

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW XXX-2025

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 LEGALLY DESCRIBED AS PART OF LOT 11, CONCESSION 4, NEW SURVEY, FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (BRANTHAVEN FOURTH LINE INC. AND 1000968516 ONTARIO INC.) - FILE: Z-23/24

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) and Natural Heritage System (NHS) Zone Symbols to the Residential Medium Density 1 - Special Provision 366 (RMD1*366), Residential Medium Density 2 - Special Provision 367 (RMD2*367), Residential High Density - Special Provision 368 (RHD*368), Natural Heritage System (NHS) and Open Space (OS) Zone Symbols on the land and adding the Holding (H) Symbol H78 to the RHD*368 Zone symbol on the lands 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 13.1.1.366 to read as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned RMD1*366, the following standards and provisions shall apply:

Residential Medium Density 1 - Special Section 366 (RMD1*366) Zone

- i) Notwithstanding any provisions to the contrary, for Townhouse Dwelling - Street Access, the following shall apply:
 - a. Minimum Lot Frontage (corner) - 7.9 metres.
 - b. At the intersection of two local public or private streets, no part of any residential driveway shall be located closer than 4.5 metres from the point of intersection of the two street lines.
 - c. The minimum individual residential driveway width for an end unit or corner unit shall be 3.0 m.

- d. Notwithstanding Section 4.19.5 i), Table 4H, Porches/verandas and balconies are permitted to be setback 0.9 metres to a street line.
 - e. Notwithstanding Section 4.19.5 i), Table 4H, balconies are permitted to encroach 1.6 metres into a required yard.
 - f. 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.
3. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.367 to read as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned RMD2*367, the following standards and provisions shall apply:

Residential Medium Density 2 - Special Section 367 (RMD2*367) 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 0.20 parking spaces per unit. Notwithstanding the aforementioned, visitor parking requirements shall not apply to dwellings with individual driveway access from a public street.
 - e. Notwithstanding Section 4.8.1 i), the maximum fence height within an exterior side yard setback abutting Derry Road, shall be 2.6 metres.
 - f. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area shall be setback a minimum of 0.9 metres from a lot line and 0.5 metres for a parallel parking space, except where a parking area abuts:
 - i. a lot line adjacent to Derry Road, the setback shall be a minimum of 0.5 metres.
 - g. At the intersection of two streets, no part of any residential driveway shall be located closer than:
 - i. 3.0 metres from the point of intersection of two private street lines, or;

- ii. 4.5 metres from the point of intersection of one private street line and one public street line.
- h. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area may be located within 0.0 metres of a private street line.
- ii) Notwithstanding any provisions to the contrary, for Townhouse Dwelling - Private Street, Rear Access, the following shall apply:
 - a. Minimum Lot Frontage (Interior): 6.10 metres
 - b. For all lane-based townhouses, the yard where the driveway is located is deemed to be the rear yard.
 - c. Minimum Lot depth (all unit types): 19.0 metres.
 - d. Minimum Amenity Area per unit is 7 m², to be provided on a balcony;
 - e. Maximum Building Height - 12.75 metres
 - f. Rear yard setback (minimum), all unit types - 4.75 metres.
 - g. Units with driveways abutting the inside or outside of a rounding or curve shall have a minimum rear yard setback of 0.6 metres.
 - h. Notwithstanding Section 4.19.5 i), Table 4H, porches/verandas and balconies are permitted to be setback 0.9 metres to a street line.
 - i. 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.
 - 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. The minimum individual residential driveway width for a driveway on a curve shall be 2.95 metres.
 - l. Section 5.6.2 ix) b) shall not apply.
- iii) Notwithstanding any provisions to the contrary, for Back-to-Back Townhouse Dwellings, the following shall apply:
 - a. Minimum Lot Frontage (corner): 6.6 metres
 - b. Minimum Lot Depth: 12.5 metres.
 - c. Maximum Building Height - 12.75 metres
 - d. Minimum Front yard setback (all unit types): 3.0 metres to building.
 - e. The minimum required outdoor amenity area per unit is 6 m², to be provided on a balcony.
 - f. Notwithstanding Section 4.19.5 i), Table 4H, Porches/verandas are permitted to be setback 0.85 metres to a street line.
 - g. Notwithstanding Section 4.19.5 i), Table 4H, Balconies are permitted to project 0.85 metres into a required yard.
 - h. 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.

- i. Notwithstanding Section 5.6.2 v) 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.
- j. Notwithstanding the minimum driveway width in Section 5.6.2 v) a), a 0.4 metres x 0.4 metres supporting pillar may encroach into the driveway a maximum of 0.2 metres, provided the minimum driveway width is 2.95 metres at the encroachment.
- k. For units that do not have an interior side yard, air conditioning and heat exchange units may be located in a front or exterior side yard provided it is located on a balcony.
- 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.

iv) Notwithstanding any provisions to the contrary, for Townhouse Dwelling - Private Street Access, the following shall apply:

- a. Minimum Lot Frontage (Interior Unit): 6.0 metres
- b. At the intersection of two local public or private streets, no part of any residential driveway shall be located closer than 4.5 metres from the point of intersection of the two street lines.
- c. Notwithstanding Section 4.19.5 i), Table 4H, balconies are permitted to encroach 1.6 metres into a required yard.
- d. 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.
- e. The minimum individual residential driveway width for an end unit or corner unit shall be 2.95 m.
- f. Adjoining residential driveways on abutting properties, the minimum width may be reduced to 3.0 metres each, with a minimum combined width of 6.0 metres.

4. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.368 to read as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned RHD*368, the following standards and provisions shall apply:

Residential High Density - Special Section 368 (RHD*368)

i) Special Site Provisions Applicable to all Dwelling Types

- a. Despite any provisions to the contrary, more than one residential building is permitted on the lot.
- 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.

ii) Additional Permitted Uses:

- a. Dwelling, Townhouse subject to the RMD2*367 zone provisions.
- b. Dwelling Back-to-Back Townhouse subject to the RMD2*367 zone provisions.

iii) Zoning Standards for Apartment Buildings:

- a. For the purpose of this by-law, the front yard shall be deemed to be Derry Road.
- b. Maximum Lot Coverage - 55%
- c. Minimum Front Yard Setback - 4.5 metres.
- d. Minimum Exterior Side Yard Setback - 3.0 metres.
- e. The minimum required parking for an Apartment Building shall be 1.0 tenant parking spaces per unit and 0.20 visitor parking spaces per unit.
- f. Notwithstanding Section 4.19.5 i), Table 4H, to the contrary, balconies may project a maximum distance of 2.0 metres into a required yard.
- g. Minimum setback from a streetline for any wall or structure enclosing an entrance or exit ramp above or below grade: 6.0 metres
- h. Notwithstanding Section 5.12, Table 5L, to the contrary, an underground parking area may be located within 0.0 metres of a lot line abutting a Town right-of-way and /or private road.
- i. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area may be setback a minimum of 0.9 metres from a lot line, except where a parking area abuts a sidewalk, the setback shall be a minimum of 1.5 metres.

5. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.2.1.139 as follows:

For the lands zoned Residential High Density - Special Provision 368 (RHD*368) on the property legally described as Part of Lot 11, Concession 4, NS (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the "H78" Holding provision are satisfied.

6. 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 MAY 26, 2025.

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk