



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: June 3, 2024

Report No: DS-047-24

Subject: Additional Residential Units in the Urban Area - OPA and ZBLA Recommendation Report

Recommendation: THAT Report DS-047-24 regarding Official Plan and Zoning By-law Amendments for additional residential units in the Urban Area be APPROVED;

AND THAT Council ADOPTS Official Plan Amendment No. 80, in accordance with the draft Official Plan Amendment attached as Appendix A to Report DS-047-24;

AND THAT Council ENACTS the draft Zoning By-law Amendment, attached as Appendix B to Report DS-047-24, to Comprehensive Zoning By-law 016-2014, as amended;

AND THAT Council DIRECT staff to exempt the Town development charges owing on the fourth additional residential dwelling unit.

EXECUTIVE SUMMARY

- This report recommends approval of the revised draft Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) for additional residential units in the Urban Area, attached as Appendix A and B respectively; and
- This report addresses comments, received during and subsequent to the statutory Public Meeting, and summarizes proposed revisions to the draft OPA and ZBLA that were presented at the Public Meeting.

REPORT

Background

On April 15th, 2024, a statutory Public Meeting was held for an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) regarding additional residential units in the Town's Urban Area. The Public Meeting report, [DS-030-24](#), included the draft OPA and ZBLA along with a discussion of the proposed policies and regulations. The draft OPA and ZBLA address the Planning Act requirements for additional residential units as updated through Bill 23, the More Homes Built Faster Act. The draft OPA and ZBLA also address the initiative to permit four units as-of-right town-wide for the Housing Accelerator Fund program.

Discussion

Based on comments received from Council and the public during and subsequent to the Public Meeting, as well as comments received from internal Town departments and external agencies, Staff has revised the draft OPA and ZBLA where necessary and appropriate. The revised draft OPA and ZBLA proposed for Council adoption is attached as Appendix A and B respectively. Appendix C and D are tracked-change versions of the OPA and ZBLA that show the changes made to the drafts presented at the Public Meeting. Appendix E summarizes and provides responses to written comments received from the public and agencies, and includes copies of the comments.

Public Meeting Questions and Comments

During the Public Meeting, Staff provided additional information in response to questions Council had regarding additional residential/dwelling units (ARUs/ADUs). Council raised questions regarding fire rating between units, infrastructure capacity and allocation, school capacity, pre-existing coach house and granny flat regulations, street parking, impacts on neighbouring properties and accessory dwelling units in the rural area.

Council raised concerns about the impacts of ADUs on waste collection and management. Subsequent to the Public Meeting, Staff contacted Halton Region regarding waste collection for ADUs. Halton Region advised as follows:

Properties containing a legal ARU(s), are eligible to place up to three bags of garbage per legal unit for curbside pick-up. Currently, the Region's waste collection program collects recycling and organic waste weekly with no limits on total quantity.

Discussion

Council also raised concerns about impacts of waste bins on the streetscape. Regional waste regulations address the location and placement of receptacles when they are set out for collection.

The Town's property standards by-law (By-law No. 131-2012) includes requirements regarding waste bins (i.e., must be rodent and pest proof, must have tight-fitting covers, etc.) and their proper storage when not out for collection. Should waste bins have negative impacts on the streetscape, the Region will be notified and by-law enforcement measures may be reviewed.

A total of seven (7) delegates provided comments during the Public Meeting. As noted during the meeting, it is proposed that only one dwelling unit on a lot would be permitted to be used as a short-term rental. There are currently no plans to establish a program to provide temporary exemptions from this regulation. One delegate spoke in support of the proposed reduction in the minimum number of parking spaces required on a lot that has an ADU(s). As noted during the meeting, the proposed parking requirements consider the Town's current situation and balances the needs of transit users and personal vehicle users, while aiming to mitigate on-street parking issues.

One of the delegates asked for clarification whether the floor area in a basement within a split-level ADU, which includes floor area in the basement and above-ground, would be excluded from the maximum floor area regulations for ADUs located on the first storey or above. Staff confirmed during the meeting that it is the intent of the proposed regulations that the basement floor area in a split-level ADU be excluded from the floor area maximums. The draft ZBLA has been revised to provide clarification.

Public Written Comments

Subsequent to the Public Meeting, two written comments on the draft OPA and ZBLA were received by Staff. The comments were provided by the Conestoga Students Inc. and Mattamy Homes. Appendix E summarizes and provides responses to each comment, and includes copies of the comments. No changes are proposed to be made to the draft OPA & ZBLA based on these comments.

Agency Comments

On March 25, 2024, external agencies were circulated the draft OPA and ZBLA, and were provided a 30-day commenting period. Halton Region has reviewed the proposed amendments and has exempted the amendments from Regional approval. The Halton

Discussion

District School Board, the Halton Catholic District School Board and Enbridge Gas have reviewed the amendments and have no comments. No comments were received from the other agencies circulated. While Conservation Halton (CH) did not provide comments through the circulation process, Staff consulted with CH during the amendments drafting process. Appendix E also summarizes agency comments.

Additional Internal Review

At the same time as the agency circulation, the Town's internal departments were also circulated on the draft OPA and ZBLA. Although all applicable departments were involved from the beginning of the project process, this circulation process provided the Town's various departments the opportunity to conduct a final review and provide any comments.

The revisions described below are proposed to the draft OPA and ZBLA that were presented at the Public Meeting. Track-change versions showing the proposed revisions are included in Appendix C and D respectively.

For the draft OPA, minor changes are proposed to correct errors and omissions. Numbering errors on the draft are corrected. References to "accessory dwellings" are removed and replaced with "additional residential units" in policy C.6.5.1.2 of the Bristol Survey Secondary Plan and policy C.8.5.1.2 of the Sherwood Survey Secondary Plan.

The following changes are proposed for the draft ZBLA:

- Transition clauses are added to allow building permit and minor variance applications that were submitted prior to the date the ZBLA comes into effect to continue to be reviewed under the same regulations that were in effect when the application was submitted;
- Sections 4.1 iii) and 4.3.1 are revised to also not permit an accessory building or structure to be situated under an easement. For example, this would apply to any potential footings or foundation for an accessory building or structure;
- Language is added to provide clarification that the distance separation required between an accessory building containing an ADU and a principal building would also apply to any structure with a roof that may be attached to the principal building, for example a porch;

Discussion

- Setbacks to lot lines are established for ground level HVAC and emergency generators associate with an accessory building containing an ADU;
- Some encroachments such as utility metres, small window wells, gates with an unobstructed opening, and stairs and landings are proposed to be permitted within the minimum 1.2-metre-wide unobstructed emergency access. These encroachments have been developed in consultation with the Town's Fire and Rescue Services and are deemed acceptable obstructions within the emergency access;
- The minimum width of a parking space on a residential driveway, on a lot where one or more ADUs(s) is located, is proposed to be further reduced to 2.50 metres instead of the previously proposed 2.55 metres. This reduction would further eliminate the need for Minor Variance applications in this regard. Past Minor Variance applications that have requested a width of 2.50 metres have all been approved; and
- Other minor changes for clarity and to facilitate implementation.

Appeal Period

The Planning Act does not permit appeals to the Ontario Land Tribunal in respect of policies and regulations adopted to authorize the use of additional residential units (ARUs). However, the Planning Act provisions regarding ARUs, including the no appeal provisions, only describe up to two (2) ARUs on a lot. Since the proposed OPA and ZBLA authorize the use of up to three (3) ARUs on a lot, there was uncertainty whether the Planning Act's no appeal provisions regarding ARUs apply to policies and regulations that authorize the use of a third ARU on a lot.

Staff sought and received a legal opinion on this matter. The Town's legal counsel, having reviewed the Planning Act provisions and case law, are of the opinion that it is unlikely that the proposed policies and regulations that go beyond the Planning Act ARU requirements are exempt from appeal. Based on this legal opinion, an appeal period for the proposed OPA and ZBLA should be provided. As such, if Council approves the proposed OPA and ZBLA, a 20-day appeal period, in accordance with the Planning Act, will be provided after the Notice of Passing is issued. If no appeals are filed, the OPA and ZBLA will come into effect the day after the last day of the appeal period.

Discussion

Recommendation for Approval

Based on the general sentiments and feedback received from the Public Meeting process, there is general support from residents for approval of the policies and regulations to permit additional residential units in the Urban Area. As described in the Public Meeting report [DS-030-24](#), Staff has taken into consideration a number of factors, such as fire and life safety and compatible integration within existing neighbourhoods, when drafting the policies and regulations. As described in this report, Staff have also considered and made revisions to the OPA & ZBLA where necessary and appropriate based on comments received from the Public Meeting and circulation process.

Not only will the proposed OPA and ZBLA fulfill the Planning Act and Housing Accelerator Fund Requirements, it will also support housing objectives of the Town such as increasing the supply of ground-related and rental housing, allowing flexibility for multi-generational living, increasing opportunities for affordable housing, and providing gentle intensification. As such, Staff is recommending that Council approve the proposed OPA and ZBLA to permit additional residential units in the Urban Area.

Monitoring

Should Council approve the proposed OPA and ZBLA, Staff will monitor the implementation of the policies and regulations and their effectiveness. Staff will periodically review building permit and minor variance applications to monitor uptake and construction of ADUs as well as whether any zoning regulations need to be adjusted.

On April 10th, 2024, the Province introduced Bill 185, the Cutting Red Tape to Build More Homes Act. Bill 185 proposes enhanced authority for the Minister of Municipal Affairs and Housing to make regulations establishing requirements and standards for additional residential units. These potential Planning Act regulations would override any conflicting local Zoning By-law regulations. Bill 185 is not yet in effect and no new regulations have currently been proposed. Staff will monitor changes to the Planning Act and bring to Council any future Zoning By-law amendments regarding ARUs as may be necessary to conform to provincial legislation.

Registry and House Numbering By-law

As recommended in the Public Meeting report ([DS-030-24](#)), a registry or licencing by-law is currently under review by town staff to address the potential life safety and community standard impacts. Staff is also reviewing the Town's House Numbering By-law 026-2010 to



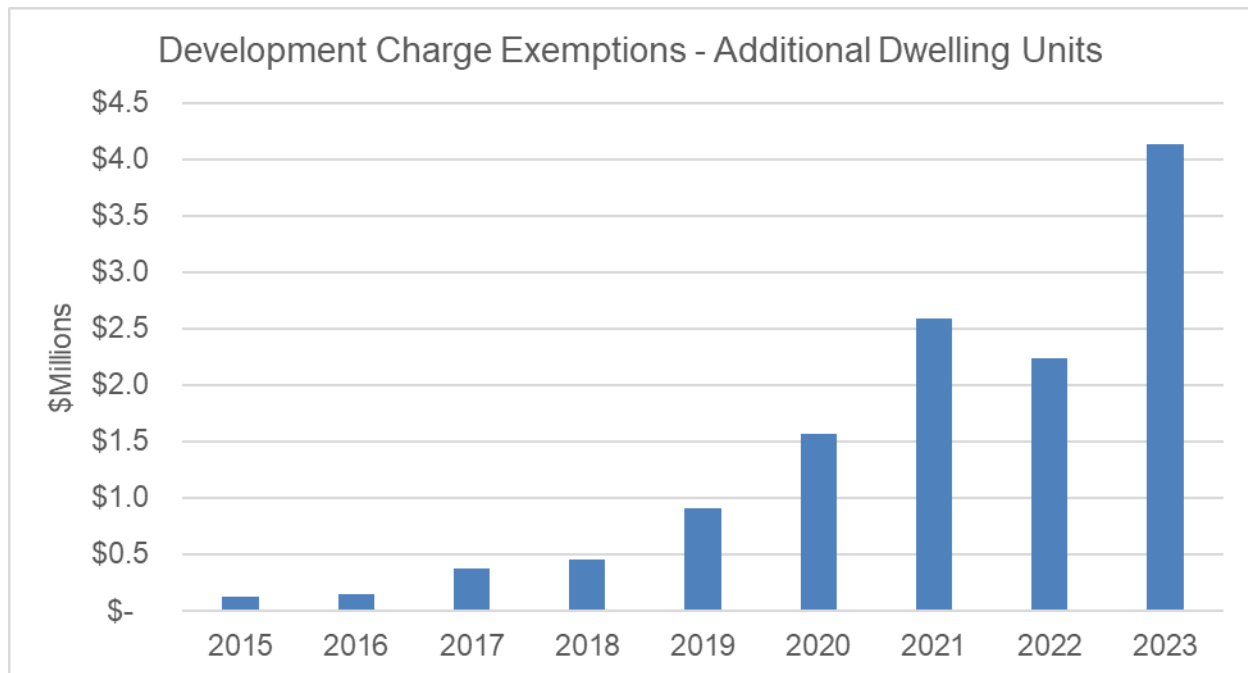
Discussion

support emergency services needs and provide clarity to the external and internal numbering of accessory units.

Financial Impact

Second and third additional dwelling units are exempt from the payment of development charges (DC), as well as for the conveyance of parkland, under a combination of Provincial legislation and the Town's related by-laws. At the time of passing, the Town's DC By-law was aligned with the Development Charges Act (DCA) in relation to additional dwelling units. The DCA has since been changed to provide broader exemptions for additional dwelling units; however, neither the DCA nor the Town's DC By-law contemplated a fourth additional unit. To be fair and consistent with the treatment of second and third ADU/ARU's, staff are recommending that any fourth ADU/ARU's be provided an exemption from Town development charges.

The value of the DC exemptions cannot be recovered from other forms of growth, and therefore require funding from the Town (primarily via property taxes). As shown in the graph below, there has been a growing trend in the value of annual funding required from the Town in relation to ADU/ARU's.





The amount of funding that is incorporated into the Town's property tax base for DC exemptions has not grown at a commensurate pace to the growth in ADU/ARU's, and therefore reserves have been utilized to manage the annual financial pressure. As the expansion in the number of allowable units on a property is expected to result in continued growth in ADU/ARU's within the community, the Town will need to incorporate additional funding into the property tax base in order to ensure that sustainable funding is available. The operating budget forecast, as presented through the 2024 Budget process, incorporates an incremental investment of \$0.5 million per year for DC exemptions beginning in 2025.

Later this year, staff will bring forward a report to Council that will outline resource considerations and any necessary by-laws and by-law amendments to support the oversight of ARUs and applicable emergency services requirements.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Wendy Chen, Senior Policy Planner Phone: Ext. 2296

Attachments

- Appendix A - Draft Official Plan Amendment
- Appendix B - Draft Zoning By-law Amendment
- Appendix C - Track-Change Version of Draft Official Plan Amendment
- Appendix D - Track-Change Version of Draft Zoning By-law Amendment
- Appendix E - Comments Summary and Responses

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 XXX-2024

BEING A BY-LAW TO ADOPT AN AMENDMENT TO THE TOWN OF MILTON OFFICIAL PLAN PURSUANT TO SECTIONS 17 AND 21 OF THE *PLANNING ACT* IN RESPECT OF ALL LANDS WITHIN THE URBAN AREA OF THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON - FILE: LOPA-03/24.

The Council of the Corporation of the Town of Milton, in accordance with the provisions of Sections 17 and 21 of the *Planning Act* R. S. O. 1990, c. P.13, as amended, hereby enacts as follows:

1. THAT Amendment No. 80 to the Official Plan of the Town of Milton, attached hereto, is hereby adopted.
2. THAT pursuant to Subsection 17(27) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, this Official Plan Amendment comes into effect the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to Subsections 17 (24) and (25). Where one or more appeals has been filed under Subsection 17 (24) or (25) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Ontario Land Tribunal.
3. THAT in the event that the Regional Municipality of Halton, being the Approval Authority, has declared this Official Plan Amendment to not be exempt, the Clerk is hereby authorized and directed to make application to the Approval Authority for approval of the aforementioned Amendment Number No. 80 to the Official Plan of the Town of Milton.

PASSED IN OPEN COUNCIL ON [DATE]

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk

AMENDMENT NUMBER 80

TO THE OFFICIAL PLAN OF THE TOWN OF MILTON

PART 1 THE PREAMBLE, does not constitute part of this Amendment

**PART 2 THE AMENDMENT, consisting of the following text constitutes
Amendment No. 80 to the Official Plan of the Town of Milton**

DRAFT

PART 1: THE PREAMBLE

THE TITLE

This amendment, being an amendment to the Official Plan of the Town of Milton shall be known as:

Amendment No. 80 to the Official Plan of the Town of Milton
(File: LOPA 03/24)

PURPOSE OF THE AMENDMENT

The purpose of this amendment is to update the Town of Milton's Official Plan to permit additional residential units on urban detached, semi-detached and townhouse lots that are served by municipal water and sewage services.

LOCATION OF THE AMENDMENT

The policies apply to the Town's Urban Area as shown on Schedule A of the Town of Milton Official Plan.

BASIS OF THE AMENDMENT

This amendment will bring the Town of Milton's Official Plan into conformity with Subsection 16(3), 16(3.1) and 16(3.2) of the Planning Act.

PART 2: THE AMENDMENT

All of this document, entitled Part 2: THE AMENDMENT consisting of the following text constitutes Amendment No. 80 to the Town of Milton Official Plan.

DETAILS OF THE AMENDMENT

The Town of Milton Official Plan, as amended, is hereby further amended by Official Plan Amendment No. 80, pursuant to Sections 17 and 21 of the Planning Act, as amended, as follows:

- 1.0 Text Change (Additions are shown in red underline and deletions are shown in ~~yellow strikethrough~~)

No.	Section No.	Modification
	<i>2.7</i>	<i>Housing</i>
1.	2.7.3.13	<p>Is modified to delete subsection a) and renumber the remaining subsections:</p> <p>The present and future demand for housing in Milton will be accommodated, in part, through forms of intensification, which include the efficient use of vacant residential lands, underutilized lots and existing housing stock in all neighbourhoods, while recognizing the flood susceptibility in the urban core. Intensification may include the following subject to the provisions of Section 3.5:</p> <p>a) modification of existing or construction of new dwellings to include a second residential unit subject to Section 3.2.3.9 of this Plan;</p>
2	2.7.3.14	<p>Is deleted in its entirety:</p> <p>The addition of a second residential unit in an existing dwelling will be permitted subject to Section 3.2.2.9 of this Plan.</p>
3	2.7.3.15 to 2.7.3.17	Is renumbered to 2.7.3.14 to 2.7.3.16.
4	New 2.7.3.17	<p>A new subsection is added with the title: <u>ADDITIONAL RESIDENTIAL UNITS:</u></p> <p><u>To increase the supply of ground-related and rental housing, allow flexibility for multi-generational living, increase opportunities for affordable housing and provide gentle intensification, additional residential</u></p>

No.	Section No.	Modification
		<p><u>units (ARUs) shall be permitted within the Urban Area subject to conformity with the following:</u></p> <ul style="list-style-type: none"> a) <u>An ARU shall not be located on lands identified as hazard lands or as being within the regulatory flood plain, unless where specifically permitted by the Conservation Authority;</u> b) <u>An ARU will be compatible with neighbouring properties and the surrounding neighbourhood by taking into consideration scale and built form;</u> c) <u>An ARU must be connected to adequate municipal water and sewage services;</u> d) <u>An ARU must have no adverse effect on stormwater management systems;</u> e) <u>An ARU must have no adverse effect on site drainage as demonstrated through a grading plan;</u> f) <u>Safe access to an ARU must be ensured by meeting fire and emergency service requirements;</u> g) <u>Severance of an ARU from the lot shall not be permitted; and</u> h) <u>An ARU shall be registered with the Town in accordance with the provisions of the Municipal Act.</u>
5	2.7.3.18	Is renumbered to 2.7.3.19.
6	New 2.7.3.18	<p>A new subsection is added:</p> <p><u>Additional residential units (ARUs) shall not be subject to the density provisions of this Plan. However, the potential for ARUs shall be accounted for in the planning of new communities including infrastructure and community services capacity. ARUs shall be encouraged to be created through the subdivision approval and construction process.</u></p>
	3.2	<i>Residential Area</i>
7	3.2.2 g)	<p>Is modified to read as follows:</p> <p>g) <u>A second residential unit</u> <i>Additional residential units</i> <u>within an existing dwelling</u> in accordance with the policies of subsection 3.2.3.9 <i>2.7.3.17</i> and <i>2.7.3.18</i>;</p>
8	3.2.3.9	Is deleted in its entirety:

No.	Section No.	Modification
		<p>SECOND RESIDENTIAL UNITS</p> <p>Second residential units within existing single-detached, semi-detached, row houses, and in accessory structures, shall be permitted as of right in the Residential Area designation, provided that all of the following criteria can be met:</p> <p>a) the use shall be located in an existing single-detached, semi-detached, row houses, and in accessory structures where adequate municipal piped water and wastewater services are available and connected;</p> <p>b) the site is accessible to public transit;</p> <p>c) there will be no significant changes to the external character of the building or property;</p> <p>d) all of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations can be satisfied; and,</p> <p>e) the existing dwelling is not within the <i>Regulatory Flood Plain</i>.</p>
9	3.2.3.10	<p>Is deleted in its entirety:</p> <p>Second residential units shall not be subject to the density provisions of this Plan. As a condition of approval, the <i>Town</i> shall require that <i>dwelling</i> units containing a second residential unit be registered with the <i>Town</i> in accordance with the provisions of the <i>Municipal Act</i>.</p>
	<i>3.5</i>	<i>Central Business District</i>
10	3.5.3.18	<p>Is modified by deleting “and,” at the end of subsection j) and adding subsection l):</p> <p>The following uses may be permitted in the Downtown Supportive Area:</p> <p><i>l) additional residential units in accordance with the policies of subsection 2.7.3.17 and 2.7.3.18.</i></p>
11	3.5.3.20	Is modified as follows:

No.	Section No.	Modification
		<p>The permitted uses within the Central Business District Low Density Residential Sub-Area shall be single detached, semi-detached, and duplex dwellings <u>and additional residential units in accordance with the policies of subsection 2.7.3.17 and 2.7.3.18.</u></p> <p><i>Development</i> shall be subject to the policies of subsections 2.10.3.35 to 2.10.3.41 inclusive, subsections 5.4.3.11 and 5.4.3.12, and Section 3.2 of this Plan.</p>
	<i>5.10</i>	<i>Interpretation</i>
12	5.10.6	<p>The following is added to the list of definitions in alphabetical order:</p> <p><u>ADDITIONAL RESIDENTIAL UNIT (ARU) means a self-contained residential dwelling unit, with its own cooking facility, sanitary facility and sleeping area, that it is located either within a single detached, semi-detached or townhouse dwelling, or within an ancillary building or structure on the same lot as a single detached, semi-detached or townhouse dwelling. An ARU may also be referred to as an additional dwelling unit.</u></p>
13	5.10.6	<p>The following is removed from the list of definitions:</p> <p>COACH HOUSE means a small, accessory building, either attached by an enclosed walkway or breezeway or physically separate from the principal dwelling unit with which it is associated, which shall be used for vehicle storage for the principal dwelling unit, as well as for a self-contained dwelling unit or for activities accessory to those permitted in the principal dwelling unit.</p>
	<i>C.6</i>	<i>Bristol Survey Secondary Plan</i>
14	C.6.5.1.2	<p>Is modified to delete subsection c):</p> <p>The permitted uses in the Residential Area designation shall be in accordance with the policies of Section 3.2.2 of this Plan with the exception that:</p> <p>e) Coach houses, deemed to be an accessory dwelling, shall be permitted on hybrid roads for dwelling units which do not front on the hybrid road.</p>

No.	Section No.	Modification
		d) Detached dwellings with or without accessory dwellings <i>additional residential units</i> , duplex and semi-detached dwellings, will be permitted in the Medium Density I residential area at a maximum density of 35 units per net hectare and Section 3.2.3.1 shall not apply.
	<i>C.8</i>	<i>Sherwood Survey Secondary Plan</i>
15	C.8.5.1.2	Is modified to delete subsection c): The permitted uses in the Residential Area designation shall be in accordance with the policies of Section 3.2.2 of this Plan with the exception that: e) Coach houses, deemed to be an accessory dwelling, shall be permitted on hybrid roads for dwelling units which do not front on the hybrid road. Coach houses are accessory dwelling units located in a separate building on a lot, usually part of a garage, while hybrid roads are public roads which have dwellings fronting on one side and the rear yards of dwellings, including garages, on the other side. d) Detached dwellings with or without accessory dwellings <i>additional residential units</i> , duplex and semi-detached dwellings, will be permitted in the Medium Density I residential area at a maximum density of 35 units per net hectare and a minimum density of 15 units per net hectare and Section 3.2.3.1 shall not apply.
	<i>C.10</i>	<i>Boyne Survey Secondary Plan</i>
16	10.5.1.1	Is modified to read as follows: The following uses shall be permitted in the Residential Area designation on Schedule "C.10.C" together with the uses permitted in Section B.3.2.2 d), e), f), g) i) and j): e) Coach houses on public and condominium lanes or service roads.

