

New Comprehensive Zoning By-law Project

Phase 3A

*Secondary Suites; Rooming Houses; Short Term
Accommodation*

Open House
October 11, 2016



Phase 1
Zoning Issues
Analysis

- Background work
- Completion of discussion papers identifying and examining zoning issues



March 2016

Phase 2
Strategic
Direction

- Strategic Direction Report – recommendations to guide the drafting of the new comprehensive zoning by-law



June 2016

Phase 3
Drafting of
new ZBL

- Development of the new comprehensive zoning by-law



**Q1 2017 –
Q2 2018**

Phase 3A

- Potential new zoning & licensing regulations for secondary suites, rooming houses & short term accommodations

**March 2016 -
Dec 2016/Jan 2017**



Secondary Suites-Background



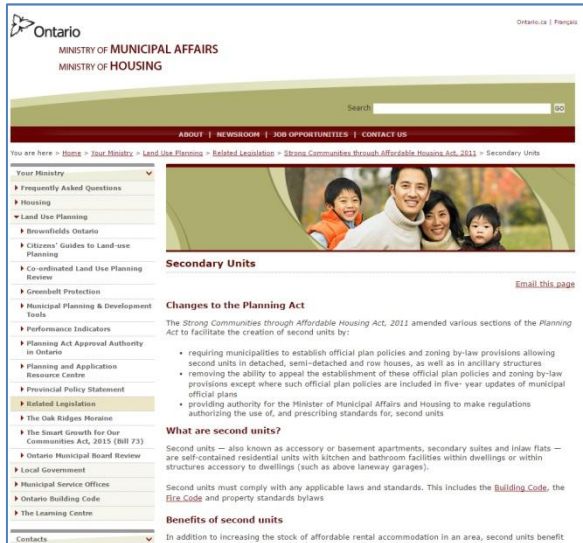
Markham's Proposed Policy for Second Suites

FAQ'S Frequently Asked Questions (Updated June 2008)



- Markham Council last considered secondary suites in March 2009
- Council sub-committee was set up in 2008
- Proposed zoning by-law amendments and other recommendations were not acted upon
- March 2016 - Markham Development Services Committee directed Staff to advance work on New Comprehensive Zoning By-law Project relating to secondary suites, rooming houses and short term accommodations (Phase 3a)

Planning Act-Secondary Suites

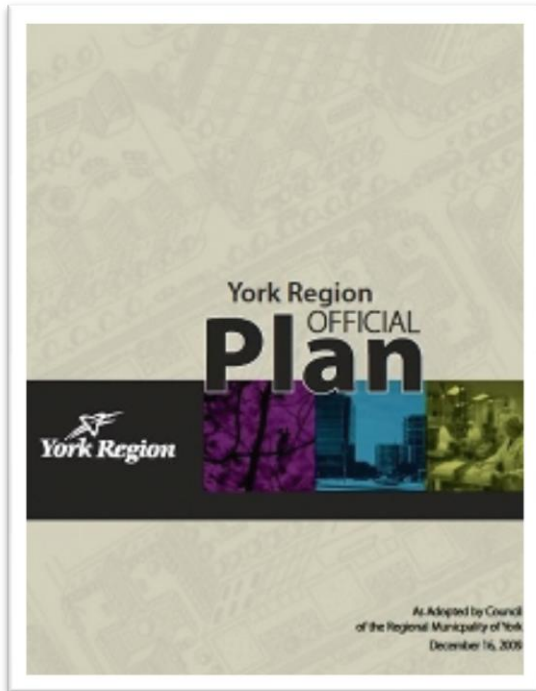


The screenshot shows the Ontario Ministry of Municipal Affairs and Housing website. The page title is "Secondary Units". The content includes a navigation menu on the left, a search bar at the top, and a main content area with the following sections:

- Changes to the Planning Act**: The Strong Communities through Affordable Housing Act, 2012 amended various sections of the Planning Act to facilitate the creation of second units by:
 - requiring municipalities to establish official plan policies and zoning by-law provisions allowing second units in detached, semi-detached and row houses, as well as in ancillary structures;
 - removing the ability to appeal the establishment of these official plan policies and zoning by-law provisions except where such official plan policies are included in five-year updates of municipal official plans;
 - providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units.
- What are second units?**: 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 within structures accessory to dwellings (such as above-laneway garages).
- Benefits of second units**: In addition to increasing the stock of affordable rental accommodation in an area, second units benefit

- Section 16 (3) of the Planning Act states that official plans shall authorize the use of a second residential unit in detached, semi-detached and row houses or within ancillary structures (2012 amendment)
- Section 35.1 states that zoning by-laws shall give effect to the policies referred to in 16 (3) (2012 amendment)
- Section 76 provides that all second suites that were used or occupied before November 16, 1995 shall continue to enjoy legal status

York Region Official Plan-Secondary Suites



- Section 3.5.22 requires local municipalities to adopt official plan policies and zoning by-laws to authorize secondary suites

Markham Official Plan-Secondary Suites

A secondary suite is defined in the new Official Plan 2014 as:

“a second residential unit in a detached house, semi-detached house or row house that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.”



- Section 4.1.2.6 provides for the establishment of second suites within existing and new dwelling types in accordance with the York Region Plan
- Chapter 8 provides for second suites in all Residential, Mixed Use, Greenway and Countryside designations
- Section 8.13.8 states that in passing by-laws to permit secondary suites Council shall be satisfied that an appropriate set of development standards are provided for

Existing Markham Zoning By-laws



- Secondary suites are not permitted in any zone except for:
 - MC-03, MC-04 and MC-05 zones in Markham Centre (By-law 2004-96)
 - As an accessory dwelling unit above a garage in Cornell (by-law 177-96)
 - As an accessory dwelling unit associated with a lane based dwelling in Cathedral Town (By-law 177-96)
 - As an accessory dwelling unit in association with lane based semi-detached and townhouses in the West Cathedral Community (By-law 177-96)

Committee of Adjustment

- Between June 2015 and August 2016 the Committee of adjustment has approved 12 applications to permit secondary suites
- One application was deferred because the entrance was inadequate
- One application was rejected because there were concerns that it had been a rooming house

Building and Fire Codes



- All secondary suites must comply with Building and Fire Code provisions including such things as:
 - Adequate entry/exit doors
 - Fire safety measures including fire separation and smoke and carbon monoxide detectors
 - Adequate natural light, ventilation and headroom

- Although not required by the Building Code, the following is also required:
 - Electrical permits for all electrical work associated with secondary suites
 - Installation of gas appliances within secondary suites must be provided by a licensed gas fitter

Other Ontario Municipal Zoning By-laws

- Following the passage of the 2012 changes to the Planning Act most municipalities have amended their by-laws to permit secondary suites.
- In the GTAH the following municipalities permit secondary suites:
 - **Toronto, Hamilton**
 - **York:** Aurora, East Gwillimbury, Georgina, Newmarket, Whitchurch-Stouffville
 - **Halton:** Burlington, Halton Hills, Milton, Oakville
 - **Peel:** Brampton, Caledon, Mississauga
 - **Durham:** Ajax, Brock, Clarington, Oshawa, Pickering, Scugog, Whitby

Issues-Secondary Suites

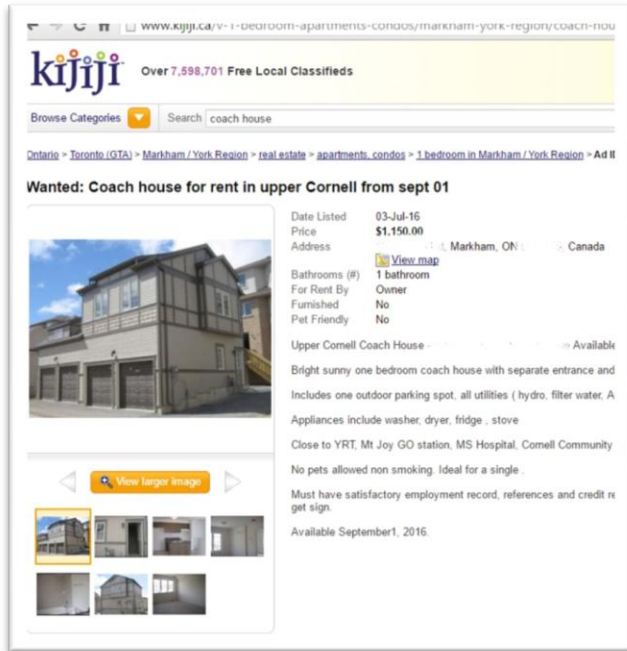


- **Secondary Suites Exist.** There is a demand for this type of housing
- **Safety.** Fire safety and code requirements may not be met if secondary suites cannot legally apply for permits
- **Impact on Services.** There is no evidence that secondary suites have an impact on services. The number of persons per household in Markham is declining and secondary suites may offset this decrease

Issues-Secondary Suites

- **Parking**
 - The Parking Standards By-law requires 2 parking spaces per dwelling unit, plus one additional space for accessory dwellings.
 - The Extended Driveway By-law prohibits parking in a front or exterior yard except on a driveway leading to garage.
- **Neighbourhood Character**
 - Parking is controlled through existing by-laws (Extended Driveway By-law and on-street parking controls)
 - Zoning by-law can address external appearance along street frontage
 - External property maintenance—addressed through Housing Standards By-law
 - Absentee owners—zoning by-laws cannot restrict use on the basis of ownership; real concern is with maintenance issues

Benefits of Secondary Suites



www.kijiji.ca/v/1-bedroom-apartments-condos/markham-york-region/coach-house

kijiji Over 7,598,701 Free Local Classifieds

Browse Categories Search coach house

Ontario > Toronto (GTA) > Markham / York Region > real estate > apartments, condos > 1 bedroom in Markham / York Region > Ad #

Wanted: Coach house for rent in upper Cornell from sept 01

Date Listed 03-Jul-16
Price \$1,150.00
Address Markham, ON Canada
Bathrooms (#) 1 bathroom
For Rent By Owner
Furnished No
Pet Friendly No

Upper Cornell Coach House Available

Bright sunny one bedroom coach house with separate entrance and includes one outdoor parking spot, all utilities (hydro, filter water, A Appliances include washer, dryer, fridge , stove
Close to YRT, Mt Joy GO station, MS Hospital, Cornell Community
No pets allowed non smoking. Ideal for a single.
Must have satisfactory employment record, references and credit re get sign.
Available September1, 2016

- Flexibility to address demographic changes within existing housing stock
- Contribute to stock of affordable housing without subsidy
- Provide housing opportunities for small households (seniors, young adults)
- Provide a source of income for homeowners (can make homeownership more affordable)
- Provides sense of security for homeowners
- Contribute to the ongoing sustainability of housing stock and delivery of services

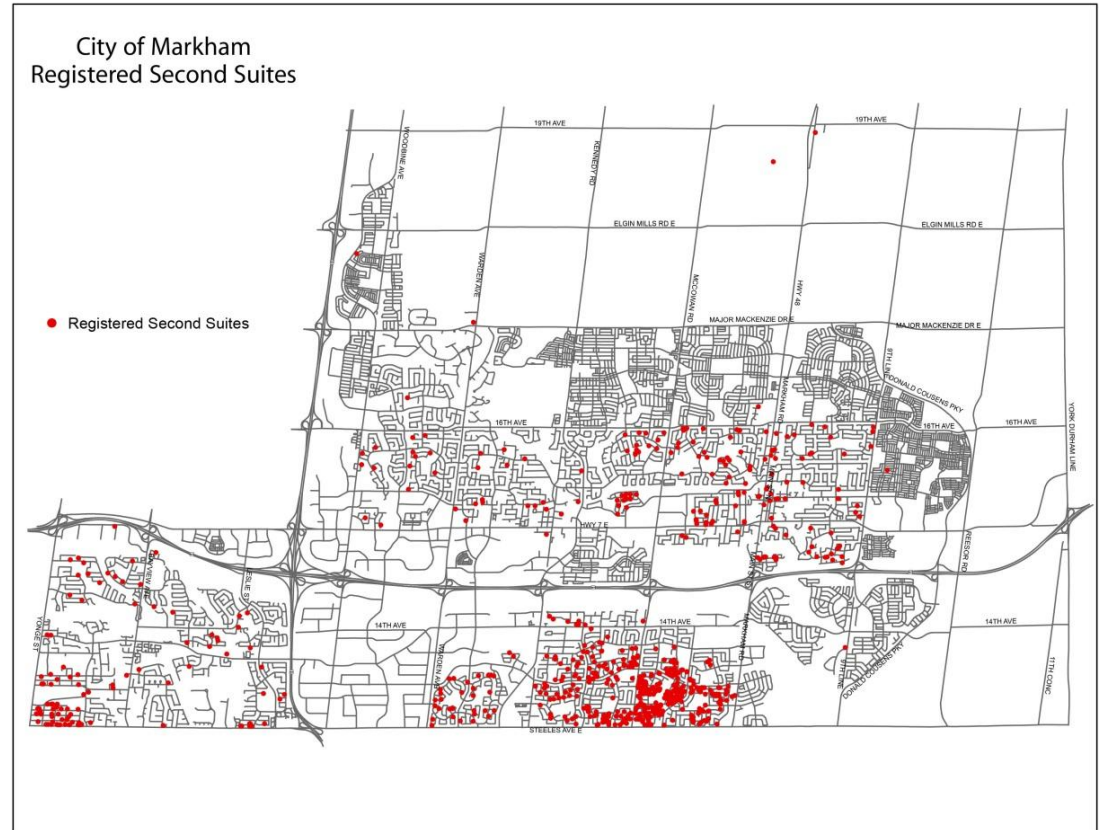
Secondary Suites Recommendations Zoning By-law

Amend Markham's parent zoning by-laws to permit secondary suites in detached, semi-detached and row houses provided:

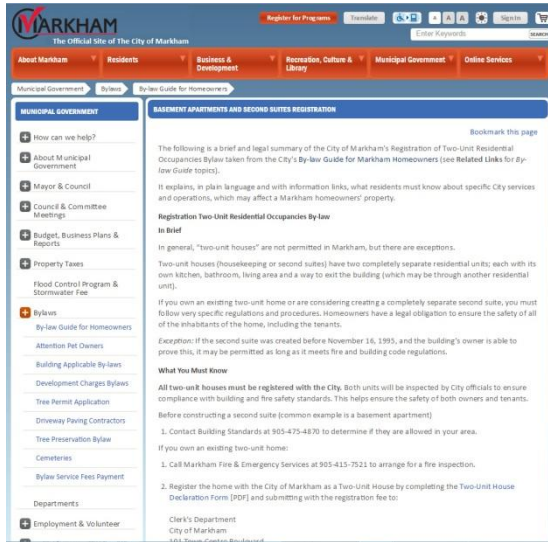
- Both the principal dwelling unit and the secondary unit are wholly contained within the same detached, semi-detached or row housing dwelling
- No more than 2 dwelling units are on the same lot
- Floor area of the secondary suite is at least 35m²
- No more than one entrance is visible from the front of the building
- No dwelling entrance provided through a garage door intended for vehicular access

Registration By-law

- Currently 715 secondary suites are legally registered under Section 76 of the Planning Act



Secondary Suites Recommendations: Registration By-law



The screenshot shows the City of Markham website with the navigation menu expanded to 'By-law Guide for Homeowners'. The main content area is titled 'BASEMENT APARTMENTS AND SECOND SUITES REGISTRATION'. It includes a 'Bookmark this page' link, a summary of the registration by-law, and a list of 'What You Must Know' steps for registration.

BASEMENT APARTMENTS AND SECOND SUITES REGISTRATION

The following is a brief and legal summary of the City of Markham's Registration of Two-Unit Residential Occupancies By-law taken from the City's [By-law Guide for Markham Homeowners](#) (see [Related Links](#) for By-law Guide topic).

It explains, in plain language and with information links, what residents must know about specific City services and operations, which may affect a Markham homeowner's property.

Registration Two-Unit Residential Occupancies By-law

In Brief

In general, "two-unit houses" are not permitted in Markham, but there are exceptions.

Two-unit houses (housekeeping or second suites) have two completely separate residential units; each with its own kitchen, bathroom, living area and a way to exit the building (which may be through another residential unit).

If you own an existing two-unit home or are considering creating a completely separate second suite, you must follow very specific regulations and procedures. Homeowners have a legal obligation to ensure the safety of all of the inhabitants of the home, including the tenants.

Exception: If the second suite was created before November 16, 1995, and the building's owner is able to prove this, it may be permitted as long as it meets fire and building code regulations.

What You Must Know

All two-unit houses must be registered with the City. Both units will be inspected by City officials to ensure compliance with building and fire safety standards. This helps ensure the safety of both owners and tenants.

Before constructing a second suite (common example is a basement apartment):

1. Contact Building Standards at 905-475-4870 to determine if they are allowed in your area.

If you own an existing two-unit home:

1. Call Markham Fire & Emergency Services at 905-415-7521 to arrange for a fire inspection.
2. Register the home with the City of Markham as a Two-Unit House by completing the Two-Unit House Declaration Form [PDF] and submitting with the registration fee to:

Clerk's Department
City of Markham
100 Town Centre Boulevard

- Amend registration by-law to apply to all secondary suites that would become legal
- Require renewal of registration every 5 years
- Consider waiving registration fees for initial period to encourage registration

Secondary Suites Recommendations: Interior Property Standards By-law



- Bill 204, once enacted will require all municipalities to conduct their own internal inspections by July 1, 2018, based on complaints
- Markham will need to amend its Property Standards By-law to include interior standards
- Only 2 complaints received by the Province over the past 3 years in Markham, so little impact

Secondary Suites Recommendations: Public Communication/Education



Keep your kids
close to home...
but not too close



Read more about **SECONDARY SUITES**

What is a Suite?

The City of Whitehorse allows for two types of secondary suite in select residential zones. Homeowners can build either a:

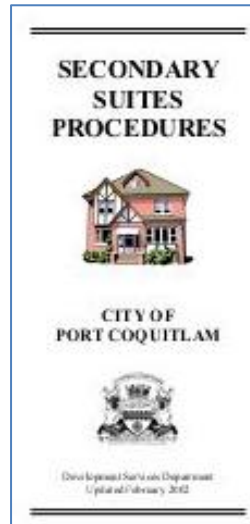


Living suite, which is a self-contained, accessory dwelling unit located within a single detached house;

OR a



Garden suite, which is a self-contained dwelling unit located on a lot where the principal use is a single detached house



- Initiate a communication campaign to:
 - Provide accurate information about by-law changes
 - Explain codes and programs
 - Explain the benefits of registration
 - Provide an streamlined process for registration
 - Promote safety and encourage compliance

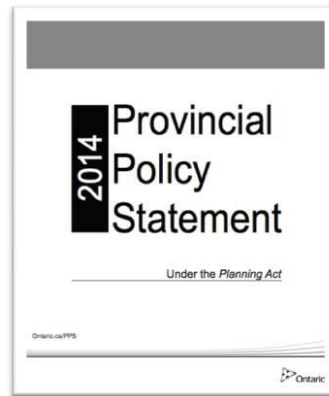
Rooming Houses-Background

- Rooming Houses are not permitted anywhere in Markham “as of right”
- There have been concerns with some illegal rooming houses operating in Markham
- Main issues are neighbourhood compatibility and safety

Rooming Houses-Legislative Context

Provincial Policy Statement (2014) & The Planning Act

- The adequate provision of a full range of housing, including affordable and shared housing, is identified as a matter of provincial interest
- Zoning by-laws may not have the effect of distinguishing between persons who are related and persons who are unrelated in respect of use or occupancy of a building



Rooming Houses-Legislative Context



- Markham Official Plan does not specifically address rooming houses
- Section 11.2 defines “shared housing small scale” as a form of housing where 3 to 10 persons share accommodation with or without supports
- “Shared housing large scale” is where more than 10 persons share accommodation
- Shared housing is also mentioned in sections 4.1.1.2, 4.1.3 and 8.13.9.1 of the Official Plan

Rooming Houses - Existing Markham Zoning



Rooming Houses are not permitted in any zone in Markham:

- By-law 90-81 includes boarding and rooming houses in the definition of “dwelling” and By-law 1229 includes definition of “boarding or lodging house”
- By-law 2004-196 for Markham Centre includes a definition of “suite” which incorporates rooming houses and boarding houses

Rooming Houses - Issues

- Rooming houses need to be distinguished from single housekeeping units
- Safety is a major concern. The Building Code requires items such as:
 - ✓ fire separation for rooms, floors and roofs
 - ✓ Fire rated construction, including fire rated doors and self closers
 - ✓ Generally, two exits per floor
 - ✓ Smoke alarms, carbon monoxide detectors and fire extinguishers
- A number of deaths have occurred in rooming houses in the GTA including one in 2007 on Steeles Avenue and a close call on East Pine
- Neighbourhood Character - rooming houses are considered a more intensive use than other uses in stable low rise residential areas
- Potential impact on services
- Change of appearance to the outside of the building
- Concern about poor maintenance of the exterior has been mentioned
- Potential parking and traffic issues
- Potential disruptive behaviour of occupants

Rooming Houses Recommendations-Definitions

“**Rooming House Small Scale** means a building that does not exceed 3 storeys where lodging is provided in return for remuneration or services (or both) in 3 to 5 lodging rooms and where lodging rooms do not have both bathroom and cooking facilities for the exclusive use of individual occupants and may include one *dwelling unit*, but does not include a residential use with support services.”

“**Rooming House Large Scale** means a building that does not exceed 3 storeys where lodging is provided in return for remuneration or services (or both) in more than 5 lodging rooms and where lodging rooms do not have both bathroom and cooking facilities for the exclusive use of individual occupants and may include a *dwelling unit* , but does not include a residential use with support services.”

Rooming Houses Recommendations Cont'd

Include the following definition in the zoning by-law:

”A **Dwelling Unit** means a unit consisting of one or more rooms, which contains cooking, eating, living and sanitary facilities and is not a *rooming house*.”

- Definitions will assist with enforcement and provide a basis to evaluate site specific applications to amend the Zoning By-law
- Rooming houses will not be permitted in any zone in Markham “as of right”
- No standards need to be included for rooming houses in the Zoning By-law

Short Term Accommodation(STA) - Background



- Short Term Accommodation generally means a dwelling or structure that provides temporary accommodation through commercial arrangement (e.g. Rent) but does not include commercial or institutional uses such as motels, hotels, bed and breakfasts
- The recent introduction of web based sites advertising short term rental accommodation has raised concerns in a number of municipalities across North America
Few municipalities have introduced by-laws to control these types of rentals
- In Markham a few houses have been rented out as party houses on weekends using these services and causing problems for neighbours

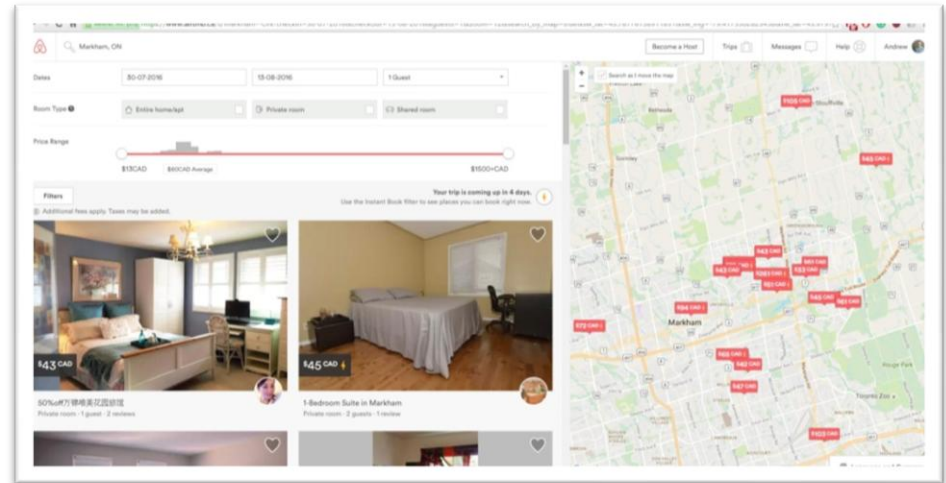
STAs – Legislative Context

- There are no provincial laws or policies governing STAs in Ontario
- Province launching project to inform homeowners of tax laws and other regulatory and safety obligations relating to STAs
- The Official Plan defines a ‘bed and breakfast establishment”, but is silent on short term accommodation
- The zoning by-law allows a “bed and breakfast inn” in the Main Street Heritage area
- Other similar uses, such as hotel, apartment, hotel, motel and tourist establishment are defined in various Markham zoning by-laws

STAs in Markham

From AirBnB:

- 178 active listings in Markham
- 100 active hosts
- 2,000 guests last year
- Average length of stay—5.5 nights
- Average group size—2.8 persons
- Active listings by type
 - 34%--entire house
 - 64% --private space
 - 2% --shared room



* Data is for July 1, 2015 to July 1, 2016

STAs –Recommendations

Include the following definition in the zoning by-law:

“Short Term Accommodation means 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 overnight accommodation, for one or more periods of less than (30) consecutive days of the calendar year. Short term accommodation shall not mean or include: a residential use with support services; a motel, hotel, bed and breakfast inn, tourist establishment or similar commercial use; or an institutional use.”

STAs--Recommendations Cont'd

Permit Short term Accommodation in all residential zones and require “short term accommodation” to be licensed

“Short term accommodation” should be subject to same standards as other permitted uses in the same zone

STAs--Recommendations Cont'd

STA – Licensing

- Licensing may be used under the authority of the *Municipal Act* to regulate commercial businesses.
- Town of the Blue Mountains :
 - A STA Licensing By-law was established in 2013 in response to nuisance, parking, property standards and safety concerns with tourist operations;
 - Substantial licensing fees (\$2,000 initial, \$750 biannual renewal) reflect interpretation of STAs as commercial uses; and
 - Complete application requirements are extensive: site plans and floor plans, proof of insurance, parking management plan, property management plan, renter's code, Fire Code compliance statement, Electrical Safety Code compliance certificate.
- Niagara on the Lake has also implemented licensing of STAs or similar rental accommodations and Mississauga and Toronto are considering doing the same.
- Considerations for Markham:
 - Appropriate licensing fees, documentation and renewal periods
 - Requirements for owner-occupied vs. non-owner-occupied STAs

QUESTIONS/COMMENTS?



Markham's New Comprehensive Zoning By-law Project

For more information:

Visit www.markham.ca (Learn about Major City Projects)

Or, contact:

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