

# **New Comprehensive Zoning By-law Project**

## *Phase 3A: Secondary Suites*

**Development Services Committee**

July 19, 2016

## Background



### Markham's Proposed Policy for Second Suites

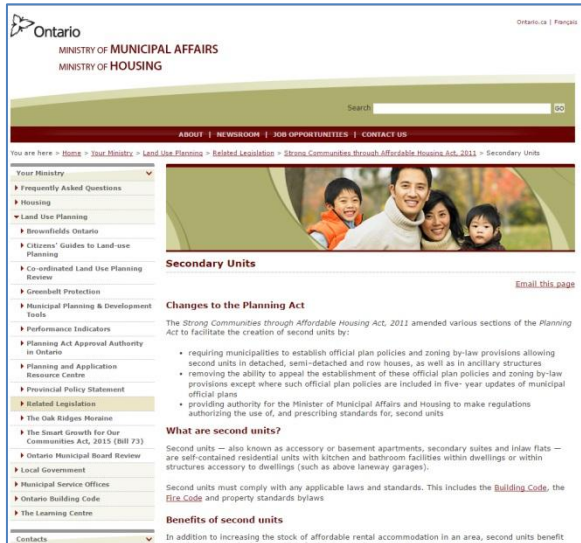
### FAQ'S Frequently Asked Questions (Updated June 2008)



- Part of Phase 3A of Markham New Comprehensive Zoning By-law Project
- Markham last considered secondary suites in April 2009
- Council sub-committee was set up in 2008
- Proposed zoning by-law amendments and other recommendations were not acted upon

# 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 (2012 amendment)
- Section 35.1 states that zoning by-laws shall give effect to the policies referred to in 16 (3) (2012 amendment)
- Section 76 provides that all second suites that were used or occupied before November 16, 1995 shall continue to enjoy legal status
- 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



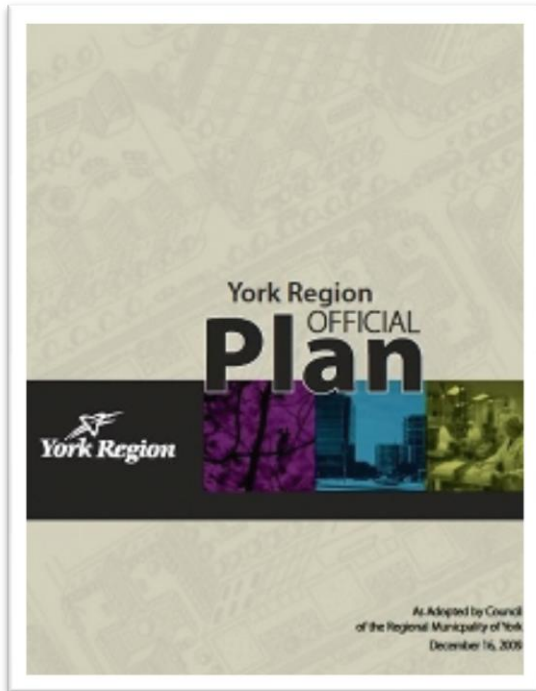
The screenshot shows the Ontario Ministry of Municipal Affairs and Housing website. The page title is "Secondary Units". The main content area includes a section titled "Changes to the Planning Act" which states: "The Strong Communities through Affordable Housing Act, 2012 amended various sections of the Planning Act to facilitate the creation of second units by:"

- requiring municipalities to establish official plan policies and zoning by-law provisions allowing second units in detached, semi-detached and row houses, as well as in ancillary structures;
- removing the ability to appeal the establishment of these official plan policies and zoning by-law provisions except where such official plan policies are included in five-year updates of municipal official plans;
- providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units.

Below this, there is a section titled "What are second units?" which defines them as "also known as accessory or basement apartments, secondary suites and in-law flats — are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above laneway garages)." It also notes that "Second units must comply with any applicable laws and standards. This includes the Building Code, the Fire Code and property standards bylaws."

At the bottom, there is a section titled "Benefits of second units" which states: "In addition to increasing the stock of affordable rental accommodation in an area, second units benefit"

## 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 Official Plan



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

## Existing Markham Zoning By-laws



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

## Committee of Adjustment

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

## Building and Fire Codes



- All secondary suites must comply with Building and Fire Code provisions including such things as:
  - Generally, must contain separate entry doors
  - Fire safety measures including fire separation and smoke detectors
  - Provision of natural light, ventilation and headroom, if in basement



## Other Ontario Municipal Zoning By-laws

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

## Other Ontario By-laws: Common Provisions



- Permitted in all residential zones
- Permitted in detached, semi-detached and row houses
- Maximum of 2 units per lot
- GFA varies between no minimum to 35m<sup>2</sup> minimum
- Parking provisions vary from no additional requirement to 1 additional space
- No change to the external appearance of the building along the street frontage

## Issues

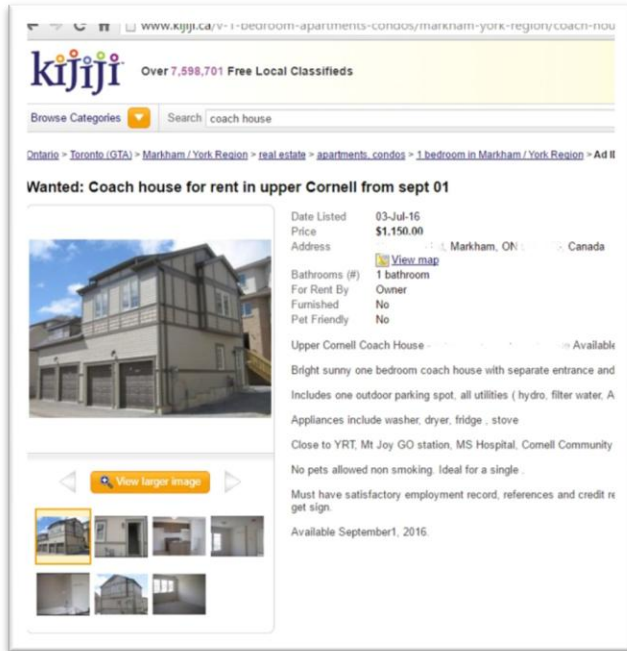


- **Secondary Suites Exist.** There is a demand for this type of housing
- **Safety.** Fire safety and code requirements may not be met if secondary suites cannot legally apply for permits
- **Services.** There is no evidence that secondary suites have an impact of services. The number of persons per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

# Issues

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

## Benefits



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

**kijiji** Over 7,598,701 Free Local Classifieds

Browse Categories Search: coach house

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

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

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

Upper Cornell Coach House Available

Bright sunny one bedroom coach house with separate entrance and includes one outdoor parking spot, all utilities ( hydro, filter water, A Appliances include washer, dryer, fridge , stove  
Close to YRT, Mt Joy GO station, MS Hospital, Cornell Community  
No pets allowed non smoking. Ideal for a single.  
Must have satisfactory employment record, references and credit re get sign.  
Available September 1, 2016

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

# Preliminary Recommendations

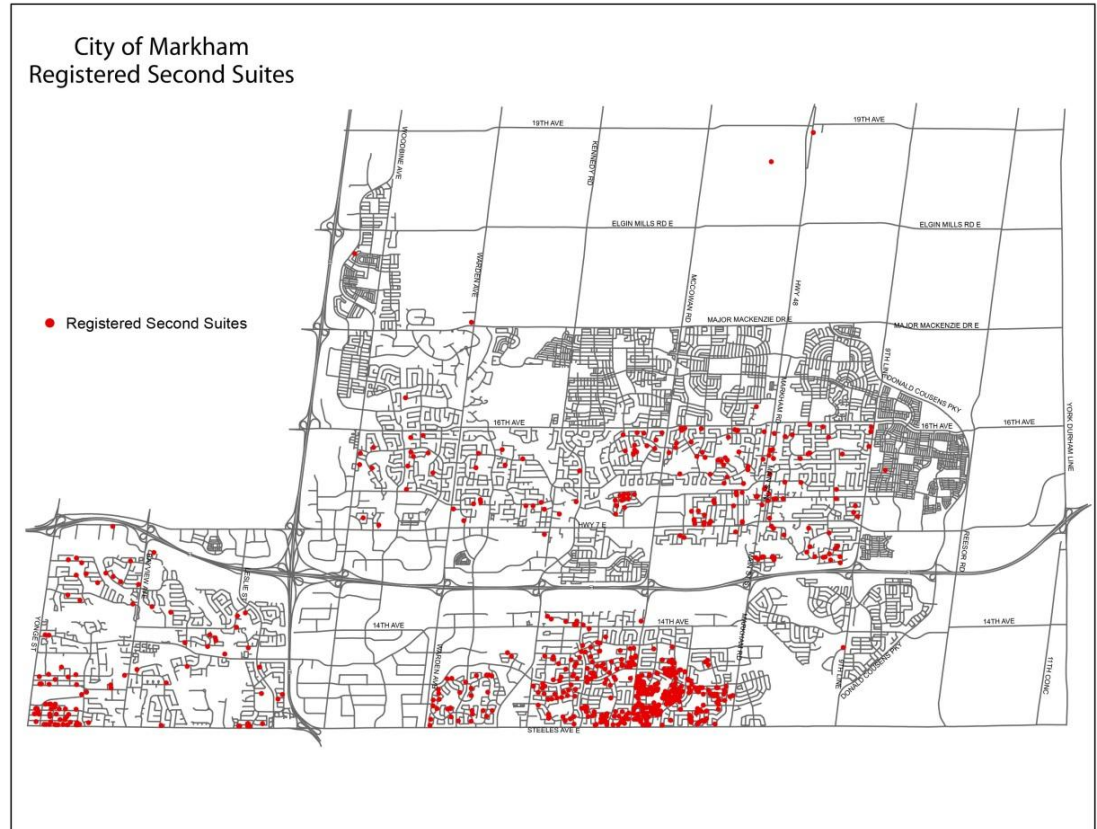
## Zoning By-law

Amend the zoning by-law(s) to permit secondary suites in detached, semi-detached and row houses provided:

