



**DEVELOPMENT SERVICES
DEPARTMENT
MEMORANDUM**

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2021
Pending #:

TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

FROM: S. WHITE, RRP, PLANNER

NOTED: M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES
**A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH
MANAGEMENT**
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

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

DATE: OCTOBER 4, 2021

The purpose of this Memorandum is to provide Council with revised draft by-laws respecting the proposed city-wide amendment to Comprehensive Zoning By-law 2009-141, as well as requested mapping, which reflect the amendments approved by Planning Committee on September 21, 2021.

Revised Draft Amendment to Zoning By-law 2009-141

By-law Separated into Two By-laws: Appealable and Non-appealable Provisions

Staff have separated the draft by-law that was included as Appendix "A" to Staff Report DEV021-21 into two separate by-laws to make it easier to understand which provisions can and cannot be appealed.

Section 34 (19.1) of the *Planning Act* states there is no appeal in respect of the parts of a by-law that give effect to additional residential unit policies required by Sections 16 (3) and 35.1 (1) of the *Planning Act*, which require municipalities to authorize the use of two residential units in a detached house, semi-detached house or rowhouse, and the use of a residential unit in a building or structure ancillary to these. Considering this, the revised draft by-laws included in Appendices "A" and "B" are organized as follows:

- 1) Appendix "A" contains all of the proposed amendments to Zoning By-law 2009-141 standards for second suites and detached accessory dwelling units. This by-law is not subject to appeal, pursuant to Section 34 (19.1) the *Planning Act*.
- 2) Appendix "B" contains all other proposed amendments to Zoning By-law 2009-141. Any person or agency who made submissions prior to Council's decision may appeal to the Ontario Land Tribunal in respect of this by-law.

Amendments Passed by Planning Committee

During the Planning Committee meeting on September 21, 2021 the following changes were approved to the draft zoning by-law amendment by Planning Committee:

- 1) Revise Table 5.2.9.2 in Section 5.2.9.2 a) to require a minimum rear yard setback of 7.0 metres (23.0 feet) to an accessory building or structure containing a detached accessory dwelling unit
- 2) Add a new provision under Section 5.2.9.2 that states a detached accessory dwelling unit is not permitted to have a basement.

- 3) Add a new provision under Section 8.3.7.1 that states that notwithstanding the Institutional standards in Table 8.3 when residential uses are located in the same building as an institutional uses on a lot zoned Institutional, a maximum lot coverage of 50% shall be permitted.
- 4) Add a new provision under Section 8.3.7.2 that states that notwithstanding the Institutional standards in Table 8.3 when residential uses are located on the same lot as institutional uses on a lot zoned Institutional, a maximum lot coverage of 50% shall be permitted.

Items 1 and 2 above have been incorporated into the by-law in Appendix "A" and items 3 and 4 have been incorporated into the by-law in Appendix "B".

Additional Related Amendments Noted by Staff:

In addition to the changes approved by Planning Committee, staff have made the following additional updates to the text of the draft zoning by-law amendment in Appendix "A" given they are directly related to allowing a basement in a detached accessory dwelling unit, and Planning Committee has restricted these units from having basements:

- 1) 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*.~~
- 2) 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*.~~

By removing the notwithstanding clause from these provisions, gross floor area will continue to be calculated based on the standard definition in Section 3.0 which does not include any floor area in basements.

Mapping of Potential Impacts of Increased Rear Yard Setback Standards

Planning Committee directed staff in the Development Services Department to prepare a map indicating eligible properties for detached accessory dwelling units that would illustrate the impact of an increased rear yard setback standard. The maps provided in Appendix "C" are for discussion purposes only. Applications will always be assessed in full at the time an application is submitted.

Whether or not a property has a large enough rear yard for a detached accessory dwelling unit was estimated by applying a 7.0 metre (23.0 feet) setback to the rear lot line and a 7.5 metre (24.6 feet) setback from the building footprint of existing principal dwelling. The 7.5 metre (24.6 feet) setback from the principal dwelling is an estimate of the minimum distance required to accommodate a setback [3.0 metres (9.8 feet)] between the main house and a detached accessory dwelling unit as per Building standards; plus an estimated detached accessory dwelling building footprint [4.5 metre (14.8 feet) deep], which aligns with the minimum size for one of these units per Provincial standards.

How to Read the Map

A legend has been provided on the maps in Appendix "C" but for greater clarity:

- Green properties indicate a lot with a rear yard that may be large enough to accommodate a detached accessory dwelling unit.
- Red properties indicate a lot with rear yard that is likely not large enough to accommodate a detached accessory dwelling unit.

Limitations and Assumptions of the Mapping

As noted above, the mapping has been provided for discussion purposes only and any application to build a detached accessory dwelling unit will be assessed at the time an application is submitted. The mapping produced provides a high-level estimate of what properties might be eligible to build a detached accessory dwelling unit, however there are several potential limitations. Moreover, the following assumptions were made when creating the attached map:

- **Limiting distance:** The limiting distance (i.e. setback between the main house and a detached accessory dwelling unit) was assumed to be 3.0 metres (9.8 feet). The actual limiting distance calculation would be determined on a site by site basis per the Ontario Building Code (OBC) based on the size of the building faces and the number of unprotected openings (i.e. windows and doors) for both the main house and the detached accessory dwelling unit. It is likely this distance may be larger in many cases.
- **Detached accessory dwelling unit footprint:** A 4.5 metres (14.8 feet) deep detached accessory dwelling unit footprint was assumed. This was based on the smallest appropriate size for a tiny home permitted by the Ontario Building Code, which is 17.5 square metres (188.4 square feet).
- **Parking:** An analysis of adequate parking areas was not included. Further, the City has noticed a trend, that if three parking spaces cannot be provided for in the front yard (e.g., through a double garage and driveway), and side yard setbacks are wide enough for a driveway, additional parking is provided in the rear yard. The map does not account for this, and allotting the proper space for parking would likely make more properties ineligible for a detached accessory dwelling unit.
- **Trees and backyard structures:** The map does not assess these existing backyard conditions and there may be mature trees and other backyard structures (e.g. a pool, decks, other accessory buildings, etc.) that would restrict the size and location of a detached accessory dwelling unit.
- **Lot configuration and slope:** The map does not take into account the grading of a property and may falsely indicate that an irregularly shaped property could potentially accommodate a detached accessory dwelling unit.

APPENDIX “A” – Draft Zoning By-law Amendment – Non-appealable Provisions



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. 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 Detached Accessory Dwelling Unit and Second Suite and replacing them as follows:
 - a. 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.
 - b. 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** 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.
5. **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*.
- 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	7.0 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 to have a *basement*.
- g) A *detached accessory dwelling unit* is not permitted in a *front yard*.
- h) The maximum distance between the front lot line and the primary entrance to a *detached accessory dwelling unit* shall be 40.0 metres.
- i) 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*.

- j) 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.
- k) 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.
- l) 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.
- m) 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.
- n) 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*.
- o) A *detached accessory dwelling unit* shall comply with the requirements of Sections 4.5.1, 4.5.2 and 4.5.3.
- p) 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.

6. **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.

7. **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*".
- 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.

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 Zoning By-law Amendment – Appealable Provisions



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.
2. **THAT** Section 3.0 Definitions of Comprehensive Zoning By-law 2009-141 be amended by deleting the current definitions of Attic, Basement, Dwelling, Duplex, First Storey, Dwelling, Multiple, and Storey, 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. 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.
 - d. First Storey – shall mean the storey that has its floor closest to grade and it's ceiling more than 1.8 metres above grade.
 - e. Dwelling, Multiple – Shall mean a residential building, containing 4 or more dwelling units but shall not include an apartment dwelling or a converted dwelling.
 - f. 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.
3. **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”.
4. **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.

5. **THAT** Section 5.2.7.2 c) of Comprehensive Zoning By-law 2009-141 be deleted.
6. **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*.
7. **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*”
8. **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*”.
9. **THAT** Section 5.2.11 a) of Comprehensive Zoning By-law 2009-141 be deleted.
10. **THAT** Section 5.3.3.2 c) of Comprehensive Zoning By-law 2009-141 be deleted.
11. **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)”
12. **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.”
13. **THAT** Section 5.4.2.2 a) of Comprehensive Zoning By-law 2009-141 be deleted.
14. **THAT** Section 6.3.4.2 of Comprehensive Zoning By-law 2009-141 be deleted.
15. **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.
16. **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.
- c) Notwithstanding the Institutional standards in Table 8.3 when residential uses are located in the same building as an institutional uses on a lot zoned Institutional, a maximum lot coverage of 50% shall be permitted.

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*.



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- 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.
- c) Notwithstanding the Institutional standards in Table 8.3 when residential uses are located on the same lot as institutional uses on a lot zoned Institutional, a maximum lot coverage of 50% shall be permitted.

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.

17. **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



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APPENDIX "C" – Mapping