End of text

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2024

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 URBAN AREA OF THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (TOWN FILE: Z-05/24).

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

AND WHEREAS the lands affected by this By-law will comply with the Town of Milton Official Plan upon Official Plan Amendment No. 80 taking full effect;

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

- 1.0 THAT Sections 1.11.2 ii) and 1.11.3 iii) and iv) of Comprehensive Zoning By-law 016-2014, as amended, are hereby further amended by modifying the phrase “date of passage of By-law NO. 077-2021 or 007-2022” to “date of passage of By-law NO. 077-2021, 007-2022, or XXX-2024” in all instances where this phrase occurs in these subsections.
- 2.0 THAT Section 1.11.5 ii) of Comprehensive Zoning By-law 016-2014, as amended, are hereby further amended by modifying the phrase “By-law NO. 077-2021 or 007-2022” to “By-law NO. 077-2021, 007-2022, or XXX-2024”.
- 3.0 THAT Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the definition of **DWELLING UNIT** and replacing it with the following:

DWELLING UNIT

Means a room or group of rooms designed, occupied, or capable of being occupied as a single, self-contained housekeeping unit which contains separate sanitary facilities, living quarters, and cooking facilities.
- 4.0 THAT Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the definitions of **DWELLING UNIT**, **ACCESSORY** and **GARDEN SUITE**.
- 5.0 THAT Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the following definition:

DWELLING UNIT, ADDITIONAL

Means a self-contained *dwelling unit* that is subordinate to a principal *dwelling unit* in a *detached dwelling*, *semi-detached dwelling*, *semi-link dwelling*, or *townhouse dwelling* and is located within the same *building*, or within an *accessory building* on the same *lot*, as the principal *dwelling unit*.

- 6.0 THAT Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying the definitions below as follows (Note: deletions are shown as a strikethrough and additions are underlined):

DRIVEWAY, RESIDENTIAL

Means a hard surface (consisting of, but not limited to, asphalt, concrete, patterned concrete, interlocking brick, or paving stone) on a *lot* having a residential *use* containing less than four (4) *dwelling units*, exclusive of any *additional dwelling unit(s)*, upon which vehicles drive and park, and includes an adjacent hard surface, capable of being parked or driven upon by part or the whole of a *motor vehicle*, such as, but not limited to, walkways, banding, or curbing.

DWELLING, DETACHED

Means a *building* containing not more than one *dwelling unit*, exclusive of any ~~accessory~~ *additional dwelling unit(s)*.

DWELLING, DUPLEX

Means a *building* divided horizontally above grade into two *dwelling units*, exclusive of any *additional dwelling unit(s)*, where each unit has an independent entrance directly from the outside or through a common vestibule or common corridor.

DWELLING, MULTIPLE

Means a ~~*dwelling unit*~~ in a *building* containing four or more *dwelling units*, each of which has an independent entrance directly from the outside or through a common vestibule or common corridor but does not include a *townhouse dwelling*, *stacked townhouse dwelling*, *quattroplex dwelling* ~~or an~~, *apartment building*, or a residential *principal building* containing *additional dwelling unit(s)*.

DWELLING, QUATTROPLEX

Means a *building* containing four *dwelling units* divided vertically and horizontally, and each of which has an independent entrance directly from the outside or through a common vestibule or common corridor, but does not include a residential *principal building* containing *additional dwelling unit(s)*.

DWELLING, SEMI-DETACHED

Means a *building* divided vertically by a common wall into two *dwelling units* above grade, exclusive of any *additional dwelling unit(s)*.

DWELLING, SEMI-LINK

Means two *detached dwellings* which are only attached below *grade*, exclusive of any ~~accessory dwelling unit~~ *additional dwelling unit(s)*.

DWELLING, TOWNHOUSE

Means a *building* divided vertically by *common walls* into 3 or more *dwelling units* above *grade*, exclusive of any *additional dwelling unit(s)*, and whereby each *dwelling unit* has an independent entrance into the unit from the outside and whereby each unit has access to the *rear yard*.

DWELLING, TRIPLEX

Means a *building* divided horizontally into three *dwelling units*, each of which has an independent entrance directly from the outside or through a common vestibule or common corridor, but does not include a residential *principal building* containing *additional dwelling unit(s)*.

LANDSCAPING, PERMEABLE RESIDENTIAL

Means ~~the vegetative landscaped surface areas (level or otherwise) capable of supporting the growth of vegetation that permit the infiltration of water into the ground such as grass, trees, shrubs, flowers, berms or other plants, berms, river rock, and decorative stone, but does not include gravel or artificial turf, on a lot having a residential use containing less than four (4) or fewer *dwelling units*.~~

PARKING AREA

Means an open area, other than a street, used for the temporary loading or unloading of service vehicles, or the temporary parking of two or more vehicles that includes *loading spaces*, *parking spaces* and aisles and is available for public use as an accommodation for clients or customers or residents, and shall also include residential uses containing four or more *dwelling units* on the same lot, exclusive of any *additional dwelling unit(s)*, but does not include the storing of impounded, wrecked and/or otherwise inoperable vehicles.

- 7.0 THAT Section 4.1 iii) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “, under,” after the word “on”.

- 8.0 THAT Section 4.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting subsection iv) and renumbering the subsequent subsections accordingly.
- 9.0 THAT Section 4.2.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “those containing an *additional dwelling unit*,” after the word “excluding”.
- 10.0 THAT Section 4.2.2.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection iv) as follows:

- iv) In addition to the regulations set out in Section 4.2.2.1, a *detached garage* that contains an *additional dwelling unit* is permitted on a *lot* in accordance with the following requirements:

Requirements Specific to *Street Access and Lane Access Detached Garages* Containing an *Additional Dwelling Unit*

- a) All *detached garages* containing an *additional dwelling unit* shall be subject to the following:
- i) it is located in the *interior side yard* or *rear yard* of the *lot* only;
 - ii) it is located no closer than 1.2 m from an *interior side lot line*, unless it is attached to a *detached garage* on an *abutting lot*;
 - iii) it is located no closer to the *exterior side lot line* than permitted for the *principal building*;
 - iv) it is located no closer than 5.5 m from the *principal building*, including any *structure* with a *roof* that may be attached to the *principal building*, on a *lot*;
 - v) the Floor Area of the *additional dwelling unit* shall not exceed the Floor Area of the *principal dwelling unit* or 110 m², whichever is less;
 - vi) notwithstanding any other provision of this by-law to the contrary, for the purposes of this section, Floor Area shall mean the total area of all floors of a *dwelling unit*, measured from the interior walls, excluding *basements*, *stairs* and *landings*, cold cellars, and unfinished mechanical rooms; and
 - vii) roof-top *amenity areas* shall not be permitted.
- b) In addition to the requirements set out in subsection a), a one *storey detached garage* shall be subject to the following:
- i) the *gross floor area* shall not exceed 10% of the lot area or 145 m², whichever is less;
 - ii) it is located no closer than 1.5 m from the *rear lot line* if the *detached garage* is accessed by a *residential driveway* crossing either the *front lot line* or *exterior side lot line*;

Requirements Specific to *Street Access* and *Lane Access Detached Garages* Containing an *Additional Dwelling Unit*

- iii) it is located no closer than 1.0 m from the *rear lot line* if the *lot* is accessed by a *residential driveway* from a *lane* crossing the *rear lot line*; and
- iv) the height shall not exceed:
 - A. 3.5 m in the case of a flat *roof*, measured from the *established grade* to the uppermost point of the *roof* surface or parapet, whichever is greater; or
 - B. 4.3 m in the case of a gable, hip, gambrel, or mansard *roof*, measured from the *established grade* to the uppermost point of the *roof* surface.
- c) In addition to the requirements set out in subsection a), a two *storey detached garage* shall be subject to the following:
 - i) the *gross floor area* of the *first storey* shall not exceed 10% of the lot area or 110 m², whichever is lesser;
 - ii) it is located no closer than 2.5 m from the *rear lot line* if the *detached garage* is accessed by a *residential driveway* crossing either the *front lot line* or *exterior side lot line*;
 - iii) it is located no closer than 1.0 m from the *rear lot line* if the *lot* is accessed by a *residential driveway* from a *lane* crossing the *rear lot line*;
 - i) the height shall not exceed:
 - A. 6.0 m in the case of a flat *roof*, measured from the *established grade* to the uppermost point of the *roof* surface or parapet, whichever is greater; or
 - B. 7.0 m in the case of a gable, hip, gambrel, or mansard *roof*, measured from the *established grade* to the uppermost point of the *roof* surface; and,
 - C. Notwithstanding a) and b) above, in no case shall the overall height exceed that of the *principal building*.
- d) In addition to the requirements set out in b) or c), whichever is applicable, *lane access detached garages* shall be subject to the following:
 - i) The required outside *parking spaces* on a *lot* accessed by a *residential driveway* from a *lane* are:
 - A. located parallel to each other, whether in or outside of a *detached garage or carport*, and,
 - B. shall be located no farther than 6.0 m from the *rear lot line*.

11.0 THAT Section 4.2.4 i) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “, but excluding those containing an additional dwelling unit,” after the word “carports”.

12.0 THAT Section 4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new Section 4.2.5 as follows:

4.2.5 Regulations for Accessory Buildings Containing an Additional Dwelling Unit

In addition to the requirements of Section 4.1, an *accessory building*, excluding a *detached garage*, that contains a permitted *additional dwelling unit* in accordance with Section 4.10, is permitted subject to the following provisions:

- i) the building shall be permitted in a *rear yard* or an *interior side yard*;
- ii) it shall be located no closer to an *exterior side lot line* than permitted for the *principal building*;
- iii) it shall be located no closer than 1.2 m from an *interior side lot line*;
- iv) it shall be located no closer than 1.5 m from a *rear lot line*;
- v) it shall be located no closer than 3.5 m from the *principal building*, including any *structure* with a *roof* that may be attached to the *principal building*, on the *lot*;
- vi) the *gross floor area* shall not exceed 10% of the *lot area* or 110 m², whichever is less;
- vii) the height shall not exceed:
 - A. 3.5 m in the case of a flat *roof*, measured from the *established grade* to the uppermost point of the *roof surface* or parapet, whichever is greater; or
 - B. 4.3 m in the case of a gable, hip, gambrel, or mansard *roof*, measured from the *established grade* to the uppermost point of the *roof surface*;
- viii) notwithstanding the definition of *Lot Coverage* in Section 3, the *building* shall be included in the *lot coverage* calculation; and,
- ix) roof-top *amenity areas* shall not be permitted.

13.0 THAT Section 4.3.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “, under,” after the word “on” and replacing the “.” at the end of subsection ii) with “; and,” and by adding a new subsection iii) as follows:

iii) Notwithstanding any provisions of Section 4.3.1 to the contrary, *decks* associated with an *accessory building* containing an *additional dwelling unit* are permitted in accordance with the following:

- a) The platform of the *deck* shall not exceed 0.6 m above grade and in no case shall be higher than the floor of the *first storey*;
- b) *Decks* shall be subject to the minimum *setbacks* required for the *accessory building*.

14.0 THAT Section 4.4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting “; and” at the end of subsection i), by replacing the “.” at the end of subsection ii) with “;” and by adding new subsections iii) and iv) as follows:

iii) Notwithstanding ii) above to the contrary, *porches/verandas* associated with a *principal building* shall be *setback* a minimum of 3.5 m to an *accessory building* containing an *additional dwelling unit* and 5.5 m to a *detached garage* containing an *additional dwelling unit*; and,

iv) Notwithstanding any provisions of Section 4.4 to the contrary, the following provisions shall apply to a *porch/veranda* associated with an *accessory building* containing an *additional dwelling unit*.

- a) *Porches/Verandas* shall not be located above the floor of the first storey; and,
- b) *Porches/verandas* shall comply with the minimum setbacks required for the *accessory building*.

15.0 THAT Section 4.5 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the word “and;” at the end of subsection ii), by replacing the “.” at the end of subsection iii) with “; and;” and by adding a new subsection iv) as follows:

iv) Notwithstanding any provisions of Section 4.5 to the contrary, the following provisions shall apply to *balconies* associated with an *accessory building* containing an *additional dwelling unit*.

- a) *Balconies* shall not be permitted on any wall facing an *abutting residential zone*;
- b) Where the side of a *balcony* faces an *abutting residential zone*, a full visual screen with a minimum height of 1.5 m from the platform of the *balcony* shall be provided on that side; and
- c) A *balcony* shall comply with the minimum *setbacks* required for the *accessory building*.

16.0 THAT Section 4.6.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection ii) as follows, and by renumbering the subsequent subsections accordingly:

ii) In addition to the requirements of Section 4.6.1 i), ground level HVAC and emergency generators associated with an *accessory building* containing an *additional dwelling unit* shall be *setback* a minimum of 3.5 m from the *principal building*, and,

17.0 THAT Section 4.9 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by amending subsection ii) as follows:

ii) It is attached to the *principal building* or to an *accessory building* containing an *additional dwelling unit*.

18.0 THAT Section 4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting Section 4.10 and replacing it with the following:

4.10 ADDITIONAL DWELLING UNITS

Additional dwelling units shall be permitted in accordance with the following:

- i) *Additional dwelling units* are permitted within the following *buildings* where permitted by this by-law:
 - a) *Detached dwelling*;
 - b) *Semi-detached dwelling*;
 - c) *Semi-link dwelling*;
 - d) *Townhouse dwelling*; and,
 - e) *Accessory building* located on the same *lot* as the foregoing;
- ii) A maximum of three (3) *additional dwelling units* are permitted on a *lot*;
- iii) Not more than one (1) *additional dwelling unit* shall be located in an *accessory building* on a *lot*;
- iv) An *additional dwelling unit* must be served by municipal water and wastewater services;
- v) *Additional dwelling units* shall not be permitted on lands identified by a *Conservation Authority* as hazard lands or as being within the regulatory flood plain, unless specifically permitted by the *Conservation Authority* having jurisdiction;
- vi) An unobstructed pedestrian access with a minimum width of 1.2 m and minimum vertical clearance of 2.1 m shall be provided and maintained from the *street line* to the principal entrance of an *additional dwelling unit*;

- vii) Notwithstanding vi) above, the following encroachments shall be permitted within the minimum 1.2 m width of the unobstructed pedestrian access:
- a) Utility metres;
 - b) Window wells with a maximum projection of 0.3 m;
 - c) Gates with a minimum unobstructed opening of 1.02 m; and,
 - d) *Stairs and landings* above *grade* in accordance with Section 4.10 viii) e).
- viii) Where one or more *additional dwelling unit(s)* is located within a *principal building*.
- a) The Floor Area of each *additional dwelling unit*, or portion(s) thereof, located on the *first storey* or above shall not exceed 85 m²;
 - b) The total Floor Area of all *additional dwelling units*, or portion(s) thereof, located on the first storey or above, shall not cumulatively exceed a maximum of 50% of the Floor Area of the principal *dwelling unit*,
 - c) An *additional dwelling unit* that is located in a *basement* may occupy the entire *basement*,
 - d) Notwithstanding any other provision of this by-law to the contrary, for the purposes of this section, Floor Area shall mean the total area of all floors of a *dwelling unit*, measured from the interior walls, excluding *basements, stairs and landings, cold cellars, and unfinished mechanical rooms*; and,
 - e) Notwithstanding any other provision of this by-law to the contrary, an above *grade* entrance meeting the minimum unobstructed pedestrian access requirements of Section 4.10 vi) and vii) and used as the principal entrance to an *additional dwelling unit* may be accessed by a *landing* provided it is less than 0.6 m above *grade*, has a maximum length and width of 0.9 m, and *stairs* are provided at both the front and rear of the *landing* as may be necessary to provide pedestrian access from the *front yard* to the *rear yard*.
- ix) On a lot containing an *additional dwelling unit* within an *accessory building* in a RMD1 or RMD2 zone, the following minimum *permeable residential landscaping* shall be provided:

Dwelling Type	Minimum Percentage of <i>Lot Area</i>
<i>Detached Dwelling, Semi-Link Dwelling and Semi-Detached Dwelling</i>	35%
<i>Townhouse Dwelling</i>	25%

- x) In addition to the regulations set out in this section, *accessory buildings* containing an *additional dwelling unit* shall be subject to the regulations of Section 4.2.

19.0 THAT Section 4.19.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended as follows:

A maximum of one residential *principal building* is permitted on a *lot*, or on a parcel of tied land in a Common Element condominium or on a unit in a condominium in accordance with the Condominium Act, for the following:

20.0 THAT Section 4.19.5 Table 4H of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding and/or modifying the following in the table:

<i>Structure</i>	<i>Required Setbacks</i>	<i>Maximum Distance</i>
<u>Window Wells</u>	<u>Interior Side Setback, Exterior Side Setback, Rear Setback</u>	<u>0.55m into a required interior side yard, no closer than 1.2 m from an exterior side lot line, and no maximum into a required rear yard</u>
<u>Stairs, Below Grade Accessing A Principal Building</u>	<u>Rear Setback, Exterior Side Setback</u>	<u>No Maximum into a required rear yard and no closer than 1 m from an exterior side lot line</u>

21.0 THAT Section 4.19.5 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection iii) and Table 4H(I) as follows:

- iii) Notwithstanding any provision of this by-law to the contrary, no encroachments shall be permitted within the minimum *setbacks* required for an *accessory building* containing an *additional dwelling unit* except in accordance with the following:

TABLE 4H(I)

<i>Structure</i>	<i>Required Setbacks</i>	<i>Maximum Distance</i>
Eaves & Gutters	<i>Rear Setback, Interior Side Setback, Exterior Side Setback, or Setback from Principal Building</i>	0.45m provided that the eaves and gutters are a minimum of 2.0m above grade

- 22.0 THAT Section 4.22.1 of Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “or *building* containing an *additional dwelling unit*” after the phrase “no permanent *building* or *structure*”;
- 23.0 THAT Section 4.24 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the “.” at the end of subsection ii) and replacing it with “; and,” and by adding a new subsection iii) as follows:
- iii) Notwithstanding any provisions of this by-law to the contrary, on a *lot* containing one or more *additional dwelling unit(s)*, the whole or a portion of only one *dwelling unit* on the *lot* may be used as a *short-term rental*.
- 24.0 THAT Sections 5.1 iv) and vi) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding “exclusive of *additional dwelling units*” after “less than four (4) *dwelling units*” in each subsection;
- 25.0 THAT Section 5.6.2 of Zoning By-law 016-2014, as amended, is hereby further amended by modifying the following provision as follows:
- “Access to residential *dwelling*s containing less than four units, exclusive of *additional dwelling units*, shall be provided by an unobstructed *driveway* in accordance with the following”;
- 26.0 THAT Section Section 5.6.2 of Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection ii) as follows and by renumbering the subsequent subsections and updating any references to those subsections throughout the by-law accordingly:
- ii) Notwithstanding i) above, on a *lot* where one or more *additional dwelling unit(s)* is located, the minimum size of a required *parking space* on a *residential driveway* shall be 2.50 m wide by 5.5 m in length;
- 27.0 THAT Section 5.6.2 ix) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying the section as follows:
- ix) The following surface areas of a lot shall only be *permeable residential landscaping*, excluding permeable pavers, ~~a permeable Residential~~

~~landscaped surface such as grass, trees, shrubs, flowers or other plants, river rock, decorative stone, etc. that permits the infiltration of water into the ground,~~
but may include a portion of a retaining wall that is not permeable:

28.0 THAT Section 5.6.2 x) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the word “permeable” before the words “residential landscaping”;

29.0 THAT Section 5.8.1 i) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying the following rows in Table 5E as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements
<i>Dwellings with individual driveway access from a public street</i>	<ul style="list-style-type: none"> • 2 parking spaces per dwelling unit (*2)
Accessory <i>Additional Dwelling Units</i>	<ul style="list-style-type: none"> • 1 parking space per accessory <i>additional dwelling unit</i>
All other <i>dwellings units</i>	<ul style="list-style-type: none"> • 2 parking spaces per dwelling unit (*2) <li style="text-align: center;"><u>PLUS</u> • 0.25 parking spaces per unit for visitors on a lot with four or more <i>dwellings units</i>

Footnote(s) to TABLE 5E

(*1) For lands within the UGC-MU designation shown to contain a star symbol followed by a number on schedules to this By-law, the special parking provisions in Section 13.1.1 of this By-Law shall only apply where the required parking rate is less than the parking requirements in Table 5E.

(*2) Where one or more *additional dwelling unit(s)* is located on the *lot*, a minimum of 1 *parking space per dwelling unit* shall be provided.

30.0 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 Ontario Land 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....., 2024.

Mayor
Gordon A. Krantz

Town Clerk

Meaghen Reid

DRAFT

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW XXX-2024

BEING A BY-LAW TO ADOPT AN AMENDMENT TO THE TOWN OF MILTON OFFICIAL PLAN PURSUANT TO SECTIONS 17 AND 21 OF THE *PLANNING ACT* IN RESPECT OF ALL LANDS WITHIN THE URBAN AREA OF THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON - FILE: LOPA-03/24.

The Council of the Corporation of the Town of Milton, in accordance with the provisions of Sections 17 and 21 of the *Planning Act* R. S. O. 1990, c. P.13, as amended, hereby enacts as follows:

1. THAT Amendment No. 80 to the Official Plan of the Town of Milton, attached hereto, is hereby adopted.
2. THAT pursuant to Subsection 17(27.1) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, this Official Plan Amendment comes into effect ~~on~~ the day after the ~~day it was adopted by Council~~ last day for filing a notice of appeal, if no appeal is filed pursuant to Subsections 17 (24.1.1) and (25). Where ~~an one~~ or more appeals has been filed under Subsection 17 (24.1.1) or (25) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Ontario Land Tribunal.
3. THAT in the event that the Regional Municipality of Halton, being the Approval Authority, has declared this Official Plan Amendment to not be exempt, the Clerk is hereby authorized and directed to make application to the Approval Authority for approval of the aforementioned Amendment Number No. 80 to the Official Plan of the Town of Milton.

