



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: May 9, 2022

Report No: DS-028-22

Subject: Public Meeting and Technical Report: Town-Initiated Housekeeping Amendment to Comprehensive Zoning By-law [144-2003](#), as amended (File: HKA 01/22).

Recommendation: **THAT** Development Services Report DS-028-22 outlining Town-Initiated Housekeeping Amendment to Comprehensive Zoning By-law [144-2003](#), as amended, **BE APPROVED**;

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

AND FURTHER THAT staff be authorized to bring forward an amending Zoning By-law in accordance with Appendix 1 to Report DS-028-22 for Council Adoption.

EXECUTIVE SUMMARY

The purpose of the proposed application is to update the zoning of the subject lands to ensure compliance with a Board Order issued on the subject lands. Application 24T-89003 was draft approved by the (former) Ontario Municipal Board by Order dated February 13, 1998. The order permitted the creation of the subdivision with a private road, with each of the lots being granted a Right-of-Way and/or proportionate legal title in, over and upon the private road subject to a common maintenance agreement prepared and registered on title. At the time of the Board Order, the Town's Zoning By-law did not contain provisions restricting the issuance of building permits on lots that do not have frontage on a private street. The Town has initiated a Housekeeping Amendment to apply a site-specific provision allowing Building Permits to be issued on a private road in accordance with the Board Order.

Conclusions and Recommendations

Staff is satisfied that the site specific Estate Residential (RE*314) zoning provision attached as Appendix 1, will conform to Provincial, Regional and Town planning policies and Conservation Halton regulations, in accordance with the Board Order issued by the



(former) Ontario Municipal Board. Therefore, staff recommends approval of the Housekeeping Amendment as presented through this report.

REPORT

Background

Location: The subject lands are known municipally as 4150, 4200, 4201, 4249 and 4250 Donaldson Lane, on the west side of Fifth Line Nassagaweya, South of No 20 Side Road (see Figure 1 - Location Map).

Proposal: The application seeks to apply a site-specific zoning provision to the subject lands to allow building permits to be issued on a private road. The lands are currently zoned Estate Residential (RE) under Zoning By-law [144-2003](#), as amended. The Housekeeping Amendment seeks to zone the lands site-specific Estate Residential (RE*314) in order to comply with the Board Order issued by the (former) Ontario Municipal Board.

Planning Policy:

The subject property is designated Rural Area and Natural Heritage System in the Halton Region Official Plan. Regional staff have confirmed that the proposed amendment conforms to the Regional Official Plan and all Provincial land use policy.

The subject property is designated Rural Area and Greenlands A Area on Schedule A of the 2008 Town of Milton Official Plan. In this designation, single detached dwellings on existing lots of record are permitted. The subdivision was approved by Board Order in 1998 and subsequently registered in 2003. As such, the lots are existing lots of record and zoned to permit a single detached dwelling.

Staff has reviewed the application and is of the opinion that the Housekeeping Amendment is consistent with the (former) Ontario Municipal Board Order and conforms to the Halton Region Official Plan and the Town of Milton Official Plan.

Zoning By-law [144-2003](#), as amended

The subject lands are currently zoned Estate Residential (RE) Zone, Greenlands A (GA) Zone and site specific Greenlands B (GB*37) Zone. The lands currently within the Estate Residential zone are proposed to be zoned site specific Estate Residential (RE*314) which will allow building permits to be issued on a private road, in accordance with the Board Order. The existing site specific Greenlands B (GB*37) Zone states that the only uses permitted within the GB*37 are driveways, pathways and linear utilities, and that these areas must remain in a natural state and shall not be cleared for building construction or installation of septic tile fields. No changes to the GB*37 Zone are proposed.

Section 4.6 a) of Zoning By-law 144-2003 states that no building can be erected, used or occupied on any lot that does not have frontage on a public street or on a private street as described in a registered plan of condo. In accordance with the Board Order issued on February 13, 1998, this rural estate subdivision was approved with access via private road,



with each of the lots being granted a Right-of-Way and/or proportional legal title in, over and upon the private road subject to a common maintenance agreement prepared and registered on title. As the lands have frontage on Donaldson Lane, a private road that is not proposed to be condominium, the Town is of the opinion that it is appropriate to update the zoning permissions in accordance with the Board Order.

The Board Order issued by the (former) Ontario Municipal Board included specific provisions relating to the development of the subdivision, the construction requirements for the private laneway, and direction for a common maintenance agreement to be registered on title.

While a private laneway subject to a common maintenance agreement would not meet today's standards for access to a subdivision, a legal opinion has determined that the Town is required to recognize the Board Order as it relates to the subdivision specifically. It is noted that the development of each of the lots within the subdivision however, is to be in accordance with policies and requirements in effect today.

Among the requirements in the Board Order is the need to obtain Site Plan Approval for each lot prior to the issuance of Building Permits. This means that the development of each lot will be required to proceed through a detailed engineering and environmental review prior to permits being issued. Site Plan Approval will also be required prior to the construction of the private road, which will ensure adequate construction standards are proposed, the cul-de-sac at the end of Donaldson Lane will be sufficient for the turning requirements of both fire and emergency vehicles, and that there is adequate information in the common ownership agreement relating to the on-going maintenance of the road and snow removal.

A draft zoning by-law is attached as Appendix 1.

Discussion

Public Consultation and Review Process

In accordance with the Planning Act requirements and Town policies, notice for the Statutory Public Meeting was provided on March 31, 2022 through written notice to all properties within 200 metres as well as an ad within the Milton Canadian Champion. To date, no written comments have been provided on the proposed Housekeeping Amendment.

Agency Consultation

The proposed Housekeeping Amendment was circulated to both internal and external commenting agencies. Halton Region, Conservation Halton, Town Departments, and other agencies offered no objection to the applications. Development of the lands will be required in accordance with current policies and regulations.



It is noted that there is a Provincially Significant Wetland complex present on the lands, and development is subject to Conservation Halton policies, and permits are required prior to any development occurring on the subject lands.

Conclusion

Staff is satisfied that site specific zoning by-law and associated provisions attached as Appendix 1, will conform to Provincial, Regional and Town land use planning policy. Therefore, staff recommends approval of the Housekeeping Amendment.

Financial Impact

None arising from this Report

Respectfully submitted,

Jill Hogan, MCIP RPP
Commissioner, Development Services

For questions, please contact: Mollie Kuchma, MSc, MPA, MCIP, RPP, Senior Planner Phone: Ext. 2312

Attachments

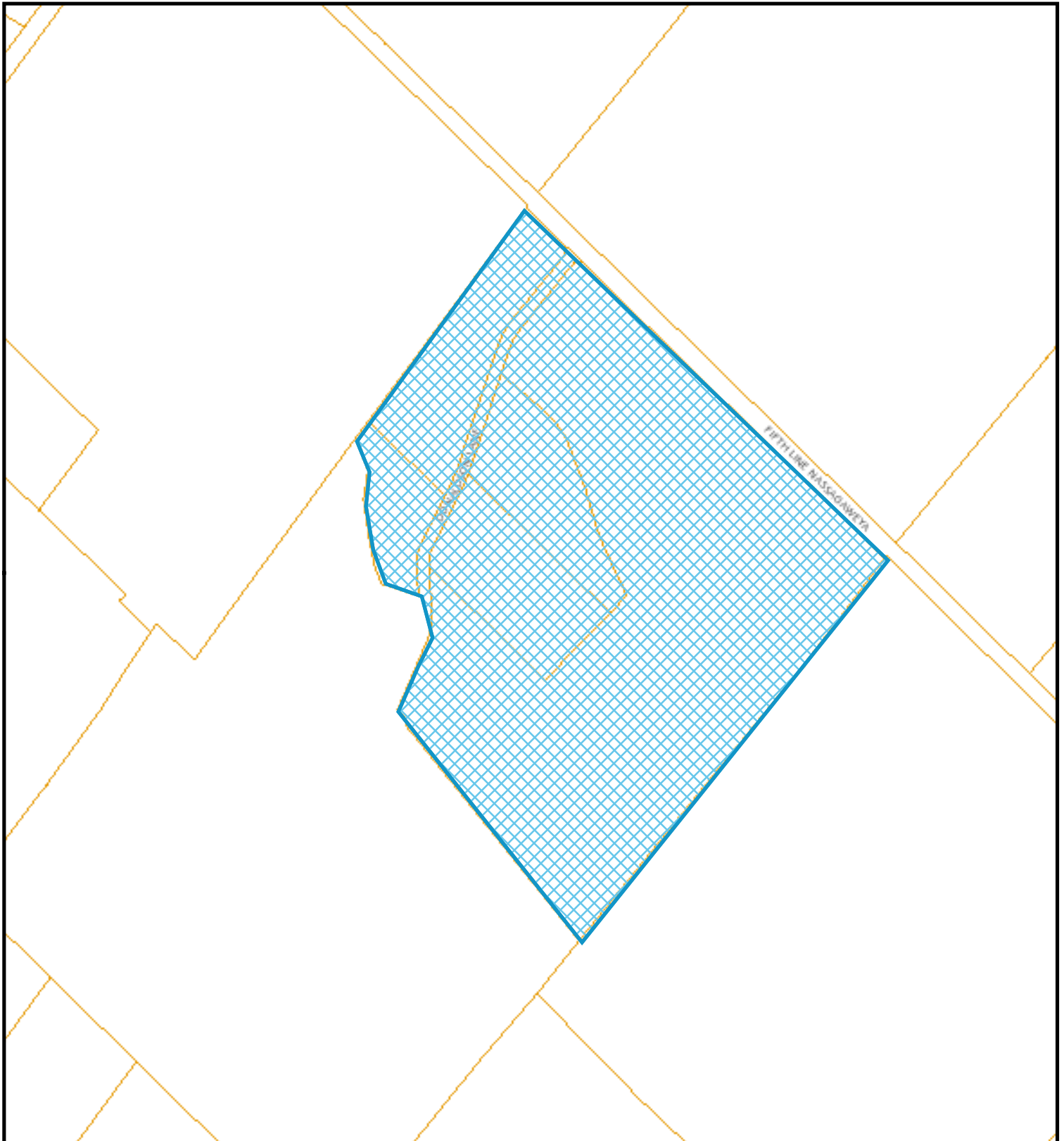
Figure 1 – Location Map
Appendix 1 – Zoning By-law & Schedule A

CAO Approval
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.

FIGURE 1 LOCATION MAP



Council Meeting Date:
May 2, 2022

Scale: 1:9,027.98 File#HKA 01/22

Development Services



Subject Property

THE CORPORATION OF TOWN OF MILTON

BY-LAW NO. **XXX-2022**

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 144-2003, AS AMENDED, PURSUANT TO SECTION 34 OF THE PLANNING ACT, AS AMENDED, TO INCORPORATE A HOUSEKEEPING AMENDMENT THAT AFFECTS THE LANDS ZONED SITE-SPECIFIC ESTATE RESIDENTIAL (RE*314), AND LEGALLY DESCRIBED AS LOTS 1 TO 5 ON PLAN 20M-856, IN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON - (TOWN FILE: HKA-01/22).

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

AND WHEREAS the Town of Milton Official Plan provides for the lands affected by this by-law to be zoned as set forth in this by-law;

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

- 1.0 **THAT** Schedule A to Comprehensive Zoning By-law [016-2014](#), as amended, is hereby further amended by changing the existing Estate Residential (RE) Zone symbols to a site-specific Estate Residential (RE*314) Zone symbol on the Lands shown on Schedule A attached hereto.
- 2.0 **THAT** Section 13.1 of Comprehensive Zoning By-law [144-2003](#), as amended, is hereby further amended by added Section 13.1.1.314 to read as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned site specific Residential Estate (RE*314), the following standards and provisions shall apply:

A. Special Site Provisions

- 1) Contrary to Section 4.6 a), lands zoned RE*314 permits buildings to be erected, used or occupied on any lot that does not have frontage on a public street or on a private street as described in a registered plan of condominium.
- 3.0 **THAT** pursuant to Section 34(21) of the Planning Act, R.S.O. 1990, c. P.13, as amended, this by-law comes into effect the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to Subsection 34(19) of the Planning Act, as amended. Where one or more appeals have been filed under Subsection 34(19) of the said Act, as amended, this Zoning By-law 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.

PASSED IN OPEN COUNCIL ON MAY 9, 2022.

Gordon A. Krantz

Mayor

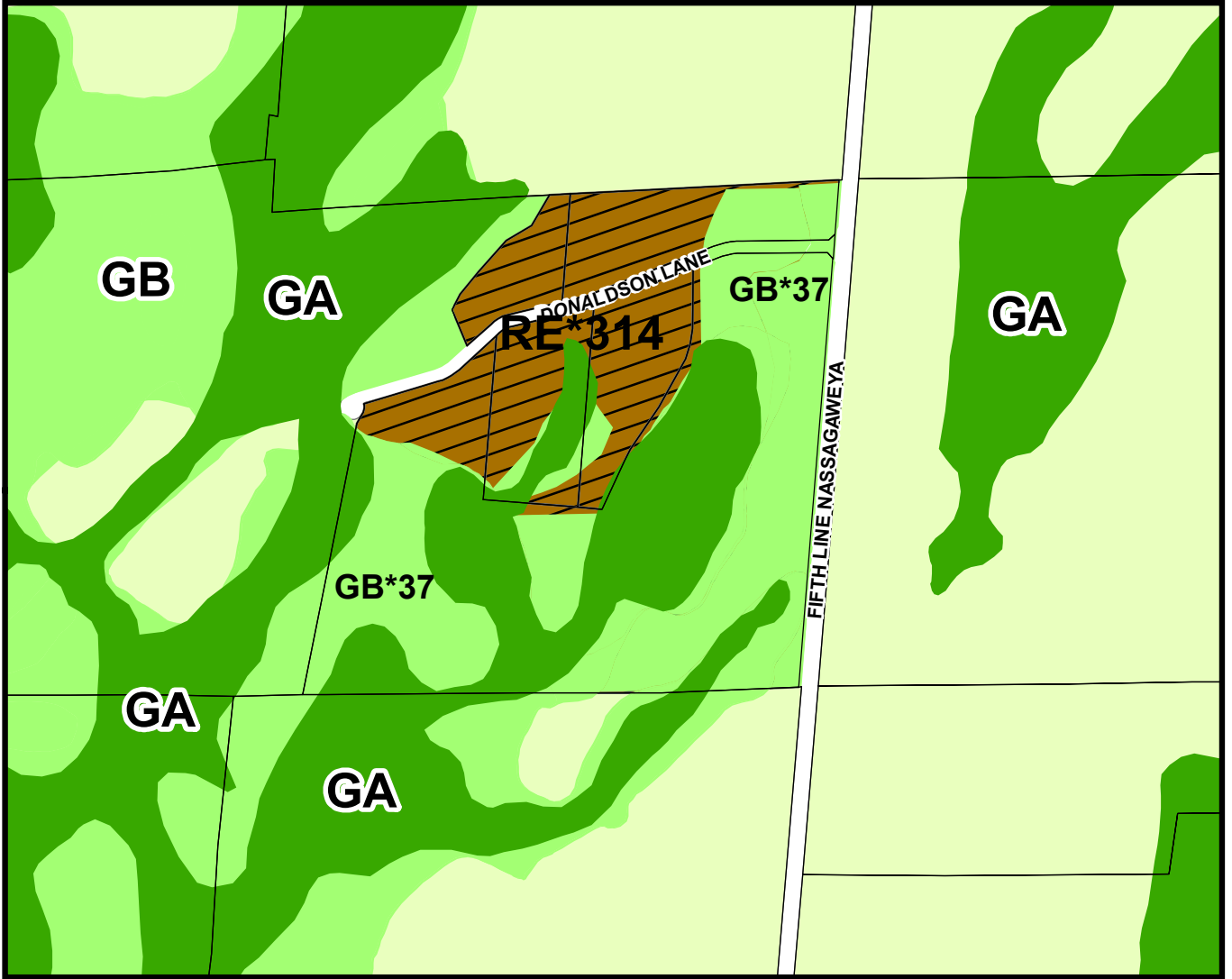
Meaghen Reid

Town Clerk

SCHEDULE A
TO BY-LAW No. -2022

TOWN OF MILTON




PLAN 20M856 LOTS 1-5
TOWN OF MILTON



THIS IS SCHEDULE A
TO BY-LAW NO. _____ PASSED
THIS ___ DAY OF _____, 2022.

MAYOR - Gordon A. Krantz

CLERK- Meaghen Reid

-  RE*314 - Estate Residential Zone Special
-  Greenlands A
-  Greenlands B

