

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW 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 6, CONCESSION 5, NEW SURVEY, FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (SUNDIAL HOMES (4th LINE) LIMITED) - FILE: Z-20/21

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. **THAT** Schedule A to Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by changing the existing Future Development (FD) Zone and Natural Heritage System (NHS) Zone symbols to the Residential Medium Density 1 - Special Provision 356 (RMD1*356) Zone, Residential Medium Density 1 - Special Provision 357 (RMD1*357) Zone, Residential Medium Density 2 - Special Provision 358 (RMD2*358) Zone, Minor Institutional - Special Provision 359 (I-A*359) Zone, Mixed Use - Special Provision 360 (MU*360) Zone, Natural Heritage System (NHS) Zone, Open Space (OS) Zone, and Open Space - Stormwater Management (OS-2) Zone symbols on the land and adding Holding (H) Symbols H35 and H78 to each of the Zone symbols on this property as shown on Schedule A attached hereto.
2. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.356 to read as follows:

Residential Medium Density 1 - Special Provision 356 (RMD1*356) Zone

Notwithstanding any provisions of the By-law to the contrary, for lands zoned RMD1-356 the following standards and provisions shall apply:

- i. Zone Standards
 - a. Lot Frontage (minimum) for Interior Unit: 9.15 metres
 - b. Lots 169, 170 and 187 on Draft Plan 24T-21006/M shall be deemed to be an Interior Lot.
- ii. Special Site Provisions

- a. In addition to Section 4.19.6.i), for the purposes of determining yards for corner lots with corner daylight radii or daylight triangle or reserve blocks, the daylight radii or daylight triangle or reserve block is deemed not to exist.
 - b. For the purposes of this By-law, where the front, exterior side, or rear lot line of a corner lot has a daylighting or 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.
 - c. No part of any residential driveway shall be located closer than 4.7 metres from the point of intersection of the two street lines.
3. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.357 to read as follows:

Residential Medium Density 1 - Special Provision 357 (RMD1*357) Zone

Notwithstanding any provisions of the By-law to the contrary, for lands zoned RMD1*357 the following standards and provisions shall apply:

- i. **Special Site Provisions Applicable to All Dwelling Types**
 - a. In addition to Section 4.19.6.i), for the purposes of determining yards for corner lots with corner daylight radii or daylight triangle or reserve blocks, the daylight radii or daylight triangle or reserve block is deemed not to exist.
 - b. For the purposes of this By-law, where the front, exterior side, or rear lot line of a corner lot has a daylighting or 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.
 - c. For the purposes of this By-law, the minimum required exterior side yard is 2.0 metres if the yard abuts a public right-of-way less than 18.0 metres wide.
 - d. 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. The minimum individual Residential Driveway width shall be 3.0 metres and where driveways are paired on abutting properties the minimum combined width shall be 6.0 metres.
 - f. **Permitted Encroachments:**
 - 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.
 - ii) Stairs shall be located a minimum of 0.9 m from the property line, measured to the first riser, with no part of the landing any closer than 1.5 from the property line.

- iii) Eaves and Gutters shall be permitted to encroach 0.46 m provided that the eaves and gutters are 2.0 m above grade.
- ii. Notwithstanding any provisions to the contrary, for Townhouse Dwellings - Street Access (All Types) the following shall apply:
 - a. Lot Frontage Interior Unit (minimum): 6.0 metres
 - b. Lot Frontage End Unit (minimum): 7.3 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.
- 4. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.358 to read as follows:

Residential Medium Density 2 – Special Provision 358 (RMD2*358) Zone

Notwithstanding any provisions of the By-law to the contrary, for lands zoned RMD2*358 the following standards and provisions shall apply:

- i. Special Site Provisions Applicable to All Dwelling Types
 - a. In addition to Section 4.19.6.i), for the purposes of determining yards for corner lots with corner daylight radii or daylight triangle or reserve blocks, the daylight radii or daylight triangle or reserve block is deemed not to exist.
 - b. For the purposes of this By-law, where the front, exterior side, or rear lot line of a corner lot has a daylighting or 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.
 - c. For the purposes of this By-law, the minimum required exterior side yard is 2.0 metres if the yard abuts a public right-of-way less than 18.0 metres wide.
 - d. No part of any residential driveway shall be located closer than 4.7 metres from the point of intersection of the two street lines, with the exception of a back-to-back corner unit within Block 191 on Draft Plan 24T-21006/M, which shall be 4.3 metres.
 - e. The minimum individual Residential Driveway width shall be 3.0 metres and where driveways are paired on abutting properties the minimum combined width shall be 6.0 metres.
 - f. Permitted Encroachments:
 - 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.
 - ii) Stairs shall be located a minimum of 0.9 m from the property line, measured to the first riser, with no part of the landing any closer than 1.5 from the property line.

- iii) Eaves and Gutters shall be permitted to encroach 0.46 m provided that the eaves and gutters are 2.0 m above grade.
- ii. Notwithstanding any provisions to the contrary, for Townhouse Dwellings - Street Access (All Types) the following shall apply:
 - a. Lot Frontage Interior Unit (minimum): 6.0 metres
 - b. Lot Frontage End Unit (minimum): 7.3 metres
- iii. Notwithstanding any provisions to the contrary, for Townhouse Dwellings - Rear Access (including Through Lots) the following shall apply:
 - a. Maximum Front Yard Setback: 4.5 metres
 - b. Minimum Rear Yard Setback to the dwelling: 7.0 metres
 - c. The yard abutting a buffer block or the East-West Collector shall be deemed to be the front yard.
 - d. Where the lot line of a lot abuts a buffer block (adjacent to James Snow Parkway), the lot is deemed to have frontage on a public street.
 - e. Direct driveway access shall not be permitted on the East-West Collector Road.
 - f. Accessory buildings and structures shall not be permitted in the front yard.
 - g. A residential driveway can extend into a rear yard to access an attached garage.
 - h. Air conditioners and heat exchange units may also be located in a front yard or exterior side yard provided that they are located on a balcony.
 - i. Fencing shall be permitted in a rear yard provided that it is setback 2.0 metres from a rear lot line and has a maximum height of 1.8 metres.
- iv. Notwithstanding any provisions to the contrary, for Back-To-Back Townhouse Dwellings (All Types) the following shall apply:
 - a. Lot Frontage Corner Unit (minimum): Block 191 on Draft Plan 24T-21006/M - 8.0 metres
 - b. Lot Frontage End Unit: (minimum): 7.3 metres
 - c. Lot Depth (minimum): 13.0 metres
 - d. Front Yard Setback (minimum): 2.0 metres
 - e. The minimum required outdoor amenity area per unit is 3.6 square metres, to be provided on a balcony.
 - f. Air conditioners and heat exchange units may also be located in a front yard or exterior side yard provided that they are located on a balcony.

5. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.359 to read as follows:

Minor Institutional – Special Provision 359 (I-A*359) Zone

Notwithstanding any provisions of the By-law to the contrary, for lands zoned I-A*359 the following standards and provisions shall apply:

- i. Zone Standards:
 - a. Building Height (maximum): 16.5 metres
 - b. Landscape Buffer Abutting a Street: 2.5m
- ii. Special Site Provisions:
 - a. Notwithstanding Sections 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 term of agreement executed by the Town of Milton and the applicable school board.
 - c. Notwithstanding any provisions of this By-law to the contrary, accessory buildings and structures with a maximum gross floor area of 15 square metres and a maximum height of 3 metres shall be permitted in a front or exterior side yard provided it is located within a kindergarten, childcare, and/or other playground area.
 - d. Notwithstanding Section 4.19.1 subsections i), ii) a) - b), iii) and iv), conditional building permits, excluding occupancy, as described in the Building By-law, may be issued.
 - e. Notwithstanding the provisions of Section 4.19.1(ii)(b) only a portion of the school frontage will be required to have base course of asphalt to be occupied.

6. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.360 to read as follows:

Mixed Use - Special Provision 360 (MU*360) Zone

Notwithstanding any provisions of the By-law to the contrary, for lands zoned MU*360 the following standards and provisions shall apply:

- i. Additional Permitted Uses
 - a. Back-to-back Townhouses
 - b. Townhouse Dwellings
 - c. Stacked Townhouses
- ii. Zone Standards

- a. Zone standards for Back-to-back Townhouses and Townhouse Dwellings shall be subject to the RMD2*358 zone provisions.
- b. Maximum Height for Apartment Buildings: 15 storeys.
- 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 and 2.0 metres from a public street line.
- d. The total number of grade-related dwelling units shall not exceed 20 percent of the total number of dwelling units within the MU*360 Zone.

iii. Special Site Provisions Applying to All Dwelling Types

- a. In addition to Section 4.19.6.i), for the purposes of determining yards for corner lots with corner daylight radii or daylight triangle or reserve blocks, the daylight radii or daylight triangle or reserve block is deemed not to exist.
- b. For the purposes of this By-law, where the front, exterior side, or rear lot line of a corner lot has a daylighting or 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.
- c. 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. The minimum individual Residential Driveway width shall be 3.0 metres and where driveways are paired on abutting properties the minimum combined width shall be 6.0 metres.
- e. Permitted Encroachments
 - 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.
 - ii) Stairs shall be located a minimum of 0.9 m from the property line, measured to the first riser, with no part of the landing any closer than 1.5 from the property line.
 - iii) Eaves and Gutters shall be permitted to encroach 0.46 m provided that the eaves and gutters are 2.0 m above grade.

7. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014 is hereby further amended by adding subsection 13.2.1.134 as follows:

For the lands zoned a Residential Medium Density 1 Special Provision 357 (RMD1*357) on the property legally described as Part of Lot 6, Concession 5, N.S. (Trafalgar) and Block 172 on registered plan 20M-1263, only legally established existing uses are permitted until the conditions for removal identified in the “H35” Holding provision are satisfied.

8. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014 is hereby further amended by adding subsection 13.2.1.135 as follows:

For the lands zoned a Residential Medium Density 1 Special Provision 356 (RMD1*356), Residential Medium Density 2 Special Provision 358 (RMD2*358) and Mixed Use Special Provision 360 (MU*360) on the property legally described as Part of Lot 6, Concession 5, N.S. (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H78” Holding provision are satisfied.

9. If no appeal is filed pursuant to Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, 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 Ontario Land 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 the Tribunal’s Order is issued directing the amendment or amendments.

PASSED IN OPEN COUNCIL ON JULY 15, 2024.

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk