



SUBJECT: INFORMATION REPORT
Update on Phase 3A of Markham's New Comprehensive Zoning By-law Project – Rooming Houses and Short-Term Accommodations
File No. PR 13 128340

PREPARED BY: Tom Villella, MCIP, RPP, ext. 2758
Manager – Zoning Special Projects

REVIEWED BY: Ron Blake, MCIP, RPP, ext. 2800
Senior Development Manager – Planning and Urban Design

RECOMMENDATION:

- 1) THAT the report dated September 25, 2017 entitled, "INFORMATION REPORT: Update on Phase 3A of Markham's New Comprehensive Zoning Bylaw Project – Rooming Houses and Short-Term Accommodations – File No. PR 13 128340" and associated presentation be received as background information to the Public Meeting scheduled for October 3, 2017.

PURPOSE:

The purpose of this report is to provide an update on Phase 3A of Markham's New Comprehensive Zoning By-law Project, specifically with respect to the matter of rooming houses and short-term accommodations, and to outline next steps for moving forward. The issue of secondary suites, also part of Phase 3A of this project, will be dealt with at a special DSC meeting, currently scheduled for the evening of December 4, 2017.

BACKGROUND:

Phase 3A New Comprehensive Zoning By-law Project

In March 2016, Gladki Planning Associates (GPA) was retained by the City to complete work on Phase 3A of the New Comprehensive Zoning By-law Project, being a review of potential zoning and licensing regulations for secondary suites, rooming houses and short-term accommodation. This project is scheduled to be completed in Q4 2017. Phase 3B, being the completion of the remaining work on the New Comprehensive Zoning By-law, began in Q4 2016 and is expected to be completed by Q2 2018.

Statutory Public Meeting held December 6, 2016 to obtain public comment

A Statutory Public Meeting under the Planning Act was held on December 6, 2016 to obtain feedback on preliminary recommendations made by GPA and City Staff for addressing secondary suites, rooming houses and short-term accommodation in Markham. The public meeting was well attended, and 14 members of the public spoke on the matter. In addition to this, 15 written submissions were received on the matter. The majority of comments received pertained to rooming houses and short-term accommodation, with most persons opposed to permitting these forms of accommodation anywhere in Markham.

Rooming Houses

The majority of the comments provided at the public meeting were not supportive of permitting rooming houses in Markham. However, some comments were made suggesting that the City consider permitting rooming houses only in intensification areas (higher density areas with good access to social services and transit).

Short Term Accommodations (i.e. AirBnB, VRBO, etc.)

The majority of the comments received at the public meeting were not supportive of permitting short-term accommodations anywhere in Markham. A resident who has rented her home for short-term accommodation spoke in favor of permitting them, provided that the dwelling is occupied by a principal resident, as is proposed in Vancouver.

In addition to the above feedback, there was considerable discussion regarding enforcement of City by-laws and strengthening enforcement capacity.

Revised Recommendations presented to DSC on June 12, 2017

At the statutory public meeting of December 6, 2017, DSC referred the matter back to staff for further review of potential new Official Plan policies relating to rooming houses and short-term accommodations. Markham's Official Plan contains policies with respect to shared housing, secondary suites and bed and breakfasts, however, there are no specific policies with respect to rooming houses or short-term accommodations.

Inclusion of new Official Plan policies for rooming houses and short-term accommodations is important since the zoning strategy proposed by Staff and the consultant, informed by public and DSC feedback, is to define these uses in the proposed zoning amendments but not permit them "as-of-right" in any area of Markham. In this way, a site specific zoning by-law amendment to permit a new rooming house or short-term accommodation would be required. The Official Plan will set out criteria for evaluating these applications. This strategy would ensure that each proposed rooming house or short-term accommodation would undergo a thorough evaluation based on local area characteristics, and relying on compliance with the policies outlined in the city's Official Plan.

Over the summer of 2017, the consultants updated their preliminary recommendations on the matter of rooming houses and short-term accommodations, in response to comments received at the December 6, 2016 Public Meeting and DSC direction from the meeting of June 12, 2017. A further Statutory Public Meeting, to be held on October 3, 2017, is now required prior to adoption of the revised strategy, since Official Plan amendments are now proposed.

After the Statutory Public meeting of October 3, 2017, a final recommendation report, and proposed zoning and official plan amendments for rooming houses and short-term accommodations will be presented to DSC for their consideration at a special evening meeting, currently scheduled for December 4, 2017.

Secondary Suites to also be discussed in December 4, 2017 report

Per DSC direction from June 12, 2017, the December 4, 2017 report will also provide recommendations respecting the implementation of a secondary suites strategy. The proposed strategy will include new zoning by-law regulations for secondary suites; a registration by-law; an enhanced property standards by-law; a communications and public education strategy and a monitoring program. Information on the proposed strategy was outlined in detail in the June 12, 2017 report to DSC (attached as Appendix 1).

Recommendations to be presented at Statutory Public Meeting of October 3, 2017 respecting Rooming Houses and Short-Term Accommodations

The following represents the consultants' recommendations, informed by public and DSC feedback from the June 12, 2017 DSC meeting, which will be presented at the October 3, 2017 Statutory Public Meeting.

Rooming Houses**Zoning**

It is recommended that a Zoning By-law Amendment be adopted by Council to define "rooming house large scale", "rooming house small scale" and "dwelling unit" in all Markham zoning by-laws, **but not permit the use "as-of-right" in any area of Markham.** Any proposal to establish a "Rooming House" use in Markham would require an amendment to the zoning by-law to permit the use on a particular property, which would trigger neighbourhood notice and a public meeting in each case. Defining these uses would be instrumental in assisting with proper enforcement, as officers will have a clear indication from a zoning perspective of what exactly constitutes a "Rooming House" in Markham (no "grey areas").

Official Plan

It is recommended that Markham rely on the existing Official Plan "shared housing policy framework" for regulating rooming houses, and that an Official Plan amendment be prepared to add the words "served by public transit" after the words "collector road" in section 8.13.9.1 b) ii of the Official Plan (see Appendix 4).

Short-Term Accommodations**Zoning**

It is recommended that a zoning bylaw amendment be adopted by Council to define "short-term accommodations" in all Markham zoning by-laws, **but not**

permit this use “as-of-right” in any area of Markham. Any proposal to establish a “short-term accommodation” use in Markham would require an amendment to the zoning by-law to permit the use on a particular property, which would trigger neighbourhood notice and a public meeting in each case. Defining the use would be instrumental in assisting with proper enforcement, as officers will have a clear indication from a zoning perspective of what exactly constitutes a “short-term accommodation” in Markham (no “grey areas”).

Official Plan

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

1. 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 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.”
2. Add the term “short term accommodation in accordance with Section 8.13.10 of this Plan” to Sections 8.2.3.2, 8.2.4.2, 8.2.5.2 and 8.3.1.2 (see Appendix 5).
3. Add a new section 8.13.10 as follows:
“It is the policy of Council:
8.13.10 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 and regulations.”

Next Steps

Following the statutory public meeting, staff will prepare a final recommendation report, including a final draft Official Plan Amendment and draft zoning by-law, for consideration by Development Services Committee at the December 4, 2017 special evening DSC meeting.

FINANCIAL CONSIDERATIONS:

N/A

HUMAN RESOURCES CONSIDERATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

BUSINESS UNITS CONSULTED AND AFFECTED:

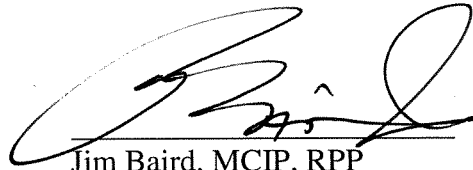
N/A

RECOMMENDED

BY:



Ron Blake, MCIP, RPP
Senior Development Manager,
Planning & Urban Design



Jim Baird, MCIP, RPP
Commissioner, Development Services

Attachments:

Appendix 1 – DSC Report of June 12, 2017

Appendix 2 – Consultant's Revised Draft Report on Rooming Houses and Short-Term Accommodation

Appendix 3 – Presentation to Development Services Committee – September 25, 2017

SUBJECT: INFORMATION REPORT
New Comprehensive Zoning By-law Project, Phase 3A –
Strategy for Implementation of Secondary Suites & Update on
Rooming Houses & Short Term Accommodations
PR 13 128340

PREPARED BY: Anna Henriques, MCIP, RPP, Senior Planner – Zoning
Special Projects, ext. 7922

REVIEWED BY: Dave Miller, MCIP, RPP, Manager – West District, ext. 4960

RECOMMENDATION:

- 1) THAT the report entitled, “INFORMATION REPORT: New Comprehensive Zoning By-law Project, Phase 3A – Strategy for Implementation of Secondary Suites & Update on Rooming Houses & Short Term Accommodations” be received;
- 2) THAT the presentation entitled, “New Comprehensive Zoning By-law Project: Phase 3A. Strategy for Secondary Suites” be received;
- 3) THAT the proposed draft Strategy for Implementation of Secondary Suites, as outlined further in this report, be endorsed. The strategy is comprised of:
 - i) A zoning by-law to introduce City-wide (except in Special Policy Areas) zoning permissions for secondary suites in single detached, semi detached and townhouse dwellings, subject to specific development standards;
 - ii) A registration by-law requiring registration of all dwellings with secondary suites, to ensure safety of occupants and compliance with applicable codes and requirements;
 - iii) A property standards by-law that includes requirements for interior property standards;
 - iv) A communications & public education plan to communicate new by-laws and requirements, and to encourage registration; and,
 - v) A 6 month monitoring program using AMANDA (City’s internal data management system) to track and evaluate the registration process including matters such as the number of building permit applications, inspections, complaints, etc.;
- 4) THAT staff report back to DSC in Fall 2017 with final recommendation reports and accompanying by-laws to implement secondary suites;
- 5) THAT staff be authorized to hold a Statutory Public Meeting in Fall 2017 to consider preliminary Official Plan policies for short term accommodations and rooming houses; THAT staff report back to DSC in Fall 2017 with a final recommendation report and accompanying Official Plan and Zoning By-law amendments for rooming houses and short term accommodations, following the Statutory Public Meeting in the fall;
- 6) AND THAT staff be authorized to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to obtain DSC endorsement of the proposed strategy for the implementation of secondary suites in Markham. Endorsement of the proposed strategy

will authorize staff to move forward with the preparation and finalization of the various components of the strategy.

BACKGROUND:**Phase 3A – New Comprehensive Zoning By-law Project**

In March 2016, in response to feedback received during public consultation for Phases 1 & 2 of the New Comprehensive Zoning By-law, Council directed staff to advance work on the review of potential new zoning and licensing regulations for secondary suites, rooming houses and short term accommodations (STAs). Gladki Planning Associates (GPA) was retained by the City to complete this work with input from staff. Two Special DSC meetings were held in July 2016 and an Open House was held in October 2016 to consider preliminary recommendations. A Statutory Public Meeting was held on December 6, 2016 to obtain feedback on the proposed zoning by-law amendments.

At the Statutory Public Meeting, DSC referred the matter back to staff for further review of potential new Official Plan policies relating to rooming houses and STAs. Markham's Official Plan contains policies with respect to shared housing, secondary suites and bed and breakfasts, however, there are no specific policies with respect to rooming houses or short term accommodations. Inclusion of new Official Plan policies for rooming houses and STAs is important as the proposed zoning strategy is to define the uses but not permit them as of right, thereby requiring a site specific zoning by-law amendment to permit the uses. The proposed new Official Plan policies will provide guidance in the review of any future site specific applications.

Over the summer, staff and the consultant will prepare Official Plan policies for rooming houses and STAs. Another Statutory Public Meeting, targeted for September 2017, will be required prior to adoption of these policies. A final recommendation report, and proposed zoning and official plan amendments for rooming houses and STAs, are expected to be presented to DSC shortly after the September 2017 Public Meeting for their consideration. As discussed in more detail below, further work also remains to be done on the by-laws required to implement the secondary suites strategy. The proposed strategy will include new zoning by-law regulations for secondary suites; a registration by-law; an enhanced property standards by-law; a communications and public education strategy and a monitoring program.

Planning Act – Secondary Suites

In 2012, The Strong Communities Through Affordable Housing Act (Bill 140) amended various sections of the Planning Act by: requiring municipalities to establish Official Plan policies and zoning by-law provisions permitting secondary suites in detached, semi-detached and row houses, as well as in ancillary structures thereto; removing the ability to appeal Official Plan policies and zoning by-law provisions to the OMB except where such Official Plan policies are included as part of the required five-year municipal update; and authorizing the Minister of Housing to make regulations authorizing the use of, and prescribing standards for, secondary suites.

The effect of these legislative changes is to identify affordable housing as a matter of provincial interest with secondary suites playing a key role in the provision of affordable housing. In addition, the legislation requires municipalities to pass zoning by-laws to permit secondary suites in a single detached house, semi-detached houses or row houses, either within the building or in an ancillary structure.

Region of York Official Plan

Section 3.5.22 of the Regional Official Plan requires local municipalities to adopt official plan policies and zoning by-law provisions that facilitate secondary suites by authorizing:

- a. the use of two residential units in a house if no ancillary building or structure contains a residential unit; and,
- b. the use of a residential unit in a building or structure ancillary to a house if the house contains a single residential unit.

Markham Official Plan (partially approved on October 30, 2015, May 26, 2016, March 10, 2017 and April 21, 2017)

Markham's new Official Plan defines secondary suite 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 of Markham's new Official Plan (in force City-wide) states that "it is the policy of Council to support the diversification of housing tenure by providing for the establishment of secondary suites within existing and new permitted dwellings."

Chapter 8 outlines Residential, Mixed Use, Greenway and Countryside land use designations which provide for secondary suites (residential designations are currently in force City-wide, mixed use and countryside designations are in force City-wide, subject to area/site specific appeals, and greenway designations are under appeal City-wide). In addition, section 8.13.8 (in force City-wide) outlines specific uses policies that must be considered when amending the zoning by-law to permit secondary suites. More specifically, Council must be satisfied that an appropriate set of development standards are provided for in the zoning by-law including:

- a. The building type in which the secondary suite is contained;
- b. The percentage of the floor area of the building type devoted to the secondary suite;
- c. The number of dwelling units permitted on the same lot;
- d. The size of the secondary suites;
- e. The applicable parking standards; and
- f. The external appearance of the main dwelling.

Markham Zoning

Secondary suites are generally not permitted in Markham's current zoning by-laws, except for those that were legally in existence prior to November 16, 1995. However, there are some Markham zoning by-laws that permit secondary suites such as:

- o Markham Centre By-law (2004 – 196) permits secondary suites (accessory dwelling units) in some zones (MC-D 3, MC-D 4 and MC-D 5)

- Bylaw 177-96 generally permits accessory dwelling units in Cornell, Cathedral Town & Angus Glen. These units must be located above the garage and in most cases the garages are detached however, there are some that are located in garages attached to a primary dwelling unit (177-96 provisions *5, *145, *162, *190, *196, *197, *237, *241, *432)

In the absence of City-wide zoning permissions, the City has been supporting the creation of secondary suites, as provided for in our Official Plan, through site specific applications to the Committee of Adjustment. Through this process, each individual site is reviewed for its suitability to support an additional residential unit, taking into consideration a variety of planning considerations including building type, size of unit, parking standards and external appearance of the building. From June 2015 to April 2017, the Committee has approved 22 applications for secondary suites.

DISCUSSION

Why Permit Secondary Suites in Markham?

There are several important reasons why staff is recommending that DSC approve the proposed strategy for secondary suites, that once fully implemented, will permit secondary suites city-wide:

1. Ontario municipalities are legally required to permit secondary suites.

The legislative requirements are in the Planning Act and these requirements are supported in the Region of York and Markham Official Plans. Based on the 2012 amendments to the Planning Act, the City is required to authorize secondary suites in singles, semis and townhouses. The City may provide for requirements and standards for secondary suites in the zoning by-law, however, such requirements and standards must be in the context of the overall direction that secondary suites are to be authorized, not restricted. While the Planning Act does not provide for exceptions, the Ministry has indicated on its website that inherent constraints such as floodplains and servicing constraints should be taken into consideration when implementing secondary suite policies.

2. Safety of Units and Residents

If residents cannot legally apply for permits for secondary suites, without going through a variance or zoning by-law amendment, they may build units without seeking permits and may not meet fire safety and building code compliance.

3. Benefits of Secondary Suites

- ✓ Provide flexibility to address demographic changes (e.g. multi-generational living)
- ✓ Contribute to stock of affordable housing without subsidy

- ✓ Provide housing opportunities for small households (e.g. seniors & young adults)
- ✓ Provide source of income for homeowners (e.g. can make home ownership more affordable)
- ✓ Provide sense of security for homeowners
- ✓ Contribute to the ongoing sustainability of the housing stock and delivery of services
- ✓ May contribute to the ongoing sustainability of the existing housing stock & more efficient use of infrastructure and services as average household size is decreasing (and projected to continue to decrease) in the Region.

Proposed Strategy for Secondary Suites

The proposed strategy for secondary suites consists of the following components:

1. Zoning By-law – to permit secondary suites City-wide in single detached, semi-detached and townhouse dwellings (except in Special Policy Areas) subject to the following development standards:
 - No more than two dwelling units per lot
 - Dwelling units must be within detached, semi-detached or townhouse dwellings
 - Floor area of each dwelling unit must be at least 35m²
 - No more than one dwelling entrance within any main wall facing a street

Note: Coach houses already permitted in the City (e.g. Cornell, Cathedral & Angus Glen) will continue to be permitted and registration will now be required. Any additional coach houses in new communities (e.g. Future Urban Area) to be considered in the context of community design plans, plans of subdivision and implementing zoning amendments.

2. Registration By-law – all dwellings with secondary suites must be registered to ensure life safety and compliance with all applicable codes and standards. It is proposed that the Fire Department maintain the Registry for homes with two dwelling units.
3. Property Standards By-law – the City's property standards by-law will be amended to include requirements for interior property standards such as heating, plumbing, electrical, ventilation, etc.
4. Communications Strategy & Public Education – following enactment of the zoning by-law to permit secondary suites, it is recommended that a communication and public education campaign be initiated to inform the public of by-law changes, explain registration requirements and benefits and to promote safety.
5. Monitoring Program – staff will monitor the registration process for 6 months following the implementation of secondary suites in Markham and will report

back to DSC with recommendations for improvements and/or additional resources, if required. The monitoring program will track items, including but not limited to, the number of building permit applications, complaints and inspections.

Staffing & Financial ImplicationsInitial Investigation/Inspection for Existing Unregistered Units – Average Time (per unit)

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

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

Re-Inspection – Average Time

Fire	9.0 hours
By-Laws	<u>2.0 hours</u>
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 (including inspections for registration renewals) 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 and registration fees when all by-laws, including the registration by-law, are presented to DSC for consideration by the end of the year.

Next Steps

1. Final recommendation report and accompanying by-laws and communication/public education plan, to implement secondary suites in Markham, will be presented to DSC in Fall 2017.
2. Statutory Public Meeting for proposed new Official Plan policies for rooming houses and short term accommodations to take place in September 2017. Final recommendation report and accompanying OPA and ZBA to follow afterwards (anticipated late Fall 2017).

FINANCIAL CONSIDERATIONS:

There are financial implications for specific City departments with respect to staffing matters such as enforcement, inspection, etc. as outlined in this report. Specific departments have provided the estimated staffing time and costs contained in this report.

HUMAN RESOURCES CONSIDERATIONS:

There are human resources implications for specific City departments with respect to staffing matters such as enforcement, inspection, etc. as outlined in this report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

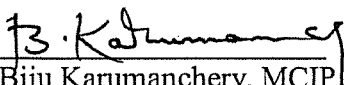
The New Comprehensive Zoning By-law Project aligns with the City's strategic priority of Growth Management by implementing the New Official Plan and establishing a zoning framework to guide future development in the City. This Project also aligns with the City's strategic priorities relating to quality customer service by providing improved access to up-to-date zoning information.

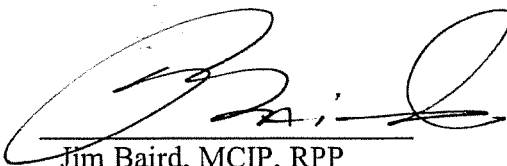
BUSINESS UNITS CONSULTED AND AFFECTED:

This City-wide Project affects many City Departments. All relevant City departments have and will continue to be consulted throughout each Phase of this Project, as appropriate.

RECOMMENDED

BY:


Biju Karumanchery, MCIP, RPP
Senior Development Manager,
Planning & Urban Design


Jim Baird, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

Appendix "A": Presentation – Strategy for Secondary Suites

File path: Q/Development/Planning/Teams/Zoning&SpecialProjects/NewComprehensiveZoningBy-lawProject/Phase3/Phase3A/DSCReports/June 12_2017

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

CITY OF MARKHAM

Gladki Planning Associates

August 2017

Contents

1 Introduction	1
2 Rooming Houses	1
2.1 Rooming Houses Background	1
2.2 Shared and Supportive Housing Policy Review, 2011	2
2.3 Markham Official Plan	2
2.4 Proposed Zoning By-law Approach	3
2.5 Official Plan Policy Options for addressing Rooming Houses	4
2.6 Recommended Option for Rooming Houses	5
3 Short Term Accommodation	5
3.1 Short Term Accommodation Background	5
3.2 Markham Official Plan	6
3.3 Proposed Zoning By-law Approach	6
3.4 Official Plan Policy Options for Short Term Accommodation	7
3.5 Recommended Option for Short Term Accommodations	7
4 Conclusion	8
APPENDIX	
1. PROPOSED AMENDMENT TO MARKHAM ZONING BY-LAWS	9
2. PROPOSED AMENDMENT TO THE OFFICIAL PLAN	12

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.

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 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:

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

“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 *Ontario 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
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 statutory public meeting 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 or collector roads served by public transit.
4. Rely on existing Official Plan policies regarding shared housing, which includes rooming houses as a subset. 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. A suggested change to this policy is to add the words “served by public transit” after the words “collector road” in section 8.13.9.1 b) ii.

The preferred option is to rely on the 2014 Official Plan policies, which already address rooming houses under the category of shared housing. These policies include a definition, provisions for the use in a number of designations and site specific policies. The only suggested change is to add clarity to the locational criteria with a reference to arterial and collector roads 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 shared housing policy framework for regulating rooming houses and that an Official Plan amendment be prepared to add the words "served by public transit" after the words "collector road" in section 8.13.9.1 b) ii of the Official Plan.

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 8.13.10 are met. Add a new section 8.13.10 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 served by public transit.
2. Create a new definition of “short term accommodation” and distinguish it from the current Bed and Breakfast establishment definition.
3. 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 60 days in the calendar year. Limits on the total number of days in a calendar year for short term accommodations have been accepted by Airbnb in London, Amsterdam and San Francisco. 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 8.13.10. The new section 8.13.10 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 and restrict the use to locations along collector or arterial roads served by public transit.

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 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.”
- Add the term “*short term accommodation* in accordance with Section 8.13.10 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 8.13.10 as follows:

“It is the policy of Council:

8.13.10 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 2017-_____

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 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.

- 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 ____, 2017.

READ A THIRD TIME AND PASSED THIS ____DAY OF ____, 2017.

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* the 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.....	
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 - INTRODUCTION

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 8.13.10 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:

"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 8.13.10 of this Plan, on lands designated 'Residential Mid Rise', in addition to the uses listed in Section 8.2.1.2."

- 1.5 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 8.13.10 of this Plan, on lands designated 'Residential High Rise', in addition to the uses listed in Section 8.2.1.2."

- 1.6 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 8.13.10 of this Plan.'

- 1.7 Section 8.13 of the Official Plan 2014, as amended, is hereby amended by adding a new Section 8.13.10 as follows:

“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.”

- 1.8 Section 8.13.9.1 b) ii of the Official Plan 2014, as amended, is hereby amended by adding the words “served by public transit” after the words “collector road”.

- 1.9 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 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.”

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.

Rooming Houses and Short Term Accommodations Policy Recommendations

**Development Services Committee
September 25, 2017**

Background

- March 2016 –DSC directed staff to advance work on Secondary Suites, Rooming Houses and Short term Accommodations (phase 3A of Markham Comprehensive Zoning project)
- July 2016 Special DSC meeting held to discuss options for Rooming Houses and Short Term Accommodations
- October 2016—Public Open House
- December 2016—Statutory Public Meeting of Phase 3A—Matter referred back to staff to explore policy criteria
- June 2017—Council approves staff report recommending that Statutory Public Meeting be held in Fall 2017 regarding Official Plan policies for Rooming Houses and Secondary Suites

Rooming Houses



- 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-Official Plan



- Rooming houses are included in the “shared housing small scale” category in the Official Plan
- Markham Official Plan Section 11.2 defines “shared housing small scale” as 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 the Housing and Specific Use Provision sections 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 Recommendations



- Do not permit rooming houses as of right in any zone in Markham
- Define rooming houses in the zoning by-law to assist with enforcement
- Add criteria in the Official Plan to assist in evaluating applications for rezoning

New Rooming Houses Zoning By-law Definitions

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

”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*.”

Official Plan Criteria for Rooming Houses

Criteria in the 2014 Official Plan (Phrase in red to be added).

In considering an application to amend the zoning by-law to permit the establishment of shared housing, Council shall be satisfied:

- i. that shared housing small scale shall be accommodated within a permitted building type in accordance with all applicable codes, bylaws and regulations; and
- ii. that the location of shared housing large scale and shared housing long term care and shared housing supervised shall be restricted to permitted building types on an arterial or collector road **served by public transit** and built in accordance with all applicable codes, by-laws, regulations and other policies of the Plan.

Short Term Accommodation(STA) - Background

- Short Term Accommodation refers to temporary accommodation (less than 30 days) through rental arrangement but does not include uses such as motels, hotels, bed and breakfasts
- The introduction of web based sites advertising short term rental accommodation has raised concerns in a number of municipalities across North America
- Municipalities are struggling on how to control for 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



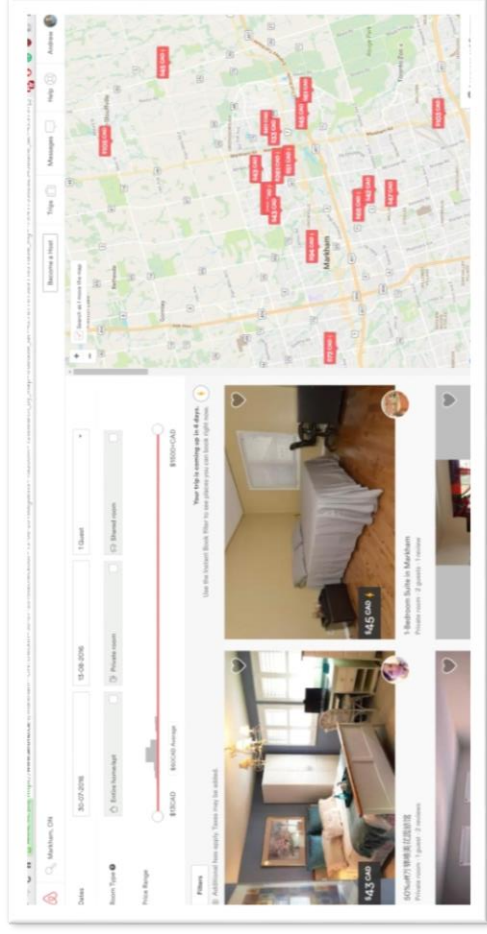
STAs –Official Plan and Zoning controls

- 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 (August 2017):

- 210 active hosts
- Over 2,000 guests last year
- Active listings by type
 - 34%--entire house
 - 64% --private space
- Nine complaints filed with By-law Enforcement over the past 2 years



STAs –Zoning Recommendations

- Do not include Short Term Accommodation as a permitted use in any zone
- Add the following definition in the zoning by-law:

“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 60 days over the duration of the calendar year, within a single dwelling that is the principal residence of the proprietor of the establishment. ”

STAs –Official Plan Recommendations

- Add STA definition to the Official Plan
- Provide for STAs in Residential and Mixed Use Areas, through a rezoning and subject to meeting specific use criteria
- Add a new Specific Use Section to the Official Plan that would limit STAs to permitted building types in accordance with all applicable codes, by-laws, regulations and Official Plan policies.

QUESTIONS/COMMENTS?



8.13.8 Secondary Suite

It is the policy of Council:

- 8.13.8.1 That in considering an application to amend the zoning by-law to permit the establishment of a *secondary suite* where provided for in this Plan, Council shall be satisfied that an appropriate set of development standards are provided for in the zoning by-law including:
- a) the building type in which the *secondary suite* is contained;
 - b) the percentage of the floor area of the building type devoted to the *secondary suite*;
 - c) the number of dwelling units permitted on the same lot;
 - d) the size of the *secondary suite*;
 - e) the applicable parking standards; and
 - f) the external appearance of the main dwelling.

8.13.9 Shared Housing

It is the policy of Council:

- 8.13.9.1 To apply the following specific use policies where *shared housing* is provided for in this Plan:
- a) *shared housing* shall be categorized by the scale of the building type and the level of support services as follows: *shared housing small scale*; *shared housing large scale*; *shared housing long term care* and *shared housing supervised*; and
 - b) in considering an application to amend the zoning by-law to permit the establishment of *shared housing*, Council shall be satisfied that the following requirements, where applicable, will be fulfilled:
 - i. that *shared housing small scale* shall be accommodated within a permitted building type in accordance with all applicable codes, by-laws and regulations; and
 - ii. that the location of *shared housing large scale* and *shared housing long term care* and *shared housing supervised* shall be restricted to permitted building types on an arterial or collector road and built in accordance with all applicable codes, by-laws and regulations.

- be encouraged;
- f) general setback patterns on adjacent properties shall be respected; and
- g) in areas adjacent to watercourses and other groundwater recharge areas development shall be limited and controlled to ensure that the quality and quantity of water in aquifers and surface water bodies are maintained.

8.2.3 Residential Low Rise

Lands designated 'Residential Low Rise' constitute most of the existing residential neighbourhoods in Markham. These are established residential areas with lower-scale buildings such as detached and semi-detached dwellings, duplexes and townhouses, which will experience minimal physical change in the future. Access to *convenience retail and personal services* uses and a full range of community facilities, parks and open spaces is an important characteristic of these areas. Over time, improvements will be introduced to provide for greater access and an enhanced pedestrian experience. These may include the introduction of pedestrian connections to existing services or, in some cases, the introduction of new facilities and services along existing arterial or major collector roads to improve convenience for residents.

Infill development refers to small-scale development within existing residential areas intended to respect and reflect the existing pattern and character of adjacent development. New development refers to larger-scale development outside the context of existing residential areas. Both are subject to certain development criteria.

Within 'Residential Low Rise' areas local institutions such as *public schools* and *places of worship* will be situated in appropriate, accessible locations on major collector or arterial roads to provide easy access for residents. In order to accommodate the trend for more and more people to work from home, *home occupations* may be included within residential buildings. *Affordable* and *shared housing* shall be considered as an integral characteristic of 'Residential Low Rise' areas.

Residential Low Rise areas are established residential neighbourhoods with lower-scale buildings such as detached and semi-detached dwellings, duplexes and townhouses, which will experience minimal physical change in the future.

It is the policy of Council:

General Policies

- 8.2.3.1 **On lands** designated 'Residential Low Rise' to:
- a) respect the physical character of established neighbourhoods including *heritage conservation districts*;
 - b) provide for improved access to *convenience retail and personal service* uses; and
 - c) accommodate *shared housing small scale*.

Uses

- 8.2.3.2 **To provide** for *shared housing small scale*, in addition to the uses listed in Section 8.2.1.2, on lands designated 'Residential Low Rise' in accordance with Section 8.13.9 of this Plan.

incorporating the locations of new roads, development blocks, open spaces, access to community services and public transit.

It is the policy of Council:

General Policies

- 8.2.4.1 **On lands designated 'Residential Mid Rise' to:**
- a) provide for modest levels of residential *intensification* in mid-rise buildings adjacent to transit routes along arterial and collector roads;
 - b) encourage building design in new developments that is street-related with consistent setbacks; massing to adjacent 'Residential Low Rise' areas.
 - c) require buildings to address pedestrian comfort in the public realm;
 - d) ensure development responds to the provision of transportation infrastructure in accordance with Section 7.1.1.6; and
 - e) require that buildings be designed to provide a transition in height and

Uses

- 8.2.4.2 **To provide** for *shared housing small scale, shared housing large scale, shared housing long term care and shared housing supervised*, in addition to the uses listed in Section 8.2.1.2, on lands designated 'Residential Mid Rise' in accordance with Section 8.13.9 of this Plan.

Building Types

- 8.2.4.3 **To provide** for the following building types on lands designated 'Residential Mid Rise':
- a) townhouse including back to back townhouse;
 - b) small multiplex building containing 3 to 6 units;
 - c) stacked townhouse;
 - d) apartment building; and
 - e) buildings associated with *day care centres, places of worship and public schools*.

Heights and Densities

- 8.2.4.4 **To provide** for a minimum building height of 3 storeys, except for lower podium heights attached to the main building, and a maximum building height of 6 storeys, with a maximum overall density of up to 2.0 FSI on lands designated 'Residential Mid Rise', or heights and densities as otherwise specified in a secondary plan or area or site-specific policy.

Development Criteria

- 8.2.4.5 **In considering** an application for *development approval* on lands designated 'Residential Mid Rise', Council shall ensure that development adheres to the development criteria outlined below, in addition to the criteria in Section 8.2.1.3:
- a) on sites generally larger than one hectare, or where otherwise considered appropriate, a *comprehensive block plan* may be prepared in accordance with Section 10.1.4 of this Plan;
 - b) buildings should generally be placed on a site to respect a consistent

**Section 8.2.4 subject
to Area/Site Specific
Appeal No. 18 (Issues
123, 124)**

- d) ensure development responds to the provision of transportation infrastructure in accordance with Section 7.1.1.6; and
- e) require that new buildings provide a transition in height and massing to adjacent 'Residential Low Rise' and 'Residential Mid Rise' areas.

Uses

- 8.2.5.2 **To provide** for *shared housing small scale, shared housing large scale, shared housing long term care and shared housing supervised*, in addition to the uses listed in Section 8.2.1.2, on lands designated 'Residential High Rise' in accordance with Section 8.13.9 of this Plan.

Building Types

- 8.2.5.3 **To provide** for the following building types on lands designated 'Residential High Rise':
- a) townhouse excluding back to back townhouse;
 - b) stacked townhouse;
 - c) apartment building; and
 - d) buildings associated with *day care centres, places of worship and public schools*.

Heights and Densities

- 8.2.5.4 **To provide** for a minimum building height of 3 storeys, except for lower podium heights attached to the main building, and a maximum building height of 15 storeys, with a maximum overall density of up to 2.5 FSI on lands designated 'Residential High Rise', or heights and densities as otherwise specified in a secondary plan or an area or site-specific policy.

Section 8.2.5.4
subject to Area/Site
Specific Appeal No.
18 (Issue 123, 124)

Development Criteria

- 8.2.5.5 **In considering** an application for *development approval* on lands designated 'Residential High Rise', Council shall ensure that development adheres to the development criteria outlined below, in addition to the criteria contained in Section 8.2.1.3:
- a) on sites generally larger than one hectare, or where otherwise considered appropriate, a *comprehensive block plan* may be prepared in accordance with Section 10.1.4 of this Plan;
 - b) buildings should generally be placed on a site to respect a consistent setback and provide for continuity in built form along public streets;
 - c) buildings should be designed to provide privacy for residential units at the street level by providing an appropriate setback between the development and the street or neighbouring buildings;
 - d) buildings should be designed to enhance pedestrian safety and comfort by providing for appropriate microclimatic conditions including:
 - i. sunlight access between the Spring and Fall equinox, particularly on the north, east and west pedestrian zones along arterial and collector roads;
 - ii. measures to mitigate wind conditions at the street level and in parks and open spaces;
 - e) height and density shall be directed away from low rise designations to frontages along arterial and major collector roads;

Uses provided for in all Mixed Use Designations

- 8.3.1.2 **To provide** for the following uses, in addition to the uses listed in Section 8.1.1, in all 'Mixed Use' designations:
- a) *commercial fitness centre*;
 - b) commercial school;
 - c) *day care centre* in accordance with Section 8.13.2;
 - d) dwelling unit including a *home occupation*;
 - e) financial institution;
 - f) office;
 - g) *place of worship* in accordance with Section 8.13.7;
 - h) *public school and private school* provided these are located on an arterial or major collector road;
 - i) restaurant;
 - j) retail;
 - k) *secondary suite* in accordance with Section 8.13.8; and
 - l) service, with the exception of motor vehicle service station and commercial storage facility.

Where lands designated 'Mixed Use' are located within *Special Policy Areas*, the policies of Section 3.4.1.2 shall apply.

Minor Additions or Renovations to Developed Commercial Sites

- 8.3.1.3 **To not apply** the minimum height and mixed use requirements, and the gross floor area restrictions (as they apply to the 'Mixed Use Mid Rise' and 'Mixed Use High Rise' designations only), for minor additions and/or renovations to developed commercial sites.

Development Criteria that apply to all Mixed Use Designations

- 8.3.1.4 **In considering** an application for *development approval* on lands designated 'Mixed Use', Council shall ensure that development has adequate transportation and water and wastewater infrastructure, and community infrastructure such as public schools and parks and open spaces, and has regard for the Urban Design and Sustainable Development policies outlined in Chapter 6 of this Plan and adheres to the following development criteria:
- a) on sites generally larger than one hectare, or where otherwise considered appropriate, a *comprehensive block plan* may be prepared in accordance with Section 10.1.4 of this Plan;
 - b) buildings should generally be placed on a site to respect a consistent setback and provide for continuity in built form along public streets;
 - c) buildings should be designed to enhance pedestrian safety and comfort by providing for appropriate microclimatic conditions including:
 - i. sunlight access between the Spring and Fall equinox, particularly on the north, east and west pedestrian zones along arterial and collector roads; and
 - ii. measures to mitigate wind conditions at the street level and in parks and open spaces;
 - d) height and density shall be directed away from low rise designations to frontages along arterial and major collector roads;

Section 8.3 subject to Area/Site Specific Appeal Nos. 15 (Issue 122), 21 (Issue 133), 22 (Issue 280 v)), and 26 (Issue 154)

Section 8.3.1.4 subject to Area/Site Specific Appeal Nos. 22 (Issue 280 v)), 24 (Issue 146) and Site Specific Appeal No. 26 (Issue 155)