

New Comprehensive Zoning By-law Project: Phase 3A *Strategy for Secondary Suites*

**Development Services Committee
June 12, 2017**

Background

- **March 2016** – DSC directed staff to advance work on Secondary Suites, Rooming Houses and Short Term Accommodations (Phase 3A of Markham New Comprehensive Zoning By-law Project).
- **July 2016** – Special DSC Meeting.
- **October 2016** – Open House.
- **Dec 2016** – Phase 3A Statutory Public Meeting. Referred back to staff for review of potential new OP policies/criteria for rooming houses and STAs.
- New OP policies are being developed for rooming houses & STAs which will require an additional statutory Public Meeting (Fall 2017).
- Proposed strategy for Secondary Suites can move ahead sooner if DSC supports Staff recommendation to deal with secondary suites separately.



Why Permit Secondary Suites in Markham?

- Ontario municipalities are legally required to permit secondary suites.
- The legislative requirements are in Planning Act.
- Regional Official Plan & Markham Official Plan policies are supportive of secondary suites.



➤ Safety of units & residents

- Fire safety & code requirements may not be met if residents cannot legally apply for permits for secondary suites.

Why Permit Secondary Suites in Markham?

➤ Planning Act:

- 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 (Bill 140, 2012 amendment).
- Section 35.1 states that zoning by-laws shall give effect to the policies referred to in 16 (3) (Bill 140, 2012 amendment)*
- Section 17 (24.1) and Section 34 (19.1) state that there is no ability to appeal OP policies and zoning by-law for secondary suites unless part of 5 year review/update of Official Plan.
- Section 76 provides that all second suites that were used or occupied before November 16, 1995 shall continue to enjoy legal status.

*Note: The proposed Provincial regulation under s. 35.1(2)(b) sets out requirements and standards for secondary suites, where permitted:

- Max 1 parking space required for secondary suite, including “tandem parking”
- Secondary suite may be occupied by any person regardless of whether the primary unit is occupied by property owner
- Secondary suite permitted regardless of date of construction of primary dwelling

Why Permit Secondary Suites in Markham? cont'd

➤ York Region Official Plan

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



➤ Markham 2014 Official Plan

- Section 4.1.2.6 provides for the establishment of second suites within existing and new dwelling types (in force City-wide).
- Chapter 8 provides for second suites in all Residential, Mixed Use, Greenway and Countryside designations (in force City-wide for residential designations; other designations in force City-wide, subject to area/site specific appeals, and under City-wide appeal).
- Section 8.13.8 (in force for residential designations) states that in considering by-laws to permit secondary suites Council shall be satisfied that an appropriate set of development standards are provided for.

Why Permit Secondary Suites in Markham? cont'd

➤ Benefits of Secondary Suites

- Provide flexibility to address demographic changes (greater interest in multi-generational living).
- Contribute to stock of affordable housing without subsidy.
- Provide housing opportunities for small households (seniors, young adults).
- Provide a source of income for homeowners (e.g. can make homeownership more affordable).
- Provide sense of security for homeowners.
- Contribute to the ongoing sustainability of housing stock and delivery of services.
- Average household size is decreasing (and projected to continue to decrease) in York Region. Secondary suites may contribute to the ongoing “sustainability” of the existing housing stock & more efficient use of infrastructure and services.



Proposed Strategy for Implementation of Secondary Suites

Draft Recommendations:

1. **Zoning by-law** to allow secondary suites city-wide in single detached, semi-detached and townhouse dwellings (except in Special Policy Areas), subject to specific development standards.
2. **Registration By-law** to require registration of secondary suites to ensure compliance with all applicable codes and by-laws.
3. **Property Standards By-law** to include requirements for interior property standards.
4. **Communications Strategy & Public Education Program** (after enactment of ZBL) to communicate new info, encourage registration, etc.
5. **Monitoring Program** (6 months) to review implementation strategy & recommend revisions, if required.

Proposed Draft Zoning By-law

Secondary suites permitted city-wide provided:

- No more than 2 dwelling units are on the same lot.
- Dwelling units must be within detached, semi-detached or townhouse.
- Floor area of each dwelling unit at least 35m².
- No more than one dwelling entrance within any main wall facing a street.

** Coach houses already permitted in the City (e.g. Cornell, Cathedral & Angus Glen) will continue to be permitted. Registration of these units required.*

** Any additional coach houses in new communities (e.g. FUA) to be considered in context of community design plans and plans of subdivision, and implementing zoning amendments.*



Proposed Draft Registration By-law

All dwellings with secondary suites must be registered to ensure life safety & compliance with applicable codes & standards. The following general requirements must be met:

- Zoning By-law compliance.
- Property Standards By-law compliance (indoor & outdoor).
- Building Code and/or Fire Code compliance.
- Electrical Safety Authority (ESA) compliance.
- Payment of fees (Registration By-law)
- Require that the resident/owner consent to re-inspection by City.
- Refuse registration where property not in compliance with registration requirements - infractions may result in financial penalties or rescinding of registration.

Proposed Draft Property Standards By-law

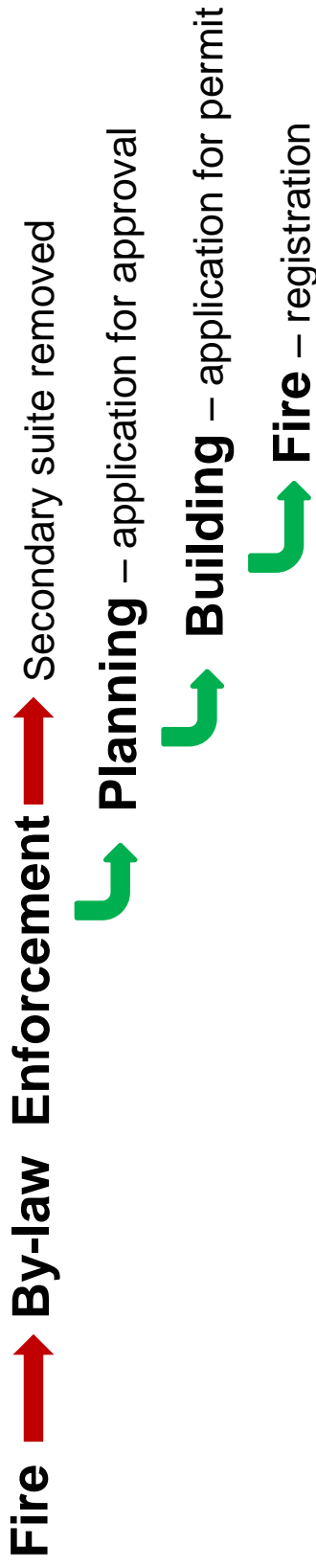
- The Province is currently responsible for conducting interior property standards inspections in Markham; the City historically receives very few interior property standards complaints.
- In accordance with Bill 204, Ontario municipalities are required to assume responsibility for interior property standards. It is difficult to predict the enforcement resource implications at this time.
- The City's Property Standards By-law will be amended to include requirements for interior property standards such as: heating, plumbing, electrical, ventilation, lighting, mould, water supply (hot & cold), banisters & railings, washrooms & kitchens, & walls, ceilings & floors.



Proposed Secondary Suites Process Highlights

- Fire Department maintains registration process & the Registry.
- Fire, Building, and By-law Enforcement to continue to work together on complaints & suspected illegal units.
- New secondary suites to obtain building permit prior to the registration process.
- Existing post -1995 permitted units (e.g. Cornell, Cathedral & Angus Glen) will require registration.
- By-law to focus property standards inspections on existing unregistered units & finished basement conversions.

Existing Secondary Suites Process



* Re-inspections by Fire & By-law Enforcement, as required, throughout process

Proposed Secondary Suites Process



* Re-inspections by Fire & By-law Enforcement (property standards), as required, throughout process



Proposed Public Communication/Education Strategy

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

Whitehorse
THE WILDERNESS CITY

Read more about **SECONDARY SUITES**

- Initiate a communication campaign to:
 - Inform public of by-law changes
 - Explain specific registration requirements.
 - Explain benefits of registration.
 - Promote safety & encourage compliance.

SECONDARY SUITES PROCEDURES

CITY OF PORT COQUITLAM

City of Port Coquitlam, 2022

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

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

Proposed Monitoring Program

Initiate 6 month monitoring program (AMANDA) & report back to DSC on recommended improvements & resource needs, if any.

Monitoring program will:

- Track registration process including number of building permit applications, inspections & complaints.
- Give staff better idea of future resource implications.

Staffing & Financial Implications

Initial Investigation/Inspection for Existing Unregistered Units – Average Time

<u>(per unit)</u>	
Fire	25.0 hours
Building	15.0 hours
By-Laws	<u>7.5 hours</u>
Total	47.5 hours = approx. \$4,000 of staff time (incl. benefits & equipment)

Existing Capacity (assumes 1 FTE = 1,500 hours/year)

Fire	0.25 FTE = 15 investigations/inspections
Building	0.50 FTE = 50 investigations/inspections
By-Laws	0.25 FTE = 50 investigations/inspections

With an additional 0.6 FTE in Fire, the City could process approximately 50 new cases per year

Staffing & Financial Implications

Initial Investigation/Inspection for Existing Unregistered Units

Estimated # of Unregistered Units = 4,000 – 8,000

Very little data exists regarding the potential uptake on reported units

Even with 7 additional FTE, the City could only process approximately 250 new cases/year

Existing Capacity plus 7 new FTE (assumes 1 FTE = 1,500 hours/year)

Fire	0.25 FTE + 4.00 additional FTE = 255 investigations/inspections
Building	0.50 FTE + 2.00 additional FTE = 250 investigations/inspections
By-Laws	0.25 FTE + 1.00 additional FTE = 250 investigations/inspections

Estimated Cost of Initial Investigation/Inspection for 250 units/year = **\$900,000**

Based on what other municipalities are charging for Registration and Fire Inspection Fees, Markham may only be able to recover 25-50% of these costs. Staff will report back on proposed registration and fire inspection fees in the future.

Staffing & Financial Implications

Re-Inspection – Average Time

Fire 9.0 hours

By-Laws 2.0 hours

Total 11.0 hours = approx. \$1,000 of staff time (incl. benefits & equipment)

Assuming any existing capacity would be allocated to new investigations/inspections, any re-inspection would require hiring new staff. 4.5 new Fire FTEs and 1.0 new By-Law FTE could handle approx. 750 re-inspections/year (at an approx. cost of \$670,000/year).

Staff will report back with a possible registration renewal process, including fees, when secondary suites by-laws presented to DSC for consideration by the end of 2017.

Staffing & Financial Implications

Other Financial Impacts

Second Suites result in additional financial challenges for Markham:

1. Markham had/has to build infrastructure to accommodate residents, yet collects no Development Charges from secondary suites (Province to be mandating DC exemptions for secondary suites in new homes). Markham may consider lobbying the Province for DC reform.
2. Markham provides services to all residents yet collects minimal property taxes from secondary suites. Markham may consider lobbying the Province for a potential change in property tax assessment for properties with secondary suites.

Next Steps

- Final recommendation report & accompanying by-laws to DSC (secondary suites) in Fall 2017.
- Public Meeting will be held in Fall for rooming houses & short term accommodations. Final recommendation report & accompanying OPA and ZBA to follow afterwards.

Recommendations

- That DSC endorse the proposed Strategy for Secondary Suites (Zoning By-law, Registration By-law, Property Standards By-law, Communications Strategy & Public Education & Monitoring Program); &
- That DSC authorize staff to work on implementation of the proposed strategy & report back to DSC with a final recommendation report and accompanying by-laws, etc. in Fall 2017.