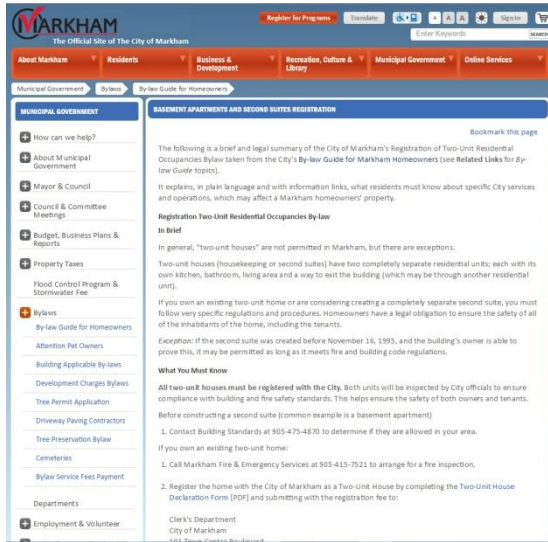
- No more than 2 dwelling units are on the same lot
- Floor area of the secondary suites in at least 35m<sup>2</sup>
- No more than one entrance is visible from front of the building
- An entrance is not contained within the garage door

# Registration By-law

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



# Preliminary Recommendations: Registration By-law



The screenshot shows the City of Markham website with the following content visible:

- Navigation:** Home, Register for Programs, Search, and various service links.
- Menu:** About Markham, Residents, Business & Development, Recreation, Culture & Library, Municipal Government, Office Services.
- Sub-menu:** Municipal Government, By-laws, By-law Guide for Homeowners.
- Left Sidebar (Municipal Government):**
  - How can we help?
  - About Municipal Government
  - Mayor & Council
  - Council & Committee Meetings
  - Budget, Business Plans & Reports
  - Property Taxes
  - Flood Control Program & Stormwater Fee
  - By-laws
  - By-law Guide for Homeowners
  - Attention Pet Owners
  - Building Applicable By-laws
  - Development Charges By-laws
  - Tree Permit Application
  - Driveway Paving Contractors
  - Tree Preservation By-law
  - Cemeteries
  - By-law Service Fees Payment
  - Departments
  - Employment & Volunteer
- Main Content Area: BASEMENT APARTMENTS AND SECOND SUITES REGISTRATION**
  - Bookmark this page
  - The following is a brief and legal summary of the City of Markham's Registration of Two-Unit Residential Occupancies By-law taken from the City's [By-law Guide for Markham Homeowners](#) (see [Related Links for By-law Guide](#) topic).
  - It explains, in plain language and with information links, what residents must know about specific City services and operations, which may affect a Markham homeowner's property.
  - Registration Two-Unit Residential Occupancies By-law**
  - In Brief**
  - In general, "two-unit houses" are not permitted in Markham, but there are exceptions.
  - Two-unit houses (housekeeping or second suites) have two completely separate residential units; each with its own kitchen, bathroom, living area and a way to exit the building (which may be through another residential unit).
  - If you own an existing two-unit home or are considering creating a completely separate second suite, you must follow very specific regulations and procedures. Homeowners have a legal obligation to ensure the safety of all of the inhabitants of the home, including the tenants.
  - Exception: If the second suite was created before November 16, 1995, and the building's owner is able to prove this, it may be permitted as long as it meets fire and building code regulations.
  - What You Must Know**
  - All two-unit houses must be registered with the City.** Both units will be inspected by City officials to ensure compliance with building and fire safety standards. This helps ensure the safety of both owners and tenants. Before constructing a second suite (common example is a basement apartment):
    - 1. Contact Building Standards at 905-475-4870 to determine if they are allowed in your area.
  - If you own an existing two-unit home:
    - 1. Call Markham Fire & Emergency Services at 905-415-7521 to arrange for a fire inspection.
    - 2. Register the home with the City of Markham as a Two-Unit House by completing the Two-Unit House Declaration Form [PDF] and submitting with the registration fee to:
      - Clerk's Department
      - City of Markham
      - 100 Town Centre Boulevard

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



## Preliminary Recommendations: Interior Property Standards By-law



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

# Preliminary Recommendations: Public Communication/Education



**What is a Suite?**


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

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


OR a

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

**SECONDARY SUITES PROCEDURES**



**CITY OF PORT COQUITLAM**



Division of Planning & Development Department  
Updated February 2012

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

## Next Steps

- Hold public open house in September 2016
- Final recommendations to DSC by end of 2016 (includes statutory public meeting)

