

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. xxx-2022

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 - MATTAMY (BROWNRIDGE) LIMITED – BAYVIEW LEXIS (TOWN FILE: TO BE ASSIGNED)

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*AAA) Zone, Residential Medium Density 2 - Special Section (RMD2*BBB) Zone, Residential Mixed Use – Special Section (MU*CCC), Natural Heritage System (NHS) Zone, Open Space (OS) Zone and Open Space 2 (OS-2) Zone symbols on the land 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 Medium Density 1 - Special Section AAA (RMD1*AAA) 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. For the purposes of this By-law, lots abutting a roundabout shall be considered a Corner Lot.
- e. 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.
- f. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area may be located within 0.0 metres of a private street line.
- g. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area may be setback 0.0 metres from a lot line, except where a parking area abuts.

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 detached dwellings 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.
 - vi. Notwithstanding Section 4.8.1 i), within a front yard the maximum fence height shall be 2.0m.

- 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): 15.0 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 metres
 - e. Notwithstanding Section vi) 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. 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.
 - g. The minimum required outdoor amenity area per unit is 4 m², to be provided on a balcony.
 - h. 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.
 - 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. Section 4.19.1 i) does not apply to a unit fronting on to a common element of a condominium.
 - k. A maximum driveway width of 6.2 metres shall be permitted for lots with frontage less than or equal to 11.5 metres.
 - l. Section 5.6.2 viii b) shall not apply.

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

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

- i) Townhouse Dwelling – Private Street, Rear Access shall be subject to the provisions of RMD1-AAA above.
- 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 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.
 - j. For the purposes of this By-law, where the front or exterior side lot line of a corner lot has a curved radius or a visibility triangle, for the purposes of determining lot frontage, depth, and setbacks, the radius or triangle shall be deemed not to exist and the lot frontage,

- depth, and setbacks will be measured to a projected extension of the straight segment.
- iii) Notwithstanding any provisions to the contrary, for all dwelling types, the following shall apply:
 - a. For units fronting a municipal road, the visitor parking requirement shall not apply.

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

Residential Mixed Use - Special Section CCC (MU*CCC) Zone

- i) 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. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area may be located within 0 metres of a private street line.
 - c. Minimum landscaped open space shall not apply.
 - d. Maximum FSI: 3.0

- ii) Additional Permitted Uses:
 - a. Townhouse dwelling, subject to the standards of the RMD1*AAA section

- iii) Notwithstanding any provisions to the contrary, for Apartment Buildings, the following shall apply:
 - a. Minimum interior side yard setback to Institutional Zone: 3.0 metres
 - b. Minimum interior side yard setback to Natural Heritage System Zone: 4.9 metres
 - c. The maximum main wall length shall be 85 metres.
 - d. Balconies oriented toward an arterial road are permitted above 3 metres from established grade.
 - e. The first storey height, measured from floor to floor, for residential buildings shall be a minimum of 3.5 metres.
 - f. Maximum building height: 15 storeys
 - g. Notwithstanding Section 5.8.1, Table 5E, the minimum off-street parking requirement shall be:
 - h. 1.0 per dwelling unit;
 - i. 0.2 visitor parking spaces per dwelling unit;

- iv) Notwithstanding any provisions to the contrary, for Multiple Dwellings, the following shall apply:
 - a. Minimum setback to RMD*AAA Zone: 6.0 metres
 - b. 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;

5.0 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 ON2022.

Gordon A. Krantz Mayor

Meaghen Reid Clerk

SCHEDULE A
TO BY-LAW No. *-2022**
TOWN OF MILTON

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

