

Appendix 1

Proposed Official Plan and Zoning Amendments to Address Rooming Houses and Short Term Accommodations

City of Markham

Gladki Planning Associates

February, 2018

1. Introduction

The purpose of this report is to review Markham's Official Plan policies regarding rooming houses and short term accommodations and to recommend policy changes to guide Council decisions related to site specific rezoning applications for these uses. As well, this report will examine proposed zoning amendments to introduce definitions for "rooming houses" and "short-term accommodations" in order to better distinguish these from other forms of residential accommodation, to assist with enforcement.

On December 6, 2016, the Development Services Committee held a statutory public meeting to consider Zoning By-law amendments for rooming houses, secondary suites and short-term accommodations as part of Phase 3A of Markham's New Comprehensive Zoning By-law project. The Committee heard a number of deputations from members of the public and referred the matter back to staff for a report and recommendations. During discussion of this matter, members of the Committee raised the prospect of exploring criteria that might help guide decisions regarding applications for site specific zoning applications for rooming houses and short term accommodations.

Draft reports containing options for addressing rooming houses and short term accommodations in Markham's zoning by-laws had initially been presented to the Development Services Committee on July 28, 2016. At that time the Committee recommended that the draft reports and options be presented and discussed at an open house for residents. The first open house was held on October 11, 2016, giving participants an opportunity to provide feedback on the draft preliminary recommendations. The December 6, 2016 statutory public meeting provided an additional opportunity for public and stakeholder comment. The matter was referred back to staff to report on potential new criteria to be included in the Official Plan to guide decisions on rooming houses and short term accommodations.

On June 13, 2017 Council approved, in principle, the staff report recommending that a statutory public meeting be held in the Fall of 2017 to consider Official Plan policies for rooming houses and short term accommodations. The statutory public meeting was held on October 3, 2017 at which time the Development services Committee referred the matter back to staff for a further report in the Spring of 2018.

This report explores a number of options and proposes a recommended approach for dealing with the issues.

2. Rooming Houses

2.1 Rooming Houses Background

Rooming houses, also known as boarding or lodging houses, are a form of accommodation that contain some private and some shared facilities. A Canada-wide survey conducted in 2006 developed a working definition of rooming house as a permanent form of housing that contains at least four separate habitable rooms, each containing either food preparation or bathroom facilities, but not both¹.

The main goal in regulating rooming houses or boarding houses is to ensure the safety of occupants through the enforcement of building standards and other requirements, such as licensing, or

¹ City of Toronto. Approach for Proposed Zoning Regulations for Rooming Houses. Staff Report to Planning and Growth Management Committee. December 14, 2009.

establishing a minimum number of sanitary facilities. Under the Fire Code (Division B, Part 9, Section 9.3) and the Building Code (Division A, Part 1), rooming houses are defined as follows:

“A building that does not exceed 3 storeys, with a building area not exceeding 600 m², where lodging is provided for more than 4 persons in return for remuneration or the provision of services (or both); and where rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants².”

Residential dwelling units with 4 or less lodgers are not considered rooming houses under the Building and Fire Codes.

2.2 Shared and Supportive Housing Policy Review, 2011

Markham last conducted a policy review of “Shared and Supportive Housing” in 2011. The review was intended³ to provide direction for Official Plan policies pertaining to key shared housing forms: long term care homes or residential care facilities, private retirement homes, lodging houses, group homes, rooming houses or boarding houses, seniors housing and student housing. Key policy directions were to remove policy barriers to shared housing in order to keep pace with changing living arrangements.

The report recommended that Markham adopt a consistent approach to dealing with rooming houses and that:

1. Markham may consider permitting small rooming houses in all residential zones, while permitting large rooming houses in zones associated with higher density uses.
 - Minimum distance requirements between rooming houses should not be considered when drafting regulations since these have been deemed to be discriminatory and may violate the Human Rights Code.
 - If opting to implement licensing requirements for rooming houses, provisions may be related to fire, garbage and snow removal, maintenance, health and safety standards, and parking. Licensing that places gross floor area requirements, bedroom caps, and minimum separation distances must be carefully considered, given that it may contravene the Ontario Human Rights Code.

2.3 Markham Official Plan

The new Official Plan includes rooming houses as a form of shared housing. Section 11.2 of the Official Plan defines shared housing as follows:

Shared housing is a form of housing where individuals share accommodation for either 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.

² Town of Ajax. Lodging Houses Review Discussion Paper. Options to Address Lodging Houses. Town of Ajax Planning and Development Services. June, 2013

³ Town of Markham and SHS Consulting. Affordable and Special Needs Housing. Shared and Supportive Housing Policy Review. Presentation to the Development Services Committee. May 24, 2011.

- 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.

Shared housing small scale is the term that covers rooming houses as shown in the table below.

Shared housing small scale	
A form of housing where 3 to 10 persons share accommodation with or without support services.	
Shared housing small scale without support services	Shared housing small scale with support services
<ul style="list-style-type: none"> › Rooming houses or boarding houses 	<ul style="list-style-type: none"> › Long-term care homes or residential care facilities › Private retirement homes › Lodging houses (as per Regional definition) › Group homes

Section 4.1.1.2 of the new Official Plan states that it is Council policy to diversify the housing stock to provide a broader 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 which states that it is Council policy to support the equitable distribution of shared housing across Markham neighbourhoods within permitted building forms.

Chapter 8 of the Official Plan provides for shared housing small scale in the following land use designations subject to compliance with policies in Section 8.13.9.1: 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 Use 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.

2.4 Proposed Zoning By-law Approach

Based on the feedback from the DSC meeting of July 28th and at the October 11 Open House, the recommended approach to rooming houses considered at the December 6, 2016 and October 6, 2017 statutory public meetings was to introduce a definition of rooming house into Markham’s zoning by-laws, based on the definition in the Fire Code, Building Code and Official Plan definition of “shared housing”, but not to permit the use as of right anywhere in Markham. The advantage of this approach is that it makes clear what a rooming house is, according to the zoning by-law, and thus provides enforcement staff with a benchmark for what to look for during an inspection. In addition, the by-laws provide clarity that the defined use is not permitted as of right in any zone. If, on the other hand, an operator wishes to apply for a zoning by-law amendment to legalize a rooming house there would be a clear expectation of what this would entail, based on the definition, which could be applied as part of the assessment of the application.

The recommended zoning by-law definition of “rooming house small scale” is as follows:

“Rooming House Small Scale means a building where lodging is provided in return for remuneration or services (or both) in 3 to 5 lodging rooms and where lodging rooms do not contain both bathroom and

cooking facilities for the exclusive use of individual occupants and may include one *dwelling unit* in addition to the lodging rooms, but does not include a residential use with support services.”

The recommended definition of “rooming house large scale” is as follows:

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

The recommended definition of “dwelling unit” which is referenced in the rooming house definition is as follows:

“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*.”

These defined terms should be incorporated into the zoning by-law together with the recommended amendments to the Official Plan outlined below.

2.5 Official Plan Policy Options for Addressing Rooming Houses

There are a number of options for addressing locational criteria for rooming houses in the Official Plan, which are outlined below.

1. Add a definition of “rooming house” in the Official Plan, similar to the definition that was recommended for the zoning by-law at the December 6, 2016 meeting. The new definition would need to distinguish rooming houses from other forms of shared housing currently defined in the Official Plan.
2. Add rooming house to the use lists for the following Official Plan designations: Residential Low, Mid and High Rise, Mixed Use Low, Mid, High Rise and Heritage Main Street.
3. Create a new section in 8.13 of the Official Plan (Specific Use Provisions) to include the following criteria where rooming houses are provided for:
 - Rooming houses to be categorized by scale (i.e. small scale or large scale);
 - Rooming houses to be considered by way of rezoning only if they are accommodated within a permitted building type within the designation and meet all applicable codes, by-laws and regulations; and
 - Rooming houses are restricted to locations on arterial served by public transit.
4. Rely on existing Official Plan policies regarding shared housing, but clarify the circumstances under which a rooming house would be considered. The use is already included in the Residential Low, Mid and High Rise, Mixed Use Low, Mid, High Rise and Heritage Main Street designations. Criteria regarding shared housing are provided for in Section 8.13.9.1 of the Official Plan. The section would be amended to identify specific criteria for rooming houses, including the availability of adequate transit services.

Option four is preferred , since it relies on the approved 2014 Official Plan policies. These policies include a definition of shared housing, provisions for the use in a number of designations as well as the site specific policies. The suggested change is to add clarity to the locational criteria specifically for rooming houses with a reference to arterial roads adequately served by public transit, in order to

address the likelihood that residents of rooming houses may be less likely to own cars than other residents.

2.6 Recommended Option for Rooming Houses

Zoning By-law

It is recommended that Markham's zoning by-laws be amended to include new definitions of "rooming house small scale", "rooming house, large scale" and "dwelling unit" as outlined in Appendix 1.

Official Plan

It is recommended that Markham rely on the 2014 Official Plan be amended to add sub section iii to 8.13.9.1 as follows:

"that the location of *shared housing* in the form of a rooming house shall be restricted to permitted building types on an arterial road adequately served by public transit and built in accordance with all applicable codes, by-laws and regulations."

3. Short Term Accommodation

3.1 Short Term Accommodation Background

With the proliferation of short term accommodation (STA) services such as Airbnb and Vacation Rental by Owner ("VRBO") in residential areas, a number of municipalities across the US and Canada have recently implemented, or are currently in the process of studying, land use regulations for STAs. Concerns that often stem from STAs relate to negative impacts on the quality of life in the neighbourhood (such as excess of noise, parking issues, garbage and safety) as well as loss of housing affordability and availability, as homeowners are opting to pursue short term accommodations instead of renting to long term tenants.

In Ontario, 11,000 hosts have listings and more than 375,000 people visited Ontario through an Airbnb in 2016.⁴ As of August 2017 Airbnb reported that there were 210 hosts while the VRBO website indicates there are nine listings in Markham. Approximately nine complaints have been filed with the City's By-law Enforcement Division over the past two years regarding short term accommodations. Initially complaints were related to "party houses", but more recently focussed on use issues.

At the Open House on October 11, 2016 and the December 6, 2016 statutory public meeting to discuss draft recommendations for regulating this use in Markham, a number of residents expressed their opposition to short term accommodations in residential neighbourhoods, citing concerns with noise, disruptive behaviour and transiency.

The Town of Blue Mountains, Ontario, which is a tourist destination with a large influx of seasonal visitors, has approved regulations defining and restricting short term accommodation to certain areas of the municipality. The regulations were upheld by the Ontario Municipal Board.

⁴ "Ontario Partners With Airbnb on New Pilot Project." News.ontario.ca. February 19, 2016. <https://news.ontario.ca/mof/en/2016/02/ontario-partners-with-airbnb-on-new-pilotproject.html>.

The United States has many more municipalities that have recently implemented zoning by-laws (referred to as ordinances in the US) that address short term accommodations. For example, in both Ashland and Portland, Oregon, the by-laws limit the number of dwelling units located within one building and require that the home being rented is a permanent residence, as opposed to solely used for short term rentals. In Portland, there are different by-laws and requirements (including taxation) for rentals of 1-2 bedrooms per dwelling and 3-5 bedrooms per dwelling. Five bedrooms or more in a single dwelling cannot be rented as STAs.

Attempts to regulate STAs reflect a rapidly changing landscape. In the US, New York, Chicago, Philadelphia, San Francisco and numerous other cities have passed by-laws recently to control STAs using various approaches. Santa Monica, California passed an ordinance to restrict STAs and is being sued by Airbnb. In Canada, Vancouver is attempting to allow short term rentals only if they are part of a principal residence. Toronto has initiated a process to explore how to regulate short term rentals as well, including licensing. The main concern in these cities is the loss of longer term affordable rental housing to the short term accommodation market.

A key obstacle for municipalities that have by-laws already in place is that it is increasingly difficult to enforce regulations with the influx of STAs due to a lack of resources. The use of the Internet to advertise and perform transactions for STAs presents a formidable challenge to regulators. In establishing a regulatory framework, municipalities have had to consider a number of specific issues, including the cost of regulation and the effectiveness of enforcement. In Markham, the issues largely center around the quality of life in neighbourhoods (i.e. noise, safety, nuisance and parking).

Based on Markham's context and the feedback from residents at the October 11th, 2016 Open House and the December 6, 2016 statutory public meeting, this report recommends that a definition of short term accommodation be added to the zoning by-law and a policy framework for addressing short term rentals be added to the 2014 Official Plan, but that STAs not be permitted as-of-right anywhere in Markham.

3.2 Markham Official Plan

While the 2014 Markham Official Plan does not have any explicit policies regarding short term accommodations, it does include a definition for "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 principal residence of the proprietor of the establishment."

A "bed and breakfast establishment" is provided for in the Mixed Use Heritage Main Street designation.

3.3 Proposed Zoning By-law Approach

Based on the feedback from the DSC meeting of July 28th and at the October 11 Open House, the recommended approach to short term accommodation considered at the December 6, 2016 statutory public meeting was to introduce a definition of short term accommodation into Markham's zoning by-laws, but not to permit the use in any zone as-of-right. The use could only be permitted by way of a site specific zoning by-law amendment. The proposed definition is as follows:

"Short Term Accommodation means an establishment that operates as 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, and not more than 60 total days over the duration of the calendar year, within a single dwelling that is the principal residence of the proprietor of the establishment.”

3.4 Official Plan Policy Options for Short Term Accommodation

There are a number of options for addressing locational criteria for short term accommodation in the Official Plan, which are outlined below.

1. Revise the current definition of “bed and breakfast establishment” in the Official Plan to align more closely with the proposed zoning by-law definition of short term accommodation and provide for the use in Residential Low, Mid and High Rise, Mixed Use Low, Mid, High Rise and Heritage Main Street designations, on condition that the criteria listed in a new section 8.13.11 are met.
2. Add a new section 8.13.11 to include provisions that the use be accommodated within a permitted building type in accordance with all applicable codes, by-laws and regulations and restrict the use to locations along collector or arterial roads.
3. Create a new definition of “short term accommodation” and distinguish it from the current Bed and Breakfast establishment definition.
4. Provide for short term accommodations in Residential Low, Mid and High Rise, Mixed Use Low, Mid, High Rise and Heritage Main Street designations, subject to meeting a number of criteria to be outlined in a new section under 8.13 Specific Use Policies.

The preferred option, which would achieve the objective of incorporating guidance for determining the location of short term accommodations, is to introduce a new Official Plan definition of “short term accommodation”. This would distinguish the use from the existing Bed and Breakfast Establishment definition, which is already provided for in the Mixed Use Heritage Main Street designation. The definition would limit short term rentals to less than 30 consecutive days at a time and not more than a total of 180 days in the calendar year. Limits on the total number of days in a calendar year for short term accommodations have been adopted in London, Amsterdam, San Francisco and recently Toronto. Such a limit would maintain the principle that short term accommodation is a subset of a principal residential use.

In addition, the short term accommodation use would be provided for in a number of designations subject to meeting criteria in a new section 8.13.11. The new section 8.13.11 would be added to the Official Plan to include provisions that the use be accommodated within a permitted building type in accordance with all applicable codes, by-laws and regulations.

3.5 Recommended Option for Short Term Accommodations

Zoning By-law

It is recommended that a new definition of short term accommodation be added to Markham’s zoning by-laws as outlined in Appendix 1.

Official Plan

It is recommended that an Official Plan Amendment be prepared addressing the following items:

- A new Official Plan definition of “short term accommodation” be included as follows:

“Short term accommodation means an establishment that operates as 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, and not more than 180 total days over the duration of the calendar year, within a single dwelling that is the principal residence of the proprietor of the establishment.”

- Add the term “*short term accommodation* in accordance with Section 8.13.11 of this Plan” to Sections 8.2.3.2, 8.2.4.2, 8.2.5.2 and 8.3.1.2.
- Add a new section 8.13.11 as follows:

“8.13.11 Short Term Accommodation

It is the policy of Council:

8.13.11.1 **That** in considering an application to amend the zoning by-law to permit *short term accommodation*, Council shall be satisfied that the *short term accommodation* shall be accommodated within a permitted building type in accordance with all applicable codes, by-laws, regulations and all other policies of this Plan.”

4. Conclusion

This report recommends that new definitions for “rooming house small scale”, “rooming house large scale”, “dwelling unit” and “short term accommodation” be added to Markham’s zoning by-laws and that an Official Plan Amendment be prepared to introduce a number of tweaks to address criteria for the location of rooming houses and short term accommodation. In each case an application to permit the use would require a Zoning By-law Amendment and be evaluated by Council on a site specific basis. Approval would be contingent on meeting the criteria recommended in this report.

Appendix 1: Proposed Amendment to Markham Zoning By-laws

BY-LAW 2016-_____

A By-law to amend By-laws 1229, 1442, 1507,1767,1914,2053,2150, 2237, 2284-8, 2402, 2489, 2551, 2571, 2612, 11-72,122-72,77-73, 83-73, 84-73, 119-73, 151-75,88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79,91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96 and 2004-196, as amended

WHEREAS the City of Markham is empowered to pass By-Laws pursuant to the Planning Act R.S.O. 1990 c. P 13.

AND WHEREAS By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79,134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96 and 2004-196 as amended, are intended to provide for the orderly development of land in the City of Markham;

AND WHEREAS the City of Markham wishes to ensure that By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81,108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96 and 2004-196 as amended include definitions of rooming house small scale, rooming house large scale and dwelling room;

AND WHEREAS Council held a public meeting on _____ for the purposes of obtaining public input;

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

- 1.0 By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68,2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73,119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78,72-79,91-79, 118-79, 134-79, 153-80, 165-80,72-81,90-81, 108-81, 193-81, 221-81, 28-82, 194-82,

196-82, 47-85, 304-87, 19-94, 177-96 and 2004-196, as amended are hereby further amended as follows:

1.1 The following definitions shall apply and replace all existing definitions of the terms “dwelling unit” and “rooming house”:

“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.

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

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

1.2 The following definition shall be added:

“Short term accommodation” means an establishment 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, and not more than 180 total days over the duration of the calendar year, within a single dwelling that is the principal residence of the proprietor of the establishment.

1.3 All other provisions of By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended are complied with, unless specifically modified or amended by this By-law.

2.0 Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the City of Markham or any other requirement of the Region of York, the Province of Ontario or the Government of Canada that may affect the use of lands, buildings or structures in the municipality.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2016.

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2016.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI, MAYOR

APPENDIX 2: PROPOSED AMENDMENT TO THE OFFICIAL PLAN

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

(Shared Housing and Short Term Accommodation Policies)

(2017)

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. _____ - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the _____ **st OR nd OR rd OR th** day of _____, 201__.

Mayor

City Clerk

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan 2014, as amended.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS _____ **st OR nd OR rd OR th** DAY OF _____, (year)

CITY CLERK

MAYOR

CONTENTS

PART I - INTRODUCTION

1.	GENERAL	1
2.	PURPOSE	1
3.	BASIS	1

PART II - THE OFFICIAL PLAN AMENDMENT

1.	THE OFFICIAL PLAN AMENDMENT.....	3
2.	IMPLEMENTATION AND INTERPRETATION.....	4

PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

PART I - I NTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

2.0 PURPOSE

The purpose of this Official Plan Amendment is to provide guidance for future site specific zoning by-law amendments involving shared housing and short term accommodations.

3.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The amendment is based on recommendations included in reports regarding Phase 3A of the comprehensive zoning by-law review. Rooming houses, which are a type shared housing, and short term accommodations are not permitted as of right through the zoning by-law. The intent of this amendment is to provide guidance for Council when considering applications to amend the zoning by-law on a site specific basis for rooming houses and short term accommodations.

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. XXX)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

1.1

1.2

- 1.3** Section 8.2.3.2 of the Official Plan 2014, as amended, is hereby amended by replacing the Section with the following:

“To provide for *shared housing small scale* in accordance with Section 8.13.9 of this Plan and *short term accommodation* in accordance with Section 8.13.11 of this Plan, on lands designated ‘Residential Low Rise’, in addition to the uses listed in Section 8.2.1.2.”

- 1.4** Section 8.2.4.2 of the Official Plan 2014, as amended, is hereby amended by replacing the Section with the following:

1.5

“To provide for *shared housing small scale, shared housing large scale, shared housing long term care* and *shared housing supervised*, in accordance with Section 8.13.9 of this Plan, and *short term accommodation*, in accordance with Section 8.13.11 of this Plan, on lands designated ‘Residential Mid Rise’, in addition to the uses listed in Section 8.2.1.2.”

- 1.6** Section 8.2.5.2 of the Official Plan 2014, as amended, is hereby amended by adding the following words:

“To provide for *shared housing small scale, shared housing large scale, shared housing long term care* and *shared housing supervised*, in accordance with Section 8.13.9 of this Plan, and *short term accommodation*, in accordance with Section 8.13.11 of this Plan, on lands designated ‘Residential High Rise’, in addition to the uses listed in Section 8.2.1.2.”

- 1.7** Section 8.3.1.2 of the Official Plan 2014, as amended, is hereby amended as follows:

“By removing the word “and” at the end of subsection k); adding the word “and” at the end of sub section l) and replacing the period with a semicolon; and adding a new sub section m) as follows: ‘*short term accommodation* in accordance with Section 8.13.11 of this Plan.’

- 1.8** Section 8.13 of the Official Plan 2014, as amended, is hereby amended by adding a new Section 8.13.11 as follows:

“ 8.13.11 Short term Accommodation

It is the Policy of Council:

8.13.11.1 That in considering an application to amend the zoning by-law to permit *short term accommodation*, Council shall be satisfied that the *short term accommodation* shall be accommodated within a permitted building type in accordance with all applicable codes, by-laws, regulations and all other policies of this Plan.”

- 1.9** Section 8.13.9.1 b) of the Official Plan 2014, as amended, is hereby amended by removing the word “and” at the end of subsection i., replacing the period at the end of subsection ii. with a semicolon and adding the word “and” after the semicolon and adding a new section 8.13.9.1.b) iii as follows:

“that the location of *shared housing* in the form of a rooming house shall be restricted to permitted building types on an arterial road adequately served by public transit and built in accordance with all applicable codes, by-laws and regulations.”

- 1.10** Section 11.2 of the Official Plan 2014, as amended, is hereby amended by adding the following definition:

“Short term accommodation means an establishment that operates as 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, and not more than 180 total days over the duration of the calendar year, within a single dwelling that is the principal residence of the proprietor of the establishment.”

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the City of Markham Official Plan 2014, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment.