

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: June 20, 2022

Report No: DS-053-22

Subject: Short-Term Rentals Zoning By-law Amendments Technical

Report

Recommendation: THAT Zoning Application Z- 04/22 - Short-Term Rental Zoning

By-law Amendments to 016-2012 and 144-2003 BE

APPROVED;

AND THAT WHEREAS the Planning Act limits the ability to apply for a minor variance for a 2-year period following approval of this By-law, BE IT RESOLVED that a privately initiated application for

a minor variance may be made.

EXECUTIVE SUMMARY

In accordance with the Planning Act, this Report presents Zoning By-law amendments updating Milton's Zoning By-law to define short-term rental in the Town's Zoning Bylaw, require a Certificate of Occupancy for short-term rental uses and adds minimum parking requirements. Additionally, the amendments add short-term rental as a permitted use wherever residential uses are permitted and updates other definitions as necessary, to provide clarity in the Zoning By-laws to support enforcement of applicable zoning provisions.

The proposed Short-Term Rental Zoning By-law amendments are intended to work with and support the Town's Short-Term Rental Licensing By-law. Together these documents implement Council's direction in DS-008-2022.

The Statutory Public Meeting under the Planning Act was held on May 30 2022. This report is now seeking approval of the proposed Zoning By-law amendments (appendices 1 and 2).



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REPORT

Background

In 2020, Milton Council passed a resolution requesting that Staff explore options to regulate short-term rentals in a way that supports the community's goals and addresses concerns related to short -term rental units.

In June 2021, Staff presented, through Report DS-054-21, a summary of options available to manage how short-term rentals operate within the Town of Milton. Following this report, Staff held online engagement with the community, held meetings with Short-Term Rental operators and further evaluated what other municipalities are implementing to address short-term rentals.

In February 2022, Staff brought forward a recommended approach through DS-008-22, which outlined several recommendations through multiple departments. Council endorsed DS-008-22 and directed Staff to begin the implementation of the recommended approach outlined in the report. This approach includes a Short-Term Rental Licensing By-law and Zoning By-law amendments.

On May 30 2022, Staff held a Statutory Public Meeting under the Planning Act for the proposed Zoning By-law amendments, where four written delegations were received. Two of these delegations also gave verbal delegations.

This report recommends that Council approve the proposed Zoning By-law amendments that introduce short-term rentals and subsequent use requirements into the Town's Zoning By-law, supporting the implementation of a licensing By-law.

Discussion

The Amendment

The Zoning By-law amendments have one modification following the agency circulation and public meeting. The amendment to Section 5, of both the 144-2003 and 016-2014 By-laws, has been updated to provide more clarity that short-term rentals would be permitted in any dwelling unit that is permitted by the Zoning By-law.

The proposed Zoning By-law amendments (appendices 1 and 2) modify the Town's Zoning By-laws by adding the following definition for short-term rentals:



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Discussion

SHORT TERM RENTAL

Means the rental of a *dwelling unit* or part thereof offering short term lodging for compensation for 28 days or less that does not provide meals or other commercial services. A short-term rental does not include a *bed and breakfast establishment*.

The proposed amendments additionally require that a short-term rental must provide one off street parking space in addition to the parking that is required for the main dwelling unit, and add the requirement that a certificate of occupancy be obtained for a short-term rental.

These proposed amendments are intended to recognize and define the short-term rentals as a permitted within any dwelling unit that is permitted by the Town's Zoning By-laws, which would support the implementation of the Town's upcoming Short-Term Rental Licensing By-law.

Agency Comments

Following the agency circulation, comments were received from Halton Region and the Niagara Escarpment Commission (NEC). Halton Region noted that they had no concerns with the proposed Zoning By-law amendments and also noted that they support the Town's overall short-term rental strategy. The NEC noted that the Zoning By-law amendments do not apply to the NEC Area. The Town's Short Term Rental Licensing By-law as well as all other regulations (noise, community standards, parking) will still apply and are enforceable within the NEC Area.

Statutory Public Meeting

At the statutory public meeting under the Planning Act, Town Staff received four written submissions, two of which also gave verbal delegations. Many of the concerns raised such as noise by-law violations, parking by-law violations and use of residential properties for commercial events are not covered within the proposed Zoning By-law amendments; however, will be addressed through the Town's Licensing By-law or are currently addressed through other Town By-laws. As noted, the proposed amendments are part of the Town's strategy to regulate short-term rentals in a way that appropriately integrate them in the Town.

There were also concerns noted that the Town should not be regulating short-term rentals or what is being proposed is too restrictive. Town Staff maintain that the strategy endorsed through DS-008-22 is appropriate as there have been many concerns noted by the community, as well as by-law complaints, relating to the impacts of the operation of short-term rentals in the Town.



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Discussion

Licensing By-law

While the Licensing By-law is a separate document, it is intended to work with the proposed zoning -by law amendments to implement the Town's Short-Term Rental Strategy.

As highlighted in DS-008-22 implementing a Short-Term Rental Licensing By-law may include:

- A formal definition for a short-term rental i.e. a rental in a residential property for 28 days or less.
- A license and fee.
- A requirement that short-term rentals only operate in principal residences.
- · A maximum number of guests per unit.
- A limit of operation as short-term rental to maximum number of days per year.
- A valid certificate of occupancy (zoning certificate).
- Mandatory annual life safety inspections.

A Short-Term Rental Licensing By-law Report will address the specifics of the Licensing By-law.

Financial Impact

There are no financial implications arising from this report as this report is in regards to short-term rental Zoning By-law amendments only. However, it is intended that the proposed Zoning By-law amendments will support the Short-Term Rental Licensing By-law. The Short-Term Rental Licensing process will result in additional staff requirements to manage the license applications and By-law enforcement, which will be partially offset by new licensing fees and penalties associated with non-compliance. The financial impacts of the short-term rental licensing process are outlined as part of the Short-Term Rental Licensing By-law report on tonight's agenda.

Respectfully submitted,

Jill Hogan Commissioner, Development Services



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For questions, please contact:

Megan Lovell, Senior Planner -

Policy

905-878-7252 Ext.

2398

Attachments

Appendix 1 - Urban Zoning By-law Amendment

Appendix 2 -Rural Zoning By-law Amendment

Appendix 3 - Delegation Submissions

Approved by CAO Andrew M. Siltala Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2022

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTION 34 OF THE *PLANNING ACT* IN RESPECT OF ALL LANDS WITHIN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (TOWN FILE: Z-04/22).

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 016-2014, as amended;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

- **1.0 THAT** the Table of Contents of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding "4.24 Short-Term Rental" to Section 4 General Provisions.
- **2.0 THAT** Section 1.4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase "and *Short-Term Rental*" after "*Shared Housing*" and deleting the word "*and*" before "*Shared Housing*".
- **3.0 THAT** Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the following definition:

SHORT-TERM RENTAL

Means the rental of a *dwelling unit* or part thereof offering short term lodging for compensation for 28 days or less that does not provide meals or other commercial services. A Short term rental does not include a *Bed and Breakfast Establishment*.

- **4.0 THAT** Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying the defined term 'Bed and Breakfast Establishment' by deleting the phase "or rooms in a *boarding or lodging house*", and adding the phase "or *short-term rental*" after the words "*shared housing*,".
- **THAT** Section 4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding "Section 4.24" with the following:

4.24 SHORT-TERM RENTAL

A *short-term rental* is permitted in accordance with the following:

i) A *short-term rental* shall be permitted in any dwelling unit permitted by this bylaw.

- ii) A minimum of 1 *parking space* per *short-term rental* is provided in addition to the required parking for the main *dwelling unit*.
- **THAT** Section 5 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying Table 5E as follows:
 - Under the 'Type or Nature of Use' Column, the phrase 'Short-Term Rental is added; and,
 - The 'Minimum Off-Street Parking Requirements' column for 'Short-Term Rental is populated with '1 *parking space* per *short-term rental* in addition to the required parking for the main *dwelling unit'*.
- **7.0 THAT** Section 6 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying Table 6A as follows:
 - Short-Term Rental is added to the table under the Residential Uses Column;
 - A bullet point (•) is added to the table under the columns 'RLD, RLD1, RLD2, RLD3, RLD4, RLD5, RLD6, RLD7, RMD1, RMD2, RHD, and RO' in the row containing 'Short-Term Rental;
 - An asterisk '(*3)' is added beside 'Short-Term Rental in the Permitted Uses column; and,
 - The following footnote '(*3)' is added to the Footnote(s):
 "Short-Term Rental is permitted within any dwelling unit that is permitted in the zone."
- **8.0 THAT** Section 7 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying Table 7A as follows:
 - 'Short-Term Rental is added to the table under the Residential Uses Column:
 - A bullet point (•) and an asterisk '(*1)' and '(*3)' is added to the table under the column 'CBD-A' in the row containing 'Short-Term Rental;
 - A bullet point (•) and an asterisk '(*3)' is added to the table under the column 'CBD-B' in the row containing 'Short-Term Rental;
 - A bullet point (•) is added to the table under the column 'UGC-MU' in the row containing 'Short-Term Rental;
 - An asterisk '(*8)' is added beside 'Short-Term Rental' in the Permitted Uses column; and,
 - The following footnote '(*8)' is added to the Footnote(s):
 "Short-Term Rental is permitted within any dwelling unit that is permitted in the zone.".

- 9.0 THAT property Owners be permitted to apply for a Minor Variance Application(s) to the Town and/or the Town of Milton Committee of Adjustment, if required, before the second anniversary of the day on which By-law NO. XXX-2022 comes into effect, to permit minor adjustments to the implementing Zoning By-law.
- 10.0 THAT if no appeal is filed pursuant to Section 34 (19) of the Planning act, RSO 1990, c. P13, as amended, or if an appeal is filed and the Local Planning Appeal Tribunal dismisses the appeal, this By-law shall come into force on the day of its passing. If the Land Use Planning Appeal Tribunal amends the By-law pursuant to Section 34 (26) of the Planning Act, as amended, the part or parts so amended come into force upon the day of the Tribunal's Order is issued directing the amendment or amendments.

PASSED IN OPEN COUNCIL ON	, 2022.	
	Gordon A. Krantz	Mayor
	Meaghen Reid	Town Clerk

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2022

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 144-2003, AS AMENDED, PURSUANT TO SECTION 34 OF THE *PLANNING ACT* IN RESPECT OF ALL LANDS WITHIN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (TOWN FILE: Z-04/22).

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 144-2003, as amended;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

- **1.0 THAT** the Table of Contents of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding "4.24 Short-Term Rental" to Section 4 General Provisions.
- **2.0 THAT** Section 1.3 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding the phrase "and *Short-Term Rental*" after "*Shared Housing*" and deleting the word "and" before "*Shared Housing*".
- **3.0 THAT** Section 3 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding the following definition:

SHORT TERM RENTAL

Means the rental of a *dwelling unit* or part thereof offering short term lodging for compensation for 28 days or less that does not provide meals or other commercial services. A short term rental does not include a *Bed and Breakfast Establishment*, or rooms in a *Rooming*, *Boarding or Lodging House*.

- **4.0 THAT** Section 3 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying the defined term 'Bed and Breakfast Establishment' by adding the phrase ", *Short-Term Rental*" after the words "*shared housing*".
- **THAT** Section 4 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding "Section 4.24" with the following:

4.24 SHORT-TERM RENTAL

A *short-term rental* is permitted in accordance with the following:

- i) A short-term rental shall be permitted within any dwelling unit permitted by this by-law;
- ii) A minimum of 1 *parking space* per *short-term rental* is provided in addition to the required parking for the main *dwelling unit*.
- **6.0 THAT** Section 5 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying Table 5D as follows:
 - Under the 'Type or Nature of Use' Column, the phrase 'Short-Term Rental is added: and.
 - The 'Minimum Off-Street Parking Requirements' column for 'Short-Term Rental is populated with '1 *parking space* per *short-term rental* in addition to the required parking for the main *dwelling unit'*.
- **7.0 THAT** Section 6 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying Table 6A as follows:
 - Short-Term Rental is added to the table under the USE Column;
 - A bullet point (•) is added to the table under all RE and RV columns in the row containing *Short-Term Rental;*
 - An asterisk '(*3)' is added beside 'Short-Term Rental in the Permitted Uses column; and,
 - The following footnote '(*3)' is added to the Footnote(s):
 "Short-Term Rental is permitted within any dwelling unit that is permitted in the zone."
- **8.0 THAT** Section 7 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying Table 7B as follows:
 - Short-Term Rental is added to the table under the Residential Uses Column;
 - A bullet point (•) is added to the table under the column "C4" in the row containing Short-Term Rental;
 - An asterisk '(*3)' is added beside 'Short-Term Rental in the Permitted Uses column; and,
 - The following footnote '(*3)' is added to the Footnote(s):
 "Short-Term Rental is permitted within any dwelling unit permitted in the zone."
- **9.0 THAT** Section 10 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying Table 10A as follows:
 - *'Short-Term Rental* is added to the Permitted Uses column;

- A bullet point (•) is added to the table under the columns "A1" and "A2" in the row containing *Short-Term Rental*;
- An asterisk '(*4)' is added beside 'Short-Term Rental in the Permitted Uses column; and
- The following footnote '(*4)' is added to the Footnote(s) for Table 10A:
 "Short-Term Rental is permitted within any dwelling unit that is permitted in the zone."
- 10.0 THAT property Owners be permitted to apply for a Minor Variance Application(s) to the Town and/or the Town of Milton Committee of Adjustment, if required, before the second anniversary of the day on which By-law NO. XXX-2022 comes into effect, to permit minor adjustments to the implementing Zoning By-law.
- 11.0 THAT if no appeal is filed pursuant to Section 34 (19) of the Planning act, RSO 1990, c. P13, as amended, or if an appeal is filed and the Local Planning Appeal Tribunal dismisses the appeal, this By-law shall come into force on the day of its passing. If the Land Use Planning Appeal Tribunal amends the By-law pursuant to Section 34 (26) of the Planning Act, as amended, the part or parts so amended come into force upon the day of the Tribunal's Order is issued directing the amendment or amendments.

PASSED IN OPEN COUNCIL ON	, 2022.	
		Mayor
	Gordon A. Krantz	
	Masshar Daid	Town Clerk
	Meaghen Reid	

Subject:

FW: Website Delegation Request - John Taylor -

From: noreply@esolutionsgroup.ca <noreply@esolutionsgroup.ca>

Sent: Thursday, May 26, 2022 10:53 AM

To: MB-townclerk@milton.ca < Townclerk@milton.ca > **Subject:** Website Delegation Request - John Taylor -

Hello Town Clerk's Staff,

Please note the following response to Delegate Request Application has been submitted at Thursday May 26th 2022 10:47 AM with reference number 2022-05-26-024.

https://forms.milton.ca/Management/Response/View/f26b58f8-4894-483f-b741-6de70b710827

Application Information

First Name: John

Last Name
 Taylor

• Email Address:



Street Address:

Town
 Campbellville

Postal Code:

Are you representing a group?
 No

- Council Meeting Date 5/30/2022
- Please indicate how you intend to interact with the online Council Meeting Both audio and video
- Please describe the issue you intend to present:

Stop Short Term Rentals (https://abnb.me/4WOWkrHmTpb) This property was recently purchased from long time residents and the new owner is absent and has not taken up residence. Instead they have listed the property on Airbnb as a rental but are side stepping this process by taking personal calls and renting the property out for weddings, receptions and large gatherings privately.

This needs our attention. We need to be careful this does not erode our rural fabric and rural neighborhood that has been in place for years and should remain so for years to come. If this is allowed to continue where absentee landlords buy up properties it will certainly alter long traditions of neighbours helping neighbours that keep our properties and community bonded together.

We need to push back against short term rentals like Airbnb and VRBO as they disrupt the social fabric of close knit communities and later our way of life. We need more stringent regulations on how short terms rentals are being used. Capping occupancy, provision of a 24/7 hotline to report nuisance parties, and three strikes you're out system to keep absentee landlords in line with neighbours expectations. We need to make sure it does NOT take over our neighborhood. Partiers and people who do not care about our community are not welcome here. We don't need our community turned into a tourist zone. You have to respect your neighbours.

- Please describe specific actions you want Council to take:
 - SHORT term rentals should not be allowed. Who will manage this process, Landlord/Owners are absent and they have no care about how it affects those in the surrounding areas. I would be fine to have someone come and visit the area with family who may want to have a stay-cation in the country but when this is being abused and used as an event purpose it is unacceptable. I would ask Council to put a timeline in place with a minimum number of days for each rental contract. What that number of days should be further discussed but it should be something that would deter those using these spaces for weekend events, wedding receptions and parties with high volumes of people where temporary event tents are erected, food trucks are brought onto site for catering, there are no liquour licenes and washroom facilities do not meet demand.
- Please provide your comments in support of or in opposition to the staff recommendation:

I am in support of staff recommendations but I would also comment that it should be expanded to cover rural properties and other portions where the system is being abused on many other levels. Improper tenting should not be allowed, washroom amenities should be considered and perphaps most importantly when it refers to rural areas what is in place for fire prevention?

• Do you give your permission to be audio and video recorded on the Town of Milton's live Council meeting stream?

Yes I give my permission

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Subject:

FW: Website Delegation Request - Aldrin Fernandes -

From: noreply@esolutionsgroup.ca <noreply@esolutionsgroup.ca>

Sent: Tuesday, April 19, 2022 7:03 PM

To: MB-townclerk@milton.ca < Townclerk@milton.ca > **Subject:** Website Delegation Request - Aldrin Fernandes -

Hello Town Clerk's Staff,

Please note the following response to Delegate Request Application has been submitted at Tuesday April 19th 2022 7:01 PM with reference number 2022-04-19-088.

https://forms.milton.ca/Management/Response/View/256abce0-cb4e-4c64-b6d7-c1a27cfe4dbc

Application Information

- First Name:
 - Aldrin
- Last Name Fernandes
- Email Address:
- Phone number:
- Street Address:
- Town
 Milton
- Postal Code: L9T 0S6
- Are you representing a group?
- Council Meeting Date 5/2/2022

- Please indicate how you intend to interact with the online Council Meeting

 Both audio and video
- Please describe the issue you intend to present: Restrictive Short Term rentals.
- Please describe specific actions you want Council to take:
 No to this action. As this is restrictive in nature and is a good source of income to many small businesses and trades including families that can earn passive income and improve quality of living.
- Please provide your comments in support of or in opposition to the staff recommendation:

no sure what this means.

 Do you give your permission to be audio and video recorded on the Town of Milton's live Council meeting stream?
 Yes I give my permission

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, ON.

www milton ca

Subject:

FW: Website Delegation Request - Sadgain Syed -

From: noreply@esolutionsgroup.ca <noreply@esolutionsgroup.ca>

Sent: Tuesday, April 19, 2022 11:58 AM

To: MB-townclerk@milton.ca < Townclerk@milton.ca > **Subject:** Website Delegation Request - Sadqain Syed -

Hello Town Clerk's Staff,

Please note the following response to Delegate Request Application has been submitted at Tuesday April 19th 2022 11:54 AM with reference number 2022-04-19-029.

https://forms.milton.ca/Management/Response/View/b9e99151-6c3b-42db-bdb6-c19a587cb915

Application Information

- **First Name:** Sadgain
- Last Name Syed
- Email Address:
- Phone number:
- Street Address:
- Town Milton
- Postal Code:

L9E 1E5

- Are you representing a group?
- Council Meeting Date 5/2/2022

- Please indicate how you intend to interact with the online Council Meeting
 Both audio and video
- Please describe the issue you intend to present: AirBNB Short term rental issue.
- Please describe specific actions you want Council to take:
 If Council need to work on something they should fix the lightning system on Thompson and Also fix parking on Street.
- Please provide your comments in support of or in opposition to the staff recommendation:

We would like to have rental capabilities in Town of Milton whether through AirBNB or MLS but it should not be men handled by town.

 Do you give your permission to be audio and video recorded on the Town of Milton's live Council meeting stream?
 Yes I give my permission

[This is an automated email notification -- please do not respond]



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www milton ca

Subject:

FW: Website Delegation Request - Chris Weatherhead -

From: noreply@esolutionsgroup.ca <noreply@esolutionsgroup.ca>

Sent: Thursday, May 26, 2022 11:33 AM

To: MB-townclerk@milton.ca < Townclerk@milton.ca > Subject: Website Delegation Request - Chris Weatherhead -

Hello Town Clerk's Staff,

Please note the following response to Delegate Request Application has been submitted at Thursday May 26th 2022 11:30 AM with reference number 2022-05-26-030.

https://forms.milton.ca/Management/Response/View/dd5d1b50-61c3-4845-906a-73f0a2c3fc66

Application Information

• First Name:

Chris

Last Name

Weatherhead

- Email Address:
- Phone number:
- Street Address:
- Town Milton
- Postal Code:

Are you representing a group?
 No

- Council Meeting Date 5/30/2022
- Please indicate how you intend to interact with the online Council Meeting Both audio and video
- Please describe the issue you intend to present:
 Air BNB Short Term rentals
- Please describe specific actions you want Council to take: Restricting Air BNB and event rentals on private land that are causing issues with noise and overcrowding and disrupting the neighbourhood.
- Please provide your comments in support of or in opposition to the staff recommendation:
 Do not grant permission to land owners to allow short term rentals on private
 - Do not grant permission to land owners to allow short term rentals on private property as it is creating an unsafe and disruptive environment for.
- Do you give your permission to be audio and video recorded on the Town of Milton's live Council meeting stream?
 Yes I give my permission

[This is an automated email notification -- please do not respond]



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www.milton.ca