

**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 THE LANDS DESCRIBED AS PART OF LOT 8, CONCESSION 4, (FORMER GEOGRAPHIC SURVEY OF TRAFALGAR) IN THE TOWN OF MILTON - MATTAMY (BROWNRIDGE) LIMITED – GARITO BARBUTO TOR (TOWN FILE: [REDACTED] ##)

**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) to the Residential Mixed Use – Special Section (MU\*AAA) Zone symbol on the land and adding the Holding (H) Symbol H## to Zone symbols as shown on Schedule A attached hereto.

**2.0 THAT** Section 13.1 of Comprehensive By-law 016-2014 is hereby further amended by adding subsection 13.1.1.AAA as follows:

**Residential Mixed Use - Special Section AAA (MU\*AAA) Zone**

- i) Additional Permitted Uses:
  - a. *Dwelling, townhouse*, subject to the RMD2 provisions unless otherwise modified by this by-law.
  - b. *Dwelling, back-to-back townhouse*, subject to the RMD2 provisions unless otherwise modified by this by-law.
- ii) Special Site Provisions:
  - a. 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.
  - b. For the purpose of this by-law, where the lot line of a lot abuts a reserve of 0.3 metres 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. No non-conformity will be created as a result of any severance of the land for the purpose of mortgaging or conveying to a condominium corporation or any public authority.
  - d. More than one (1) residential building is permitted on a lot.
  - e. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area or below grade parking structure may be located within 0 metres of a private street line.
  - f. Minimum setback of a parking area from a lot line: 0 metres
  - g. Minimum landscaped open space shall not apply.
  - h. Maximum surface parking area shall not apply.
  - i. Above grade parking structures shall not be included in FSI calculations.
  - j. A transformer may project towards a public street beyond the main wall of a building.
  - k. Notwithstanding the provisions of Sections 5.1 and 5.8 to the contrary, any encroachment necessary to accommodate an electric vehicle (EV) charging station is permitted.
  - l. Townhouse and back-to-back visitor parking as part of an initial phase may be provided at a reduced rate of 75% of required, provided that the shortfall is accommodated for in the subsequent phase
- iii) Notwithstanding any provisions to the contrary, for Townhouse Dwelling – Street Access, the following shall apply:
- 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. In addition to Section 4.19.6 i), for the purposes of determining yards for corner lots with corner daylight radii or daylight triangle, the daylight radii or daylight triangle is deemed not to exist.
  - c. For the purposes of this By-law, where the front, exterior side, or rear lot line of a corner lot has a curved radius, for the purposes of determining lot frontage, depth, and setbacks, the radius shall be deemed not to exist and the lot frontage, depth, and setbacks will be measured to a projected extension of the straight segment.
  - d. For a corner unit at the intersection of two private streets or one private and one public street:
    - 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
  - 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.

- f. Minimum visitor parking requirement of 0.2 spaces per dwelling unit.
- iv) Notwithstanding any provisions to the contrary, for Back-to-Back Townhouse Dwellings, the following shall apply:
- 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. In addition to Section 4.19.6 i), for the purposes of determining yards for corner lots with corner daylight radii or daylight triangle, the daylight radii or daylight triangle is deemed not to exist.
  - c. For the purposes of this By-law, where the front or exterior side lot line of a corner lot has a curved radius, for the purposes of determining lot frontage, depth, and setbacks, the radius shall be deemed not to exist and the lot frontage, depth, and setbacks will be measured to a projected extension of the straight segment.
  - d. Minimum Lot frontage (corner unit): 8.0 metres
  - e. Minimum Front yard setback (all unit types): 2.0 metres to building
  - f. 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.
  - g. The minimum required outdoor amenity area per unit is 4m<sup>2</sup>, to be provided on a balcony.
  - h. Porches/verandas and balconies are permitted to be located no closer than 1.0 metre to a street line.
  - i. For a corner unit at the intersection of two 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.
  - j. 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.
  - k. 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.
  - l. 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.
  - m. Minimum visitor parking requirement of 0.2 spaces per dwelling unit.
- v) Notwithstanding any provisions to the contrary, for Apartment Buildings, Mixed Use Buildings, and Stacked Townhouse Dwellings, the following shall apply:
- a. Minimum setback to a public street line: 1.5 metres
  - b. Minimum setback to a private street line: 2.0 metres measured to

- curb face.
- c. Minimum setback to Institutional Zone: 4.9 metres
  - d. Minimum setback to Natural Heritage System Zone: 7.0 metres, except for an above or below ground parking structure which shall be setback 1.0 metres.
  - e. The Setbacks to All Other Zones and Grade Related Dwellings provision is not applicable;
  - f. The maximum main wall length shall be 75 metres.
  - g. The access to at-grade units provision shall not apply to apartment or mixed-use dwelling units located at grade that do not have any exterior walls facing a public street.
  - h. Balconies oriented toward an arterial road are permitted above 3 metres from established grade.
  - i. The first storey height, measured from floor to floor, for residential buildings shall be a minimum of 3.3 metres.
  - j. Maximum building height: 12 storeys and 44 metres
  - k. Ventilation associated with the underground parking shall be set back a minimum of 1.2 metres from a street line.
  - l. Notwithstanding Section 5.8.1, Table 5E, the minimum off-street parking requirement shall be:
    - i. 1.0 per dwelling unit;
    - ii. 0.2 visitor parking spaces per dwelling unit;
    - iii. Shared parking provision for mixed-use buildings: The greater of 0.20 residential visitor parking spaces per dwelling unit or 1 parking space per 25 square metres of non-residential gross floor area shall be required.
  - m. Vehicles associated with a car share program shall be permitted to be parked in required visitor spaces.
  - n. All outdoor open space areas shall be considered outdoor communal amenity space;
  - o. A minimum of 3 square metres of outdoor communal amenity space per apartment or mixed-use dwelling unit shall be provided at grade and/or as a rooftop amenity area and shall be maintained and operated by a common entity (such as a condominium corporation).
  - p. Notwithstanding the provisions of Sections 5.1 and 5.8 to the contrary, a maximum 0.15 metre encroachment is permitted within parking spaces for support columns within the underground parking structure.

**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 Local Planning Appeal Tribunal.

**4.0** THAT Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the following conditions for removal of this H## Holding Provision:

- a) "H##" shall not be removed until the Owner has addressed the following requirements for all the units proposed for development to the satisfaction of the Region of Halton. The Region of Halton shall provide written confirmation that these matters have been addressed:
  - i. The Owner shall secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program;
  - ii. The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements;
  - iii. The Owner shall have made all required payments associated with the Allocation Program, less the recovery development charge; and,
  - iv. The Owner shall be in receipt of the Region of Halton Public Works Commissioner's Notice (PWCN) letter."
- b) Permitted Uses: For such time as the "H##" symbol is in place, these lands shall only be used for *dwelling, townhouse and dwelling, back-to-back townhouse* uses.

**PASSED IN OPEN COUNCIL ON .....2024.**

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Gordon A. Krantz Mayor

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William Roberts Acting Clerk

**SCHEDULE A**  
**TO BY-LAW No. \*\*\*-2024**  
**TOWN OF MILTON**

PART OF LOT 7 & 8, CONCESSION 4 (TRAFALGAR)  
TOWN OF MILTON

