



059-23TO:	GENERAL COMMITTEE
SUBJECT:	NEW ZONING BY-LAW UPDATE
WARD:	ALL
PREPARED BY AND KEY CONTACT:	L. MUNNOCH, PLANNER, EXT. 4416 T. WIERZBA, SUPERVISOR OF GROWTH MANAGEMENT, EXT. 4406
SUBMITTED BY:	M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES
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CHIEF ADMINISTRATIVE OFFICER APPROVAL:	M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That staff in the Development Services Department prepare a comprehensive Zoning By-law for public statutory consultation that supports the principles outlined in Appendix "A" to Staff Report DEV059-23.

PURPOSE & BACKGROUND

Report Overview

2. The purpose of this Staff Report is to inform Council of feedback received during consultation on previously released drafts of the new Zoning By-law, and to request Council's approval to proceed in developing the next draft of the Zoning By-law based on guiding principles outlined in Appendix "A". A summary of the proposed guiding principles are outlined in this report.
3. Council's support of these guiding principles will ensure that the next draft of the Zoning By-law is in line with Council's strategic goals and priorities as well as the City's new Official Plan.

Background

4. Staff are creating a new comprehensive Zoning By-law with the intent to:
 - Implement the vision of the City's Official Plan;
 - Create a modern and more progressive By-law, with more flexible standards;
 - Address the issue of housing affordability by expanding permitted housing types/options and increasing housing supply through infill and new development;
 - Unlock density potential, particularly in intensification areas;
 - Create compact and livable communities;
 - Develop and build upon the community structure established in the City's Official Plan; and

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- Revisit standards that have been in place since before the 1980s which are not reflective of modern building design and access requirements.
5. Much like the new Official Plan, the draft comprehensive Zoning By-law is a brand-new document, one that will replace the in-effect By-law which in essence has been in place for the past 40 years with only minor updates. It will take time for residents, the development community and people who have worked with our existing By-law to understand and embrace the change and become familiar with new concepts and methodologies being proposed.
 6. The draft By-law introduces changes more reflective of what other municipalities are doing to address the housing crisis. This includes, but is not limited to, bringing standards in line with legislation to build more homes, faster and positioning the City to be eligible for additional funding opportunities from the Federal and Provincial governments.
 7. The draft By-law adopts a more modern approach to zoning, with more focus on the layout of lots and building forms. This is referred to as 'form-based' zoning. A form-based approach to zoning is desirable as it is flexible and can be tailored to meet a municipality's context. Further, it is appropriate and perhaps advantageous for an urbanizing municipality like Barrie as it is flexible enough to support a mix of uses either on a lot or within one building or both.
 8. To date, two drafts of the By-law have been prepared for consultation. Members of the public, stakeholders and the development community were invited to provide comments on both drafts. Comments were received through written submissions, emails, and through virtual and/or in-person meetings. General Committee received a memo on June 28, 2023, on the general response to draft one of the By-law. A second Memo has been prepared and submitted to General Committee on November 1, 2023, which provides an outline the comments heard through this consultation period.
 9. The feedback received to-date can be grouped into two categories, being comments that assist in improving clarity and implementation of the new Zoning By-law but do not object to proposed approach, and those that are more opposed to the proposed standards and elements in the Zoning By-law. Regarding the latter, the comments can be further grouped into the following categories:
 - Comments related to proposed standards that are aimed at addressing affordability by expanding housing form options;
 - Comments related to changing/modernizing standards to ensure more efficient and functional compact communities;
 - Comment related to issues around vehicular and bicycle parking;
 - Comments related to building performance and integration to ensure new development is well transitioned to low-density neighbourhoods, and;
 - Ensuring existing approvals are not negatively impacted by the implementation of a new Zoning By-law.

ANALYSIS

10. The analysis section of this staff report provides details around the feedback that has led to the development of the guiding principles and the need for Council direction. Further information is provided to give context to the issue at the heart of the feedback provided. This contextual information is also provided to help illustrate how the feedback could impact the direction of the draft Zoning By-law.

Affordability

11. The draft Zoning By-law expands the list of building types permitted in all neighbourhood zones to provide for a greater range of housing options. This is being done to address the housing affordability crisis and meet growth targets. This includes permitting semi-detached homes, certain configurations of rowhouses, low-rise buildings, and coach houses in all Neighbourhood zones – see Appendix “B” for a complete list and description of all building types included in the whole draft Zoning By-law. This approach aligns with Federal and Provincial housing initiatives, effectively eliminating exclusionary zoning to permit a range of housing options, as of right, across the City.
12. Residents who reside in existing communities primarily or exclusively made up of single-detached homes have expressed concern with permitting additional building types/housing options. There is clear opposition to change of any kind within existing neighbourhoods, particularly in neighbourhoods where the proposed neighbourhood zones would create opportunity for intensification/infill development, regardless of how unlikely it is to occur. Some residents living in existing communities dominated by single-detached homes have expressed their support of the inclusion of additional building types within all Neighbourhood Low zones, with some noting how little impact these buildings have as they are scaled appropriately for the area.
13. Comments received also included opposition to the change of existing zone standards, which would permit smaller lot sizes, reduced frontages and other setbacks as doing so increases the potential for infill development or subdividing of existing lots.
14. The drafted Zoning By-law allows for more permissive standards for Detached Additional Dwelling Units (DADU's), which have been rebranded as 'Coach Houses'. The standards are show in in Table 1 below:

Table 1: Current DADU & Proposed Coach House Standards

Zoning By-law 2009-141: DADU Setbacks		Proposed New Zoning By-law: Coach House Setbacks
Min. Front Yard	7 m	7.5 m
Min. Interior Side Yard	3 m	3 m
Min. Exterior Side Yard	3 m	1.2 m
Min. Rear Yard	7 m	1.2 m
Maximum Height	4.5m	5.5m if located above a detached garage, otherwise 4.5m

15. It is staff's position to retain the range of building types permitted in the drafted Neighbourhood Low zones, to permit detached homes, semi-detached homes, certain configurations of rowhouses, and coach houses. Staff are of the opinion that it is appropriate to permit a wide range of building types in all neighbourhood zones. Staff are further proposing this to be expanded, to permit low-rise buildings across the City. By permitting these buildings in all neighbourhood areas, it would allow for the opportunity to gently increase densities within built neighbourhoods and permit a variety of building forms. This is needed in order to address the “missing middle” of housing options across the City and address affordable housing. Following Bill 23, developments of 10 units or less would be permitted to go directly to building permit without the need for Site Plan approval. This would allow almost all of the as-of-right built forms to be built quickly, rapidly expanding the missing middle housing stock.

Compact Communities

16. The draft Zoning By-law proposes to create new zone categories and standards. This includes the Neighbourhood Residential (R5) and Neighbourhood Multiple Residential (RM3) zones, as they exist within Zoning By-law 2009-141, the current City comprehensive Zoning By-law. Neighbourhood Residential (R5) and Neighbourhood Multiple Residential (RM3) zones were introduced as zoning standards through the Salem and Hewitt's Secondary Plan Areas. This was planned to support the development of compact communities, with reduced setbacks, and other standards, from City Zoning By-law 2009-141.
17. Through consultation it has been demonstrated to planning staff that the existing R5 and RM3 standards are creating operational issues. This includes issues surrounding the operation of snow storage, garbage collection, emergency response and through resident complaints with on street parking issues and shorter driveway lengths. Further, certain building types may exist with access to a road classification which has caused continued functional challenges to other City departments. Planning Staff have been asked to explore addressing these challenges through the creation of the new Zoning By-law. While a Zoning By-law would not be able to provide for a complete solution, Planning Staff propose aligning certain building types to certain street types to address these challenges.
18. This would allow many of the R5 and RM3 standards to be carried forward under a new name and would address the many comments received in opposition to changing the existing R5 and RM3 zone standards, particularly where existing or known future developments would not conform to the proposed standards.
19. Through the next draft of the proposed new Zoning By-law, certain building types would only be permitted where accessed from certain street types (Local, Collector, Arterial). For example, on-street rowhouse would be permitted to be accessed only from a local street. Aligning buildings to street types in this way would limit driveway access on collector and arterial roads, support cycle lanes, and the reduce operational issues and maintenance of streets and laneways.
20. It is staff's position that building types should be aligned to street types, as it would assist in addressing current operational challenges, and ensure the appropriate building types locates on the appropriate street.

