standards when incorporating a *second suite*, save and except for parking required in Section 5.2.9.2. New construction or additions to an existing building are required to comply with the development standards in Section 5.3.
- g) Notwithstanding any other provision of this By-law, a *second suite* shall not be located within any area subject to natural hazards such as flooding or erosion hazards.

5.2.9.2 Standards for Detached Accessory Dwelling Units

- a) A *detached accessory dwelling unit* is a permitted *accessory use* to a *single detached dwelling, duplex dwelling, semi-detached dwelling unit, or street townhouse dwelling unit*, in accordance with Table 5.2. An *accessory building or structure* containing a *detached accessory dwelling unit* is subject to the following development standards:

Table 5.2.9.2

Development Standard	Requirement
Maximum building height	4.5 metres or the height of the principal building, whichever is lesser

Minimum <i>front yard</i> setback	7.0 metres
Minimum <i>interior side yard</i> setback	3.0 metres
Minimum <i>exterior side yard</i> setback	3.0 metres
Minimum <i>rear yard</i> setback	3.0 metres

- b) A *detached accessory dwelling unit* shall be located on the same *lot* as a *principal building* that has *frontage* on a *municipal street*.
- c) A *detached accessory dwelling unit* may be a stand-alone *detached accessory building or structure*, or located within, or attached to, a *detached accessory building or structure*, provided said *detached accessory building or structure* complies with the minimum *setback* requirements in Table 5.2.9.2.
- d) A maximum of one (1) *detached accessory dwelling unit* is permitted per *lot*.
- e) A *detached accessory dwelling unit* shall only contain one (1) *dwelling unit*.
- f) A *detached accessory dwelling unit* is not permitted in a *front yard*.
- g) The maximum distance between the front lot line and the primary entrance to a *detached accessory dwelling unit* shall be 40.0 metres.
- h) A 1.2 metre wide unobstructed path of travel shall be provided to the primary entrance of the *detached accessory dwelling unit* from the street, driveway, or parking area.
- i) Notwithstanding Table 5.2.9.2, where special provisions RM1 (SP-527-HC), R2 (SP-529-HC) and R3 (SP-529-HC) require additional or different standards for *detached accessory buildings and structures*, the greater restriction shall apply.
- j) A *detached accessory dwelling unit* shall be smaller than the *principal dwelling unit* and have a maximum *gross floor area* equal to 45% of the *gross floor area* of the *principal building*, up to a maximum of 75m². Notwithstanding the definition of *gross floor area* provided in Section 3.0, the finished or unfinished *habitable living space* of any *basement* shall be included in the calculation of the *gross floor area* of the *principal building*, the *principal dwelling unit*, and the *detached accessory dwelling unit*, for the purpose of determining the maximum size of a *detached accessory dwelling unit*.
- k) A *detached accessory dwelling unit* shall be included when calculating the maximum 10% lot coverage for *accessory buildings and structures* as set out in Section 5.3.9.
- l) Any external stairways, landing, steps, eaves, roof overhangs, air conditioners, mechanical equipment, chimney breasts, bay windows, decks, porches, awnings, and any other similar architectural or mechanical features are permitted to encroach a maximum of 0.6 metres into the required yard setbacks in Table 5.2.9.2.

- m) Any *lot* with a *detached accessory dwelling unit* shall provide a *landscaped buffer area* a minimum width of 3.0 metres wide along the rear and interior side lot lines adjacent to the *detached accessory dwelling unit*.
- n) A *detached accessory dwelling unit* shall comply with the requirements of Sections 4.5.1, 4.5.2 and 4.5.3.
- o) Notwithstanding any other provision of this By-law, a *detached accessory dwelling unit* shall not be located within any area subject to natural hazards such as flooding or erosion hazards.

5.2.9.3 Parking Standards

Notwithstanding the parking requirements set out in Table 4.6 the following shall apply to a property containing a *second suite*, a *detached accessory dwelling unit*, or both:

- a) A minimum of 1 parking space per *dwelling unit* is required in the R1, R2, R3, R4, R5, RM1, RM1-SS, RM2, RM2-TH, and RM3 zones.
- b) A *Tandem parking space* is permitted.

9. **THAT** Section 5.2.10.1 a) of Comprehensive Zoning By-law 2009-141 be amended by deleting the current provision and replacing it with the following:

The floor area devoted to the *home occupation* in any *dwelling unit* shall not exceed 30% of the total floor area of the *dwelling unit*.

10. **THAT** Section 5.2.10.1 b) of Comprehensive Zoning By-law 2009-141 be amended by replacing the words “the *main building* or a *detached garage* on the lot on which it is located” with “a *dwelling unit* or a *detached private garage* located on the same *lot*”
11. **THAT** Section 5.2.10.1 d) of Comprehensive Zoning By-law 2009-141 be amended by replacing the word “domicile” with “*dwelling unit*” and deleting “in *home occupations* located in single or *semi-detached dwelling units*”.
12. **THAT** Section 5.2.11 a) of Comprehensive Zoning By-law 2009-141 be deleted.
13. **THAT** Section 5.3.3.2 c) of Comprehensive Zoning By-law 2009-141 be deleted.
14. **THAT** Table 5.3 of Comprehensive Zoning By-law 2009-141 be amended as follows:
- a. Delete the entire “*Dwelling unit floor area* (min.)” row.
 - b. Delete the following notation from below the table: “(*) Shall be the minimum dwelling unit floor area for the principal use (dwelling unit). (By-law 2015-056)”
15. **THAT** Section 5.3.4.3 of Comprehensive Zoning By-law 2009-141 be amended by deleting the following from the provision: “The main unit must be a minimum of 70m² with the second unit a minimum of 35m² for a bachelor unit. For each additional bedroom a minimum of 10m² shall be required.”

-
16. **THAT** Section 5.3.5 of Comprehensive Zoning By-law 2009-141 be amended by adding the following new provision:
- i) notwithstanding the above, an *accessory building or structure* containing a *detached accessory dwelling unit* shall be subject to the development standards in Section 5.2.9.2.
17. **THAT** Section 5.4.2.2 a) of Comprehensive Zoning By-law 2009-141 be deleted.
18. **THAT** Section 6.3.4.2 of Comprehensive Zoning By-law 2009-141 be deleted.
19. **THAT** Table 8.3 be amended by adding “Residential in conjunction with permitted institutional uses” as a permitted Accessory Use in the Institutional (I) Zone.
20. **THAT** Section 8.3 be amended by adding the following new subsections:

8.3.7 Additional Standards for Residential Uses in Conjunction with Institutional Uses

8.3.7.1 Accessory residential uses in the same building as institutional uses

- a) Where residential uses are located in the same *building* as an institutional use, a minimum of 50% of the ground floor building frontage shall be used for institutional uses.
- b) A consolidated outdoor amenity space shall be provided; this area may be counted towards the required *landscaped open space* in Table 8.3 provided it is located on the ground.

8.3.7.2 Accessory residential uses in standalone buildings

- a) Where residential uses are located on the same *lot* as institutional uses there shall be a minimum of one standalone institutional *building* with frontage on a municipal *street*.
- b) A consolidated outdoor amenity space, or unconsolidated outdoor amenity spaces provided per unit, shall be provided; this area may be counted towards the required *landscaped open space* in Table 8.3 if it is located on the ground.

8.3.7.3 Parking Requirements

- a) Parking for institutional uses shall be provided at the rate specified in Table 4.6, and parking for residential uses shall be provided at a rate of 1 parking spaces per *dwelling unit*.
- b) Barrier free spaces shall be calculated at the rates in Section 4.6.4 based on the total required parking for the site.

21. **THAT** Table 14.5.2 of Comprehensive Zoning By-law 2009-141 be amended as follows:
- a. Replace the words “Two Unit *Dwelling*” with “*Semi-Detached, Duplex Dwelling*”.



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- b. Add "*Detached Accessory Dwelling Unit*⁽³⁾" as a permitted "Accessory Use" in the R5 and RM3 zones
 - c. Delete the following notation from within and below the table: (1) A second suite in the RM3 Zone is not permitted in a Walk-Up Apartment or Apartment Dwelling.
22. **THAT** Table 14.5.6 of Comprehensive Zoning By-law 2009-141 be amended as follows:
- a. Delete the entire "*Dwelling unit floor area (min.)*" row.

READ a first and second time this ___ day of October, 2021.

READ a third time and finally passed this ___ day of October, 2021.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. R. LEHMAN

CITY CLERK – WENDY COOKE

APPENDIX "B" – Draft Site Plan Control By-law Amendment



Bill No. XXX

BY-LAW NUMBER 2021-XXX

A By-law of The Corporation of the City of Barrie to amend By-law 99-312, a site plan control by-law to designation site plan control areas in the City of Barrie.

WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend By-law 99-312;

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 21-G-XXX.

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts that the City of Barrie Site Plan Control By-law 99-312 be amended as follows:

1. **THAT** a new Section 2 be inserted into the Site Plan Control By-law 99-312 and the balance of the sections be renumbered accordingly as identified below:

"THAT detached accessory dwelling units be designated as a use subject to scoped site plan control in all residential zones.

2. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this ___ day of October, 2021.

