



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: April 15, 2024

Report No: DS-030-24

Subject: Additional Residential Units in the Urban Area - OPA & ZBLA Public Meeting

Recommendation: **THAT Report DS-030-24, with respect to Town initiated draft Official Plan and Urban Zoning By-law amendments regarding additional residential units in the Town's Urban Area, be received for information; and**

THAT Council directs Staff to draft amendments to the Official Plan and the Rural Zoning By-law to allow additional/accessory residential units within the Town's Rural Area where permitted by provincial policies.

EXECUTIVE SUMMARY

- This report presents draft Official Plan and Urban Zoning By-law amendments to permit additional residential units (ARUs) in the Town's Urban Area. These amendments address the Ontario Planning Act and Federal Housing Accelerator Fund requirements. The proposed policies and regulation for ARUs are discussed.
- This report provides an update on the review of the potential for permitting ARUs in the Town's Rural Area.
- This report discusses the need for a new registry by-law for ARUs and other by-law amendments, to enable the Town to manage potential impacts to the community.

REPORT

Background

Through Bill 23, the More Homes Built Faster Act, the Ontario Planning Act was changed to require local municipalities to permit up to two additional residential units (ARUs) on urban detached, semi-detached and townhouse lots that are served by municipal water and sewage services.

Background

Both ARUs may be located within the detached, semi-detached or townhouse. Alternatively, one ARU may be located in an accessory building on the same lot as the detached, semi-detached or townhouse and the other ARU may be located within the principal building.

The Town's existing Official Plan policies and Urban Zoning By-law regulations only permit a second residential unit within a detached or semi-link house. To achieve conformity with the updated Planning Act provisions, the Town's Official Plan and Urban Zoning By-law must be amended.

Staff initiated a review of the Town's Official Plan and Zoning By-law to update policies and regulations pertaining to ARUs in 2023. A background report ([DS-011-23](#)) regarding ARUs was presented to Council on March 06, 2023, which included a policy review, a municipal best practices review, policy and regulation considerations, and next steps.

On November 13, 2023, Council endorsed the Town's updated application to the federal Housing Accelerator Fund (HAF) through report [ES-011-23](#). The updated application included an initiative, as requested by the Federal Minister of Housing, Infrastructure and Communities, to permit four units as-of-right town-wide.

On January 22, 2024, it was announced that the Town was successful in its application for the HAF program. As noted in report [ES-011-23](#), should the Town be successful in its application for the HAF program, additional Council approvals will be sought in relation to the initiatives included in the Town's application.

Discussion

Consultations Undertaken

Staff started consultations for the additional residential units (ARUs) policies and regulations update in March 2023. Webpages providing information about the ARUs project were set up on the Town's website and the Let's Talk Milton engagement platform website. Two surveys, one regarding ARUs in the Urban Area and one regarding ARUs in the Rural Area, were conducted through the Let's Talk Milton webpage. The survey results are summarized in the Appendix D. Since the project's launch, Staff has also heard directly from residents who have contacted the Town about their thoughts on ARUs.

In addition to the consultations described above, Staff also held meetings with Conservation Halton, Habitat for Humanity Halton-Mississauga-Dufferin and land development firms to discuss policies and regulations for ARUs. Internally, various Town departments, including Building, Zoning, Fire Services, Development Engineering, Planning and By-law Enforcement met throughout the project process to discuss policies, regulations and implementation.

Based on the feedback received from the consultations described above, Staff have drafted an Official Plan Amendment (OPA) and a Zoning By-law Amendment (ZBLA) for Urban Zoning By-law 016-2014, attached to this report as Appendix A and B respectively.

Discussion

The draft OPA and ZBLA were posted on the Town's ARU webpage on March 25, 2024. Staff held two public information centres (PICs) on April 08, 2024 and April 11, 2024 to present the draft policies and regulations, answer questions, engage in discussion and receive feedback.

ARUs in the Rural Area

As part of the consultation program, Staff also held meetings with the Nassagaweya Community Consultation Committee, Destination Campbellville Community Association, the Halton Region Federation of Agriculture and Conservation Halton to discuss the potential for ARUs in the Town's Rural Area.

The majority of the Town's rural lands is within the Ontario Greenbelt. Additionally, the majority of the Town's Greenbelt lands is designated Natural Heritage System (NHS) in the provincial Greenbelt Plan. The Greenbelt Plan does not permit additional residential units (ARUs) within the Greenbelt's NHS. Municipal policies must be consistent with provincial policies. As such, the Town would not be able to permit ARUs on any lands within the Greenbelt designated NHS. The Greenbelt Plan's NHS policies do not apply within the existing boundaries of settlement areas including hamlets.

The Niagara Escarpment Plan (NEP) applies to the Niagara Escarpment Area. The NEP allows second dwelling units within lands designated Escarpment Rural Area and Escarpment Recreation Area, subject to the NEP's General Development Criteria. All lands identified by the NEP within Milton are within the NEP's Area of Development Control. Within the Development Control Areas, local municipal zoning by-laws have no effect and a development permit issued by the Niagara Escarpment Commission is required for any proposed second dwelling units.

Based on the survey results regarding ARUs in the rural area (Appendix D), the discussions with the stakeholder groups and what Staff has heard from residents, it is recommended that Council directs Staff to draft amendments to the Official Plan and the Rural Zoning By-law to allow additional/accessory residential units within:

- the hamlets;
- rural lands within the Greenbelt outside of the Natural Heritage System, subject to the policies of the Greenbelt Plan; and
- any rural lands not within the Greenbelt or the Niagara Escarpment Commission Area of Development Control.

If Council endorses this recommendation, a public meeting, public information centres and the recommendation report can be brought forward in fall 2024.

Draft Official Plan Amendments for ARUs in the Urban Area

The draft Official Plan Amendment, attached as Appendix A, proposes to change the housing policies of the Town's Official Plan to permit additional residential units within the Urban Area. The definition for an additional residential unit (ARU) is proposed to be: "a

Discussion

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.”

This amendment also proposes to remove the Coach House definition and policies from the Bristol, Sherwood and Boyne Secondary Plans to remove redundancy. The new definition and policies for ARUs would allow the same housing form as the Coach House.

Within the Urban Area, ARUs would be permitted within the land use designations that permit single detached, semi-detached and townhouse dwellings, which include Residential Areas, and the Downtown Supportive Area and Low Density Residential Sub-Area within the Central Business District. ARUs would only be permitted on lands in the Urban Area that are served by municipal water and sewage services.

It is proposed that ARUs are permitted subject to conformity with policies that take into consideration public safety, servicing, stormwater management, community design and enforcement. Please see amendment number 4 in the table in Section 1.0 of the OPA. The policy directions of the Official Plan are to be implemented through the Zoning By-law and other applicable Town by-laws.

Since ARUs are now required by the province to be permitted on all urban lands with municipal servicing, the OPA proposes a policy that requires the potential for ARUs to be accounted for in the planning of new communities including infrastructure and community services capacity. It is also proposed that ARUs be encouraged to be created through the subdivision approval and construction process of new communities. These policies are intended to help facilitate the creation of ARUs in an efficient way.

ARU Registry and necessary regulatory by-law amendments

It is recommended, and has been identified as critical, by Staff that property owners who operate an ARU register for a municipal license and agree to the terms of a licensing by-law. The license will ensure that the Town has a record of contact for the property owner and that the property is in compliance with the Fire Prevention and Protection Act, the Ontario Building Code Act and the Town’s zoning by-law requirements. The license will allow essential services and responders be informed about total number of units within a dwelling and the location of units within the interior of the dwelling. Establishing a licensing program for ARU’s would assist in mitigating the impacts to the community and would provide additional enforcement regulations in addition to the existing, applicable regulatory by-laws (i.e. noise and parking).

Also, to manage the impacts of ARU’s on the community, staff are reviewing the Town’s House Numbering By-law 026-2010. Amendments to this By-law will support emergency service needs and provide clarity to the external and internal numbering of accessory units. Through the development of these amendments, the Town’s enforcement team is

Discussion

collaborating with Milton Fire to determine what would be required in order to support fire and emergency response for all units within a dwelling.

