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**TO:** GENERAL COMMITTEE

**SUBJECT:** PROPOSED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT: SECOND SUITES PERMISSIONS IN THE GEORGIAN NEIGHBOURHOOD STUDY BOUNDARY AREA

**WARDS:** 1, 2 AND 3

**PREPARED BY AND KEY CONTACT:** M. BANFIELD, RPP, MANAGER OF GROWTH AND DEVELOPMENT, EXT.5466

**SUBMITTED BY:** A. BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES, EXT. 4485

**GENERAL MANAGER APPROVAL:** A. BOURRIE, RPP, ACTING GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT, EXT. 4485

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

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### **RECOMMENDED MOTION**

1. That a Public Meeting be scheduled to consider amendments to the City's Official Plan and Zoning By-law 2009-141, as amended, that may be appropriate with respect to second suite permissions in the Georgian Neighbourhood Study Boundary Area.

### **PURPOSE & BACKGROUND**

#### Purpose

2. The purpose of this Staff Report is to provide background information on the City of Barrie's current policies and regulations regarding the permissions of second suites in the Georgian Neighbourhood Study Boundary Area. Staff recommend proposed changes to the City's Official Plan and Zoning By-law be considered to remove the restriction of second suites in the Georgian Neighbourhood Study Boundary Area. See Appendix A.

#### Background

3. The *Strong Communities through Affordable Housing Act* (2011, Bill 140) includes actions to address housing affordability in the Province of Ontario. Part of those amendments requires municipalities to establish official plan and zoning by-law provisions to allow second suites in singled detached, semi-detached and townhouse dwellings.
4. The City's Official Plan, through Official Plan Amendment No. 51 passed in 2015, established the permission for second suites throughout the City of Barrie, except in the Georgian Neighbourhood Study Boundary Area.
5. The City's Zoning By-law 2009-141, as amended by By-law 2015-056 and 2017-079, established the permission of second suites throughout Barrie, except in the Georgian Neighbourhood Study Boundary Area.

6. In 2018, an external review of the City's Zoning By-law was undertaken by the consulting firm WSP. One of the elements raised to Planning Staff was the limitation of second suites in the Georgian Neighbourhood Study Boundary Area. WSP also raised the fact that the restriction not only limits the availability of safe, affordable housing options in the City, the restriction may violate the Human Rights Code with a zoning standard that is based on the people that may be accommodated in the dwelling unit, including Georgian College students and others seeking affordable accommodation in this area, including staff at RVH.
7. Planning Staff are aware of many unregistered second suites in the Georgian Neighbourhood Study Boundary Area. This may result in unsafe housing because the City has not confirmed Building Code or Fire Code requirements.
8. Planning Staff understand that the restrictions placed on second suites in the Georgian Neighbourhood Study Boundary Area were in response to particular matters and interests expressed by residents and Council in 2015. However, Planning Staff believe it is appropriate and necessary to revisit these restrictions, commencing with a public meeting to obtain feedback from the community on this matter.

## **ANALYSIS**

9. Policy 3.3.2.2 (e) of the City's Official Plan states: "*Second Suites are permitted in single detached, semi-detached and street townhouses subject to the standards and provisions of the Comprehensive Zoning By-law. Second suites are not permitted in the area of the Georgian College Neighbourhood Community Improvement Plan on the basis that the City has taken significant initiatives to encourage purpose built student housing within this area in order to maintain the stability of existing neighbourhoods and minimize the impact of an undue concentration of second suites within this area.*"
10. Section 3.0 Definitions in the City's Zoning By-law 2009-141 defines a second suite as: "*a second dwelling unit on the same property that is accessory and subordinate to the principle unit.*"
11. Section 5.2.9 of the City's Zoning By-law 2009-141 outlines the general standards and parking standards for second suites. A second suite is permitted in the R1, R2, R3, R4, RM1, RM2 and RM2 –TH zones.
12. Section 5.2.9.1 (a) does not permit a second suite in the Georgian Neighbourhood Study Boundary Area. This section outlines other standards such as one second suite per lot (c) and a maximum of two bedrooms in a second suite (d). The two bedroom limit can be a challenge for families who are seeking second suites as an affordable housing option, however the limit is tied to definition of a second suite that is intended to be accessory and subordinate to the principle unit.
13. In accordance with Section 5.2.9.2 the parking requirement for a second suite is one space per dwelling unit (a) and tandem parking is permitted (b). In most instances, the parking requirement has been adequate for the use.
14. In 2018, a total of 52 zoning enforcement files were related to illegal second suites in the Georgian Neighbourhood Study Boundary Area. This amounts to approximately 25% of all enforcement cases in this area.
15. Unregistered second suites are enforced by the City's Zoning Enforcement Officers. Unregistered second suites in the Georgian Neighbourhood Study Boundary Area can only be registered if the property owner can confirm the unit existed prior to the policy direction that excludes second suites in this area. New units cannot be registered.

16. Without the registration process, there is no review or inspections for Building and Fire Code compliance.
17. Recently, it has been brought to the City's attention that due to an enforcement matter on a property in this area, a Landlord removed an illegal second suite in order to comply with City standards. This resulted in the tenant bringing the matter to the Landlord and Tenant Board. An order was issued by the Board for the landlord to re-instate a second suite even though they are not legally able to register a new second suite in the area. Without registration the City cannot ensure the safety of the unit and the tenants. This is another example of the importance of revisiting the permissions for second suites in this area.
18. Generally, the standards and provisions for second suites in the City of Barrie work well and allow for second suites and their occupants to become a part of neighbourhoods across the City, while offering a more affordable housing option for Barrie residents than standalone accommodation options. By amending the Official Plan and Zoning By-law to permit second suites in the Georgian Neighbourhood Study Boundary Area the expectation is that existing second suites will be brought up to applicable Building Code and Fire Code standards. In addition, permitting new second suites to be created and registered will increase the housing supply in an area of the City that needs a variety of housing options for a variety of residents, not just students.
19. A statutory public meeting under *The Planning Act* is required before changes to the Official Plan and Zoning By-law can be considered by Council.
20. Staff believe that information related to the current standards for second suites should be presented at the public meeting. Through the public consultation process information may be provided that would alter this material. Public input will be addressed in the Staff Report and corresponding recommendation for an Official Plan and Zoning By-law amendment to Council.
21. Staff are suggesting to schedule the required statutory public meeting at General Committee in May or June before Council breaks for the summer recess.
22. Should amendments ultimately be approved by Council to permit second suites in the Georgian Neighbourhood Study Boundary Area, Planning Staff will embark on a significant communication and public relations campaign to educate and support property owners with the registration of existing second suites and the creation of new second suites. Planning Staff will work closely with Zoning Enforcement, Property Standards, Building and Fire departments to respond to the new registrations of second suites in a timely and efficient manner.

### **ENVIRONMENTAL MATTERS**

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

### **ALTERNATIVES**

24. An alternative can be to not hold a public meeting and not proceed with Official Plan and Zoning By-law amendments to review the restrictions of second suites in the Georgian Neighbourhood Study Boundary Area. This alternative is not desirable as this approach would not support the direction of Provincial legislation to promote affordable housing through second suites. This alternative also does not address the fact that the existing policy regime in the City of Barrie does not support affordable housing fairly across the City and may be in contravention of the Human Rights Code by zoning based on the people accommodated in the dwelling. In addition, not proceeding with amendments to the Official Plan and Zoning By-law to permit and register second

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suites in the Georgian Neighbourhood Study Boundary Area means that there are second suites in this area that have not been inspected by the Building Department and Fire Department and may be unsafe.

### **FINANCIAL**

25. There are no financial implications for the Corporation resulting from the proposed recommendation. Should the restrictions on second suites in the Georgian Neighbourhood Study Boundary Area be removed there would be fees generated by the inspection and registration process for the registration of second suites. The current registration fee of a second suite is \$526.43. However, Planning Staff would recommend that the City offer an amnesty period following any policy changes that would waive fees for illegal existing second suites coming forward for inspections and registrations for a defined period of time.

### **LINKAGE TO 2018-2022 STRATEGIC PLAN**

26. 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

By removing restrictions on second suites in the Georgian Neighbourhood Study Boundary Area there is the ability for existing second suites to be inspected and brought up to current building code and fire code standards. This will provide safe, affordable housing options to residents in this area that would equal those the rest of the City enjoys as it relates to second suites.

- Building Strong Neighbourhoods

By removing restrictions on second suites in the Georgian Neighbourhood Study Boundary Area there is the ability to recognize the need for affordable housing and providing housing options equally for residents across the City and through the public process there is the ability to identify appropriate standards to mitigate any potential impacts to neighbourhood character and provides opportunities to improve living conditions for Barrie residents.