READ a third time and finally passed this ___ day of October, 2021.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. R. LEHMAN

CITY CLERK – WENDY COOKE

APPENDIX "C" – Draft Second Suites Registration By-law Amendment



Bill No. XXX

BY-LAW NUMBER 2021-XXX

A By-law of the Corporation of the City of Barrie to adopt an amendment to the Registration By-law for Second Suites in the City of Barrie

WHEREAS section 11(2) of the Municipal act, 2001 S.O. 201, c.25 provides that an upper-tier municipality may pass by-laws respecting, among other things, the health, safety and well-being of persons and the protection of persons and property:

AND WHEREAS the Council of the Corporation of the City of Barrie adopted motion 19-G-xxx:

NOW THEREFORE the Council of the Corporation of the City of Barrie enacts that the City of Barrie Second Suites Registration By-law 2020-010 be amended as follows:

1. **THAT** Section 1.0 Definitions be amended by replacing the current definition of "Second Suite" with the following definition:
 - a. **Second Suite** – means an accessory dwelling unit that is located within a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit, and is subordinate to the principal unit.
2. **THAT** Section 1.0 Definitions be amended by adding the following definition:
 - a. **Detached accessory dwelling unit** – means an accessory dwelling unit that is located within a detached accessory building on the same property as a single detached dwelling, semi-detached dwelling unit, duplex, or street townhouse dwelling unit, and is subordinate to the principal unit.
3. **THAT** throughout the Second Suites Registration By-law the words "or detached accessory dwelling unit" be added following the words "second suite" to ensure all provisions also apply to detached accessory dwelling units.

READ a first and second time this ___ day of October, 2021.

READ a third time and finally passed this ___ day of October, 2021.

THE CORPORATION OF THE CITY OF BARRIE



MAYOR – J. R. LEHMAN

CITY CLERK – WENDY COOKE

APPENDIX “D” – Comparison of Current and Proposed Zoning By-law provisions

1. Delete Minimum Dwelling Unit Floor Area/Gross Floor Area (GFA) Requirements																										
Item	Section Reference	Explanation	Existing – By-law 2009-141	Proposed Revisions																						
1.1	5.2.7.2 c)	Delete minimum floor area requirements for converted dwellings.	c) Every <i>dwelling unit</i> contained within a <i>converted dwelling</i> shall have a minimum floor area in accordance with the following: (i) Bachelor unit - 35m ² ; (ii) All other <i>dwelling units</i> - 35m ² plus 10m ² per each additional bedroom; (iii) In the subsections above, where any <i>converted dwelling</i> contains locker storage or common laundry facilities, the minimum floor area may be reduced a maximum of 5m ² .	c) Deleted (By-law 2021-XX)																						
1.2	5.2.9.1 f)	Delete minimum floor area for second suite or detached accessory dwelling unit.	f) A <i>second suite</i> or <i>detached accessory dwelling unit</i> shall not be less than 35m ² in size. (By-law 2015-056) (By-law 2019-115)	f) Deleted (By-law 2021-XX)																						
1.3	5.2.10.1	Delete the reference to minimum floor area requirements from the Home Occupation standards. [Note – this change is also duplicated below in item 4.3]	<u>5.2.10.1 Standards for Home Occupations</u> a) Any dwelling containing a <i>home occupation</i> shall maintain as a residence the minimum <i>dwelling unit floor area</i> required for the <i>zone</i> in which the dwelling is located. The floor area devoted to the <i>home occupation</i> shall not exceed 30% of the total floor area of the dwelling	<u>5.2.10.1 Standards for Home Occupations</u> a) The floor area devoted to the <i>home occupation</i> in any <i>dwelling unit</i> shall not exceed 30% of the total floor area of the <i>dwelling unit</i> .																						
1.4	Table 5.3	Delete minimum dwelling unit floor area requirements in all residential zones.	<i>Dwelling unit floor area</i> (min): <table border="1" data-bbox="708 1058 1765 1209"> <thead> <tr> <th>RH</th> <th>R1</th> <th>R2</th> <th>R3</th> <th>R4</th> <th>RM1</th> <th>RM1-SS</th> <th>RM2</th> <th>RM2-TH</th> <th>RA1</th> <th>RA2</th> </tr> </thead> <tbody> <tr> <td>100 m²</td> <td>110 m²(*)</td> <td>90 m²(*)</td> <td>70 m²(*)</td> <td>70 m²(*)</td> <td>70 m²(6)</td> <td>70 m²(6)</td> <td colspan="4">35m²/dwelling unit + 10m²/bedroom</td> </tr> </tbody> </table> (*) Shall be the minimum <i>dwelling unit floor area</i> for the principal use (dwelling unit). (By-law 2015-056) (6) - See 5.3.4.3	RH	R1	R2	R3	R4	RM1	RM1-SS	RM2	RM2-TH	RA1	RA2	100 m ²	110 m ² (*)	90 m ² (*)	70 m ² (*)	70 m ² (*)	70 m ² (6)	70 m ² (6)	35m ² /dwelling unit + 10m ² /bedroom				<i>Dwelling unit floor area</i> (min) row – Deleted (By-law 2021-XX) (*) Shall be the minimum <i>dwelling unit floor area</i> for the principal use (dwelling unit). (By-law 2015-056) notation below Table 5.3 - Deleted (By-law 2021-XX)
RH	R1	R2	R3	R4	RM1	RM1-SS	RM2	RM2-TH	RA1	RA2																
100 m ²	110 m ² (*)	90 m ² (*)	70 m ² (*)	70 m ² (*)	70 m ² (6)	70 m ² (6)	35m ² /dwelling unit + 10m ² /bedroom																			
1.5	5.3.4.3	Delete minimum unit GFA requirements for duplex dwellings.	<u>Duplexes</u> The minimum <i>lot area</i> shall be 560m ² with a minimum <i>lot frontage</i> of 17m. The main unit must be a minimum of 70m ² with the second unit a minimum of 35m ² for a bachelor unit. For each additional bedroom a minimum of 10m ² shall be required.	<u>Duplexes</u> The minimum <i>lot area</i> shall be 560m ² with a minimum <i>lot frontage</i> of 17 metres.																						
1.6	5.4.2.2 a)	Delete minimum dwelling unit floor area requirements in the Mixed Use (MU) zones.	a) The minimum dwelling unit floor area for any such dwelling unit shall comply with the standards set out in Section 5.3 of this By-law for the Apartment Dwelling Second Density (RA2) Zone.	a) Deleted (By-law 2021-XX)																						
1.7	6.3.4.2	Delete minimum floor area requirements for residential uses in the same building as commercial uses.	<u>In the same building as a Commercial Use</u> Where a residential use is located in the same building as a commercial use in the Central Area Commercial (C1) Zone, Transition Centre Commercial (C2) Zone, <i>Shopping Centre Commercial</i> (C3) Zone, General Commercial (C4) Zone or Convenience Commercial (C5) Zone, the minimum <i>dwelling unit floor area</i> for any such <i>dwelling unit</i> shall comply with the standards set out in Section 5.3 of this By-law for the <i>Apartment Dwelling Second Density</i> (RA2) Zone.	<u>In the same building as a Commercial Use</u> Deleted (By-law 2021-XX)																						

1.8	Table 14.5.6	Delete minimum dwelling unit floor area requirements in the Salem and Hewitt's Communities Provisions.	<i>Dwelling unit floor area (min):</i> <table border="1"> <thead> <tr> <th colspan="3">Neighbourhood Residential R5 Zone</th> <th colspan="4">Neighbourhood Residential Multiple Zone RM3</th> </tr> <tr> <th>Single</th> <th>Semi</th> <th>Street Townhouse</th> <th>Back To Back Townhouse</th> <th>Block/ Cluster/ Street Townhouse</th> <th>Walk-Up Apts.</th> <th>Apts.</th> </tr> </thead> <tbody> <tr> <td>90 m²</td> <td>90 m²</td> <td>90 m²</td> <td colspan="4">35m²/dwelling unit + 10m²/bedroom</td> </tr> </tbody> </table>				Neighbourhood Residential R5 Zone			Neighbourhood Residential Multiple Zone RM3				Single	Semi	Street Townhouse	Back To Back Townhouse	Block/ Cluster/ Street Townhouse	Walk-Up Apts.	Apts.	90 m ²	90 m ²	90 m ²	35m ² /dwelling unit + 10m ² /bedroom				<i>Dwelling unit floor area (min) row – Deleted (By-law 2021-XX)</i>
Neighbourhood Residential R5 Zone			Neighbourhood Residential Multiple Zone RM3																									
Single	Semi	Street Townhouse	Back To Back Townhouse	Block/ Cluster/ Street Townhouse	Walk-Up Apts.	Apts.																						
90 m ²	90 m ²	90 m ²	35m ² /dwelling unit + 10m ² /bedroom																									
2. Update Definitions in Section 3.0																												
Item	Defined Term	Revisions/Explanation	Existing – By-law 2009-141				Proposed Revisions																					
2.1	Attic	Replace with Ontario Building Code (OBC) definition.	Shall mean the unfinished space between the roof and the ceiling of the top storey or between a knee wall and a sloping roof.				Shall mean the space between the roof and the ceiling of the top storey or between a dwarf wall and a sloping roof.																					
2.2	Basement	Replace with Ontario Building Code (OBC) definition.	Shall mean that portion of a building between two floor levels which are partly below the finished grade level and in which the height from adjacent finished grade level to the ceiling is less than 1.8m.				Shall mean one or more storeys of a building located below the first storey.																					
2.3	Detached Accessory Dwelling Unit	Improve clarity by providing stand alone definition, instead of cross referencing with second suite.	Shall mean an accessory dwelling unit located in a detached structure on the same property as, and is subordinate to, a principal unit. (By-law 2019-115).				Shall mean an accessory dwelling unit that is located within a detached accessory building on the same lot as a single detached dwelling, semi-detached dwelling unit, duplex dwelling, or street townhouse dwelling unit, and is subordinate to the principal unit.																					
2.4	Dwelling, Detached Accessory	Delete this duplication to avoid confusion.	Shall mean a detached accessory building containing a second suite located on the same property as the principal dwelling unit. (By-law 2015-056)				Deleted (By-law 2021-XX)																					
2.5	Dwelling, Duplex	This should allow for more equal sized units, only in certain zones	Shall mean a building greater than 1 storey in height divided all or in part horizontally or back to front into 2 separate dwelling units.				Shall mean a detached residential building divided horizontally, or back to front, above grade into 2 separate dwelling units, each of which has an independent entrance either directly or through a common vestibule. A single detached dwelling with a second suite is not a duplex.																					
2.6	First storey	Replace with Ontario Building Code (OBC) definition.	Shall mean the floor of a building approximately at, or the first above, the finished grade level.				Shall mean the storey that has its floor closest to grade and its ceiling more than 1.8 metres above grade.																					
2.7	Grade	Add a new definition that is consistent with the Ontario Building Code (OBC) definition to clarify use of the word "grade" in definitions that have been revised to match the OBC.	[None]				Grade shall mean the average level of proposed or finished ground adjoining a building at all exterior walls.																					
2.8	Dwelling, Multiple	Revise definition to state this is 4 or more dwelling units, not 2 or more, to distinguish between built form. This definition has limited use in the By-law and is only referenced in Sections 4.4.3 & 5.3.3.2d). Updates to Section 4.4.3 to reflect the	Shall mean a residential building, containing 2 or more dwelling units but shall not include an apartment dwelling or a converted dwelling.				Shall mean a residential building, containing 4 or more dwelling units but shall not include an apartment dwelling or a converted dwelling.																					

		changed definition are noted below. Changing the definition will exempt two and three unit dwellings from Section 5.3.3.2 d) requirements to provide a 7metre deep landscaped open space area where dwelling unit has a secondary means of access to the exterior area at ground level.		
2.9	Storey	Replace with Ontario Building Code (OBC) definition.	Shall mean that portion of a building other than a basement or attic storey which is included between one floor level and the next higher floor level or the ceiling.	Shall mean, except for the purposes of Part 7 of Division B of the Ontario Building Code, the portion of a building, (a) that is situated between the top of any floor and the top of the floor next above it; or (b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.
2.10	Second Suite	Update definition to clarify the types of built form a second suites can be located in, as per the <i>Planning Act</i> .	Shall mean an accessory dwelling unit that is located within the principal structure on a property and is subordinate to a principal unit. (By-law 2015-056) (By-law 2017-079) (By-law 2019-115)	Shall mean an accessory dwelling unit that is located within a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit, and is subordinate to the principal unit.
2.11	Tandem parking space	Add a new definition that is consistent with O. Reg. 299/19: Additional Residential Units.	[None]	Shall mean a parking space that can only be accessed by passing through another parking space from a street, lane, or driveway.
3. Changes to Section 4.4 Non-Conforming Uses				
Item	Section Reference	Revisions/Explanation	Existing – By-law 2009-141	Proposed Revisions
3.1	4.4.3	Update wording to reflect proposed changes to the “Multiple Dwelling” definition to avoid unintended implications of changing the number of units that includes.	4.4.3 Restoration of Non-Conforming Use Any non-conforming building or structure other than a single detached dwelling, converted dwelling or a multiple dwelling which has been destroyed to the extent of more than fifty percent of the structure (exclusive of walls below grade) at the date of destruction and as determined by the Chief Building Official, shall not be restored except in conformity with the permitted uses and standards of this By-law for the zone in which it is located.	4.4.3 Restoration of Non-Conforming Use Any non-conforming <i>building</i> or <i>structure</i> other than a <i>single detached dwelling</i> , <i>converted dwelling</i> , two-unit dwelling, three-unit dwelling, or a <i>multiple dwelling</i> which has been destroyed to the extent of more than fifty percent of the structure (exclusive of walls below <i>grade</i>) at the date of destruction and as determined by the Chief Building Official, shall not be restored except in conformity with the permitted <i>uses</i> and standards of this By-law for the <i>zone</i> in which it is located.
3.2	4.4.2.3	Delete the provision that allows as of right down-zoning and the removal of dwelling units where it would result in a residential use that is not permitted in the zone. Add a provision to make it easier to convert existing non-conforming buildings and structures to residential uses or add dwelling units within an existing building (such as in the basement or attic), except where the building is in an area subject to	Section 4.4.2.1 shall not apply to a change of a residential use which results in a reduction in the number of dwelling units on the subject lands.	Notwithstanding Section 4.4.2.1, any existing <i>lot</i> or <i>building</i> is exempt from meeting the current zoning standards, save and except for parking required in Section 4.6, when adding <i>dwelling units</i> within the existing <i>building</i> provided the <i>use</i> is permitted in the <i>zone</i> in which it is located. New construction or additions to an existing <i>building</i> , including the conversion of a detached <i>accessory building</i> or <i>structure</i> into a <i>detached accessory dwelling unit</i> , shall comply with all applicable development standards. Notwithstanding the above permissions, additional <i>dwelling units</i> shall not be permitted within any area subject to natural hazards such as flooding or erosion hazards.

		natural hazards, by exempting this from the requirements of Section 4.4.2.1. (4.4.2.1: "Notwithstanding any other provision of this By-law, the use on the day of the passing of this By-law of any land, building or structure for a purpose shall not be changed or altered or extended unless the land, building or structure can conform with the standards for land, building or structures imposed by this By-law for the use for a purpose permitted by this By-law for land, buildings or structures in the zone in which it is located.")		
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4. Updates to Second Suite and Detached Accessory Dwelling Unit Provisions

Item	Section Reference	Revisions/Explanation	Existing – By-law 2009-141	Proposed Revisions																																																																																																																																																																																
4.1	Table 5.2	<p>Move "Second Suite" under "Accessory Use" heading, and continue to apply notation (15), which requires this use to meet the standards in Section 5.2.9. Remove the use of notations (2), (3) and (4) from this row, which recognize non-conforming dwelling types, since Section 5.2.9 now clarifies what type of built-form second suites and accessory detached dwelling units can be accessory to.</p> <p>Add "Detached Accessory Dwelling Unit" as a defined permitted use under "Accessory Use" in zones that permit ground-oriented development and apply notation (15) which</p>	<table border="1"> <thead> <tr> <th rowspan="3">Uses</th> <th colspan="11">Zones</th> </tr> <tr> <th colspan="5">Single Detached</th> <th colspan="4">Multiple</th> <th colspan="2">Apartment</th> </tr> <tr> <th>RH</th> <th>R1</th> <th>R2</th> <th>R3</th> <th>R4</th> <th>RM1</th> <th>RM1-SS</th> <th>RM2</th> <th>RM2-TH</th> <th>RA1</th> <th>RA2</th> </tr> </thead> <tbody> <tr> <td colspan="12">Residential Uses</td> </tr> <tr> <td>Second Suite (15)</td> <td></td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X⁽²⁾⁽³⁾</td> <td>X⁽²⁾⁽³⁾</td> <td>X⁽²⁾⁽³⁾</td> <td>X⁽²⁾⁽⁴⁾</td> <td>X⁽²⁾⁽⁴⁾</td> </tr> <tr> <td colspan="12">Accessory Uses</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>(2) See 5.2.2.1(b) (3) See 5.2.3.1(a) (15) See 5.2.9</p>	Uses	Zones											Single Detached					Multiple				Apartment		RH	R1	R2	R3	R4	RM1	RM1-SS	RM2	RM2-TH	RA1	RA2	Residential Uses												Second Suite (15)		X	X	X	X	X	X ⁽²⁾⁽³⁾	X ⁽²⁾⁽³⁾	X ⁽²⁾⁽³⁾	X ⁽²⁾⁽⁴⁾	X ⁽²⁾⁽⁴⁾	Accessory Uses																								<table border="1"> <thead> <tr> <th rowspan="3">Uses</th> <th colspan="11">Zones</th> </tr> <tr> <th colspan="5">Single Detached</th> <th colspan="4">Multiple</th> <th colspan="2">Apartment</th> </tr> <tr> <th>RH</th> <th>R1</th> <th>R2</th> <th>R3</th> <th>R4</th> <th>RM1</th> <th>RM1-SS</th> <th>RM2</th> <th>RM2-TH</th> <th>RA1</th> <th>RA2</th> </tr> </thead> <tbody> <tr> <td colspan="12">Residential Uses</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="12">Accessory Uses</td> </tr> <tr> <td>Second Suite (15)</td> <td></td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> </tr> <tr> <td>Detached Accessory Dwelling Unit (15)</td> <td></td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td></td> <td></td> </tr> </tbody> </table> <p>(15) See 5.2.9</p>	Uses	Zones											Single Detached					Multiple				Apartment		RH	R1	R2	R3	R4	RM1	RM1-SS	RM2	RM2-TH	RA1	RA2	Residential Uses																								Accessory Uses												Second Suite (15)		X	X	X	X	X	X	X	X	X	X	Detached Accessory Dwelling Unit (15)		X	X	X	X	X	X	X	X		
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		requires this use to meet the standards in Section 5.2.9.														
4.2	5.2.9	<p>Reorganize Section 5.2.9 and clarify the type of built form that second suites and detached accessory dwelling units are permitted to be accessory to, as required by the <i>Planning Act</i>. Add a new provision to restrict additional dwelling units from locating within hazard lands, as recommended by the Nottawasaga Valley Conservation Authority.</p> <p>Introduce/clarify maximum unit size restrictions for both second suites and detached accessory dwelling units to ensure these remain accessory, subordinate uses. Require habitable areas of any basement to be included in the gross floor area calculations when determining maximum unit sizes.</p> <p>Introduce new development standards for accessory buildings and structures that contain detached accessory dwelling units, including maximum height requirements, new minimum yard setbacks, and landscape buffer requirements. Also clarify that a maximum of one detached accessory dwelling unit is permitted, and that it can only contain one dwelling unit. Continue to require greater/different setback</p>	<p>5.2.9 Second Suites</p> <p><u>5.2.9.1 General</u></p> <p>A free standing detached dwelling in an (RM1-SS) Zone may be constructed or converted to include a second <i>dwelling unit</i>.</p> <p>Except as provided herein, a <i>second suite</i> and a <i>detached accessory dwelling unit</i> shall be permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3 and RM2-TH zones where the principal <i>dwelling unit</i> has frontage on a municipal <i>street</i> subject to the following: (By-law 2019-115)</p> <ul style="list-style-type: none"> a) (deleted by By-law 2020-018) b) (deleted by By-law 2017-079) c) A maximum of one <i>detached accessory dwelling unit</i> and one <i>second suite</i> within the principal dwelling shall be permitted per lot. (By-law 2019-115) d) (deleted by By-law 2019-115) e) A <i>detached accessory dwelling unit</i> shall be permitted in a detached <i>accessory building</i> subject to the standards in section 5.3.5 and sections 4.5.1 & 4.5.2 of this By-law. f) A <i>second suite</i> or <i>detached accessory dwelling unit</i> shall not be less than 35m² in size. (By-law 2015-056) (By-law 2019-115) g) <i>Second suites</i> and <i>detached accessory dwelling units</i> are not permitted on a lot with a <i>boarding, lodging, rooming house</i>. (By-law 2019-115) <p><u>5.2.9.2 Parking</u></p> <p>That notwithstanding the parking requirements set out in Table 4.6 the following shall apply to a property containing a <i>second suite</i>, a <i>detached accessory dwelling unit</i>, or both: (By-law 2019-115)</p> <ul style="list-style-type: none"> a) A minimum of 1 parking space per dwelling unit is required in the R1, R2, R3, R4, R5, RM1, RM1-SS, RM2, RM3 and RM2-TH zones; and (By-law 2019-115) b) Tandem parking is permitted. (By-law 2015-056) <p><u>5.2.9.3 Standards</u></p> <ul style="list-style-type: none"> a) Any existing lot or structure is exempt from meeting the current residential zoning standards when incorporating a second suite, save and except for parking required in section 5.2.9.2. New construction or additions to an existing building are required to comply with the development standards referenced in section 5.3. (By-law 2017-079) b) Except in the Georgian Neighbourhood Study Boundary Area, any <i>second suite</i> that existed on February 18th, 2015 shall be permitted subject to compliance with the standards set out in section 5.2.9.2. (By-law 2015-056) 	<p>5.2.9 Second Suites and Detached Accessory Dwelling Units</p> <p><u>5.2.9.1 Standards for Second Suites</u></p> <ul style="list-style-type: none"> a) A second suite is a permitted <i>accessory use</i> within a <i>single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit</i> in accordance with Table 5.2. b) A <i>second suite</i> shall be located within the <i>principal building</i> that has <i>frontage</i> on a municipal <i>street</i>; c) A maximum of one (1) <i>second suite</i> is permitted per <i>lot</i>. d) A <i>second suite</i> shall occupy a maximum of 45% of the <i>gross floor area</i> of the <i>principal building</i> it is located within, except where a <i>second suite</i> is located wholly within the <i>basement</i> of a one (1) <i>storey dwelling</i>, in which case it may occupy the whole of the <i>basement</i>. Notwithstanding the definition of <i>gross floor area</i> provided in Section 3.0, the finished or unfinished <i>habitable living space</i> of any <i>basement</i> shall be included in the calculation of the <i>gross floor area</i> of the principal building, the principal dwelling unit, and the second suite, for the purpose of determining the maximum size of a <i>second suite</i>. e) A 1.2 metre wide unobstructed path of travel shall be provided to the primary entrance of the <i>second suite</i> from the street, driveway, or parking area. f) Any existing <i>lot</i> or <i>principal building</i> is exempt from meeting the current residential zoning standards when incorporating a <i>second suite</i>, save and except for parking required in Section 5.2.9.2. New construction or additions to an existing building are required to comply with the development standards in Section 5.3. g) Notwithstanding any other provision of this By-law, a <i>second suite</i> shall not be located within any area subject to natural hazards such as flooding or erosion hazards. <p><u>5.2.9.2 Standards for Detached Accessory Dwelling Units</u></p> <ul style="list-style-type: none"> a) A <i>detached accessory dwelling unit</i> is a permitted <i>accessory use</i> to a <i>single detached dwelling, duplex dwelling, semi-detached dwelling unit, or street townhouse dwelling unit</i>, in accordance with Table 5.2. An <i>accessory building or structure</i> containing a <i>detached accessory dwelling unit</i> is subject to the following development standards: <p>Table 5.2.9.2</p> <table border="1" data-bbox="1908 1435 2986 1689"> <thead> <tr> <th>Development Standard</th> <th>Requirement</th> </tr> </thead> <tbody> <tr> <td>Maximum building height</td> <td>4.5 metres or the height of the principal building, whichever is lesser</td> </tr> <tr> <td>Minimum <i>front yard</i> setback</td> <td>7.0 metres</td> </tr> <tr> <td>Minimum <i>interior side yard</i> setback</td> <td>3.0 metres</td> </tr> <tr> <td>Minimum <i>exterior side yard</i> setback</td> <td>3.0 metres</td> </tr> <tr> <td>Minimum <i>rear yard</i> setback</td> <td>3.0 metres</td> </tr> </tbody> </table> <ul style="list-style-type: none"> b) A <i>detached accessory dwelling unit</i> shall be located on the same <i>lot</i> as a <i>principal building</i> that has <i>frontage</i> on a municipal <i>street</i>. 	Development Standard	Requirement	Maximum building height	4.5 metres or the height of the principal building, whichever is lesser	Minimum <i>front yard</i> setback	7.0 metres	Minimum <i>interior side yard</i> setback	3.0 metres	Minimum <i>exterior side yard</i> setback	3.0 metres	Minimum <i>rear yard</i> setback	3.0 metres
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		<p>requirements for accessory buildings and structures containing detached accessory dwelling units in the Cumberland/Burton Area (SP-527-HC) and Shear Park Area (SP-529-HC).</p> <p>Introduce unobstructed path of travel requirements to the primary entrances of both second suites and detached accessory dwelling units to ensure safe egress, improved accessibility, emergency access and that OBC requirements for landings can be met. Similarly, introduce a maximum distance between a detached accessory dwelling unit and the front lot line as recommended by Barrie Fire and Emergency Services.</p>		<p>c) A <i>detached accessory dwelling unit</i> may be a stand-alone <i>detached accessory building or structure</i>, or located within, or attached to, a <i>detached accessory building or structure</i>, provided said <i>detached accessory building or structure</i> complies with the minimum <i>setback</i> requirements in Table 5.2.9.2.</p> <p>d) A maximum of one (1) <i>detached accessory dwelling unit</i> is permitted per <i>lot</i>.</p> <p>e) A <i>detached accessory dwelling unit</i> shall only contain one (1) <i>dwelling unit</i>.</p> <p>f) A <i>detached accessory dwelling unit</i> is not permitted in a <i>front yard</i>.</p> <p>g) The maximum distance between the front lot line and the primary entrance to a <i>detached accessory dwelling unit</i> shall be 40.0 metres.</p> <p>h) A 1.2 metre wide unobstructed path of travel shall be provided to the primary entrance of the <i>detached accessory dwelling unit</i> from the street, driveway, or parking area.</p> <p>i) Notwithstanding Table 5.2.9.2, where special provisions RM1 (SP-527-HC), R2 (SP-529-HC) and R3 (SP-529-HC) require additional or different standards for <i>detached accessory buildings and structures</i>, the greater restriction shall apply.</p> <p>j) A <i>detached accessory dwelling unit</i> shall be smaller than the <i>principal dwelling unit</i> and have a maximum <i>gross floor area</i> equal to 45% of the <i>gross floor area</i> of the <i>principal building</i>, up to a maximum of 75m². Notwithstanding the definition of <i>gross floor area</i> provided in Section 3.0, the finished or unfinished <i>habitable living space</i> of any <i>basement</i> shall be included in the calculation of the <i>gross floor area</i> of the principal building, the principal dwelling unit, and the <i>detached accessory dwelling unit</i>, for the purpose of determining the maximum size of a <i>detached accessory dwelling unit</i>.</p> <p>k) A <i>detached accessory dwelling unit</i> shall be included when calculating the maximum 10% lot coverage for <i>accessory buildings and structures</i> as set out in Section 5.3.9.</p> <p>l) Any external stairways, landing, steps, eaves, roof overhangs, air conditioners, mechanical equipment, chimney breasts, bay windows, decks, porches, awnings, and any other similar architectural or mechanical features are permitted to encroach a maximum of 0.6 metres into the required yard setbacks in Table 5.2.9.2.</p> <p>m) Any <i>lot</i> with a <i>detached accessory dwelling unit</i> shall provide a <i>landscaped buffer area</i> a minimum width of 3.0 metres wide along the rear and interior side lot lines adjacent to the <i>detached accessory dwelling unit</i>.</p> <p>n) A <i>detached accessory dwelling unit</i> shall comply with the requirements of Sections 4.5.1, 4.5.2 and 4.5.3.</p> <p>o) Notwithstanding any other provision of this By-law, a <i>detached accessory dwelling unit</i> shall not be located within any area subject to natural hazards such as flooding or erosion hazards.</p> <p><u>5.2.9.3 Parking Standards</u></p> <p>a) Notwithstanding the parking requirements set out in Table 4.6 the following shall apply to a property containing a <i>second suite</i>, a <i>detached accessory dwelling unit</i>, or both:</p> <p style="padding-left: 40px;">a) A minimum of 1 parking space per <i>dwelling unit</i> is required in the R1, R2, R3, R4, R5, RM1, RM1-SS, RM2, RM2-TH, and RM3 zones.</p> <p style="padding-left: 40px;">b) A <i>Tandem parking space</i> is permitted.</p>
4.3	5.2.10.1	<p>Revise Home Occupation standards as necessary to ensure they clearly apply to all dwelling units, including second suites and detached accessory dwelling units. [Note – the</p>	<p><u>5.2.10.1 Standards for Home Occupations</u></p> <p>A dwelling containing a <i>home occupation</i> shall maintain as a residence the minimum <i>dwelling unit area</i> required for the <i>zone</i> in which the dwelling is located. The floor area devoted to the <i>home occupation</i> shall not exceed 30% of the total floor area of the dwelling.</p>	<p><u>5.2.10.1 Standards for Home Occupations</u></p> <p>a) The floor area devoted to the <i>home occupation</i> in any <i>dwelling unit</i> shall not exceed 30% of the total floor area of the <i>dwelling unit</i>.</p>

		change proposed to 5.2.10.1 a) is also noted in item 1.3.]	<p><i>home occupation</i> shall be confined to either the <i>main building</i> or a <i>detached garage</i> on the lot on which it is located. A fenced outdoor play area for private <i>child care</i> is exempt from this provision. (By-law 2019-115)</p> <p><i>home occupation</i> shall not change the character of the <i>dwelling unit</i> from that of a private residence. The operation of the <i>Home Occupation</i> shall not have a negative impact on the residential character of the neighbourhood as a consequence of such impacts as parking, noise and the frequency of external contact.</p> <p>Only 1 non-resident employee other than those persons residing in the domicile shall be permitted in <i>home occupations</i> located in single or <i>semi-detached dwelling units</i>.</p> <p>A minimum of 1 <i>parking space</i> for a non-resident employee shall be provided in addition to all other <i>parking spaces</i> required by this By-law. All such spaces shall be provided on the same <i>lot</i> as the <i>home occupation</i>.</p> <p>Retail <i>uses</i>, <i>body rub parlours</i> and <i>escort services</i> shall not be permitted. (deleted by By-law 2017-079)</p> <p><i>Home occupations</i> offering services to clients, patients and/or students are not to exceed one customer at a time.</p>	<p>b) The <i>home occupation</i> shall be confined to either a <i>dwelling unit</i> or a detached <i>private garage</i> located on the same <i>lot</i>. A fenced outdoor play area for private <i>child care</i> is exempt from this provision. (By-law 2019-115)</p> <p>c) The <i>home occupation</i> shall not change the character of the <i>dwelling unit</i> from that of a private residence. The operation of the <i>Home Occupation</i> shall not have a negative impact on the residential character of the neighbourhood as a consequence of such impacts as parking, noise and the frequency of external contact.</p> <p>d) Only 1 non-resident employee other than those persons residing in the <i>dwelling unit</i> shall be permitted.</p> <p>e) A minimum of 1 <i>parking space</i> for a non-resident employee shall be provided in addition to all other <i>parking spaces</i> required by this By-law. All such spaces shall be provided on the same <i>lot</i> as the <i>home occupation</i>.</p> <p>f) Retail <i>uses</i>, <i>body rub parlours</i> and <i>escort services</i> shall not be permitted.</p> <p>g) (deleted by By-law 2017-079)</p> <p>h) <i>Home occupations</i> offering services to clients, patients and/or students are not to exceed one customer at a time.</p>																												
4.4	5.3.5	Add a new reference to Section 5.2.9.2 to ensure accessory buildings and structures containing a detached accessory dwelling unit follow those development standards instead.	<p>5.3.5 Accessory Buildings and Structures</p> <p>No other building or structure, except a parking structure underground which is accessory to any residential use in any zone shall:</p> <ol style="list-style-type: none"> exceed a height of 4m; (By-law 2010-195) occupy any part of a <i>front yard</i>, except for an in-ground swimming pool, a <i>carport</i>, a <i>deck</i> or a <i>porch</i>; be erected closer than the 3m from the exterior side <i>lot line</i> in the case of a <i>corner lot</i>, except for the <i>rear yard</i> in which case the minimum setbacks shall be 1m; be <i>erected</i> closer than 7m from the <i>front lot line</i>; be <i>erected</i> closer than 0.6m from the <i>rear lot line</i>; be <i>erected</i> closer than 0.6m from the side <i>lot line</i>, except in the case of attached units, in which case no <i>side yard</i> shall be required on the interior side where the <i>accessory building or structure</i> is attached to the <i>main building</i>; the width of a <i>boat house</i> and boat port shall not exceed 30% of the width of the lot measured at the shoreline; collectively exceed 10% lot coverage for detached accessory structures. 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) (By-law 2018-113) 	<p>5.3.5 Accessory Buildings and Structures</p> <p>No other building or structure, except a parking structure underground which is accessory to any residential use in any zone shall:</p> <ol style="list-style-type: none"> exceed a height of 4m; (By-law 2010-195) occupy any part of a <i>front yard</i>, except for an in-ground swimming pool, a <i>carport</i>, a <i>deck</i> or a <i>porch</i>; be erected closer than the 3m from the exterior side <i>lot line</i> in the case of a <i>corner lot</i>, except for the <i>rear yard</i> in which case the minimum setbacks shall be 1m; be <i>erected</i> closer than 7m from the <i>front lot line</i>; be <i>erected</i> closer than 0.6m from the <i>rear lot line</i>; be <i>erected</i> closer than 0.6m from the side <i>lot line</i>, except in the case of attached units, in which case no <i>side yard</i> shall be required on the interior side where the <i>accessory building or structure</i> is attached to the <i>main building</i>; the width of a <i>boat house</i> and boat port shall not exceed 30% of the width of the lot measured at the shoreline; collectively exceed 10% lot coverage for detached accessory structures. 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) (By-law 2018-113); notwithstanding the above, an <i>accessory building or structure</i> containing a <i>detached accessory dwelling unit</i> shall be subject to the development standards in Section 5.2.9.2. 																												
4.5	Table 14.5.2	Change "Two Unit Dwelling" to "Semi-Detached, Duplex Dwelling" for consistency with Table 5.2 and to clarify permitted built form. Delete notation (1) as the type of dwelling a second	<table border="1"> <thead> <tr> <th rowspan="2">Uses</th> <th colspan="2">Zones</th> </tr> <tr> <th>Neighbourhood Residential R5</th> <th>Neighbourhood Multiple Residential RM3</th> </tr> </thead> <tbody> <tr> <td>Residential Uses</td> <td></td> <td></td> </tr> <tr> <td>Two Unit <i>Dwelling</i></td> <td style="text-align: center;">X</td> <td></td> </tr> <tr> <td>Accessory Uses</td> <td></td> <td></td> </tr> </tbody> </table>	Uses	Zones		Neighbourhood Residential R5	Neighbourhood Multiple Residential RM3	Residential Uses			Two Unit <i>Dwelling</i>	X		Accessory Uses			<table border="1"> <thead> <tr> <th rowspan="2">Uses</th> <th colspan="2">Zones</th> </tr> <tr> <th>Neighbourhood Residential R5</th> <th>Neighbourhood Multiple Residential RM3</th> </tr> </thead> <tbody> <tr> <td>Residential Uses</td> <td></td> <td></td> </tr> <tr> <td><i>Semi-Detached, Duplex Dwelling</i></td> <td style="text-align: center;">X</td> <td></td> </tr> <tr> <td>Accessory Uses</td> <td></td> <td></td> </tr> </tbody> </table>	Uses	Zones		Neighbourhood Residential R5	Neighbourhood Multiple Residential RM3	Residential Uses			<i>Semi-Detached, Duplex Dwelling</i>	X		Accessory Uses		
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	suite can be in has been clarified in the definitions and Section 5.2.9. Add Detached Accessory Dwelling as a permitted accessory use, with notation (3).	Second Suite ⁽¹⁾⁽³⁾	X	X	Second Suite ⁽³⁾	X	X
		(1) A second suite in the RM3 Zone is not permitted in a Walk-Up Apartment or Apartment Dwelling. (2) Permitted only where these uses are located on major collector and arterial roads. (3) <i>Second suites</i> and <i>detached accessory dwelling units</i> in the R5 Zone and RM3 Zone shall be permitted in accordance with the provisions and standards of Section 5.2.9. (By-law 2019-115)			(1) Deleted (By-law 2021-XX) (2) Permitted only where these uses are located on major collector and arterial roads. (3) <i>Second suites</i> and <i>detached accessory dwelling units</i> in the R5 Zone and RM3 Zone shall be permitted in accordance with the provisions and standards of Section 5.2.9. (By-law 2019-115)		
					Detached Accessory Dwelling Unit ⁽³⁾	X	X