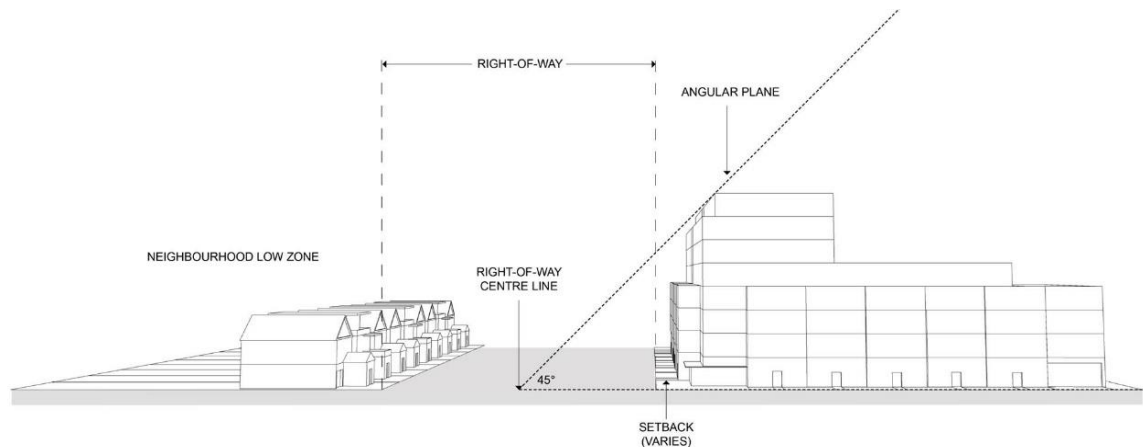
Modernize Parking Standards

21. Within the draft Zoning By-law, parking maximums have been introduced, and are established based on parking districts, with each corresponding to an area of the City. District 1 corresponds to the Urban Growth Centre (UGC) and Major Transit Station Areas (MTSAs). Comments received have expressed how costly it is to build parking structures, and how much land is used when creating surface parking. It has been recommended, to reduce the costs of development projects and increase overall affordability of residential units, that parking minimums be removed entirely.
22. Staff also note that using land for parking, both surface and structured parking, does not add to the development of walkable, pedestrian friendly places, or promote walking, active transportation, or the use of public transportation.
23. The removal of parking minimums in Parking District 1, may also have negative impacts, where parking spaces are not provided, additional strain may be placed on existing City owned and operated lots and street parking. This would impact those visiting, or parking for the short-term in the UGC and MTSAs, as residents who own a vehicle and do not have a dedicated space in their own building, will look elsewhere to store their vehicles.

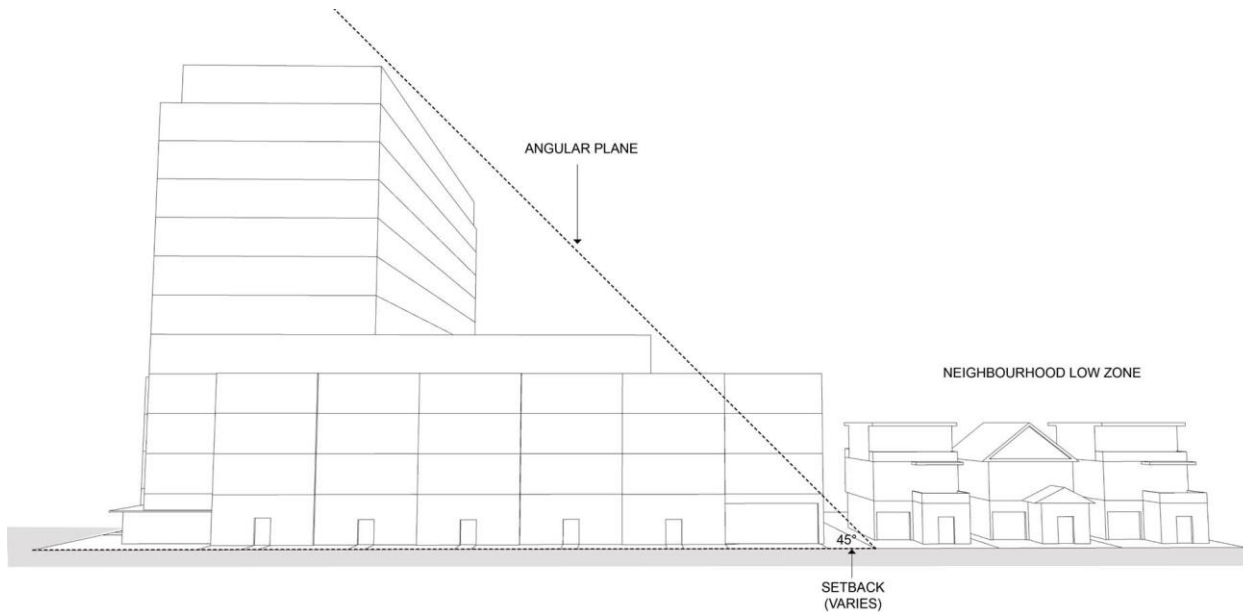
24. Planning staff suggest that parking minimums can be reduced, and parking rates should be revisited for the UGC and MTSAs. However, the minimums should not be removed at this time.

Appropriate transition to lower-scale neighbourhoods

25. Angular planes are a building integration tool used strategically in the new Zoning By-law to control the transition of taller, higher-density buildings, to areas planned for lower-density, ground oriented buildings.
26. An angular plane is defined as an imaginary inclined line drawn at a specified angle from a specified origin, which together with other building and lot standards delineates the maximum height of a building at its most sensitive existing to proposed building interface.
27. Angular plane standards in the draft Zoning By-law are only applicable to Mid-Rise buildings, High-Rise buildings, and Flex buildings when they are located next to and across the street from a Neighbourhood Low zone.
28. When a Mid-Rise, High-Rise, or Flex building is proposed across the street from a Neighbourhood Low zone, the building height shall not exceed an angular plane of 45 degrees as measured from the centre line of a shared right-of-way. See drawing below.



29. When a Mid-Rise, High-Rise, or Flex building is proposed adjacent to a Neighbourhood Low zone, the building height about the 4th storey shall not exceed an angular plane of 45 degrees as measured from the lot line at street level from any lot in the adjacent Neighbourhood Low zone. See drawing below.



30. Comments received have noted that angular planes are not appropriate for a municipal Zoning By-Law. A small number of commentators noted that angular planes will have a negative impact on affordability as the space lost through implementing an angular plane could be used for additional units of housing.
31. Stakeholders also questioned why the draft Zoning By-law does not permit, as-of-right, building heights maximums outlined in the Official Plan. Staff note that the draft Zoning By-law was written to strategically permit maximum building heights as outlined in the Official Plan (e.g., within the Urban Growth Centre). Conversely, it was written to strategically not permit maximum building heights as of right in certain conditions (e.g., where intensification areas about a low-rise/low-density neighbourhood). Staff are of the opinion that the proposed heights permitted in the draft Zoning By-law are appropriate and that buildings of a height greater than what is permitted need to be evaluated through *Planning Act* approvals process (e.g., a minor variance).
32. Planning staff are of the opinion that the angular plane standards proposed would provide for an appropriate transition to existing neighbourhoods, is required only in context sensitive instances and a balanced approach to planning for existing and future communities. Angular Plane requirements are currently found in Zoning By-law 2009-141 for neighbourhood mixed use zones and are commonly found in other municipal Zoning By-laws across southern Ontario. Given the significant amount of infill, intensification, and redevelopment permitted through the City by the new Zoning By-law, any potential 'loss' of future units as a result of angular plane requirements will be more than compensated in other areas.
33. A window-to-wall ratio has been introduced, requiring that all low-rise, mid-rise, and high-rise buildings, and flex buildings, provide a maximum 60% window-to-wall ratio for an overall building envelope. This means that up to 60% of all the walls on a building can be windows or openings or similar. In terms of the ground floor, a minimum of 50% of any wall facing a street, landscaped open

space, or amenity area, but not a laneway, shall be windows, entryways, non-opening windows, or similar.

34. Comments received have noted that window-to-wall ratios are not appropriate for a municipal Zoning By-law, as well, some commenters have noted that a window-to-wall ratio will have a negative impact on a developer's ability to build an affordable product, as it is an overly complex standard. Planning staff are of the position that section 34.1(5) of the *Planning Act* supports having window to wall ratios within the By-law.
35. Planning staff are of the opinion that the window-to-wall ratio standards proposed will aid in creating pedestrian-scale, streetscapes. They are found in other municipal Zoning By-laws across southern Ontario, and can improve the energy performance of a building, and visual comfort of a buildings face, by preventing large blank walls.

Transition of Existing Approvals

36. Planning regulation requires that a building permit conform to the in-force and effect Zoning By-law at time of building permit issuance. Given that the new comprehensive Zoning By-law will repeal and replace the 2009-141 Zoning By-law, zoning approvals under the old By-law that have not yet been built and may not conform to the new zoning standards will need to be addressed through the development of the new Zoning By-law.
37. Many approved projects, which required amendment to the current City Zoning By-law, have not yet been built, or completely built out. These currently exist as zones subject to special provisions. These special provisions will be incorporated into the body of the draft Zoning By-law. Some in-effect special provisions standards address only a portion of a development (e.g., reduced parking rates) while deferring to 2009-141 for all other standards (e.g., setbacks). Should the 2009-141 standards be different than those in the draft Zoning By-law, the 2009-141 standards would be carried forward on a site-specific basis. Amendments to in-effect special provisions are also being considered, particularly where the standards of the draft Zoning By-law are favourable to those in the special provision itself.
38. Feedback requesting that Committee of Adjustment approvals of minor variance applications be considered. As the these exist as requests for relief of the current City Zoning By-law, and not any future By-law, they cannot be carried forward if construction has not taken place.
39. The approach outlined above is well balanced as it will allow for the transition to the new Zoning By-law.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

The following environmental and climate change impact matters have been considered in the development of the recommendation:

40. The draft Zoning By-law permits more dense, compact built communities, and allows for developments to make better use of land, resources and infrastructure which is known to mitigate environmental and climate change impacts and preserve the natural heritage and environmentally protected lands in the city.
41. Reducing the required number of parking spaces may lead to less parking being built, further disincentivizing the use of a vehicle as a primary method of transport, generally, reducing greenhouse gas emissions. The reduction of surface parking and increase in urban canopy may have the effect of reducing the urban heat island effect and reduce impacts of stormwater management through reduced hard surfaces in the city.

ALTERNATIVES

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

Alternative #1

General Committee could direct staff to not develop and advance the next draft of the Zoning By-law for statutory consultation based on the guiding principles in Appendix "A".

This alternative is not recommended, as the statutory consultation period allows for staff to make further changes to the By-law before Council considers the By-Law for a decision. The need to consider a new Zoning By-law in a timely matter is pressing as there is currently a significant disconnect between the vision of the Official Plan and the standards of Zoning By-law 2009-141.

Further, this alternative is not recommended as it would require development applications and any lots subject to a special provision to go through an approvals process should there be an interest in using the standards of the draft Zoning By-law. The lack of integration of the in-effect special provision into the body of the draft Zoning By-law may lead to Ontario Land Tribunal appeals that are not only costly but would delay the implementation of the final Zoning By-law.

FINANCIAL

43. There are no immediate financial implications for the Corporation resulting from the proposed recommendation. There may be future financial impacts, as additional development, including more housing, would lead to more a larger tax-base for the City.

LINKAGE TO 2022-2026 STRATEGIC PLAN

44. The recommendation(s) included in this Staff Report support the following goals identified in the 2022-2026 Strategic Plan:

Affordable Place to Live

The proposed new Zoning By-law would expand the list of permitted housing types which could lead to the creation of a broader range of housing types and increase the housing supply in the city. The new By-law demonstrates a responsible use of land and resources.

Community Safety

The new Zoning By-law proposes to align built forms to road classifications which will address some of the traffic safety matters raised by residents across the city. A mix of uses and the use of community design strategies are known to allow people to live, work and shop within their neighbourhoods, promote walkability and increase community safety.

Thriving Communities

The proposed new Zoning By-law will continue to build on the community structure and implement policies of the Official Plan and create compact and complete communities.

Infrastructure Investments

The proposed new Zoning By-law proposes targeted intensification, which would make wise use of existing and planned infrastructure.

Responsible Governance

The City of Barrie is taking a leadership role in what municipalities can do to address the housing crisis for new and existing residents and focus on true community building.

Attachments: Appendix "A" - Zoning By-law Guiding Principles

Appendix "B" - Zoning By-law Building Types

APPENDIX "A"

Zoning By-law Guiding Principles

1. Affordability

- Create a Zoning By-law that expands the number and type of housing unit permitted on lots in neighbourhood areas, thereby ending exclusionary zoning.
- Permit and encourage opportunities for a full range of housing forms, types, and options, including affordable housing and housing with supports.
- Permit the "Missing middle" housing types, such as low-rise buildings, City-wide, in a context sensitive manner.
- Allow more density in neighbourhoods (increase building heights and number of units).
- Draft standards for more as of right permissions.
- Permit more compact communities (smaller setbacks, reduce minimum lot sizes).