PASSED IN OPEN COUNCIL ON [DATE]

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk

AMENDMENT NUMBER 80

TO THE OFFICIAL PLAN OF THE TOWN OF MILTON

PART 1 THE PREAMBLE, does not constitute part of this Amendment

**PART 2 THE AMENDMENT, consisting of the following text constitutes
Amendment No. 80 to the Official Plan of the Town of Milton**

DRAFT

PART 1: THE PREAMBLE

THE TITLE

This amendment, being an amendment to the Official Plan of the Town of Milton shall be known as:

Amendment No. 80 to the Official Plan of the Town of Milton
(File: LOPA 03/24)

PURPOSE OF THE AMENDMENT

The purpose of this amendment is to update the Town of Milton's Official Plan to permit additional residential units on urban detached, semi-detached and townhouse lots that are served by municipal water and sewage services.

LOCATION OF THE AMENDMENT

The policies apply to the Town's Urban Area as shown on Schedule A of the Town of Milton Official Plan.

BASIS OF THE AMENDMENT

This amendment will bring the Town of Milton's Official Plan into conformity with Subsection 16(3), 16(3.1) and 16(3.2) of the Planning Act.

PART 2: THE AMENDMENT

All of this document, entitled Part 2: THE AMENDMENT consisting of the following text constitutes Amendment No. 80 to the Town of Milton Official Plan.

DETAILS OF THE AMENDMENT

The Town of Milton Official Plan, as amended, is hereby further amended by Official Plan Amendment No. 80, pursuant to Sections 17 and 21 of the Planning Act, as amended, as follows:

- 1.0 Text Change (Additions are shown in red underline and deletions are shown in yellow strikethrough)

No.	Section No.	Modification
	<u>2.7</u>	<i>Housing</i>
1.	2.7.3.13	Is modified to delete subsection a) and renumber the remaining subsections: The present and future demand for housing in Milton will be accommodated, in part, through forms of intensification, which include the efficient use of vacant residential lands, underutilized lots and existing housing stock in all neighbourhoods, while recognizing the flood susceptibility in the urban core. Intensification may include the following subject to the provisions of Section 3.5: a) <u>modification of existing or construction of new dwellings to include a second residential unit subject to Section 3.2.3.9 of this Plan;</u>
2	2.7.3.14	Is deleted in its entirety: <u>The addition of a second residential unit in an existing dwelling will be permitted subject to Section 3.2.2.9 of this Plan.</u>
3	2.7.3.15 to 2.7.3.17	Is renumbered to <u>3.2.7.3.14</u> to <u>3.2.7.3.16</u> .
4	New <u>3.2.7.3.17</u>	A new subsection is added with the title: <u>ADDITIONAL RESIDENTIAL UNITS:</u> <u>To increase the supply of ground-related and rental housing, allow flexibility for multi-generational living, increase opportunities for affordable housing and provide gentle intensification, additional residential units (ARUs) shall be permitted within the Urban Area subject to conformity with the following:</u>

No.	Section No.	Modification
		<ul style="list-style-type: none"> a) <u>An ARU shall not be located on lands identified as hazard lands or as being within the regulatory flood plain, unless where specifically permitted by the Conservation Authority;</u> b) <u>An ARU will be compatible with neighbouring properties and the surrounding neighbourhood by taking into consideration scale and built form;</u> c) <u>An ARU must be connected to adequate municipal water and sewage services;</u> d) <u>An ARU must have no adverse effect on stormwater management systems;</u> e) <u>An ARU must have no adverse effect on site drainage as demonstrated through a grading plan;</u> f) <u>Safe access to an ARU must be ensured by meeting fire and emergency service requirements;</u> g) <u>Severance of an ARU from the lot shall not be permitted; and</u> h) <u>An ARU shall be registered with the Town in accordance with the provisions of the Municipal Act.</u>
5	2.7.3.18	Is renumbered to 3 2.7.3.19.
6	New 2.7.3.18	<p>A new subsection is added:</p> <p><u>Additional residential units (ARUs) shall not be subject to the density provisions of this Plan. However, the potential for ARUs shall be accounted for in the planning of new communities including infrastructure and community services capacity. ARUs shall be encouraged to be created through the subdivision approval and construction process.</u></p>
	<i>3.2</i>	<i>Residential Area</i>
7	3.2.2 g)	<p>Is modified to read as follows:</p> <p>g) <u>A second residential unit</u> <i>Additional residential units</i> <u>within an existing dwelling</u> in accordance with the policies of subsection 3.2.3.9 <u>2.7.3.17 and 2.7.3.18;</u></p>
8	3.2.3.9	<p>Is deleted in its entirety:</p> <p>SECOND RESIDENTIAL UNITS</p>

No.	Section No.	Modification
		<p>Second residential units within existing single-detached, semi-detached, row houses, and in accessory structures, shall be permitted as of right in the Residential Area designation, provided that all of the following criteria can be met:</p> <p>a) the use shall be located in an existing single-detached, semi-detached, row houses, and in accessory structures where adequate municipal piped water and wastewater services are available and connected;</p> <p>b) the site is accessible to public transit;</p> <p>c) there will be no significant changes to the external character of the building or property;</p> <p>d) all of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations can be satisfied; and,</p> <p>e) the existing dwelling is not within the <i>Regulatory Flood Plain</i>.</p>
9	3.2.3.10	<p>Is deleted in its entirety:</p> <p>Second residential units shall not be subject to the density provisions of this Plan. As a condition of approval, the <i>Town</i> shall require that <i>dwelling</i> units containing a second residential unit be registered with the <i>Town</i> in accordance with the provisions of the <i>Municipal Act</i>.</p>
	3.5	<i>Central Business District</i>
10	3.5.3.18	<p>Is modified to <u>by deleting “and,” at the end of subsection j) and adding subsection l):</u></p> <p>The following uses may be permitted in the Downtown Supportive Area:</p> <p><u><i>l) additional residential units in accordance with the policies of subsection 2.7.3.17 and 2.7.3.18.</i></u></p>
11	3.5.3.20	<p>Is modified as follows:</p> <p>The permitted uses within the Central Business District Low Density Residential Sub-Area shall be single detached, semi-detached, and duplex dwellings and</p>

No.	Section No.	Modification
		<p><u>additional residential units</u> in accordance with the policies of subsection 2.7.3.17 and 2.7.3.18. <i>Development</i> shall be subject to the policies of subsections 2.10.3.35 to 2.10.3.41 inclusive, subsections 5.4.3.11 and 5.4.3.12, and Section 3.2 of this Plan.</p>
	5.10	<i>Interpretation</i>
12	5.10.6	<p>The following is added to the list of definitions in alphabetical order:</p> <p><u>ADDITIONAL RESIDENTIAL UNIT (ARU)</u> means a <u>self-contained residential dwelling unit, with its own cooking facility, sanitary facility and sleeping area, that it is located either within a single detached, semi-detached or townhouse dwelling, or within an ancillary building or structure on the same lot as a single detached, semi-detached or townhouse dwelling. An ARU may also be referred to as an additional dwelling unit.</u></p>
13	5.10.6	<p>The following is removed from the list of definitions:</p> <p><u>COACH HOUSE</u> means a small, accessory building, either attached by an enclosed walkway or breezeway or physically separate from the principal dwelling unit with which it is associated, which shall be used for vehicle storage for the principal dwelling unit, as well as for a self-contained dwelling unit or for activities accessory to those permitted in the principal dwelling unit.</p>
	C.6	<i>Bristol Survey Secondary Plan</i>
14	C.6.5.1.2	<p>Is modified to delete subsection c):</p> <p>The permitted uses in the Residential Area designation shall be in accordance with the policies of Section 3.2.2 of this Plan with the exception that:</p> <p>e) Coach houses, deemed to be an accessory dwelling, shall be permitted on hybrid roads for dwelling units which do not front on the hybrid road.</p> <p><u>d) Detached dwellings with or without accessory dwellings, additional residential units, duplex and semi-detached dwellings, will be permitted in the Medium</u></p>

No.	Section No.	Modification
		Density I residential area at a maximum density of 35 units per net hectare and Section 3.2.3.1 shall not apply.
15	C.8 C.8.5.1.2	<p><i>Sherwood Survey Secondary Plan</i></p> <p>Is modified to delete subsection c):</p> <p>The permitted uses in the Residential Area designation shall be in accordance with the policies of Section 3.2.2 of this Plan with the exception that:</p> <p>e) Coach houses, deemed to be an accessory dwelling, shall be permitted on hybrid roads for dwelling units which do not front on the hybrid road. Coach houses are accessory dwelling units located in a separate building on a lot, usually part of a garage, while hybrid roads are public roads which have dwellings fronting on one side and the rear yards of dwellings, including garages, on the other side.</p> <p>d) Detached dwellings with or without accessory dwellings additional residential units, duplex and semi-detached dwellings, will be permitted in the Medium Density I residential area at a maximum density of 35 units per net hectare and a minimum density of 15 units per net hectare and Section 3.2.3.1 shall not apply.</p>
16	C.10 10.5.1.1	<p><i>Boyne Survey Secondary Plan</i></p> <p>Is modified to read as follows:</p> <p>The following uses shall be permitted in the Residential Area designation on Schedule "C.10.C" together with the uses permitted in Section B.3.2.2 d), e), f), g. i) and j):</p> <p>e) Coach houses on public and condominium lanes or service roads.</p>

End of text

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2024

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 URBAN AREA OF THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (TOWN FILE: Z-05/24).

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

AND WHEREAS the lands affected by this By-law will comply with the Town of Milton Official Plan upon Official Plan Amendment No. 80 taking full effect;

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

1.0 THAT Sections 1.11.2 ii) and 1.11.3 iii) and iv) of Comprehensive Zoning By-law 016-2014, as amended, are hereby further amended by modifying the phrase “date of passage of By-law NO. 077-2021 or 007-2022” to “date of passage of By-law NO. 077-2021, 007-2022, or XXX-2024” in all instances where this phrase occurs in these subsections.

2.0 THAT Section 1.11.5 ii) of Comprehensive Zoning By-law 016-2014, as amended, are hereby further amended by modifying the phrase “By-law NO. 077-2021 or 007-2022” to “By-law NO. 077-2021, 007-2022, or XXX-2024”.

~~1.03.0~~ 1.03.0 THAT Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the definition of **DWELLING UNIT** and replacing it with the following:

DWELLING UNIT

Means a room or group of rooms designed, occupied, or capable of being occupied as a single, self-contained housekeeping unit which contains separate sanitary facilities, living quarters, and cooking facilities.

~~2.04.0~~ 2.04.0 THAT Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the definitions of **DWELLING UNIT**, **ACCESSORY** and **GARDEN SUITE**.

~~3.05.0~~ 3.05.0 THAT Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the following definitions:

DWELLING UNIT, ADDITIONAL

Means a self-contained *dwelling unit* that is subordinate to a principal *dwelling unit* in a *detached dwelling*, *semi-detached dwelling*, *semi-link dwelling*, or *townhouse dwelling* and is located within the same *building*, or within an *accessory building* on the same *lot*, as the principal *dwelling unit*.

4.06.0 THAT Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying the definitions below as follows (Note: deletions are shown as a strikethrough and additions are underlined):

DRIVEWAY, RESIDENTIAL

Means a hard surface (consisting of, but not limited to, asphalt, concrete, patterned concrete, interlocking brick, or paving stone) on a *lot* having a residential *use* containing less than four (4) *dwelling units*, exclusive of any *additional dwelling unit(s)*, upon which vehicles drive and park, and includes an adjacent hard surface, capable of being parked or driven upon by part or the whole of a *motor vehicle*, such as, but not limited to, walkways, banding, or curbing.

DWELLING, DETACHED

Means a *building* containing not more than one *dwelling unit*, exclusive of any ~~accessory~~ *additional dwelling unit(s)*.

DWELLING, DUPLEX

Means a *building* divided horizontally above grade into two *dwelling units*, exclusive of any *additional dwelling unit(s)*, where each unit has an independent entrance directly from the outside or through a common vestibule or common corridor.

DWELLING, MULTIPLE

Means a ~~*dwelling unit*~~ in a *building* containing four or more *dwelling units*, each of which has an independent entrance directly from the outside or through a common vestibule or common corridor but does not include a *townhouse dwelling*, *stacked townhouse dwelling*, *quattroplex dwelling* ~~or an~~ *apartment building*, or a residential *principal building* containing *additional dwelling unit(s)*.

DWELLING, QUATTROPLEX

Means a *building* containing four *dwelling units* divided vertically and horizontally, and each of which has an independent entrance directly from the outside or through a common vestibule or common corridor, but does not include a residential *principal building* containing *additional dwelling unit(s)*.

DWELLING, SEMI-DETACHED

Means a *building* divided vertically by a common wall into two *dwelling units* above grade, exclusive of any *additional dwelling unit(s)*.

DWELLING, SEMI-LINK

Means two *detached dwellings* which are only attached below *grade*, exclusive of any ~~accessory dwelling unit~~ *additional dwelling unit(s)*.

DWELLING, TOWNHOUSE

Means a *building* divided vertically by *common walls* into 3 or more *dwelling units* above *grade*, exclusive of any *additional dwelling unit(s)*, and whereby each *dwelling unit* has an independent entrance into the unit from the outside and whereby each unit has access to the *rear yard*.

DWELLING, TRIPLEX

Means a *building* divided horizontally into three *dwelling units*, each of which has an independent entrance directly from the outside or through a common vestibule or common corridor, but does not include a residential *principal building* containing *additional dwelling unit(s)*.

LANDSCAPING, PERMEABLE RESIDENTIAL

Means ~~the vegetative landscaped surface areas (level or otherwise) capable of supporting the growth of vegetation~~ that permit the infiltration of water into the ground such as grass, trees, shrubs, flowers, ~~berms~~ or other plants, berms, river rock, and decorative stone ~~and permeable pavers~~, but does not include gravel or artificial turf, on a *lot* having a residential *use* containing ~~less than~~ four (4) or fewer *dwelling units*.

PARKING AREA

Means an open area, other than a street, used for the temporary loading or unloading of service vehicles, or the temporary parking of two or more vehicles that includes *loading spaces*, *parking spaces* and aisles and is available for public use as an accommodation for clients or customers or residents, and shall also include residential uses containing four or more *dwelling units* on the same *lot*, exclusive of any *additional dwelling unit(s)*, but does not include the storing of impounded, wrecked and/or otherwise inoperable vehicles.

7.0 [THAT Section 4.1 iii\) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “, under,” after the word “on”.](#)

5.08.0 THAT Section 4.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting subsection iv) and renumbering the subsequent subsections accordingly.

6.09.0 THAT Section 4.2.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “those containing an *additional dwelling unit*,” after the word “excluding”.

7.010.0 THAT Section 4.2.2.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection iv) as follows:

- iv) In addition to the regulations set out in Section 4.2.2.1, a *detached garage* that contains an *additional dwelling unit* is permitted on a *lot* in accordance with the following requirements:

Requirements Specific to *Street Access and Lane Access Detached Garages* Containing an *Additional Dwelling Unit*

- a) All *detached garages* containing an *additional dwelling unit* shall be subject to the following:
- i) it is located in the *interior side yard* or *rear yard* of the *lot* only;
 - ii) it is located no closer than 1.2 m from an *interior side lot line*, unless it is attached to a *detached garage* on an *abutting lot*;
 - iii) it is located no closer to the *exterior side lot line* than permitted for the *principal building*;
 - iv) it is located no closer than 5.5 m from the *principal building*, including any structure with a roof that may be attached to the principal building, on a *lot*;
 - v) the Floor Area of the *additional dwelling unit* shall not exceed the Floor Area of the principal *dwelling unit* or 110 m², whichever is less;
 - vi) notwithstanding any other provision of this by-law to the contrary, for the purposes of this section, Floor Area shall mean the total area of all floors of a *dwelling unit*, measured from the interior walls, excluding *basements*, *stairs* and *landings*, cold cellars, and unfinished mechanical rooms; and
 - vii) roof-top ~~patios~~ amenity areas shall not be permitted.
- b) In addition to the requirements set out in subsection a), a one *storey detached garage* shall be subject to the following:
- i) the *gross floor area* shall not exceed 10% of the lot area or 145 m², whichever is less;
 - ii) it is located no closer than 1.5 m from the *rear lot line* if the *detached garage* is accessed by a *residential driveway* crossing either the *front lot line* or *exterior side lot line*;

Requirements Specific to *Street Access* and *Lane Access Detached Garages* Containing an *Additional Dwelling Unit*

- iii) it is located no closer than 1.0 m from the *rear lot line* if the *lot* is accessed by a *residential driveway* from a *lane* crossing the *rear lot line*; and
- iv) the height shall not exceed:
 - A. 3.5 m in the case of a flat *roof*, measured from the *established grade* to the uppermost point of the *roof* surface or parapet, whichever is greater; or
 - B. 4.3 m in the case of a gable, hip, gambrel, or mansard *roof*, measured from the *established grade* to the uppermost point of the *roof* surface.
- c) In addition to the requirements set out in subsection a), a two *storey detached garage* shall be subject to the following:
 - i) the *gross floor area* of the *first storey* shall not exceed 10% of the lot area or 110 m², whichever is lesser;
 - ii) it is located no closer than 2.5 m from the *rear lot line* if the *detached garage* is accessed by a *residential driveway* crossing either the *front lot line* or *exterior side lot line*;
 - iii) it is located no closer than 1.0 m from the *rear lot line* if the *lot* is accessed by a *residential driveway* from a *lane* crossing the *rear lot line*;
 - i) the height shall not exceed:
 - A. 6.0 m in the case of a flat *roof*, measured from the *established grade* to the uppermost point of the *roof* surface or parapet, whichever is greater; or
 - B. 7.0 m in the case of a gable, hip, gambrel, or mansard *roof*, measured from the *established grade* to the uppermost point of the *roof* surface; and,
 - C. Notwithstanding a) and b) above, in no case shall the overall height exceed that of the *principal building*.
- d) In addition to the requirements set out in b) or c), whichever is applicable, *lane access detached garages* shall be subject to the following:
 - i) The required outside *parking spaces* on a *lot* accessed by a *residential driveway* from a *lane* are:
 - A. located parallel to each other, whether in or outside of a *detached garage* or *carport*, and,
 - B. shall be located no farther than 6.0 m from the *rear lot line*.

8.011.0 THAT Section 4.2.4 i) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “, but excluding those containing an additional dwelling unit,” after the word “carports”.

~~9.0~~12.0 THAT Section 4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new Section 4.2.5 as follows:

4.2.5 Regulations for Accessory Buildings Containing an Additional Dwelling Unit

In addition to the requirements of Section 4.1, an *accessory building*, excluding a *detached garage*, that contains a permitted *additional dwelling unit* in accordance with Section 4.10, is permitted subject to the following provisions:

- i) the building shall be permitted in a *rear yard* or an *interior side yard*;
- ii) it shall be located no closer to an *exterior side lot line* than permitted for the *principal building*;
- iii) it shall be located no closer than 1.2 m from an *interior side lot line*;
- iv) it shall be located no closer than 1.5 m from a *rear lot line*;
- v) it shall be located no closer than 3.5 m from the *principal building*, including any structure with a roof that may be attached to the principal building, on the lot;
- vi) the *gross floor area* shall not exceed 10% of the *lot area* or 110 m², whichever is less;
- vii) the height shall not exceed:
 - A. 3.5 m in the case of a flat *roof*, measured from the *established grade* to the uppermost point of the *roof surface* or parapet, whichever is greater; or
 - B. 4.3 m in the case of a gable, hip, gambrel, or mansard *roof*, measured from the *established grade* to the uppermost point of the *roof surface*;
- viii) notwithstanding the definition of *Lot Coverage* in Section 3, the *building* shall be included in the *lot coverage* calculation; and,
- ix) roof-top ~~patios~~ amenity areas shall not be permitted.

~~10.0~~13.0 THAT Section 4.3.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “, under,” after the word “on” and replacing the “.” at the end of subsection ii) with “; and,” and by adding a new subsection iii) as follows:

iii) Notwithstanding any provisions of Section 4.3.1 to the contrary, *decks* associated with an *accessory building* containing an *additional dwelling unit* are permitted in accordance with the following:

- a) The platform of the *deck* shall not exceed 0.6 m ~~in height~~ above grade and in no case shall be higher than the floor of the *first storey*;
- b) *Decks* shall be subject to the minimum *setbacks* required for the *accessory building* ~~as set out in subsection 4.2.5 or 4.2.2.2.~~

11.014.0 11.014.0 THAT Section 4.4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting “; and” at the end of subsection i), by replacing the “.” at the end of subsection ii) with “; ~~and;~~” and by adding ~~a~~ new subsections iii) and iv) as follows:

iii) Notwithstanding ii) above to the contrary, porches/verandas associated with a principal building shall be setback a minimum of 3.5 m to an accessory building containing an additional dwelling unit and 5.5 m to a detached garage containing an additional dwelling unit, and,

iii)iv) Notwithstanding any provisions of Section 4.4 to the contrary, the following provisions shall apply to a *porch/veranda* associated with an *accessory building* containing an *additional dwelling unit*.

- a) Porches/Verandas shall not be located above the floor of the first storey; and,
- b) Porches/verandas shall comply with the minimum setbacks required for the *accessory building* ~~as set out in subsection 4.2.5 or 4.2.2.2.~~

12.015.0 12.015.0 THAT Section 4.5 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the word “and;” at the end of subsection ii), by replacing the “.” at the end of subsection iii) with “; and;” and by adding a new subsection iv) as follows:

iv) Notwithstanding any provisions of Section 4.5 to the contrary, the following provisions shall apply to *balconies* associated with an *accessory building* containing an *additional dwelling unit*.

- a) *Balconies* shall not be permitted on any wall facing an *abutting residential zone*;
- b) Where the side of a *balcony* faces an *abutting residential zone*, a full visual screen with a minimum height of 1.5 m from the platform of the *balcony* shall be provided on that side; and
- c) A *balcony* shall comply with the minimum *setbacks* required for the *accessory building*.

16.0 THAT Section 4.6.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection ii) as follows, and by renumbering the subsequent subsections accordingly:

ii) In addition to the requirements of Section 4.6.1 i), ground level HVAC and emergency generators associated with an *accessory building* containing an *additional dwelling unit* shall be *setback* a minimum of 3.5 m from the *principal building*, and,

~~13.0~~17.0 THAT Section 4.9 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by amending subsection ii) as follows:

ii) It is attached to the *principal building* or to an *accessory building* containing an *additional dwelling unit*.