5. Add Residential uses in conjunction with Institutional uses to the permitted uses in Section 8

Item	Section Reference	Revisions/Explanation	Existing – By-law 2009-141	Proposed Revisions															
5.1	Table 8.3	Update Table 8.3 to permit residential uses in conjunction with permitted institutional uses under an “accessory uses” heading. Additional development standards are forthcoming, based on public feedback on this proposed amendment but it is intended that the existing zoning standards would apply based on the proposed built form.	[None]	<table border="1"> <thead> <tr> <th rowspan="2">Uses</th> <th colspan="3">Zones</th> </tr> <tr> <th>Major Institutional (I-M)</th> <th>Institutional (I)</th> <th>Educational Institutional (I-E)</th> </tr> </thead> <tbody> <tr> <td colspan="4">Accessory Uses</td> </tr> <tr> <td>Residential uses in conjunction with permitted institutional uses</td> <td></td> <td>X</td> <td></td> </tr> </tbody> </table>	Uses	Zones			Major Institutional (I-M)	Institutional (I)	Educational Institutional (I-E)	Accessory Uses				Residential uses in conjunction with permitted institutional uses		X	
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Accessory Uses																			
Residential uses in conjunction with permitted institutional uses		X																	
5.2	Section 8.3	Add standards for residential uses in conjunction with permitted institutional uses, in addition to the requirements of Table 8.3.	[None]	<p>8.3.7 Additional Standards for Residential Uses in Conjunction with Institutional Uses</p> <p><u>8.3.7.1 Accessory residential uses in the same building as institutional uses</u></p> <p>c) Where residential uses are located in the same <i>building</i> as an institutional use, a minimum of 50% of the ground floor building frontage shall be used for institutional uses. d) A consolidated outdoor amenity space shall be provided; this area may be counted towards the required <i>landscaped open space</i> in Table 8.3 provided it is located on the ground.</p> <p><u>8.3.7.2 Accessory residential uses in standalone buildings</u></p> <p>a) Where residential uses are located on the same <i>lot</i> as institutional uses there shall be a minimum of one standalone institutional <i>building</i> with frontage on a municipal <i>street</i>. b) A consolidated outdoor amenity space, or unconsolidated outdoor amenity spaces provided per unit, shall be provided; this area may be counted towards the required <i>landscaped open space</i> in Table 8.3 if it is located on the ground.</p> <p><u>8.3.7.3 Parking Requirements</u></p> <p>a) Parking for institutional uses shall be provided at the rate specified in Table 4.6, and parking for residential uses shall be provided at a rate of 1 parking spaces per <i>dwelling unit</i>. b) Barrier free spaces shall be calculated at the rates in Section 4.6.4 based on the total required parking for the site.</p>															

6. Allow Institutional uses permitted in Residential Zones to follow the Residential Standards

Item	Section Reference	Revisions/Explanation	Existing – By-law 2009-141	Proposed Revisions
6.1	5.2.11 a)	Remove the requirement for Institutional Uses in residential zones to meet the Institutional Standards in Section 8.3, which are designed for much larger properties, and consequently make it difficult for smaller scale assisted living facilities and social service facilities to locate in existing buildings (provided they comply with any change of use requirements under the Ontario Building Code). This would apply to the following uses as currently permitted by Table 5.2: Assisted Living Facility, Child Care, Dormitory, Group Home, Library, Place of Worship, Social Services Facility.	<p>5.2.11 Institutional Uses in Residential Zones</p> <p>a) The Institutional Standards found in Section 8.3 of this By-law shall apply to the Institutional uses listed in Table 5.2;</p>	<p>5.2.11 Institutional Uses in Residential Zones</p> <p>a) Deleted (By-law 2021-XX)</p>
6.2	5.3.3.2 c)	Remove the requirement for uses permitted under Section 4.2.1 (public utilities or services owned and operated by the City of Barrie), libraries, places of worship, child care, and assisted living facilities in residential zones to have greater minimum side yard setbacks. This would allow these permitted institutional uses to follow the standard residential zone requirements and make it easier for smaller scale supportive housing (such as assisted living facilities) to be created.	<p>5.3.3.2 The minimum front, side and rear yards, required by this By-law shall be open and unobstructed by any structure from grade level to the sky, and the minimum requirements shall be increased in accordance with the following:</p> <p>[...]</p> <p>c) for any uses permitted under Section 4.2.1, or any library, place of worship, child care (except when operated as a home occupation), or assisted living facility in which case the minimum side yards shall be 4.5m;</p>	<p>5.3.3.2 The minimum front, side and rear yards, required by this By-law shall be open and unobstructed by any structure from grade level to the sky, and the minimum requirements shall be increased in accordance with the following</p> <p>[...]</p> <p>c) Deleted (By-law 2021-XX)</p>

APPENDIX “E” – Summary of Consultation and Feedback

The questions and concerns expressed through the public consultation process at the Public Meeting and in the follow-up consultation are summarized below together with a response from staff.

This summary of the public process is intended to demonstrate that the issues have been included and addressed in the review of this City-initiated amendment, to the greatest extent possible.

PUBLIC COMMENTS

1. Removal of all minimum dwelling unit size requirements

Staff appreciate the time and effort some members of the public took to indicate their support of this proposed change.

2. Adding residential uses as a permitted accessory use in the Institutional Zone

Several individuals provided comments in support of the proposed changes that would allow for residential uses to be permitted in conjunction with permitting institutional uses in the Institutional (I) zone, as this would allow for additional land to be used for affordable housing. There was interest in seeing the proposed development standards for this use. In consideration of the wide range of built form that staff have seen interest in building, development standards have been proposed for units within the same building as institutional uses, and for units in a standalone building(s) on the same lot as institutional uses. These development standards are generally consistent with the Institutional and Mixed Use zone standards. Staff appreciate the time and effort some members of the public took to indicate their support of this proposed change.

3. General opposition to the proposed amendments to detached accessory dwelling units

Staff received many comments regarding general disagreement with the proposed changes to detached accessory dwelling unit standards. Some individuals stated that they support this housing option, and cited concerns that the changes would be too restrictive and make it too difficult to construct detached accessory dwelling units, thereby having a negative impact on the supply of affordable rental units. Others did not indicate why they disliked the changes. Planning staff agree that detached accessory dwelling units are an important housing option and note that the intention of the proposed changed to development standards are not intended to make it more difficult to construct this type of dwelling unit, but rather ensure they are built in a way that is sensitive to established neighbourhoods and representative of good land use planning principals. Several updates to the proposed amendment have been made since the Public Meeting, based on all feedback received, which are detailed in Paragraph 67 of this report.

4. General support for the proposed amendments to detached accessory dwelling units standards

Staff received many comments indicating general support for putting in place new standards for accessory buildings and structures containing detached accessory dwelling units. It was noted that this use has a different impact on adjacent lands than a shed or detached garage and should therefore have development standards reflective of this. More detailed comments and responses are provided on specific issues below.

5. General concerns about detached accessory dwelling units, including loss of character, and a desire to further restrict the use

Several comments indicating that the City does not need coach houses, that they are not desired in single family neighbourhoods, that there are other ways of providing affordable housing, and that the construction of detached accessory dwelling units is being driven by investment interests were received. There were also comments requesting staff consider limiting the number of detached accessory dwelling units and second suites that can be in one area, such as through minimum separation distance requirements. Staff note that municipalities are required by the *Planning Act* to permit second suites and detached accessory dwelling units as of right in single detached dwelling, semi-detached dwelling units and street townhouse dwelling units. The proposed amendments seek to address existing ambiguity in the Zoning By-law by clarifying that a maximum of one second suite and one detached accessory dwelling unit are permitted per lot as an accessory use to these specific types of dwellings. This would allow for a maximum of three dwelling units per lot, in accordance with provincial direction.

6. Other purpose-built affordable housing options

The City has an Affordable Housing Strategy and will continue to explore and encourage other affordable housing options, as well as work with the County of Simcoe, who are the Service Manager under the *Housing Services Act*, and responsible for providing social housing and long-term care. Staff will be reviewing the Affordable Housing Strategy and provide suggested interim updates later this year.

7. Impact of detached accessory dwelling units on adjacent property value

Planning staff have no comment on the perceived impact that second suites and detached accessory dwelling units may have on the market value of private property as this is not a land use planning issue. Further, the Province has mandated municipalities to permit such uses as of right.

8. Proposed size restrictions on second suites

Staff received comments and questions regarding how the maximum unit size would be calculated for a second suite (i.e. an additional residential dwelling unit located within the primary dwelling). The proposed regulations cap the maximum unit size at 45% of the entire principal building (not just the primary dwelling unit) or all of the basement of a single storey dwelling. Based on feedback, a provision has been added to ensure that the finished or unfinished habitable living space in any basement will be included in this calculation. To give an example, staff have calculated the maximum unit size for a single storey (bungalow) and two storey dwelling:

a) Single storey dwelling (bungalow):

- i) First floor area: 100 square metres
- ii) Basement floor area: 90 square metres (remove stairwell, storage area and mechanical room)
- iii) Maximum unit size of second suite: 85.5 square metres OR the entire basement (90 square metres).

b) Two storey dwelling:

- i) Second floor area: 90 square metres
- ii) First floor area: 100 square metres

- iii) Basement floor area: 90 square metres (stairwell, storage area and mechanical room not included in calculation)
- iv) Maximum unit size of second suite: 126 square metres

9. Basements in detached accessory dwelling units

Staff received many comments regarding the proposed restrictions on basements. Some individuals indicated basements should not be permitted, due to concerns about the size and scale (and affordability) of the unit overall, its ability to be converted into another dwelling unit, and the greater construction impacts (noise, grading, mature tree canopy). Many individuals supported basements for their ability to add liveable space in a non-intrusive way, allow for sustainable building design, and provide safety during severe weather, such as the recent tornado. Staff reviewed whether other municipalities allow basements in detached accessory dwelling units and found several examples that do. Based on public feedback, staff have removed the previously proposed restrictions on basements, but have included any finished or unfinished habitable area in the calculation of the maximum unit size.

10. Proposed size restrictions on detached accessory dwelling units

Staff received many comments about the proposed size restrictions on detached accessory dwelling units. Many individuals supported putting in place a maximum size requirement to address concerns about the size and scale of these units to ensure they are a similar size as a second suite inside the main house. They noted that smaller living spaces are more affordable, may create less of a demand for parking, and could better integrate into mature neighbourhoods. Other members of the public were concerned that the maximum unit size proposed at the Public Meeting (45% of the principal building up to 65 square metres) would eliminate the possibility of providing highly sought after two-bedroom units and create units that are too small to be financially feasible to build. They were also concerned that the way unit size was calculated would disproportionately affect smaller bungalows, which typically have lots well suited to accommodate this use. Based on public feedback, Planning staff have maintained a maximum unit size equal to 45% of the principal dwelling but have increased the cap to 75 square metres (807 square feet). A provision was also added to ensure that the finished or unfinished habitable living space in any basement will be included in this calculation. These units would still be included in the maximum lot coverage of 10% for accessory buildings and structures. To give an example, staff have calculated the maximum unit size for a single storey (bungalow) and two storey dwelling on an 500 square metre property.

a) Single storey dwelling (bungalow – could contain a second suite):

- i) First floor area: 100 square metres (principal unit)
- ii) Basement floor area: 90 square metres (principal unit or second suite; stairwell, storage area and mechanical room not included in calculation)
- iii) Maximum unit size of detached accessory dwelling unit: 75 square metres including any basement area, with a maximum footprint of 50 square metres (e.g. 40 square metres main floor, 35 square metres basement; stairwell, storage area and mechanical room not included in calculation)

b) Two storey dwelling:

- i) Second floor area: 90 square metres (principal unit)

- ii) First floor area: 100 square metres (principal unit or partial second suite)
- iii) Basement floor area: 90 square metres (principal unit or second suite; stairwell, storage area and mechanical room not included in calculation)
- iv) Maximum unit size of second suite: 75 square metres including any basement area, with a maximum footprint of 50 square metres (e.g. 40 square metres main floor, 35 square metres basement; stairwell, storage area and mechanical room not included in calculation)

11. Minimum lot area requirements

Staff received feedback that the minimum lot areas being proposed for single storey and two-storey were, too small and that they were too large. The intention of these provisions was, in large part, to establish what an appropriate minimum lot size would be for as of right two storey detached accessory dwelling units. Given that permissions for two-storey dwelling units have been removed from the proposed amendment, Planning staff felt it was appropriate to continue to allow units on all lots, given the footprint of detached accessory dwelling units is already capped at 10% of the lot area, which will require smaller lots to have smaller units.

12. Setbacks to detached accessory dwelling units and privacy issues

Overall, there was general support for increasing the required side and rear yard setbacks to improve privacy, drainage, and tree protection measures among other reasons. Some comments indicated that this should be further increased. Planning staff consulted with staff in Building Services, Barrie Fire and Emergency Service, and Parks Planning to discuss proposed yard setbacks as it relates to the Ontario Building Code, fire separation, emergency access, and tree protection. Based on public feedback and these discussions, staff have increased the proposed interior side yard and rear yard setbacks in the draft amendment.

13. Height requirements for detached accessory dwelling units, privacy, and two storey as of right permissions

While there was some support for allowing as of right permissions for two storey detached accessory dwelling units, overall, they posed more concern based on their potential height, impact on privacy, and concerns that the garage below would become illegal living space. Based on public feedback, the permissions, and standards for two storey units have been removed for the proposed amendment.

14. Fencing and landscape buffers for detached accessory dwelling units

Staff received several comments recommending fencing and landscape buffer requirements, or permissions for taller fences to be considered. After careful consideration, no changes have been proposed to fencing requirements/standards, however staff have included provisions requiring increased yard setbacks and landscape buffer requirements.

15. Concern regarding continued applications for minor variances to proposed detached accessory dwelling unit provisions

Property owners will be able to continue to apply for sight specific permissions for such units by seeking relief from the Zoning By-law, through a minor variance or zoning by-law amendment. In reviewing such an application, Planning staff will have better refined the purpose and intent of the

Zoning By-law standards for this use due to the extensive public consultation undertaken on this subject, and applicants will be required to demonstrate how their application meets these objectives.

16. Parking for second suites and detached accessory dwelling units

Several concerns related to the provisions of adequate parking were noted in the comments received. Suggestions to address this included requiring parking spaces to be outdoors (i.e. spaces in a garage could not count), limiting the total parking area based on lot area, and requiring additional parking spaces for units. There were also comments received in support of low to no minimum parking requirements to encourage active transportation and alternatives to individual automobiles. Staff note that the Zoning By-law allows for parking spaces to be in garages, and that Ontario Regulation 199/19 only allows for one additional parking space to be required for additional residential units, and states tandem parking is allowed. While maintaining a requirement for the principal dwelling unit to have 1.5 parking spaces (which is rounded up to 2) per the standards in Table 4.6 is an option, Planning staff are of the opinion that maintaining the existing minimum requirement of 1 space per unit is appropriate given the downsides of requiring additional minimum parking, including costs, increased impervious surface areas/runoff, less green space, more vegetation/tree removal, and a continued emphasis on the automobile over other transportation methods, including public transit and active transportation. A new definition for tandem parking was included to help clarify this type of parking configuration, which is two stacked spaces, including whether spaces in a garage can be counted towards required parking. Figure 1 below illustrates acceptable tandem parking spaces for additional clarity:

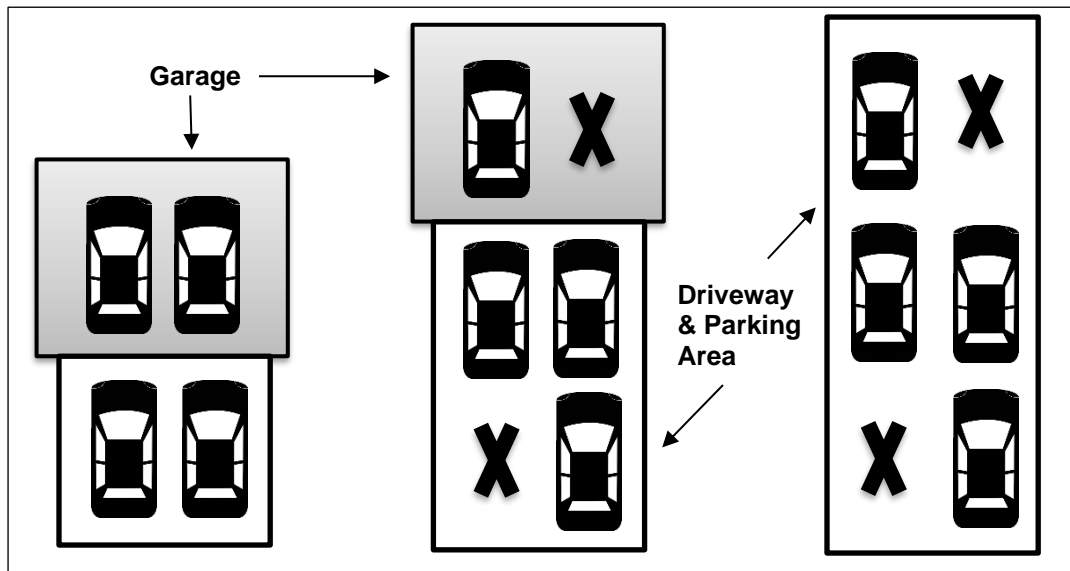


Figure 1: Illustration of tandem parking space where car icon indicates an acceptable parking space (minimum 2.7m wide by 5.5m long) and "X" indicates an unacceptable required space

17. Setback requirements for parking areas

Comments and questions regarding setbacks to parking areas were provided. No new requirements have been recommended, and the current standard will remain, which requires a parking area that provides more than 4 parking spaces adjoining a residentially zoned property to provide a continuous landscaped buffer area with a minimum width of 3 metres along the abutting lot line and a continuous tight board fence with a minimum height of 2 metres along the lot line.

18. Parking on the street

Parking standards and the availability of parking on site are a requirement, and as noted above the Zoning By-law can requires a minimum of one parking space to be provided for a second suite and for a detached accessory dwelling unit. While some streets do not permit on street parking, many streets do permit on-street parking and it is not a zoning violation. A parking space on the street would not be counted in the required parking. During the winter months when there is no parking on the streets residents are expected to find alternative parking arrangements (in driveways and garages) as front yard parking is not permitted.

19. Concerns regarding the number of occupants in second suites and detached accessory dwelling units

Occupancy limitations are regulated by the Ontario Building Code based on the size of the unit, including the number of bedrooms. Staff are unable to regulate how many people are allowed to live in a dwelling unit through the Zoning By-law, or their relation to one another. This is an enforcement matter regarding safe occupancy and should be addressed as such.

20. Infrastructure demand of second suites and detached accessory dwelling units

Comments regarding how additional dwelling units affect the existing infrastructure, especially in older neighbourhoods were received. Additional dwelling units within existing homes do not pose significant concerns to water and wastewater infrastructure capacity. Detached accessory dwelling units are required to be hooked up to full municipal services, and any upgrades required to the service laterals are the responsibility of the property owner.

21. The cost of providing full municipal servicing for detached accessory dwelling units.

Concerns were raised that the City does not allow a detached accessory dwelling unit to be serviced through the principal building on the property, as it can add significant costs to the project, and therefore impact affordability. This is an implementation matter and Planning staff have provided this information has been provided to Building Services.

22. Garbage storage for second suites and detached accessory dwelling units

Concerns were raised about the outdoor storage of waste and recycling bins. The Zoning By-law only has standards for waste management in multi-unit residential development of more than six (6) units. This issue is best addressed through property standards enforcement.

23. Noise and crime in neighbourhoods, including construction noise and disturbances

External noise, disturbances and crime are matters that Barrie Police can aid residents with. Similarly, complaints regarding noise and construction debris/property standards can be directed to Enforcement Services. These matters are not unique to second suites and detached accessory dwelling units, or rental units.

24. Absentee landlords and owner occupation requirements for second suite and detached accessory dwelling units

Property standards is an important matter across the City and not only related to second suites and detached accessory dwelling units. New additional dwelling units will require a property standards inspection prior to registration and the registration by-law speaks to the ability to revoke a

registration if repeated infractions of City standards are received. Staff have recommended updating The Second Suites Registration By-law to ensure both second suite and detached accessory dwelling units continue to be required to be registered. The City cannot require owners to live on the property per Ontario Regulation 299/19 under the *Planning Act*. Staff note a pilot project in Ward 1 requiring licencing for absentee landlords is currently under way.

