

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 DESCRIBED AS PART OF LOT 8, CONCESSION 4, NEW SURVEY, FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (MATTAMY (BROWNRIDGE) LIMITED - GARITO BARBUTO TOR) - FILE: Z-24/24

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) Zone Symbol to the Mixed Use - Special Provision 369 (MU*369) Zone Symbol on the land and adding the Holding (H) Symbols H78 and H82 to the Zone Symbols 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 13.1.1.369 to read as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned MU*369, the following standards and provisions shall apply:

Residential Mixed Use - Special Section 369 (MU*369) 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 purposes of this by-law, the lands zoned Mixed Use - Special Provision 369 (MU*369) are to be considered one 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.

- c. 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.
 - d. The total number of grade-related dwelling units shall not exceed 20 percent of the total number of dwelling units (of all phases within the block) within the MU*369 Zone.
 - e. Where a drive aisle is located under a portion of a building, the setback of a parking area from a building shall be 0 metres.
 - f. 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.
 - g. Minimum setback of a parking area from a lot line: 0 metres, except for a lot line abutting a different zone category the minimum setback shall be 0.5 metres.
 - h. Minimum landscaped open space: 15%
 - i. Maximum surface parking area shall not apply.
 - j. Above grade parking structures shall not be included in FSI calculations.
 - k. A transformer may project towards a public street beyond the main wall of a building to no closer than 2.0 metres from the street line.
 - l. Townhouse and back-to-back visitor parking provided as part of an initial phase shall include a minimum of 13 parking spaces. Any shortfall in parking spaces required shall be accommodated 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 4m², to be provided on a balcony.
 - h. 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 of a building to a public street line: 2.0 metres
 - b. Minimum setback of a building to a private street line: 2.0 metres measured to curb face.

- c. Minimum setback of an above or below grade parking structure from a lot line or street line: 0 metres, with the exception of the following:
 - i. interior lot line adjacent to a townhouse: 1.5 metres;
 - ii. adjacent to Louis St. Laurent Avenue: 1.5 metres; and,
 - iii. a parking structure above established grade adjacent to the Natural Heritage System Zone: 1.0 metres.
- d. No part of any wall or structure enclosing an entrance or exit ramp above or below grade shall be located any closer than 4 metres to a street line and 1.5 metres from an interior lot line adjacent to a townhouse.
- e. Minimum setback to Institutional Zone: 4.9 metres
- f. Minimum setback from a building to Natural Heritage System Zone: 5.0 metres.
- g. The Setbacks to All Other Zones and Grade Related Dwellings provision set out in Table 6F. is not applicable.
- h. The maximum main wall length shall be 75 metres.
- i. 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.
- j. Balconies oriented toward an arterial road are permitted above 3 metres from established grade.
- k. The first storey height, measured from floor to floor, for residential buildings shall be a minimum of 3.5 metres.
- l. Maximum building height: 10 storeys and 37 metres
- m. Ventilation associated with the underground parking shall be set back a minimum of 1.2 metres from a street line.
- n. 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.
- o. Vehicles associated with a car share program shall be permitted to be parked in required visitor spaces.
- p. Notwithstanding Table 6A-1, Footnote 3, all outdoor open space areas shall be considered outdoor communal amenity space.
- q. Notwithstanding Table 6A-1, Footnote 3, 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). The amenity area requirement will be calculated over all apartment and mixed-use dwelling units on a site plan or adjacent site plans.
- r. Notwithstanding the provisions of Sections 5.1 and 5.8 to the contrary, where a wall column or other obstruction is located

abutting or within any parking space, the following requirements apply:

- i. The minimum width of the parking space shall be increased by 0.3 metres for each side that is obstructed; and,
- ii. Obstructions within 1.15 metres of either stall end do not require an increase in parking spaces width, provided the obstruction projects no more than 0.15 metres into the parking space.

3. THAT 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 “H82” Holding Provision:

“H82” shall not be removed until:

The Owner has submitted a detailed conceptual site plan that demonstrates that a right-in/right out access to Louis St. Laurent Avenue for the proposed development is acceptable to the satisfaction of the Town of Milton.

4. THAT Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding 13.2.1.140 as follows:

For the lands zoned Mixed Use - Special Provision 369 (MU*369) on the property legally described as Part of Lot 8, Concession 4, NS (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H78” Holding provision are satisfied.

5. THAT Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding 13.2.1.141 as follows:

For the lands zoned Mixed Use - Special Provision 369 (MU*369) on the property legally described as Part of Lot 8, Concession 4, NS (Trafalgar), development in accordance with the site-specific zoning provisions of the MU*369 Zone, with the exception of Section 13.1.1.369 ii) e. (drive aisle under building) can proceed if no access is required to Louis St. Laurent Avenue to service the development. Access to Louis St. Laurent is not permitted until the conditions for removal identified in the “H82” 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 JUNE 23, 2025.

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk