




TO: GENERAL COMMITTEE


SUBJECT: SECOND SUITES ZONING BY-LAW AMENDMENT

WARD: ALL

PREPARED BY AND KEY CONTACT: M. KALYANIWALLA, MANAGER OF POLICY PLANNING EXT. 4314

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

GENERAL MANAGER APPROVAL:  R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE & GROWTH MANAGEMENT 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That further to Council Motion 15-G-037, approving the Affordable Housing Strategy for the City of Barrie, the City's Official Plan and Zoning By-law be amended in accordance with Staff Report PLN012-15.
2. That pursuant to Section 34(17) of the Planning Act, no further public meeting is required prior to the passing of this by-law.

PURPOSE & BACKGROUND

Report Overview

3. The purpose of this Staff Report is to recommend approval of amendments to the City's Official Plan and Comprehensive Zoning By-law to expand permissions for second suites in appropriate zones and locations throughout the City of Barrie.
4. The Strong Communities through Affordable Housing Act, 2011 requires municipalities to establish Official Plan policies and Zoning By-law provisions and standards to permit second units in residential single and semi-detached, row (town) houses and in ancillary structures and removes the ability to appeal approved provisions to the Ontario Municipal Board. On February 18, 2015, Council approved the City of Barrie's Affordable Housing Strategy which recommended, amongst other things, that the Official Plan and Zoning By-law be amended to expand the permissions for second suites.

ANALYSIS

5. Second units, also known as accessory or basement apartments, secondary suites and in-law flats, are self-contained residential units with kitchen and bathroom facilities within dwellings, or structures accessory to dwellings. Second units must comply with applicable laws and standards which include the Building and Fire Codes and Zoning and Property Standards By-laws.

6. In addition to increasing the stock of affordable rental accommodations, second units benefit the community by:
 - providing homeowners an opportunity to earn additional income;
 - providing housing options for extended families, or elderly parents;
 - making more efficient use of public infrastructure;
 - encouraging the legalization of existing second units to ensure that they satisfy health and safety standards and are registered with the City.
7. Under the existing City requirements, second residential units are required to be registered with the City. As of January 1, 2015, there were 798 properties registered as "second suites" in the City of Barrie.
8. In accordance with the Affordable Housing Strategy, staff are recommending that the Zoning By-law be amended to allow second suites in single detached, semi-detached, rowhouses and in accessory structures, but restricted to only one second suite per lot. There were some questions raised during General Committee's consideration of the Affordable Housing Strategy regarding the merits of permitting second suites in row houses, given the potential for parking issues resulting from internal roads on townhouse blocks. Staff are recommending that second suites be permitted in row houses that have frontage on municipal roads to address this issue. The Strong Communities through Affordable Housing Act mandates that second suites be permitted in a broad variety of built form including row or town houses.
9. Notwithstanding that experience in other jurisdictions has shown that the uptake for second suites is only about 10-15% of the existing housing stock, it is anticipated that a significant concentration of second suites could develop within Ward 1 in the area of Georgian College driven by the demand for student housing.
10. Based on the initiatives taken with the Georgian College Neighbourhood Strategy to encourage dedicated student built housing, neighbourhood concerns over student overpopulation in single detached neighbourhoods near the College, the Strategy is recommending that second suites not be permitted in the Georgian College area as identified in the Georgian College Neighbourhood Study.
11. There were a number of issues raised during General Committee's consideration of the Affordable Housing Strategy related to second suites related to ownership, built-form and size of units.
12. With regard to the issue of ownership, municipalities do not have the authority in municipal by-laws to require that properties containing a second suite be owner occupied. This is an issue that has been raised on numerous occasions before when dealing with multi-unit forms of housing such as BLR's, second suites and student housing in predominantly single detached neighbourhoods. The Planning Act does not permit zoning on the basis of people or relationships but only on use.
13. The Affordable Housing Strategy as originally drafted recommended that the maximum size of secondary units be restricted to 50m². Based on comments and concerns from members of Council and the public, the strategy was amended and approved recommending that the size of the unit be restricted to 40% of the gross floor area (g.f.a) of the building in which it is located.

14. Gross floor areas is defined by the City's By-law as:

"the total area of all floors in a building, excepting a basement in a residential building, measured from the outside face of the exterior walls, but exclusive of any part of a building which is used for the storage or parking of motor vehicles other than for the automotive purposes defined in Section 3.0 in this By-law, for storage, stairwells, or for mechanical or electrical equipment providing services for the entire building....."

15. Based on this definition, basements even finished basements, are not considered part of the gross floor area of a house and as result the 40% size restriction will be calculated on the remaining finished portions of the house. The net result of this is that larger homes will be able to accommodate larger second suites, whereas smaller homes will be restricted in the size of the second suites they are able to accommodate. The Chief Building Official has indicated that the average size of a detached home in Barrie is between 1500 and 2000 ft². The following table illustrates the size of second suites which could be accommodated based on varying g.f.a's.

Gross Floor Area	1,000 ft ²	1500 ft ²	2000 ft ²
Size of Second Suite	400 ft ²	600 ft ²	800 ft ²

16. In all cases where a second suite is proposed the unit must conform to all building and fire code standards. In some cases where a second unit is propose in a basement, the cost of necessary upgrades can be significant particularly if ceiling heights do not conform to building code standards.
17. The strategy also recommends that second suites be permitted in detached accessory buildings subject to the provisions of the comprehensive zoning by-law related to detached accessory building which would restrict the height and size of the structure as well as other standards.

Existing Policies

18. Section 3.3.2.2(e) of the Official Plan currently contains policies allowing second suites in new plans of subdivision:
- (e) *Development applications for secondary suites are encouraged within new plans of subdivision where it is demonstrated that they will not have a negative impact on existing residential development or other land uses, traffic movement, parking, utility services, and other existing infrastructure. Their development shall be controlled through the application of Zoning and other relevant City by-laws. (Mod D (x))*
19. The Zoning By-law currently includes the following provisions related to secondary suites:

"5.2.9 Second Suites

5.2.9.1 General

A free standing detached dwelling in an (RM1-SS) Zone may be constructed or converted to include a second dwelling unit provided:

- a) *The property exists within a plan of subdivision that was registered after January 1, 2004;*

- b) *The entrance to each unit shall be by way of an exterior entrance door, or a door from a common entrance.*

5.2.9.2 Parking

That notwithstanding the parking requirements set out in Table 4.6, the following shall apply to a 2 unit house:

- a) *A minimum of 2 parking spaces shall be provided and located a minimum of 11m from the front lot line;*
b) *In addition to the minimum required landscaped open space in the front yard, a paved driveway of a minimum width of 5.4m shall be provided;*
c) *Tandem parking is permitted."*

Proposed Official Plan and Zoning By-law Amendments

20. In accordance with the Affordable Housing Strategy, staff are recommending that the Official Plan be amended to expand permissions for second suites throughout the City in single detached, semi-detached and row housing subject to the provisions outlined in the implementing by-law.

21. In accordance with the approved Affordable Housing Strategy, staff are also recommending the following changes to the Zoning By-law associated with second suites:

- a) Section 3.0 Definitions be amended by the inclusion of a new definition for a second suite including a definition for a dwelling unit in a detached accessory building.
b) Section 5.2.9 of the By-law be amended by the inclusion of the following Zoning Standards:

A maximum of one accessory dwelling unit shall be permitted per lot.

The accessory dwelling unit shall be the greater of 40% of the gross floor area of the principle use (dwelling unit) or 50m² when contained within the principle dwelling unit.

A maximum of 2 bedrooms is permitted in the second or accessory dwelling unit.

A second dwelling unit shall be permitted in a detached accessory building where zoning standards are met and are appropriate for the use.

An accessory dwelling unit in a detached accessory structure shall be limited to a building height of 4 metres and a maximum coverage of 50 square metres or 10% of the lot area whichever is lesser of the two.

Location Criteria

A Two Unit dwelling shall be permitted in single detached, first, second, third and fourth density residential dwellings, R1, R2, R3 and R4 lots; in residential multiple first density residential dwelling units, RM1 lots; and in residential multiple, second density and second density townhouse dwellings units, RM2 and RM2-TH, where the Two Unit dwelling has frontage on a municipal street.

Two Unit dwelling units will not be permitted in the Georgian College Neighbourhood Study boundary area.

Parking Requirements

One parking space per dwelling unit is required.

Design Criteria

The entrance to each unit shall be by means of an exterior door or a door from a common shared entrance. The front façade of the principle dwelling shall not be altered.

Access to the accessory dwelling unit shall be located in the side or rear yards from an exterior door or from an entrance that is shared to both dwelling units.

The front façade of the principle dwelling shall not contain a separate entrance to the accessory dwelling unit

Implementation

22. Staff have had several internal discussions with Planning Services, Legal Services and Building and By-law Services regarding the implementation of the proposed new standards and permission.
23. One of the issues raised by Building and By-law Services relates to interim enforcement measures. Currently no second suites are legal in Barrie with the exception those created between 1994 and 1996 under previous Provincial legislation. Consequently, any second suites which the Building and By-law Services Department receives complaints about need to comply with the by-law as it exists today or be removed. However, the changes being proposed by this report and attached by-law create the potential for some of these units to be legal upon approval of this report and Zoning By-law Amendment, provided that they meet Building and Fire Code standards. There are also a number of properties within the Georgian College area which contain illegal second suites which cannot be legalized following adoption of the proposed OPA and ZBA's as this report and the Affordable Housing Strategy are recommending that second suites not be permitted within this area.
24. The net result of this is that many of these second suites will likely continue to operate illegally and will not be subject to the building and fire code standards which other second suites will be subject to. This may also result in the removal of a number of second units currently being used for student housing through the enforcement process resulting in a significant shortage of student housing in the short to medium term and further reducing the vacancy rate in Barrie.
25. Therefore staff are also recommending that the by-law deem all second units that existed in the City on the date of the approval of the Affordable Housing Strategy (February 18, 2015) to be legal for the purposes of the by-law (though they would still need to comply with building and fire codes and parking requirements), however from this date onward no new second suites would be permitted within the Georgian College area. This would provide the opportunity for the current illegal units in this area to comply with code and continue to exist as legal units but would ensure that no new units could be developed in the Georgian area thereby comply with Council direction.
26. Following Council approval of the proposed amendments, staff will initiate a communication strategy to advise the public of the rules governing the establishment of second suites. Staff will work with the City's Communication Department to develop a web-based and social media based information platform. The Building and By-law Services Department would also conduct an information session open to the public to advise them of the new rules governing the creation of second units.

Summary

27. Staff are recommending a proposed amendment to the City of Barrie Official Plan and Zoning By-law to implement second suites policies and standards.
28. The Province has mandated that municipalities amend their planning instruments to encourage second suites in a variety of housing types across their jurisdictions. Second suites represent an opportunity to increase the supply of affordable housing in a municipality and also provide homeowners the ability to supplement their income to offset the rising cost of home ownership. Second suites will also assist the City in increasing the supply of rental housing and thereby improving the current vacancy rate in Barrie. However, unrestricted permissions for second suites have the potential to significantly impact neighbourhoods, particularly vulnerable areas or areas already feeling the pressure of multiple units in single detached housing such as in the Georgian College area. Staff are recommending the expansion of permissions for second suites with appropriate restriction which will hopefully mitigate some of the impacts of this use while still encouraging the overall use for all the benefits cited above.
29. A public meeting was held on May 4, 2014. The proposed recommendations of this report are generally in keeping with the information provided at the time of the public meeting and take into consideration the comments and concerns expressed at that time. Staff are of the opinion that no further public meeting is required.
30. Council should note that the Strong Communities through Affordable Housing Act amended the Planning Act to remove all rights of appeal on policies and standards related to permitting second suites through Official Plans and Zoning By-laws. This effectively means that following adoption of the Official Plan Amendment and Zoning By-law Amendment, the provisions of these documents as they relate to second suites are fully in effect.

ENVIRONMENTAL MATTERS

31. There are no environmental matters specifically related to the recommendation.

ALTERNATIVES

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

Alternative #1

General Committee could maintain the existing policy with respect to Second Suites (i.e. Status Quo).

This alternative is not recommended. The Province of Ontario has legislated through the Strong Communities through Affordable Housing Act that municipalities shall permit second suites in a large variety of housing types. If the City does nothing, the Province could amend the City's Official Plan through the next new Official Plan exercise.

Second suites are also viable and easily implementable form of affordable housing and may assist in alleviating the pressures on providing affordable housing.

Alternative #2

General Committee could maintain the proposed policy with respect to second suites but alter the proposed recommendation by allowing second suites in the Georgian College area or amending any of the proposed standards.

This alternative is also an equally viable alternative but staff are recommending the provisions outlined in this report as a careful balancing of competing objectives including increasing the opportunities for second suites to alleviate affordable housing pressures while minimizing the impact on existing neighbourhoods and pursuing the objectives of the Georgian College Neighbourhood Strategy.

FINANCIAL

33. There are no direct financial implications for the Corporation resulting from the proposed recommendation to amend the City's Official Plan and Zoning By-law to update the second suites policies and standards.
34. If approved the creation of new second suites may serve to increase assessment in areas of the City as properties that choose to add a unit will eventually be reassessed as two unit homes. There may also be a small impact on the provision of some City services as populations in these areas increase. However, research has indicated that the uptake on second suites in other jurisdictions has been only between 10% and 15% so in neither case will the impact be significant.

LINKAGE TO 2014-2018 STRATEGIC PLAN

35. The recommendations included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:
 - Inclusive Community
36. The proposed recommendation will establish policies intended to increase the supply of housing for all residents of Barrie.

Attachments: Appendix A – Draft Official Plan Amendment
Appendix B – Draft Zoning By-law Amendment

APPENDIX "A"

Draft Official Plan Amendment

PART A - THE PREAMBLE

Purpose

The purpose of this amendment is to amend the policies of Section 3.3.2.2 of the Official Plan to provide expand permissions for second suites throughout the City of Barrie.

Location

This amendment is a text amendment that applies to the entire City of Barrie and specifically relates to Section 3.3.2.2 Affordable Housing Policies of the Official Plan.

Basis

On February 18th, 2015 the Council of the Corporation of the City of Barrie approved a new 10 year Affordable Housing Strategy that which recommended, amongst other thing, that the Official Plan and Zoning By-law for the City of Barrie be amended to expand permissions for Second Suites. (Motion 15-G-037).

Second units, also known as accessory or basement apartments, secondary suites and in-law flats, are self-contained residential units with kitchen and bathroom facilities within dwellings, or structures accessory to dwellings. Second units must comply with applicable laws and standards which include the Building and Fire Codes and Zoning and Property Standards By-laws.

In addition to increasing the stock of affordable rental accommodations, second units benefit the community by:

- providing homeowners an opportunity to earn additional income;
- providing housing options for extended families, or elderly parents;
- making more efficient use of public infrastructure;
- encouraging the legalization of existing second units to ensure that they satisfy health and safety standards and are registered with the City.

Notwithstanding the objective of expanding permissions for second suites it is anticipated that a significant concentration of second suites could develop within Ward 1 in the area of Georgian College driven by the demand for student housing.

Based on the initiatives taken with the Georgian College Neighbourhood Strategy to encourage dedicated student built housing, neighbourhood concerns over student overpopulation in single detached neighbourhoods near the College, the Strategy is recommending that second suites not be permitted in the Georgian College area as identified in the Georgian College Neighbourhood Study.

PART B - THE AMENDMENT

Details of the Amendment

That Section 3.3.2.2(e) of the City of Barrie Official Plan be amended by deleting the Section in its entirety and replacing it with the following:

3.3.2.2 Affordable Housing

- (e) Two unit dwellings 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.

Implementation

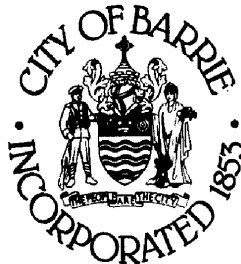
Following the approval of this amendment, the City's zoning by-law will be amended to expand permissions for second suites in the zones which accommodate the building types listed above and to establish performance standards for this type of use. The By-law will also be amended to identify the area of the Georgian College Neighbourhood where second suites will not be permitted on a separate schedule to the By-law.

Interpretation

The provision of the Official Plan, as amended from time to time, shall apply in regard to this Amendment.

APPENDIX "B"

Draft Zoning By-Law Amendment



Bill No. XXX

BY-LAW NUMBER 2015-

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 By-law 2009-141;

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 15-G-037;

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts that the City of Barrie Comprehensive Zoning By-law 2009-141 be amended as follows:

1. **THAT** Section 3.0 be amended to insert a new definition for Two Unit Dwellings after Dwelling, Single Detached, as follows:

Dwelling, Two Unit

Shall mean a residential building containing two dwelling units on the same lot. A Two Unit Dwelling includes a duplex dwelling, semi-detached dwelling on the same property, and shall also include two dwelling units located on a lot where the second unit is accessory and subordinate to the principal unit such as, second suites.

2. **THAT** Section 3.0 be amended to insert a new definition for Detached Accessory Dwelling after Dwelling, Converted, as follows:

Dwelling, Detached Accessory

Shall mean a detached accessory building containing a second suite located on the same property as the principal dwelling unit.

3. **THAT** Section 3.0 be amended to insert a new definition for Second Suite after School, as follows:

Second Suite

Shall mean a second dwelling unit on the same property.

4. **THAT** Section 5.2. Table of Permitted Uses be amended to insert an "X" in the Permitted Use chart category for Two Unit Dwelling under the R1, R2, R3, and R4 columns.
5. **THAT** Section 5.2. Table of Permitted Uses be amended to insert superscript ^{"(14)"} beside the words Two Unit Dwelling.
6. **THAT** Section 5.2. Table of Permitted Uses be amended to insert superscript ^{"(14)"} See 5.2.3. & 5.2.9" at the end of the table after ⁽¹³⁾.
7. **THAT** Section 5.2.3.1.(a) be deleted and replaced with the following:

The RM1 standards shall apply to *semi-detached dwellings* and *duplex dwellings* located in the RM2 and RM2-TH zones and all other *two unit dwellings* shall meet section 5.2.9. of this By-law.

8. **THAT** Section 5.2.5.1.b) be deleted and replaced with the following:
 - b) A maximum of 8 *street townhouse development* units, which are attached above and below grade by either the garage or by the main common wall that is at least 80% of the length of the adjoining units, be constructed in a row that front on a *street*.
9. **THAT** Section 5.2.9 be deleted and replaced with the following:

5.2.9 Second Suite

5.2.9.1 General

A free standing detached dwelling in an (RM1-SS) zone may be constructed or converted to include a second *dwelling unit*.

Except as provided herein, a *second suite* shall be permitted in the R1, R2, R3, R4, RM1, RM2 and RM2-TH zones where the principal *dwelling unit* has frontage on a municipal *street* subject to the following:

- a) A *second suite* shall not be permitted in the Georgian Neighbourhood Study Boundary Area identified in Appendix XX and section 5.2.9.2.(a) of this By-law.
- b) The entrance to each unit shall be by way of an exterior entrance door, or a door from a common entrance and that the façade of the principal dwelling shall not be altered. The front façade of the principal dwelling shall not contain a separate entrance to the *second suite*. Access to the *second suite* shall be located in the side or rear yards from an exterior door or from an entrance that is shared to both *dwelling units*.
- c) A maximum of one *detached accessory dwelling* or *second suite* shall be permitted per lot.
- d) A *second suite*, when contained within the principal dwelling, shall have a maximum floor area equivalent to 40% of the *gross floor area* of the principal dwelling or no more than 50m² whichever is greater when located in the R1, R2, R3, R4, RM1, RM2 and RM2-TH zones.
- e) A maximum of 2 bedrooms is permitted in the second suite or *detached accessory dwelling unit*.

- f) A *detached accessory dwelling* unit shall be permitted in a *detached accessory building* subject to the standards in section 5.3.5. and sections 4.5.1. & 4.5.2. of this By-law.
- g) A *second suite* or *detached accessory dwelling* unit shall not be less than 35m² in size for a bachelor unit and for each additional bedroom a minimum of 10m² shall be required.

5.2.9.2 Parking

That notwithstanding the parking requirements set out in Table 4.6 the following shall apply to a property containing a *second suite*.

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

5.2.9.3 Standards

- a) All uses permitted are subject to the development standards referenced in Table 5.3. of this By-law.
- b) Any *second suite* that existed on February 18th, 2015 shall be permitted subject to compliance with the standard set out in section 5.2.9.2.

10. **THAT** Table 5.3. be amended by adding (*) in the Dwelling Unit floor area (min.) row under the R1, R2, R3 and R4 columns.

11. **THAT** Table 5.3. be amended by adding the following at the end of the table:

(*) Shall be the minimum *dwelling unit floor area* for the principal use (*dwelling unit*).

12. **THAT** a new Appendix for the Georgian Neighbourhood Study Boundary Area be inserted into the City of Barrie Comprehensive Zoning By-law 2009-141 as Appendix XX.

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

READ a first and second time this XX day of XXXXXX, 201X.

READ a third time and finally passed this XX day of XXXXX, 201X.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. R. LEHMAN

CITY CLERK – DAWN A. MCALPINE