25. Site plan control for detached accessory dwelling units and notice to neighbours

Several comments recommending site plan control for all detached accessory dwelling units were received. Based on this feedback, staff are recommending the Site Plan By-law be amended to require a scoped site plan control process for all detached accessory dwelling units. Additional details are provided in the analysis section of this staff report. Given there are as of right permissions in the Zoning By-law for second suites and detached accessory dwelling units, and there is no opportunity for neighbours to object to their construction, there is no requirement to provide notice to neighbours prior to issuance of a building permit. Through the proposed scoped site plan control review and approval process, a sign could be required to be posted on the property to notify neighbours of the proposal. Staff are not recommending mail-out notices as it would come at a substantial financial cost and there is limited staff resources and capacity to implement this.

26. Site grading and drainage concerns for detached accessory dwelling units

Several concerns were noted regarding potential drainage and site grading concerns. Increased side and rear yard setbacks have been incorporated into the proposed amendment to allow for adequate grading, and to ensure that run-off from roofs is captured on site and appropriately directed.

27. Impact of detached accessory dwelling units on mature trees and related climate change impacts

Several comments regarding concerns for mature trees and the importance/benefits of the City's urban forest canopy, including shade, run-off retention, soil stability, air quality and general health and well-being were noted. Trees also play an important role in privacy, sense of place and neighbourhood character. It is important to note that tree removal is not unique to the construction of a detached accessory dwelling unit, and that it does also occur to allow for the creation of other accessory buildings and structures, including pools and detached garages. Staff have proposed increases to the minimum side and rear yard setback requirements in part to address setbacks to surrounding vegetation, and to allow more space for landscape buffers to be planted. Staff have also recommended that detached accessory dwelling units be subject to a scoped site plan control review process, which will include providing information about existing on site and surrounding landscape conditions, including trees. Currently a tree removal permit is only required where a tree is part of a continuous woodlot, and ultimately, tree protection would be best addressed through a tree protection by-law under the *Municipal Act*, not the Zoning By-law or Site Plan Control By-law.

28. Improved communications/graphic illustrations regarding standards for detached accessory dwelling units and second suites

Staff received recommendations that better communication, including graphic illustrations, could aid both the community and those building detached accessory dwelling units with understanding the as of right permissions. Staff are working on implementation materials and updates to City webpages to aid in this regard and appreciate the feedback.

29. Taxation of homes with second suites and detached accessory dwelling units

Comments regarding how homes with second suites and detached accessory dwelling units should pay higher taxes were received. Staff note that property re-assessment by the Municipal Property Assessment Corporation do occur following such construction and can result in higher taxation.

DEPARTMENT AND AGENCY COMMENTS

30. Planning Staff circulated notice of the proposed Official Plan and Zoning By-law Amendments to internal departments and external agencies in accordance with the *Planning Act*.
31. The Ministry of Transportation (MTO) provided comments stating the MTO has no issues or concerns with the proposed amendment.
32. The Nottawasaga Valley Conservation Authority (NVCA) recommended the addition of a provision to the By-law which prohibits the creation of an additional residential unit, or accessory dwelling unit on lands subject to natural hazards and offered the following suggested wording: "Any additional residential dwelling units shall not be located within any area subject to natural hazards such as flooding or erosion hazards".

This recommendation has been incorporated into the proposed amendment.

33. Building Services reviewed the proposed amendment and provided general comments, as well as the following recommendations:
 - a) Introduce a definition for "grade" that is consistent with the Ontario Building Code (OBC) to aid in application of the By-law, with a note that the Building Department has an average grade policy on how to interpret grade adjacent to buildings;
 - b) A requirement for a 1.2 metre minimum path of clear access to the principal entrance to a second suite to ensure there is enough space for safe access and egress, and to ensure the OBC requirements for a landing can be met.

These recommendations have been incorporated into the proposed amendment.

34. Barrie Fire and Emergency Service (BFES) reviewed the proposed amendment and made the following recommendations to the proposed detached accessory dwelling unit provisions for emergency access purposes:
 - a) Require a maximum distance of 40.0 metres between the property line and the entrance;
 - b) Require a minimum 1.0 metre wide path of clear access to the detached accessory dwelling unit;
 - c) Recommended a minimum interior side and rear yard setback of 3.0 metres but noted that 2.0 metres would be acceptable. They further noted that spatial separations will be addressed during the building department plans review per the application of OBC Part 9 to site-specific conditions.

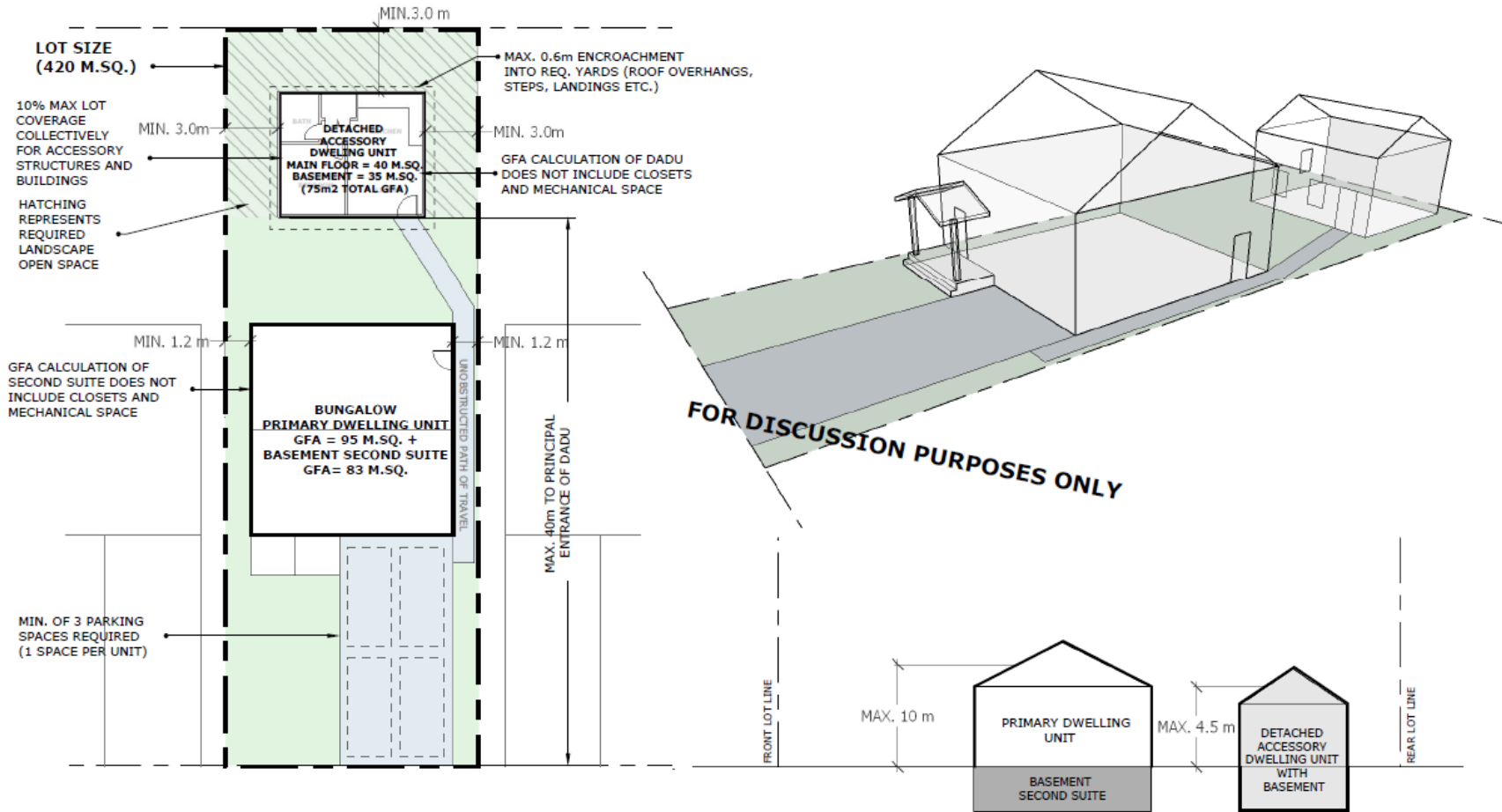
These recommendations have been incorporated into the proposed amendment.

35. A member of Heritage Barrie comment regarding whether archaeological assessments are required for second suites where there is possible archaeological potential.

Archaeological assessments are required in support of development applications made under the *Planning Act*, but are not required as part of a completed building permit application. Given second suites and detached accessory dwelling units are permitted as of right by the Zoning By-law, there is no requirement for an archaeological assessment as part of a complete building permit application. Notwithstanding this, if archaeological resources were unearthed during construction,

36. In addition to the above, consultation and virtual meetings with staff in Development Services (including team members from Planning and Urban Design, Zoning Enforcement, Transportation Planning, Development Approvals, and Parks Planning), the Building Services Department, Finance (Development Charges) and Legal Services took place in advance of and following the Public Meeting to assess the existing standards and proposed amendment. If applicable, comments have been specifically referenced in this report as supporting information, particularly in response to public comments.

APPENDIX "F" – Conceptual Plan Illustrating Proposed Detached Accessory Dwelling Unit Development Standards



PROPOSED ZONING EXAMPLE:
BUNGALOW (R3 ZONE) WITH SECOND SUITE AND DETACHED ACCESSORY DWELLING UNIT