

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 061-2019

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 THE LANDS DESCRIBED AS PART OF LOTS 6 AND 7, CONCESSION 3, (FORMER GEOGRAPHIC SURVEY OF TRAFALGAR) IN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON - MATTAMY (BROWNRIDGE) LIMITED – (TOWN FILE: Z-14/17)

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 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 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 is hereby further amended by changing the existing Future Development (FD) and Natural Heritage System (NHS) Zone symbols to the Residential Medium Density 1 - Special Section (RMD1*264) Zone, Residential Medium Density 2 - Special Section (RMD2*265) Zone, Residential High Density - Special Section (RHD*266) Zone, Future Development (FD) Zone, Institutional A (I-A) Zone, Institutional A – Special Section (I-A*267) Zone, Natural Heritage System (NHS) Zone, Open Space (OS) Zone and Open Space 2 (OS-2) Zone symbols on the land and adding the Holding (H) symbols H18, H25, H34, H35, and H36, to each of the zone symbols on this property as shown on Schedule A attached hereto.

2.0 THAT Section 13.2 of By-law 016-2014, is amended by adding the following conditions for removal of this H34 Holding Provision:

“H34” shall not be removed until:

- a) Roundabout and/or intersection design is approved, or earlier if progressed to a stage acceptable to the Town of Milton.

3.0 THAT Section 13.2 of By-law 016-2014, is amended by adding the following conditions for removal of this H35 Holding Provision:

“H35” –shall not be removed until:

- a) the subject lots/blocks have been consolidated with lots/blocks on adjacent plan(s) of subdivision and each of the resulting consolidated parcels is in

compliance with the minimum lot frontage, depth and area (where applicable) requirements of the applicable zoning by-law.

- 4.0 THAT** Section 13.2 of By-law 016-2014, is amended by adding the following conditions for removal of this H36 Holding Provision:

“H36” – shall not be removed until:

- a) a permit has been issued by Conservation Halton for the design and/or construction of the rain garden and any associated works necessary to achieve an appropriate water balance for the adjacent wetland located within woodlot Block 599.

- 5.0 THAT** Section 13.1 of Comprehensive By-law 016-2014 is hereby further amended by adding subsection 13.1.1.264 as follows:

Residential Medium Density 1 - Special Section 264 (RMD1*264) Zone

- i) Special Site Provisions Applicable to All Dwelling Types
- a. For the purpose of this by-law, a “unit” within a plan of condominium, on which a townhouse dwelling unit is situated, shall be considered a lot for administering the Zoning By-law.
 - b. For the purpose of this by-law, where the lot line of a lot abuts a reserve of 0.3 m or less that has been established by the Town to restrict or control access to an abutting public street, the reserve shall be deemed to constitute part of the lot for the purposes of calculating required setbacks only. Reserves used for such purposes must remain clear and unencumbered.
 - c. For the purpose of this by-law, where the lot line of a lot abuts a reserve of 0.3m or less that has been established by the Town to restrict or control access to an abutting street, the lot is considered to have frontage on a public street.
 - d. Within a plan of condominium, visitor parking shall be provided at a rate of 0.25 parking spaces per unit.
 - e. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area may be located within 0.0 metres of a private street line.
 - f. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area shall be setback 1.2 metres from a lot line, except where a parking area abuts:
 - i. a sidewalk, the setback shall be a minimum of 1.5 metres; and,
 - ii. a lot line adjacent to Thompson Road, the setback shall be a minimum of 2.4 metres.
- ii) Notwithstanding any provisions to the contrary, for Detached Dwelling – Street Access (All Types) the following shall apply:
- a. In the case of a staggered double car garage:
 - i. One garage is permitted to have a minimum setback of 2.0

metres to the front lot line providing that the second garage has a minimum setback of 5.5 metres to the front lot line.

- ii. On lots having frontage less than or equal to 11.5 metres the driveway width shall not exceed 6.6 metres.
 - b. Notwithstanding Section 4.19.5, Table 4H, porches/verandas encroaching into the required interior side yard are permitted to be located 0.9 metres to the interior side lot line.
 - c. Where located on top of a porch/veranda, balconies are permitted to encroach into the required interior side yard and shall be provided in accordance with b) above.
 - d. Notwithstanding any regulation of this By-law to the contrary, on any lot where a residential driveway enters a street, no obstruction to sight lines, including fencing, shall be permitted within the triangular area formed by the street line, the residential driveway edge and the line connecting them at points 1.0 metres from their intersection.
 - e. Bay or boxed windows may encroach into a required yard up to a maximum of 0.6 metres for a width of up to 4.0 metres.
- iii) Notwithstanding any provisions to the contrary, for Detached Dwelling – Street Access, Interior Lot:
- a. Lot frontage (minimum), interior lot – 9.15 metres
 - b. Notwithstanding Section 6.3.1.1, the dwelling shall have a minimum dwelling face, which may include the porch/veranda, of 3.3 metres provided that no more than 60% of the building face is used for the garage portion of the elevation.
 - c. Notwithstanding Section 6.3.1.1, in the case of a staggered double car garage, the dwelling shall have a minimum dwelling face, which may include a porch/veranda, of 2.5 metres, provided the garage face does not project further than 1.83m beyond the porch.
 - d. Second storey boxed/bay windows shall be permitted in a required interior side yard for interior lots adjacent to a corner lot on a roundabout.
- iv) Notwithstanding any provisions to the contrary, for Detached Dwelling – Street Access, Corner Lot, the following shall apply:
- a. For the purposes of this By-law, lots abutting a roundabout shall be considered a Corner Lot.
 - b. Where a garage is accessed by a residential driveway crossing the exterior side lot line:
 - i. An attached garage may be located no closer than 0.6 metres from the rear lot line.
 - ii. Air conditioning and heat exchange units are permitted to be located within that portion of the yard located between the dwelling unit and the attached garage, however such units are not permitted to encroach into the exterior side yard.

- iii. Fences and walls having a maximum height of 2.0 metres are permitted to enclose that portion of the yard bounded by the dwelling unit, the exterior side lot line, and the residential driveway.
- c. At the intersection of two local public or private streets:
 - i. The outside of the garage door shall not be located any closer than 5.4 metres from the corner rounding.
 - ii. No part of any residential driveway shall be located closer than 4.7 metres from the point of intersection of the two street lines.
- d. Notwithstanding Section 6.3.1.1, the dwelling shall have a minimum dwelling face, which may include the porch/veranda, of 3.3 metres provided that no more than 62% of the building face is used for the garage portion of the elevation.
- e. Notwithstanding Section 6.3.1.1, in the case of a staggered double car garage, the dwelling shall have a minimum dwelling face, which may include a porch/veranda, of 2.5 metres, and the garage portion of the elevation may project no further than 1.83 metres beyond the dwelling face or porch/veranda portion of the elevation.
- f. For the detached dwelling units that are located at the corner of Whitlock Avenue and the roundabout, the following additional provisions shall apply:
 - i. The yard abutting Whitlock Avenue shall be deemed to be the front yard;
 - ii. Minimum lot depth shall be measured along the interior lot line.
 - iii. Minimum Interior Side Yard Setback: 7.0 metres
 - iv. Minimum Rear Yard Setback to the dwelling (excluding the garage): 6.5 metres
 - v. A residential driveway can extend into a rear yard or interior side yard to access an attached garage, provided that the driveway does not extend beyond the garage face.
- g. For the detached dwelling unit that is located at the northwest corner of Logan Drive and Thompson Road, the following additional provisions shall apply:
 - i. The yard abutting Logan Drive shall be deemed to be the front yard;
 - ii. Minimum lot depth shall be measured along the west interior lot line.
 - iii. Minimum Interior Side Yard Setback: 6.5 metres
 - iv. Minimum Rear Yard Setback to the dwelling (excluding the garage): 5.5 metres
 - v. A residential driveway can extend into an interior side yard to access an attached garage.
 - vi. The maximum driveway width, measured parallel to the

garage face: 10.5 m.

- v) Notwithstanding any provisions to the contrary, for Townhouse Dwelling – Street Access, the following shall apply:
 - a. Minimum Exterior Side Yard (corner unit): 2.0 metres to building if the yard abuts a right-of-way of less than 18.0 metres wide
 - b. At the intersection of two local public or private streets, no part of any residential driveway shall be located closer than 4.7 metres from the point of intersection of the two street lines.
 - c. Bay or boxed windows may encroach into a required yard up to a maximum of 0.6 metres for a width of up to 4.0 metres.

- vi) Notwithstanding any provisions to the contrary, for Townhouse Dwelling – Private Street, Rear Access, the following shall apply:
 - a. For all lane-based townhouses, the yard where the driveway is located is deemed to be the rear yard.
 - b. Minimum Lot depth (all unit types): 18.0 metres
 - c. Minimum Exterior Side Yard (corner unit): 2.0 metres to building if the yard abuts a right-of-way of less than 18.0 metres wide
 - d. Rear yard setback (minimum), all unit types – 1.0 metre
 - e. Notwithstanding Section vii) d. above, units with driveways abutting the inside or outside of a rounding or curve shall have a minimum rear yard setback of 0.6 metres.
 - f. The minimum required outdoor amenity area per unit is 10 m², to be provided on a balcony.
 - g. Notwithstanding any provisions of the By-law to the contrary, in those instances where the front yard is included as part of a common element of a condominium, the minimum required front yard setback between a condominium dwelling unit and a common element shall be 0.0 metres.
 - h. Section 4.19.1 i) does not apply to a unit fronting on to a common element of a condominium.
 - i. For the corner lots at the intersection of Sycamore Garden and the private lane accessing Medium Density Residential Block 585 only, no part of any residential driveway shall be located closer than 4.5 metres from the point of intersection of the two street lines.
 - j. A maximum driveway width of 6.2 metres shall be permitted for lots with frontage less than or equal to 11.5 metres.
 - k. Section 5.6.2 viii b) shall not apply.
 - l. Notwithstanding any provisions to the contrary, only 2 visitor parking spaces shall be required for a condominium block consisting entirely of rear access townhouse dwelling units, and only where each dwelling unit has frontage on a public street.

6.0 THAT Section 13.1 of Comprehensive By-law 016-2014 is hereby further amended by adding subsection 13.1.1.265 as follows:

Residential Medium Density 2 - Special Section 265 (RMD2*265) Zone

i) Special Site Provisions

- a. For the purpose of this by-law, a “unit” within a plan of condominium, on which a townhouse dwelling unit is situated, shall be considered a lot for administering the Zoning By-law.
- b. For the purpose of this by-law, where the lot line of a lot abuts a reserve of 0.3 m or less that has been established by the Town to restrict or control access to an abutting public street, the reserve shall be deemed to constitute part of the lot for the purposes of calculating required setbacks only. Reserves used for such purposes must remain clear and unencumbered.
- c. For the purpose of this by-law, where the lot line of a lot abuts a reserve of 0.3m or less that has been established by the Town to restrict or control access to an abutting street, the lot is considered to have frontage on a public street.
- d. Within a plan of condominium, visitor parking shall be provided at a rate of 0.25 parking spaces per unit.
- e. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area may be located within 0.0 metres of a private street line.
- f. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area shall be setback a minimum of 1.2 metres from a lot line, except where a parking area abuts:
 - i. a sidewalk, the setback shall be a minimum of 1.5 metres; and,
 - ii. a lot line adjacent to Thompson Road, the setback shall be a minimum of 2.4 metres.

ii) Notwithstanding any provisions to the contrary, for Back to Back Townhouse Dwellings, the following shall apply:

- a. Minimum Lot frontage (corner unit): 8.0 metres
- b. Minimum Front yard setback (all unit types): 2.0 metres to building
- c. Minimum Exterior yard setback (corner lot): 2.0 metres to building if the yard abuts a right-of-way of less than 18.0 metres wide.
- d. The minimum required outdoor amenity area per unit is 6 m², to be provided on a balcony.
- e. Porches/verandas and balconies are permitted to be located no closer than 1.0 metre to a street line.
- f. For a corner unit at the intersection of two local public or private streets:
 - i. the outside of the garage door shall not be located any closer than 5.4 metres from the corner rounding.
 - ii. no part of any residential driveway shall be located closer than 4.7 metres from the point of intersection of the two street lines.

- g. Notwithstanding Section 5.6.2 iv) d) A), a maximum driveway width of 3.5 metres shall be permitted for lots with frontage less than or equal to 6.5 metres.
- h. For units that do not have an interior side yard, air conditioning and heat exchange units may be located in a required front or exterior side yard and are permitted to be located no closer than 0.6 metres to a front or exterior side lot line.
- i. Bay or boxed windows may encroach into a required yard up to a maximum of 0.6 metres for a width of up to 4.0 metres..

7.0 THAT Section 13.1 of Comprehensive By-law 016-2014 is hereby further amended by adding subsection 13.1.1.266 as follows:

Residential High Density - Special Section 266 (RHD*266) Zone

Notwithstanding any provisions to the contrary, the following shall apply:

- i) Additional Permitted Uses
 - a. Dwelling, Townhouse,
 - b. Dwelling, Back-to-Back Townhouse
 - c. Dwelling, Multiple
- ii) Zone Standards for Apartment Buildings:
 - a. Minimum Height: 4 storeys
 - b. Maximum Height: 8 storeys to a maximum of 29 metres
 - c. Front Yard Setback (minimum): 6 metres
- iii) Zone Standards for Townhouse Dwellings:
 - a. Shall be subject to the RMD1*264 zone provisions.
- iv) Zone Standards for Back-to-Back Townhouse:
 - a. Shall be subject to the RMD2*265 zone provisions.
- v) Special Site Provisions
 - a. For the purpose of this by-law, a “unit” within a plan of condominium, on which a townhouse dwelling unit is situated, shall be considered a lot for administering the Zoning By-law.
 - b. For the purpose of this by-law, where the lot line of a lot abuts a reserve of 0.3m or less that has been established by the Town to restrict or control access to an abutting street, the lot is considered to have frontage on a public street.
 - c. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area may be located within 0.0 metres of a private street line.
 - d. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area may be setback a minimum of 1.2 metres from a lot line,

except where a parking area abuts a sidewalk, the setback shall be a minimum of 1.5 metres.

- 8.0 THAT** Section 13.1 of Comprehensive By-law 016-2014 is hereby further amended by adding subsection 13.1.1.267 as follows:

Minor Institutional – Special Section 267 (I-A*267) Zone

Notwithstanding Section 4.19.4, 4.20.4 and Section 9.2, Table 9B to the contrary, for an elementary school in the Minor Institutional (I-A*267) Zone, the following provisions shall apply:

- i) Zone Standards:
 - a. Maximum Total Building Height: 16.5 metres
 - b. Landscape Buffer Abutting a Street: 2.5 metres

- ii) Special Site Provisions:
 - a. Notwithstanding Section 5.11 to the contrary, no more than one (1) loading space shall be required.
 - b. Notwithstanding Section 5.1 ii) to the contrary, parking spaces required by this by-law for the elementary school are permitted to be located on the adjacent neighbourhood park block in accordance with the terms of an agreement executed by the Town of Milton and the applicable School Board.

- 9.0 THAT** Section 13.2 is amended by adding subsection 13.2.1.168 as follows:

For the lands zoned a site-specific Residential Medium Density 1 (RMD1*264) on the property legally described as Part of Lots 6 and 7, Concession 3, N.S. (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H18” Holding provision are satisfied.

- 10.0 THAT** Section 13.2 is amended by adding subsection 13.2.1.169 as follows:

For the lands zoned a site-specific Residential Medium Density 1 (RMD1*264) on the property legally described as Part of Lots 6 and 7, Concession 3, N.S. (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H25” Holding provision are satisfied.

- 11.0 THAT** Section 13.2 is amended by adding subsection 13.2.1.170 as follows:

For the lands zoned a site-specific Residential Medium Density 1 (RMD1*264) and a site-specific Residential High Density (RHD*266) on the property legally described as Part of Lots 6 and 7, Concession 3, N.S. (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H34” Holding provision are satisfied.

12.0 THAT Section 13.2 is amended by adding subsection 13.2.1.171 as follows:

For the lands zoned a site-specific Residential Medium Density 1 (RMD1*264) on the property legally described as Part of Lots 6 and 7, Concession 3, N.S. (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H35” Holding provision are satisfied.

13.0 THAT Section 13.2 is amended by adding subsection 13.2.1.172 as follows:

For the lands zoned a site-specific Residential Medium Density 1 (RMD1*264) on the property legally described as Part of Lots 6 and 7, Concession 3, N.S. (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H36” Holding provision are satisfied.

14.0 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 Local Planning Appeal Tribunal.

PASSED IN OPEN COUNCIL ON JUNE 24, 2019.

Gordon A. Krantz

Mayor

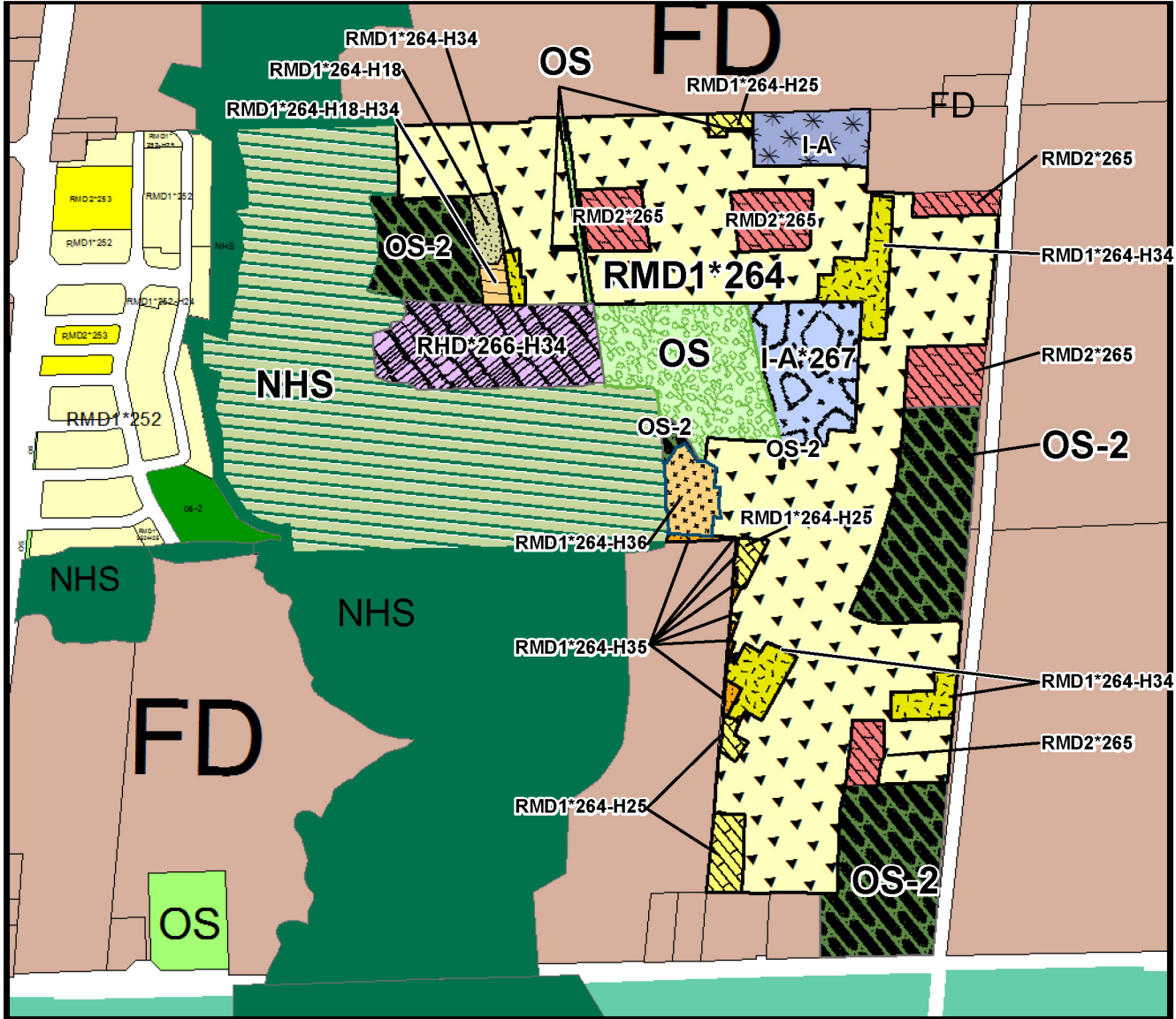
William Roberts















Acting Clerk

**SCHEDULE A
TO BY-LAW No. 061-2019**

TOWN OF MILTON

PART OF LOT 6 & 7, CONCESSION 3 NS
PART OF PART 1 ON 20R17348 AND PART OF PARTS 2-4 20R17642
AND PART OF PARTS 1-4 ON RP 20R18391 EXCEPT PART 1 ON RP 20R18033
Town of Milton



-  I-A - Minor Institutional Zone
-  I-A*267 - Minor Institutional Zone Special
-  NHS - Natural Heritage System Zone
-  RMD1*264 - Medium Density Residential 1 Zone Special
-  RMD1*264 -H18- Medium Density Residential 1 Zone Special with Holding Provision 18
-  RMD1*264 -H25- Medium Density Residential 1 Zone Special with Holding Provision 25
-  RMD1*264-H34- Medium Density Residential 1 Zone Special with Holding Provision 34
-  RMD1*264 -H35- Medium Density Residential 1 Zone Special with Holding Provision 35
-  RMD1*264 -H18-H34- Medium Density Residential 1 Zone Special with Holding Provision 18 & 34
-  RMD1*264 -H36- Medium Density Residential 1 Zone Special with Holding Provision 36
-  RMD2*265 - Medium Density Residential 2 Zone Special
-  RHD*266-H34 - Residential High Density Zone Special with Holding Provision 34
-  OS - Open Space Zone
-  OS-2 - Open Space 2 Zone

THIS IS SCHEDULE A
TO BY-LAW NO. 061 -2019 PASSED
THIS 24 DAY OF JUNE, 2019.



MAYOR - Gordon A. Krantz

ACTING CLERK - William Roberts