~~14.0~~18.0 THAT Section 4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting Section 4.10 and replacing it with the following:

4.10 ADDITIONAL DWELLING UNITS

Additional dwelling units shall be permitted in accordance with the following:

- i) *Additional dwelling units* are permitted within the following *buildings* where permitted by this by-law:
 - a) *Detached dwelling*,
 - b) *Semi-detached dwelling*,
 - c) *Semi-link dwelling*,
 - d) *Townhouse dwelling*, and,
 - e) *Accessory building* located on the same *lot* as the foregoing;
- ii) A maximum of three (3) *additional dwelling units* are permitted on a *lot*,
- iii) Not more than one (1) *additional dwelling unit(s)* shall be located in an *accessory building* on a *lot*,
- iv) An *additional dwelling unit* must be served by municipal water and wastewater services;
- v) *Additional dwelling units* shall not be permitted on lands identified by a *Conservation Authority* as hazard lands or as being within the regulatory flood plain, unless specifically permitted by the *Conservation Authority* having jurisdiction;

- vi) An unobstructed pedestrian access with a minimum width of 1.2 m and minimum vertical clearance of 2.1 m shall be provided and maintained from the *street line* to the ~~primary~~-principal entrance of an *additional dwelling unit*;
- vii) Notwithstanding vi) above, the following encroachments shall be permitted within the minimum 1.2 m width of the unobstructed pedestrian access:
- a) Utility metres;
 - a)b) Window wells with a maximum projection of 0.3 m;
 - c) Gates with a minimum unobstructed opening of 1.02 m; and,
 - b)d) Stairs and landings above grade in accordance with Section 4.10 viii) e).
- viii) Where one or more *additional dwelling unit(s)* is located within a *principal building*.
- a) The Floor Area of each *additional dwelling unit*, or portion(s) thereof, -located on the *first storey* or above shall not exceed 85 m²;
 - b) The total Floor Area of all *additional dwelling units*, or portion(s) thereof, -located on the first storey or above, shall not cumulatively exceed a maximum of 50% of the ~~f~~Floor ~~a~~Area of the *principal dwelling unit*;
 - c) An *additional dwelling unit* that is located in a *basement* may occupy the entire *basement*; and
 - d) Notwithstanding any other provision of this by-law to the contrary, for the purposes of this section, Floor Area shall mean the total area of all floors of a *dwelling unit*, measured from the interior walls, excluding *basements*, *stairs* and *landings*, cold *cellars*, and unfinished mechanical rooms; and,
 - d)e) Notwithstanding any other provision of this by-law to the contrary, an above *grade* entrance meeting the minimum unobstructed pedestrian access requirements of Section 4.10 vi) and vii) and used as the *principal* entrance to an *additional dwelling unit* may be accessed by a *landing* provided it is less than 0.6 m above *grade*, has a maximum length and width of 0.9 m, and *stairs* are provided at both the front and rear of the *landing* as may be necessary to provide pedestrian access from the *front yard* to the *rear yard*.

- ix) On a lot containing an *additional dwelling unit* within an *accessory building* in a RMD1 or RMD2 zone, the following minimum *permeable residential landscaping* shall be provided:

Dwelling Type	Minimum Percentage of Lot Area
<i>Detached Dwelling, Semi-Link Dwelling and Semi-Detached Dwelling</i>	35%
<i>Townhouse Dwelling</i>	25%

- x) In addition to the regulations set out in this section, *accessory buildings* containing an *additional dwelling unit* shall be subject to the regulations of Section 4.2.

15.019.0 ~~15.0~~ **19.0** THAT Section 4.19.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended as follows:

A maximum of one ~~principal~~ residential *principal building* is permitted on a *lot*, or on a parcel of tied land in a Common Element condominium or on a unit in a condominium in accordance with the Condominium Act, for the following:

16.020.0 ~~16.0~~ **20.0** THAT Section 4.19.5 Table 4H of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding and/or modifying the following in the table:

<i>Structure</i>	<i>Required Setbacks</i>	<i>Maximum Distance</i>
<u>Window Wells</u>	<u>Interior Side Setback,</u> <u>Exterior Side Setback,</u> <u>Rear Setback</u>	0.55m into a required <u>interior side yard</u> , no closer than 1.2 m to <u>from an exterior side lot line</u> , and no maximum for <u>into a required rear yard</u>
<u>Stairs, Below Grade Accessing A Principal Building</u>	<u>Rear Setback, Exterior Side Setback</u>	No Maximum for the <u>into a required rear yard</u> and no closer than 1.2 m from an <u>exterior side lot line</u>

17.021.0 ~~17.0~~ **21.0** THAT Section 4.19.5 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection iii) and Table 4H(I) as follows:

- iii) Notwithstanding any provision of this by-law to the contrary, no encroachments shall be permitted within the minimum *setbacks* required for an *accessory building* containing an *additional dwelling unit* except in accordance with the following:

TABLE 4H(I)

<i>Structure</i>	<i>Required Setbacks</i>	<i>Maximum Distance</i>
Eaves & Gutters	<i>Rear Setback, Interior Side Setback, Exterior Side Setback, or Setback from Principal Building</i>	0.45m provided that the eaves and gutters are a minimum of 2.0m above grade

~~18.0~~22.0 THAT Section 4.22.1 of Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “or *building* containing an *additional dwelling unit*” after the phrase “no permanent *building* or *structure*”;

~~19.0~~23.0 THAT Section 4.24 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the “.” at the end of subsection ii) and replacing it with “; and,” and by adding a new subsection iii) as follows:

- iii) Notwithstanding any provisions of this by-law to the contrary, on a *lot* containing one or more *additional dwelling unit(s)*, the whole or a portion of only one *dwelling unit* on the *lot* may be used as a *short-term rental*.

~~20.0~~24.0 THAT Sections 5.1 iv) and vi) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding “exclusive of *additional dwelling units*” after “less than four (4) *dwelling units*” in each subsection;

~~21.0~~25.0 THAT Section 5.6.2 of Zoning By-law 016-2014, as amended, is hereby further amended by modifying the following provision as follows:

“Access to residential *dwelling*s containing less than four units, exclusive of *additional dwelling units*, shall be provided by an unobstructed *driveway* in accordance with the following”;

~~22.0~~26.0 THAT Section Section 5.6.2 of Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection ii) as follows and by renumbering the subsequent subsections and updating any references to those subsections throughout the by-law accordingly:

- ii) Notwithstanding i) above, on a *lot* where one or more *additional dwelling unit(s)* is located, the minimum size of a required *parking space* on a *residential driveway* shall be ~~2.55~~2.50 m wide by 5.5 m in length;

23.027.0 THAT Section 5.6.2 ix) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying the section as follows:

- ix) The following surface areas of a lot shall only be permeable residential landscaping, excluding permeable pavers, ~~a permeable Residential landscaped surface such as grass, trees, shrubs, flowers or other plants, river rock, decorative stone, etc. that permits the infiltration of water into the ground,~~ but may include a portion of a retaining wall that is not permeable:

24.028.0 THAT Section 5.6.2 x) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the word “permeable” before the words “residential landscaping”;

25.029.0 THAT Section 5.8.1 i) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying the following rows in Table 5E as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements
<i>Dwellings with individual driveway access from a public street</i>	<ul style="list-style-type: none"> 2 parking spaces per dwelling unit (*2)
Accessory <u>Additional Dwelling Units</u>	<ul style="list-style-type: none"> 1 parking space per accessory <u>additional dwelling unit</u>
All other <i>dwellings units</i>	<ul style="list-style-type: none"> 2 parking spaces per dwelling unit (*2) PLUS 0.25 parking spaces per unit for visitors on a lot with four or more dwelling units

Footnote(s) to TABLE 5E

(*1) For lands within the UGC-MU designation shown to contain a star symbol followed by a number on schedules to this By-law, the special parking provisions in Section 13.1.1 of this By-Law shall only apply where the required parking rate is less than the parking requirements in Table 5E.

(*2) Where one or more additional dwelling unit(s) is located on the lot, a minimum of 1 parking space per dwelling unit shall be provided.

26.030.0 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 Ontario Land** 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.

Comments Summary and Responses

Public Comments

Summary of Comments	Responses
Conestoga Students Inc.	
<p>Parking Minimums</p> <ul style="list-style-type: none"> • Support the reduction in the number of parking spaces, but further steps could be taken to reduce the barriers that these minimums can pose for those looking to develop additional units. • The Ontario Government announced proposed changes to the Planning Act to remove parking minimum within Protected Major Transit Station Areas. Similar approach could be taken based on proximity to other transit options (bus routes, etc.) 	<p>No changes to the draft ZBLA are proposed.</p> <ul style="list-style-type: none"> • A shortage of parking is currently an issue in some neighbourhoods. The proposed parking requirements consider the Town’s current situation and balances the needs of transit users and personal vehicle users, while aiming to mitigate on-street parking issues. The Town’s Strategic Plan for the next four years focuses on growing transit and active transportations options. Parking minimums can be re-evaluated in the future if there is a shift from reliance on personal vehicles to more prevalent transit usage. • The proposed changes to the Planning Act are not yet in effect. Staff are monitoring changes at the provincial level. If any Planning Act changes come into effect, Staff will bring another amendment to align with provincial legislation.
<p>Maximum lot coverage</p> <ul style="list-style-type: none"> • artificially reducing the size of units (i.e., units that could be bigger because of the lot size) could negatively impact both the diversity in housing options (such as needing more housing with a higher number of bedrooms) and the safety of future tenants • Recent provincial announcement, which includes the potential elimination of barriers for additional units, such as maximum lot coverage and the limit on the number of bedrooms per lot 	<p>No changes to the draft ZBLA are proposed.</p> <ul style="list-style-type: none"> • Lot coverage requirements consider stormwater management. Stormwater management systems are designed with assumptions for the percentage of a lot that is permeable. Increasing lot coverage may contribute to flooding risk. Increases to lot coverage may be reviewed on a case-by-case basis through a Minor Variance application. • The proposal by the Province so far only includes giving enhanced authority to the Minister to establish regulations regarding ARUs. No regulations have actually been proposed yet. Staff will

Summary of Comments	Responses
	<p>monitor changes at the provincial level. If any Planning Act changes come into effect, Staff will bring another amendment to align with provincial legislation.</p>
<p>Short-term rentals</p> <ul style="list-style-type: none"> • While CSI supports restricting short-term rentals to one unit, we encourage Milton to ensure that short-term rentals are only available to lots with three or four units on them, as opposed to one or two. • In addition, we hope to see the Town of Milton define a short-term rental as 30-days or less to specifically target short-term listings through AirBnb, VRBO, and other similar listing sites. 	<p>No changes to the draft ZBLA are proposed.</p> <ul style="list-style-type: none"> • It is Staff's opinion that restricting short-term rentals to lots with three or four units will be too restrictive. There may be homeowners, who may not have any ARUs on their property, that wish to rent out portions of their principal dwelling unit as a short-term rental. • Short-term rental is already defined in the Zoning By-law as the rental of a dwelling unit or part thereof offering short term lodging for compensation for 28 days or less.
<p>Licensing and registry</p> <ul style="list-style-type: none"> • CSI encourages the Town of Milton to holistically consider rental licensing, as limitations within a rental licensing system (i.e., restricted to additional units only) create loopholes and oversight that often leave a portion of tenants without the protections afforded by the licensing structure. 	<ul style="list-style-type: none"> • As part of the ARU project, the licensing and registry by-law will be focused on ARUs. Expansion of the licensing and registry to include other types of rentals may be considered through a future project.
Mattamy Homes	
<ul style="list-style-type: none"> • Is the 35% minimum landscaped area for singles and 25% for towns across the board, or just applicable to units with ARU's? 	<ul style="list-style-type: none"> • The minimum landscaped area requirement would only apply to lots with an ARU in an accessory building.
<ul style="list-style-type: none"> • 85m2 for an ARU is restrictive, our upcoming designs are designing for upwards of 95m2. 	<p>No changes to the draft ZBLA are proposed.</p> <ul style="list-style-type: none"> • The Town's existing Zoning By-law has an 85 m2 maximum floor area for accessory dwelling units. Rarely has there been Minor Variance applications requesting to increase the maximum size in the past. There are also no other

Summary of Comments	Responses
	<p>comments received regarding the proposed maximum size of 85 m2. Staff is supportive of new home builders incorporating ARUs in their designs. However, rather than changing the regulation Town-wide, new home builders can request site-specific zoning as part of the subdivision approval process.</p>
<ul style="list-style-type: none"> We have concerns with the policy that states that the cumulative area of the ARU's cannot exceed 50% of the total area of the principal residence. We would suggest that this policy be revised to state "No ARU can exceed 50% of the area of the principal dwelling". For example, we may want to design a typology whereby the primary dwelling on the ground floor is the same area as the ADU on the second floor which is also the same area as the ARU on the third floor. In this case the cumulative area of both ARUs is more than the area of the Principal residence. As written now, if a 3001SF single with a principal residence has 1,501SF, then all 3 ARU's combined could only be 1,500SF, which means each ADU would be 500 SF max. Why not allow 4 dwellings at 750SF each whereby even the principal residence could potentially be the same size as the 3 ARU's? 	<p>No changes to the draft ZBLA are proposed.</p> <ul style="list-style-type: none"> To contribute to a mix of housing sizes and to retain larger sized units, it is intended that the principal dwelling unit in a house remains larger than any above-ground additional dwelling units. A house with ADUs is distinguished from a triplex or quattroplex by the size of the units and by the parking requirements. Should Mattamy wish to build triplexes and quattroplexes within new subdivisions, Staff welcomes further discussion. New home builders can request site-specific zoning as part of the subdivision approval process.
<ul style="list-style-type: none"> The policy regarding the basement unit being exempt from the 85m2 maximum and the 50% maximum cap is good, however if a basement ADU also utilizes some square footage on the main floor, how will this be interpreted? 	<p>The draft ZBLA has been revised to provide clarification.</p> <ul style="list-style-type: none"> It is the intent of the proposed regulations that the basement floor area in a split-level ADU be excluded from the floor area maximums.

Agency Comments

Comments	Responses
Halton Region	
Staff have reviewed the proposed amendment provided on March 25, 2024, and note that the proposed amendment and the process utilized by the Town meet all criteria illustrated in Section 2 of By-law No. 19-99. As such it is considered exempt from Regional approval.	None required
Halton District School Board	
No Comments	None required
Halton Catholic District School Board	
No Comments	None required
Enbridge Gas	
Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.	None required
Conservation Halton:	
Conservation Halton did not provide comments through the agency circulation process, but was consulted about the amendments during the drafting process. They noted: The language in the current Draft ARU policy update, “an <i>additional residential unit</i> shall be prohibited on lands identified as hazard lands or as being within the regulatory <i>flood plain</i> , unless where specifically permitted by the applicable <i>Conservation Authority</i> ”, would likely work to flag that ARUs are prohibited in hazard lands (as per provincial, municipal and CH regulatory policy) but that they may be permitted in other areas regulated by CAs (e.g., regulatory allowances, low-risk spill areas, other areas adjacent to wetlands) if CA regulatory policies can be met.	None required

Comments	Responses
<p>No responses were received from the following agencies circulated: Bell Canada Canada Post CN/CP Rail Hydro One Networks Metrolinx Milton Hydro Ministry of Transportation Ontario Niagara Escarpment Commission Conseil Scolaire MonAvenir Conseil Scolaire Viamonde</p>	<p>N/A</p>

Nelson Chukwuma
Conestoga Students Incorporated (CSI)
Room 2A106
299 Doon Valley Drive
Kitchener, Ontario
N2G 4M4

April 23, 2024

Wendy Chen
Policy Planner
Town of Milton
150 Mary St,
Milton, Ontario
L9T 6Z5

RE: Support for Additional Residential Units

Dear Wendy Chen,

On behalf of Conestoga Students Inc., the official student association of Conestoga College representing 700 students attending school in the Town of Milton. I would like to express our support for the creation of zoning regulations that would allow four additional residential units in Milton's urban residential areas.

As the Town of Milton is aware, Milton, like many other places in Canada, is facing an ongoing and worsening housing crisis. This crisis has accelerated the need to explore innovative solutions that meet diverse accommodation needs, including the needs of students in the town. As Conestoga College continues to grow its footprint throughout Milton, particularly with the future Milton Education Village (MEV), students continue to have an increasingly difficult time finding appropriate and affordable housing that suits their needs. As such, we are pleased to see the Town of Milton taking steps to ensure that neighbourhoods and communities are being developed and allowed to adapt to create diverse residential options that meet community needs through a mix of residential dwellings to support all community members.

By allowing four residential units on one lot, the Town of Milton supports the need for gentle intensification; responds to the ongoing housing crisis and both immediate and future housing demands; and supports diverse household needs, including multi-generational, homestay, and other programs that benefit homeowners and potential tenants. It is important to ensure that these additional dwellings can be served by existing infrastructure, such as water and power, and we are glad to see the Town of Milton considering these aspects to ensure that new units, whether they be purpose-built or in addition to existing units, are suitable for tenants.

While CSI remains in favour of additional units, there are various concerns we hope to see the Town of Milton address.

- **Parking minimums:** CSI appreciates that the Town of Milton has reduced the number of parking spaces needed for additional units, and that there is an ongoing need to address parking concerns throughout the town. However, recognizing the impacts of climate change and logistic barriers parking minimums create, CSI believes that further steps could be taken to reduce the barriers that these minimums can pose for those looking to develop additional units. This is also supported by a recent announcement from the Ontario Government, which announced proposed changes to the

Planning Act to remove parking minimums for developments in Protected Major Transit Station Areas.¹ While Milton’s only Protected Major Transit Station Area is surrounding the GO station, a similar approach could be taken based on proximity to other transit options (bus routes, etc.), particularly recognizing that residents in additional units are less likely to own a car.²

- **Maximum lot coverage:** While restricting size can help to ensure a slower densification, it can also create additional problems. Recently, CSI has seen many students, particularly international students, renting smaller spaces with more tenants as a way to address affordability issues. This can have serious safety implications, with higher rates of crowding and less privacy. CSI is concerned that artificially reducing the size of units (i.e., units that could be bigger because of the lot size) could negatively impact both the diversity in housing options (such as needing more housing with a higher number of bedrooms) and the safety of future tenants. These concerns are also reflected in the recent provincial announcement, which includes the potential elimination of barriers for additional units, such as maximum lot coverage and the limit on the number of bedrooms per lot.³
- **Short-term rentals:** CSI is pleased to see that the Town of Milton is taking steps to address the negative impact short-term rentals have on housing supply,⁴ and we encourage Milton to go further with this restriction. As of right now, the Town of Milton is proposing that only one unit may be used as a short-term rental, leaving the other units as long-term housing supply. While CSI supports restricting short-term rentals to one unit, we encourage Milton to ensure that short-term rentals are only available to lots with three or four units on them, as opposed to one or two. This will ensure that, in cases where only one additional unit is possible or desired, the unit will address long-term housing needs. In addition, we hope to see the Town of Milton define a short-term rental as 30-days or less to specifically target short-term listings through AirBnb, VRBO, and other similar listing sites. CSI believes that this definition adequately addresses the negative impact of short-term rentals, while not creating additional barriers to housing for those who require shorter tenancies (such as 4- or 8-month leases).
- **Licensing and registry:** CSI is also pleased to the Town of Milton investigating a licensing and registry of additional units. Rental licensing is a keyway to pre-emptively address both health and safety concerns, as well as aesthetic/neighbourhood concerns. Rental licensing takes the responsibility to ensure safe and legal rental housing out of the hands of the individual renter and create a system wherein municipalities require inspections for rental properties. Under a licensing structure, property owners who wish to place a unit for rent within a city must register the property with the respective municipality. To maintain a license in good standing and, therefore, be legally permitted to place their unit on the rental market, landlords would have to meet property standard bylaws and submit to periodic, proactive inspections of the unit by municipal bylaw officers. Pre-emptive and proactive reviews can help prevent landlord absenteeism and catch code and property standard

¹ Government of Ontario, “Cutting Red Tape to Build More Homes,” Ontario Newsroom, April 10, 2024, https://news.ontario.ca/en/backgrounder/1004423/cutting-red-tape-to-build-more-homes?utm_campaign=%2Fen%2Frelease%2F1004422%2Fontario-cutting-red-tape-to-build-more-homes&utm_medium=email&utm_source=newsroom&utm_term=public.

² Karen Chapple et al., “Yes in My Backyard: Mobilizing the Market for Secondary Units,” *UC Berkeley: University of California Transportation Center.*, September 1, 2011, <https://escholarship.org/uc/item/6fz8j6gx>.

³ Government of Ontario, “Cutting Red Tape to Build More Homes.”

⁴ David Wachsmuth, “The Impact of Short-Term Rentals on Canadian Housing,” November 23, 2020, <https://www.cmhc-schl.gc.ca/nhs/nhs-project-profiles/2020-nhs-projects/impact-short-term-rentals-canadian-housing>.

violations before more serious issues arise.⁵ As such, CSI encourages the Town of Milton to holistically consider rental licensing, as limitations within a rental licensing system (i.e., restricted to additional units only) create loopholes and oversight that often leave a portion of tenants without the protections afforded by the licensing structure.

CSI is in support of the creation of zoning regulations that would allow for four residential units on one lot and appreciates the opportunity to submit our comments regarding these zoning changes. CSI looks forward to continuing to work with the Town of Milton and other stakeholders to improve housing availability throughout our communities.

Sincerely,

Nelson Chukwuma
President

⁵ What Is Landlord Licensing? | ACORN Canada,” accessed April 11, 2024, <https://acorncanada.org/resource/what-landlord-licensing>.

Wendy Chen

From: Marib Pirzada
Sent: Thursday, April 25, 2024 9:52 AM
To: Wendy Chen
Subject: ARU Policy Comments

Good morning Wendy,

Hope you're well. In response to the ARU workshop, please see below for Mattamy's comments:

1. Is the 35% minimum landscaped area for singles and 25% for towns across the board, or just applicable to units with ARU's?
2. 85m2 for an ARU is restrictive, our upcoming designs are designing for upwards of 95m2.
3. We have concerns with the policy that states that the cumulative area of the ARU's cannot exceed 50% of the total area of the principal residence. We would suggest that this policy be revised to state "No ARU can exceed 50% of the area of the principal dwelling". For example, we may want to design a typology whereby the primary dwelling on the ground floor is the same area as the ADU on the second floor which is also the same area as the ARU on the third floor. In this case the cumulative area of both ARUs is more than the area of the Principal residence. As written now, if a 3001SF single with a principal residence has 1,501SF, then all 3 ARU's combined could only be 1,500SF, which means each ADU would be 500 SF max. Why not allow 4 dwellings at 750SF each whereby even the principal residence could potentially be the same size as the 3 ARU's?
4. The policy regarding the basement unit being exempt from the 85m2 maximum and the 50% maximum cap is good, however if a basement ADU also utilizes some square footage on the main floor, how will this be interpreted?

Thank you,

Marib Pirzada (he/him)
Development Manager, Land Development



Mattamy Homes Canada | GTA Low Rise Division
6696 Financial Drive, Mississauga, ON L5N 7J6

Email:

Cell:

Office:

Follow us:



My working hours may not be the same as yours. Please don't feel obligated to reply to this email outside of your preferred schedule.

Notice: This email is intended for use of the party to whom it is addressed and may contain confidential and/or privileged information, any rights to which have not been waived. If you have received this email in error, please inform me and delete it. Thank you.