



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: May 30, 2022

Report No: DS-037-22

Subject: Short-Term Rental Zoning By-law Amendments Public Meeting

Recommendation: THAT Report DS-037-22, with respect to Town Initiated draft Zoning By-law amendments regarding short-term rentals, be received for information.

EXECUTIVE SUMMARY

In accordance with the Planning Act, this Report presents Zoning By-law amendments in relation to short-term accommodation rentals for public comment. The amendment defines short-term rental in the Town's Zoning Bylaw, requires 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.

These Zoning By-law amendments are the first step in implementing Council's direction in DS-008-22 and are intended to support the Town's proposed Short Term Rental Accommodation Licensing By-law, which will be presented to Council for consideration on June 20, 2022.

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 Staff 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-



Background

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.

This report is the first step of this implementation, and is addressing the Statutory Public Meeting under the Planning Act for the proposed Zoning By-law amendments attached as Appendices 1 and 2.

Discussion

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:

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 residential use within the Town's Zoning By-laws, which would support the implementation of the Town's upcoming Short-Term Rental Accommodation Licensing By-law. Following the public meeting Staff will return to Council with a recommendation report for final Zoning By-law Amendments, as well as the Short-Term Rental Licensing By-law.

The need to license short-term rentals resulted from an increase in resident complaints about unkempt properties, noise and parking problems stemming from rental properties. Without licensing, Staff are unaware of locations until after complaints are received. Licensing short-term rentals will provide enforcement Staff with additional tools to ensure compliance of all regulatory legislation is met and maintained.

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



Discussion

- 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.

Financial Impact

There are no financial implications arising from this report as this report is in regards to a statutory public meeting for proposed Zoning By-law amendments. However, it is intended that the proposed Zoning By-law amendments will support an upcoming Short-Term Rental Licensing By-law and the short-term rental licensing process is expected to 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 will be outlined as part of the upcoming Short-Term Rental Licensing By-law report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact:	Megan Lovell, Senior Policy Planner	Phone: 905-878-7252 Ext. 2398
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Attachments

- Appendix 1 - Draft Urban Zoning By-law Amendment
- Appendix 2 - Draft Rural Zoning By-law Amendment

Approved by CAO
Andrew M. Siltala



The Corporation of the Town of Milton

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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 phrase “or rooms in a *boarding or lodging house*”, and adding the phrase “or *short-term rental*” after the words “*shared housing*”.
- 5.0 **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 as a residential use where that use is permitted in the zone.

- 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 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*' is provided 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

DRAFT

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 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 “, *Short-Term Rental*” after the words “*shared housing*”.
- 5.0 **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 as a residential use where that use is permitted in the zone;

- 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*' is provided 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

_____ Town Clerk
Meaghen Reid