



SUBJECT: MEMORANDUM
Authorization to hold a Public Open House on Rooming Houses and Short-Term Accommodations (Phase 3a - New Comprehensive Zoning By-law Project)
PR 13 128340

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RECOMMENDATION:

- 1) THAT the memorandum dated July 28, 2016 entitled, “MEMORANDUM: Authorization to hold a Public Open House on Rooming Houses and Short-Term Accommodations (Phase 3a – New Comprehensive Zoning by-law Project) PR 13 128340” be received;
- 2) THAT staff be authorized to hold a Public Open House to consider preliminary recommendations to address rooming houses and short-term rental accommodations in Markham, as outlined in the attached reports and presentation prepared by Gladki Planning Associates (Appendix ‘A’, ‘B’ and ‘C’) and as summarized in this memorandum;
- 3) AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this memo is to obtain feedback from Development Services Committee on preliminary recommendations for addressing rooming houses and short-term rental accommodations in Markham, as outlined in the attached reports and presentation prepared by Gladki Planning Associates (GPA) (Appendix ‘A’, ‘B’ and ‘C’), and to seek authorization to hold a Public Open House to obtain feedback from stakeholders.

BACKGROUND:

Phase 3a New Comprehensive Zoning By-law Project

In March 2016, GPA was retained by the City to complete work on Phase 3a (Review of potential zoning and licensing regulations for rooming houses, second suites and short-term rental accommodations). Phase 3a is targeted for completion by the end of 2016.

Markham Official Plan – Rooming Houses

Markham’s new Official Plan (OP) was adopted by Council in 2013 and was approved, in large part, by the Region in June 2014. Certain Official Plan policies remain under appeal to the Ontario Municipal Board. The new Official Plan does not specifically address rooming houses but it is considered as a form of shared housing. Shared Housing is defined in the Official Plan (Section 11.2) as follows:

“Shared housing” is a form of housing where individuals share accommodation either for economic, support, long-term care, security or lifestyle reasons.

- a) Shared housing small scale is a form of housing where 3 to 10 persons share accommodation with or without support services.
- b) Shared housing large scale is a form of housing where more than 10 persons share accommodation with or without support services.
- c) Shared housing long term care is a form of housing where people who need 24-hour nursing care in a secure setting share accommodation.
- d) Shared housing supervised is a form of housing where people who need 24-hour supervision in a secure setting share accommodation.

Section 4.1.1.2 of the new Official Plan states that it is Council policy to diversify the housing stock to provide a variety of housing forms and sizes to respond to changes in household composition including increasing opportunities and options for shared housing.

Section 4.1.3 of the Official Plan identifies shared housing as an opportunity to diversify the housing stock. Section 4.1.3.4 states that it is Council policy to support the equitable distribution of shared housing across Markham neighbourhoods within permitted building forms.

The Official Plan (Chapter 8) provides for shared housing small scale in the following land use designations: Residential Low Rise, Residential Mid Rise, Residential High Rise, Mixed Use Low Rise, Mixed Use Mid Rise, Mixed Use High Rise, Mixed Use Office Priority and Mixed Heritage Main Street.

Section 8.13.9.1 sets out specific land use policies for shared housing including that it be accommodated within a permitted building type in accordance with all applicable codes, by-laws and regulations.

Markham Zoning By-laws – Rooming Houses

Rooming houses are not permitted in any Markham Zoning By-laws, however some By-laws do refer to rooming houses. For example, By-law 90-81, as amended, includes boarding or rooming houses in the definition of “dwelling” and By-law 1229, as amended, includes a definition for boarding house or lodging house.

Markham Centre Zoning By-law 2004-196, as amended, does not make any specific reference to shared housing forms, and does not permit boarding houses, rooming houses, or dormitories, although these terms are included in the definition of “suite”, as follows:

“Suite” means a single room or series of rooms of complementary use, operated under a single tenancy and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

In addition, certain By-laws amending By-law 2004-196, as amended, permit dwelling units and retirement home rooms/units on any storey, including the first storey, of an apartment building in specific areas and subject to special site provisions.

Markham Official Plan – Short-Term Accommodations

Markham's new OP does not contain specific policies with respect to short-term accommodations. The new OP defines "bed and breakfast establishment" as follows:

"Bed and breakfast establishment" means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is the principle residence of the proprietor of the establishment"

Markham Zoning By-laws – Short-Term Accommodations

There is no specific definition for short-term accommodation in Markham's Zoning By-laws. However, several Markham Zoning By-laws define similar terms such as "bed and breakfast inns", "motels", "hotels", "hotel apartment", and "tourist establishment".

OPTIONS/DISCUSSION:

Preliminary Recommendations – Rooming Houses

Based on a review undertaken by GPA, as outlined in their report (Appendix 'A'), the following are preliminary recommendations from GPA for addressing rooming houses in Markham:

Option 1: No Change

Rooming houses would continue to not be permitted anywhere in Markham and would not be defined. Staff would continue to respond to complaints regarding zoning by-law non-compliance and address potential issues around gaining entry to inspect premises on a case by case basis.

Option 2: Define Rooming Houses, Without Zoning Permissions

Introduce a definition of rooming house and dwelling room into Markham's zoning by-laws based on the definition in the Fire Code and Building Code, and Official Plan definition of "shared housing" but not permitting the use anywhere in Markham. Under this scenario each application would require zoning approval and would be reviewed on its own merits. A proposed possible definition of "rooming house small scale" is as follows:

"A building that does not exceed 3 storeys where lodging is provided in 3 or more dwelling rooms, but not more than 8 dwelling rooms, in return for remuneration or the provision of services (or both); and where dwelling rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants."

A proposed definition of “rooming house large scale” could be similar except for buildings with more than 8 dwelling rooms.

A possible definition of “dwelling room’ is as follows:

“a room designed for human habitation and may include either but not both culinary or sanitary conveniences, but does not include:

- i. A room in a hotel, tourist establishment or bed and breakfast inn;*
- ii. A bathroom or a kitchen; or*
- iii. A windowless storage area.”*

Option 3: Definition and Permission in Selected Zones

Introduce a definition of “rooming house” (small and large scale) and “dwelling room” in the zoning by-law, as described in Option 2 above, and also identify possible area(s) in Markham where such a use may be permitted. Areas for potential consideration for such a permission include Markham Centre and perhaps some portions of major arterials where other multi-unit dwellings are already permitted.

Preliminary Recommendations – Short – Term Accommodations

Based on a review undertaken by GPA, as outlined in their report (Appendix ‘A’), the following are preliminary recommendations from GPA for addressing short-term accommodations in Markham:

Option 1: No Change (apply existing bed and breakfast zoning permission)

No amendments to Markham Zoning By-laws proposed. Markham would continue to rely on the enforcement of existing by-laws that address concerns related to noise, parking, safety and neighbourhood character. The City could also rely on existing zoning by-law provisions related to bed and breakfast establishments to address short-term accommodations.

Option 2: Introduce a Zoning By-law Definition for “Short-Term Accommodation”

A definition for small scale short term accommodations could be created using the Town of Blue Mountain’s definition as an example. Short-Term Accommodations could be permitted initially in any location of the City because the use would be small scale and likely create little or no neighbourhood impact. The definition could include a restriction on the maximum number of bedrooms for short-term accommodations to deter large numbers of people from using existing entire houses for this purpose. A potential definition of “short term accommodation” is as follows:

“A dwelling or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for not more than 4 bedrooms to the traveling public for overnight accommodation for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. Short term accommodation shall not mean

or include a motel, hotel, bed and breakfast inn, tourist establishment or similar commercial or institutional use.”

Option 3: Define “Short-Term Accommodations” and Permit/Prohibit in Appropriate Locations

The definition of “short-term accommodation” as proposed under Option 2 could be combined with restrictions on where the use is permitted. Based on the three case studies reviewed by GPA, short-term accommodations are typically permitted in higher density residential areas or areas located in close proximity to major streets. This option would also need to address parking standards and possibly other zoning provisions.

If a zoning by-law amendment were approved to define and/or permit rooming house and short-term accommodations, Markham may institute a licensing program to require licensing for all short-term accommodations.

Staff is seeking input from DSC on the above preliminary recommendations respecting rooming houses and short-term accommodations and is seeking authorization to hold a Public Open House in September to obtain feedback from stakeholders. A Statutory Public Meeting and final staff report, with draft by-law amendments, to Development Services Committee is targeted for the end of 2016.

FINANCIAL CONSIDERATIONS:

There may be financial implications for specific City departments with respect to staffing matters such as enforcement, inspection, etc. which will be discussed in a future staff report.

HUMAN RESOURCES CONSIDERATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A.

BUSINESS UNITS CONSULTED AND AFFECTED:

N/A

RECOMMENDED

BY:

Biju Karumanchery, MCIP, RPP
Director Planning & Urban Design

Jim Baird, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

APPENDIX ‘A’ - Rooming Houses: Preliminary Recommendations Report

APPENDIX ‘B’ – Short-Term Accommodations: Preliminary Recommendations Report

APPENDIX ‘C’ - Presentation by GPA