The necessary by-laws and by-law amendments to support the registry of ARUs and emergency services requirements will be brought forward at the time in which the planning technical report is considered by Council for the required Official Plan Amendment and Zoning By-law Amendment.

Draft Zoning By-law Amendments for the Urban Zoning By-law

The draft amendment to Urban Zoning By-law 016-2014 (ZBL), attached as Appendix B, proposes revised zoning regulations pertaining to ARUs. A chart summarizing the draft zoning regulations is attached as Appendix C.

Terminology

ARUs are referred to as additional dwelling units (ADU) in the proposed amendment to match the existing terminology in the ZBL. Similar to the ARU definition proposed in the Official Plan Amendment, an ADU is proposed to be defined as: “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.”

Some other definitions in the ZBL are also proposed to be amended to facilitate the ADU provisions and to distinguish between different dwelling types. For example, a single-detached dwelling with one or more ADUs would not be considered a duplex, triplex or quattroplex (fourplex) and would be subject to different regulations in the ZBL.

Where Permitted

Within the Urban Area, ADUs are proposed to only be permitted on residential lots that are served by municipal water and wastewater services. Lands within the Urban Area that currently do not have municipal services would be permitted to have ADUs in the future if and when municipal services are extended.

ADUs would be permitted in any zone that permits detached, semi-detached, semi-link and townhouse dwellings. However, ADUs would 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.

Number of Units and Configuration

The amendment proposes to permit up to three (3) ADUs per lot, for a total of four dwelling units on a lot. This permission for up to four units fulfills the Planning Act requirement and the initiative committed to for the Town’s Housing Accelerator Fund.

All three ADUs may be located within the same building as the principal dwelling (the detached, semi-detached, semi-link or townhouse dwelling). Alternatively, one ADU may

Discussion

be located within an accessory building on the same lot as the principal dwelling and the other two ADUs may be located within the same building as the principal dwelling. An ADU within an accessory building may be located within a back yard or an interior side yard.

Depending on the ability of a lot to meet the requirements of the Zoning By-law, such as parking, emergency access, lot coverage, etc., some lots may be able to accommodate four units on a lot while some may not.

Parking

Since the background report for ARUs was presented to Council in March 2023, the Province has clarified the Planning Act provision regarding parking for ARUs. The Planning Act language passed through Bill 23 restricted municipalities' ability to require more than 1 parking space for each dwelling unit on a lot, including the principal dwelling unit. On June 8, 2023, the Province passed Bill 97, the Helping Homebuyers, Protecting Tenants Act, which further amended the Planning Act to clarify that the restriction of 1 parking space per dwelling unit does not apply to the principal dwelling unit.

The Town's current ZBL requires that a minimum of 2 parking spaces be provided for each principal dwelling unit plus a minimum of 1 parking space be provided for each ADU. For example, for a house to have a dwelling unit in the basement, 3 parking spaces total would be required.

Staff has heard from many residents that the Town's current parking requirements restrict their ability to add an ADU on their property. On the other hand, Staff is aware that some neighbourhoods in the Town already do not have enough parking spaces to meet the existing demand.

The development of a transitional neighbourhood parking strategy has been identified as a strategic imperative within the Town's 2023-2027 Strategic Plan. This plan will be presented in the coming months to Council with recommendations and pilot solutions to support the changing needs of the community.

In addition to the implementation of the parking strategy, the Town's current by-laws do not prevent residents from parking on their driveway aprons or on the lower part of their driveway that is Town-owned. Driveway aprons are the part of the boulevard between the sidewalk and the curb that is Town-owned.

Taking into consideration the Town's initiatives to enable more parking as well as the Town's housing objectives, Staff is proposing for a reduction in the number of parking spaces required for the principal dwelling unit if an ADU is being created on a lot. Whereas a minimum of 2 parking spaces for a detached, semi-detached or townhouse dwelling would be required on a lot that has no ADU(s), only 1 parking space for the principal dwelling unit would be required if a lot has an ADU. Each ADU would still be required to have a minimum of 1 parking space each in addition to the parking space required for the principal dwelling unit. For example, instead of 3 parking spaces total being required for a

Discussion

single-detached house with a basement dwelling unit, 2 parking spaces total would be required.

Additionally, Staff is proposing that the minimum required width of a parking space located on a residential driveway be reduced from 2.75 metres to 2.55 metres. In 2023, the Town received 31 minor variance applications that included a reduction to the width of required parking spaces on residential driveways to facilitate the creation of an ADU. In all cases, the minor variance was approved by the Committee of Adjustment. Staff is not proposing to reduce the minimum required length of a parking space on a residential driveway to prevent the potential overhang of vehicles and the blocking of sidewalks.

Fire and Emergency Services Access

Access for fire and emergency services to respond in the event of a fire and/or emergency need to be provided and maintained for ADUs. This amendment proposes a requirement for an unobstructed access, with a minimum width of 1.2 metres and minimum vertical clearance of 2.1 metres, from the street to the primary entrance of each ADU.

In addition to the access requirement noted above, the building setbacks proposed in this amendment also take into consideration fire and emergency services access to both the principal building and any accessory buildings on a lot containing an ADU. The proposed setbacks will be discussed below. ADUs must also meet provincial building code and fire code regulations.

Heights and Setbacks

For ADUs located within the same building as a single-detached, semi-detached, semi-link or townhouse dwelling, the maximum heights and the minimum setbacks from lot lines currently established in the ZBL for those buildings would apply. No changes to the height and setback regulations are proposed for those principal dwellings. Any additions to accommodate an ADU within the same building as the principal dwelling must meet the maximum height and minimum setbacks required for the principal dwelling.

The Town's current ZBL does not permit ADUs in an accessory building on a residential lot. As such, new regulations need to be established for this type of built form. For compatibility and to manage impact on existing neighbourhoods, the maximum heights proposed for an accessory building containing an ADU are intended to limit these buildings to one-storey. The only exception is for accessory buildings where an ADU is located above a detached garage, in which case a two-storey building is permitted.

The proposed setbacks differ depending on whether the accessory building with an ADU contains a detached garage and whether it is one-storey or two-storeys. The magnitude of the setbacks is proposed based on considerations such as managing impact on neighbouring properties, and fire and emergency services access. Please see Appendix C for the heights and setbacks proposed for accessory buildings containing an ADU.

Discussion

Lot Coverage

Lot coverage refers to the amount of area on a lot that is covered by buildings. The existing definition for lot coverage in the ZBL excludes accessory buildings, with the exception of detached garages, from the lot coverage calculation. However, this amendment proposes that an accessory building containing an ADU be included in the lot coverage calculation.

For the low density residential zones (RLD, RLD1, RLD2, RLD3, RLD4, RLD5, RLD6 and RLD7), the Zoning By-law has existing maximum lot coverage regulations. These lot coverage regulations were established through the Mature Neighbourhoods Study, which was completed in 2022. To maintain the character of the mature neighbourhoods, the existing lot coverages for these zones are not proposed to be changed.

All of the single-detached, semi-detached, semi-link and townhouse lots within the “new community” areas of Bristol, Sherwood and Boyne are zoned Medium Density Residential (either RMD1 or RMD2). There are no currently no lot coverage regulations for RMD1 and RMD2 zones in the ZBL. Instead, the amount of yard space on a lot is regulated by minimum setback requirements.

The subdivisions in the “new community” areas are designed based on standard assumptions for the amount of impermeable area on each lot. Impermeable area refers to areas where water cannot seep/infiltrate into the ground, such as areas covered by buildings and paved areas. Significantly increasing the amount of impervious area in a community increases the risk of flooding.

The new permissions for an ADU within an accessory building has the potential to significantly increase the amount of impervious area on a lot. As such, a regulation is proposed to ensure a minimum percentage of a lot remains permeable to allow the infiltration of water into the ground. On lots that propose to add an ADU in an accessory building in a RMD1 or RMD2 zone, a minimum 35% of a lot’s area need to be permeable landscaping for detached, semi-detached and semi-link lots, and a minimum 25% for townhouse lots.

Floor Area

ADUs are intended to be subordinate to the primary single-detached, semi-detached, semi-link or townhouse dwelling and integrate into existing neighbourhoods. As such, maximum floor area regulations are proposed to limit the size of ADUs. Generally, larger lots are permitted more floor area for ADUs. The amendment proposes the following floor area regulations:

For ADUs located within the same building as the principal dwelling, the floor area of each ADU located on the first storey or above shall not exceed 85 m². In addition, the floor area of all ADUs located on the first storey or above shall not cumulatively exceed a maximum of 50% of the floor area of the principal dwelling unit. An ADU located in a basement may occupy the entire basement.

Discussion

For an ADU located in an accessory building that does not include a detached garage, the gross floor area of the building shall not exceed 10% of the lot area or 110 m², whichever is less. For example, a 350 m² lot would be permitted a maximum 35 m² accessory building that contains an ADU.

For an ADU located in the same accessory building as a detached garage, the floor area of an ADU shall not exceed the floor area of the principal dwelling unit or 110 m², whichever is less. In addition to the maximum floor area for the ADU, the gross floor area of a one-storey building containing an ADU and a detached garage shall not exceed 10% of the lot area or 145 m², whichever is less. And for a two-storey building containing an ADU and a detached garage, the gross floor area of the first storey of the building shall not exceed 10% of the lot area or 110 m², whichever is less.

Any zoning regulations to establish a minimum size for an ADU is not permitted by the Planning Act. However, the minimum size required to accommodate Ontario Building Code requirements for a dwelling unit is 17.5 m² (188 ft²).

Other Regulations

In addition to the proposed regulations discussed above, the amendment also includes the following provisions:

An ADU would be permitted within an accessory building containing an attached or detached garage accessed by a lane. The proposed regulations are mostly the same as street access accessory buildings containing a detached garage and an ADU, with the exception of the setback required from the rear lot line.

A deck that is accessory to an accessory building containing an ADU is proposed be limited to 0.6 m in height and no higher than the floor of the first storey. A porch/veranda is also proposed to not be permitted to be located above the floor of the first storey. Balconies are proposed to not be permitted on any wall of an accessory building containing an ADU that faces an abutting residential zone. Rooftop patios are proposed to not be permitted for any accessory buildings containing an ADU. Eaves and gutters that are 2.0 metres above grade on an accessory building containing an ADU may project a maximum of 0.45 metres into any required setback.

For a principal building on a lot, some amendments are proposed for permitted encroachments into required yard setbacks. Window wells would be permitted to encroach a maximum of 0.55 metres into a required interior side yard, no closer than 1.2 m to an exterior side lot line and no limit on encroachment into a rear yard. It should be noted that for ARUs with a side yard primary entrance, the 1.2 metre unobstructed access requirement from the street to the primary entrance would still apply. A window well would be considered an obstruction.



Discussion

The amendment also proposes to allow below grade stairs accessing a principal building to be permitted to encroach into an exterior side yard, but no closer than 1.2 metres from the exterior side lot line.

One of the concerns about the addition of ADUs in Milton is about their potential use as short-term rentals. Additionally, in consideration of the current shortage of housing in Ontario, the creation of ADUs should contribute primarily to providing long-term accommodations. As such, it is proposed that only one dwelling unit on a lot may be used as a short-term rental.

Financial Impact

With respect to financial considerations for an ARU Registry and necessary regulatory by-law amendments, staff will report back to Council with further implementation details including the projected financial implications, user fees, as well as the required implementing By-laws.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Wendy Chen

Phone: Ext. 2296

Attachments

Appendix A: Draft Official Plan Amendment
Appendix B: Draft Zoning By-law Amendment
Appendix C: Summary of the Draft Zoning Regulations
Appendix D: Summary of Survey Results

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.