2. Compact Communities

- Building types aligned to road classification to encourage walking, cycling and transit use and to support the implementation of the intensification policies of the Official Plan 2.6.1.2 (c).
- Permitting a variety of uses within zones to support walkability, reduce automobile dependency, and create opportunities for connectivity to local community.
- Integrate zoning standards into zones that can be applied City-wide.

3. Appropriate transition to lower-scale neighbourhoods

- Permit new development in built-out neighbourhoods that appropriately respects the scale, height, massing, lot pattern, building type, orientation, character, form, and planned function of the immediate local area.
- Permit minimum building heights outlined in the Official Plan in zones at the core of intensification areas, with greater heights to be permitted through a *Planning Act* approvals process.

4. Modernizing Parking Standards

- Reduce parking minimums across the City.
- More effective use of land.
- Provide flexibility in configuring off-street parking.
- Require bike parking.

5. Existing Zoning Approvals and Special Provisions

- That, as appropriate, Zoning By-law amendment applications approved prior to the enactment of the draft new Zoning By-law, be carried forward as part of the body of the draft Zoning By-law under a new 'special provisions' section.

APPENDIX "B"

Zoning By-law Building Types

*****Images are for Illustrative Purposes Only and not intended to reflect proposed standards*****

Ground Related/ Low Rise Built Forms

Detached House

A freestanding, small footprint, ground-oriented building. Accessory buildings or structures may be attached to a detached house.

Commonly known as: Single detached house*.

*While this building type/form may be renovated to create additional dwelling units, it is still referred to as a detached house in the draft Zoning By-law.


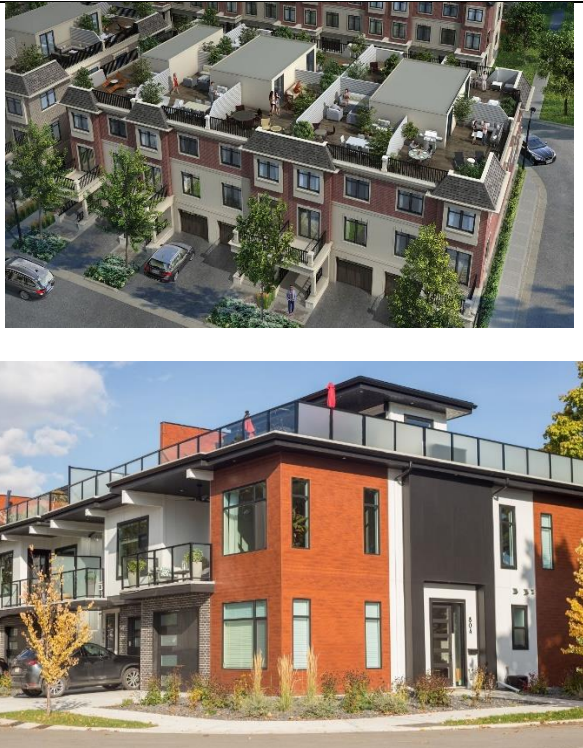


Semi-Detached House

A ground oriented, small footprint building, divided into two separate dwelling units* and lots of equal or similar size divided by a common wall. The building design is usually symmetrical with each unit on separate lots with individual site access, frontage, and principal entrance.

*While this building type/form may be renovated to create additional dwelling units, it is still referred to as a semi-



<p>detached house in the draft Zoning By-law.</p>	
<p>Rowhouse, On-Street A building with three or more attached units* divided vertically by a shared wall and where each dwelling unit has legal frontage on to a street as well as direct vehicular or pedestrian access to same.</p> <p>Commonly known as: On-Street Townhouse, Street Townhouse.</p> <p>*While this building type/form may be renovated to create additional dwelling units, it is still referred to as a rowhouse on-street, in the draft Zoning By-law.</p>	
<p>Rowhouse Back-to-Back A building containing four or more units*, divided vertically above grade by common wall, including a rear common wall, that do not have rear yards.</p> <p>Commonly known as: Back-to-back Townhouse</p> <p>*While this building type/form may be renovated to create additional dwelling units, it is still referred to as a rowhouse back-to-back, in the draft Zoning By-law.</p>	

Rowhouse, On-Street, Rear Access

A building with three or more attached units* divided vertically by a shared wall and where each dwelling unit has legal frontage on to a street and pedestrian access to same, and where vehicular access occurs via a rear laneway. Garages may be attached or detached from the dwelling units.

Commonly known as:

Townhouse with rear lane access, Laneway Townhouse.

*While this building type/form may be renovated to create additional dwelling units, it is still referred to as a rowhouse on-street, in the draft Zoning By-law.



Rowhouse (Cluster)

A group of rowhouse buildings situated on a lot in such a way that individual units may not have legal frontage on to a public street or right-of-way.

Commonly known as: Cluster Townhouse Development.

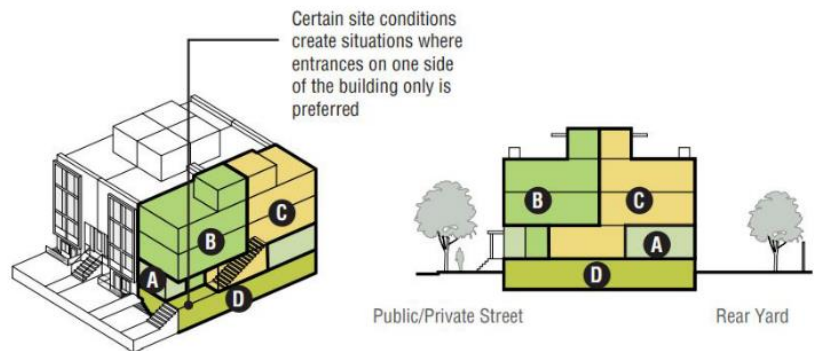


Stacked Rowhouses

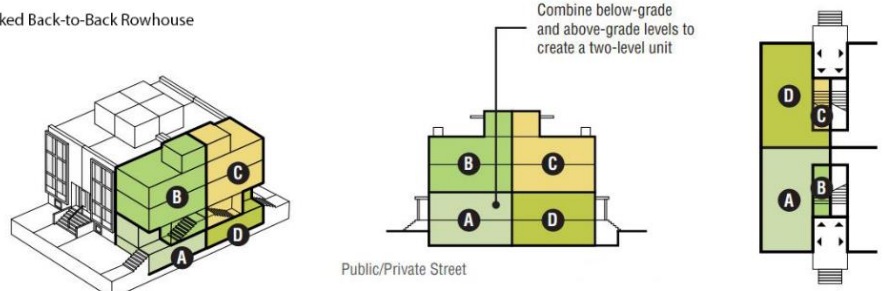
Any rowhouse building form may be "stacked". Stacked rowhouses have four or more dwelling units divided horizontally or vertically, each with an entrance that is independent or through a shared landing and/or external stairwell.

Commonly known as: Stacked Townhouse, Back-to-Back Stacked Townhouse/Stacked Back-to-Back Townhouse.

Stacked Rowhouse



Stacked Back-to-Back Rowhouse



Coach House

Means a built form type that generally consists of a detached, ground oriented, small footprint building with its own entrance, that is typically built in the rear yard of a property that has a permitted primary form in accordance with this Zoning By-Law.

Commonly known as:

Detached Accessory Dwelling Unit (DADU), Garden Suite, Laneway House.



Cluster Detached

Means a built form type that generally consists of multiple detached dwellings units on a single lot where there are three (3) or more residential units situated in such a way that at least one (1) dwelling unit does not have legal frontage on a street.

Commonly known as: Tiny Home Community.



Low-rise Building

Means a building that is between two (2) to five (5) storeys in height and includes interior corridors and hallways that provide access to individual dwelling units or commercial units such as but not limited to offices. May include an elevator.

Commonly known as: Walk-up apartment, low-rise apartment



Mid-Rise Built Forms

Mid-rise Building

Means a building that is a minimum of five (5) storeys up to a maximum of twelve (12) storeys in height and includes interior hallways, and an elevator(s).



Flex Building Built Form

Flex Building

Means a building with multiple uses and configurations commonly with multiple loading bays.

Common forms:

Commercial Plaza, Grocery Store, Church, School, Shopping Centre, Industrial Plaza, etc.



High Rise Built Form

Tower / Tower and Podium

Component parts of a High-Rise Building include:

A **podium**: the base of a building above grade, between two (2) to six (6) storeys.

A **tower**: the portion of the building above the 12th storey.

A **mid-rise building, up to 12 storeys, may also be permitted within high-rise forms.**

Commonly known as: High-rise Building, Tall Building

