



SUBJECT: MEMORANDUM
Authorization to hold a Public Open House on Secondary Suites (Phase 3a - New Comprehensive Zoning By-law Project) PR 13 128340

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

REVIEWED BY: Ron Blake, MCIP, RPP, ext. 2600
Senior Development Manager

RECOMMENDATION:

- 1) THAT the memorandum dated July 19, 2016 entitled, “MEMORANDUM: Authorization to hold a Public Open House on Secondary Suites (Phase 3a – New Comprehensive Zoning by-law Project) PR 13 128340” be received;
- 2) THAT staff be authorized to hold a Public Open House to consider preliminary recommendations for implementing secondary suites in Markham, as outlined in the attached report and presentation prepared by Gladki Planning Associates (Appendix ‘A’ and ‘C’) and as summarized in this memorandum;
- 3) THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this memo is to obtain feedback from Development Services Committee on preliminary recommendations for implementing secondary suites in Markham, as outlined in the attached report and presentation prepared by Gladki Planning Associates (GPA) (Appendix ‘A’ and ‘C’), and to seek authorization to hold a Public Open House to obtain feedback from stakeholders.

BACKGROUND:

Phase 3a New Comprehensive Zoning By-law Project

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

Planning Act

In 2012, Bill 140 (The Strong Communities through Affordable Housing Act) amended various sections of the Planning Act in support of secondary suites. Key amendments to the Act include:

Section 16(3) - states that “an official plan shall contain policies that authorize the use of a second residential unit by authorizing the use of two residential units in a detached house, semi-detached house and rowhouse, as well as ancillary structures...”

Section 35.1 (1) - states that “ the Council of each local municipality shall ensure that the by-laws passed under section 34 (zoning by-laws) give effect to the policies described in section 16 (3)”

Sections 17 (24.1) and 34 (19.1) - restricts the ability to appeal the establishment of official plan policies and zoning by-law provisions relating to secondary suites except where official plan policies are part of a 5 year municipal review/update.

Region of York Official Plan

The Region of York Official Plan was approved by the Ministry of Municipal Affairs and Housing in September 2010. Section 3.5.22 requires local municipalities to adopt official plan policies and zoning by-law provisions that authorize secondary suites as follows:

- 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

Markham's new Official Plan (OP) was adopted by Council in 2013 and was approved, in large part, by the Region in June 2014. Certain Official Plan policies remain under appeal to the Ontario Municipal Board. Relevant OP policies pertaining to secondary suites include:

Section 4.1.2.6 (in force) - 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.

Section 8.13.8 (in force for residential designations) - outlines policies that must be considered when amending the zoning by-law to permit secondary suites. Amongst other things, Council shall be satisfied that an appropriate set of development standards are provided for 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, except for those that were legally in existence prior to November 16, 1995 (grandfathered as a permitted use under the Planning Act). However, there are some Markham zoning by-laws that permit secondary suites such as:

- By-law 2004-196 permits secondary suites (accessory dwelling units) in some zones in Markham Centre (MC-D3, MC-D4 & MC-D5)
- By-law 177-96 generally permits accessory dwelling units in Cornell and

Cathedraltown. Most units are permitted above a detached garage.

In the absence of City-wide zoning regulations, the City has been supporting the creation of secondary units, as provided for in our Official Plan, through applications to the Committee of Adjustment. Thus far, the Committee has approved twelve (12) applications for secondary suites from June 2015 to June 2016.

Registration of Secondary Suites

In Markham, dwelling units containing secondary suites that are grandfathered by the Planning Act must be registered as a two unit dwelling with the Fire and Emergency Services Department. The secondary suites must comply with the Fire Code, Building Code, Zoning By-law & Property Standards By-law in order to be registered. Prior to registering a secondary suite, a building permit or change of use permit is required.

The City has approximately 715 registered secondary suites. As of 2008 there were an estimated 2,500 secondary suites in Markham that were not registered. Today the number is estimated to be much higher. Secondary suites that are not registered may not comply with the minimum level of life safety required under the Fire Code and Building Code.

OPTIONS/DISCUSSION:

Preliminary Recommendations

Based on the 2012 Planning Act amendments and a review undertaken by GPA, as outlined in their report (Appendix 'A'), the following are preliminary recommendations from GPA for the implementation of secondary suites in Markham:

Amend Zoning By-law (s) to Permit Secondary Suites – similar to the 2009 draft zoning by-law that was deferred by Council, it is recommended that one accessory dwelling unit be permitted in a detached house, semi-detached house or row house in any zone provided (D):

- a) both the principal dwelling unit and the secondary dwelling unit are wholly contained within the same detached, semi detached or row house dwelling,
- b) there are no more than two dwelling units on the same lot;
- c) the secondary dwelling unit has a floor area of no less than 35m²;
- d) no more than one dwelling entrance is contained within any main wall facing a streetline;
- e) the entrance to either the principal or secondary dwelling unit is not contained within the garage door; and,
- f) all other provisions of Markham's zoning By-laws are complied with.

There are two revisions to the 2009 draft by-law proposed:

- a) Addition of a row house as an additional building type in which a secondary suite is permitted to comply with the 2012 Planning Act amendment

- b) Removal of the condition that a secondary suite occupy no more than 45 percent of the floor area of the principal dwelling unit.

Amend Registration By-law for Secondary Suites – amendment proposed to apply to secondary suites that would be permitted should the proposed zoning by-law permitting secondary suites be approved by Council. It is also recommended that the Registration By-law also be amended to require renewal of registration every 5 years to ensure continued compliance with all applicable codes and standards. Licensing of secondary suites will be reviewed in a separate report to be discussed at the July 28, 2016 DSC meeting.

Establish Interior Property Standards By-law – proposed to provide the ability to inspect premises to review compliance with maintenance and state of good repair standards based on complaints received. The City currently relies on the Ministry of Municipal Affairs and Housing for enforcement of interior property standards. Bill 204 which has passed first reading in the Legislature, requires all Ontario municipalities to conduct their own internal housing standards inspections by July 1, 2018.

Initiate Public Education and Communication Strategy – proposed to provide accurate information & education on new by-law amendments and procedures relating to secondary suites; explain all relevant codes and programs relating to second suites; explain benefits of registration for owners and tenants, promote life safety and encourage compliance with code requirements, etc.

Staff is seeking input from DSC on the above preliminary recommendations and authorization to hold a Public Open House in September to obtain feedback from stakeholders.

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 'A' - Markham Secondary Suites: Preliminary Recommendations Report

APPENDIX 'B' - Draft Zoning By-law

APPENDIX 'C' - Presentation by GPA