



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: September 8, 2025

Report No: DS-051-25

Subject: Technical Report: Town-initiated Zoning By-law Amendment for the Existing Residential Area in the Milton Heights Neighbourhood (Town File: Z-06/25).

Recommendation: **THAT** Staff Report DS-051-25 outlining the Town-initiated amendment to the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, to change the current Future Development (FD) zone to site-specific Residential Low Density 2 zones (RLD2*371 and RLD2*372) to allow existing properties within the area to develop in accordance with residential zoning, **BE APPROVED;**

AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with the draft By-law attached as Appendix 1 to Staff Report DS-051-25 for Council adoption;

AND FURTHER THAT the Provincial Ministers of Health, Education, Transportation and Infrastructure and Metrolinx receive a copy of this report with a request to review and plan for future Milton District Hospital, school and transportation expansions.

EXECUTIVE SUMMARY

The Town has initiated an amendment to the Town of Milton Urban Zoning By-law 016-2014, as amended, to rezone existing residential lands within the Milton Heights neighbourhood from the Future Development (FD) zone to site-specific Residential Low Density 2 (RLD2*371 and RLD2*372) zones. There are no proposed changes to the extent of the Natural Heritage System (NHS) zone through this amendment.

The FD zone is applied throughout the Town of Milton Urban Area to lands that may be suitable for development or re-development, but where additional land use studies are required or where municipal services have not been established. The FD zone recognizes

EXECUTIVE SUMMARY

the existing lot frontage, uses, buildings and structures and includes limitations on additions and renovations to existing buildings. No new development or lot creation is permitted in the FD zone.

With a number of developments proceeding within the Milton Heights neighbourhood, as well as an increasing number of inquiries from property owners who wish to improve their properties, staff are of the opinion that this is the appropriate time to rezone the lands to an appropriate residential zone. The proposed zoning by-law amendment will allow property owners to construct new dwellings and/or additions and provides for potential for lot creation under circumstances where municipal servicing is available and both the severed and retained lots comply with the Zoning By-law.

Conclusion and Recommendations

Staff are satisfied that the proposed zoning by-law amendment, attached as Appendix 1 to this Report, is consistent with the Provincial Planning Statement and conforms to the Regional and Town Official Plan policies. Staff are also satisfied that the proposed zoning by-law amendment implements the feedback obtained from area residents from consultation that has taken place over the years. Therefore, staff recommends approval of the zoning by-law amendment as presented through this Report.

REPORT

Background

Through the 1997 Official Plan, Town of Milton Council adopted an urban structure to manage growth and guide development through to the 2021 planning horizon. The 1997 Official Plan included the following three expansion areas: the Boyne Survey Secondary Plan, the Bristol Secondary Plan and the Sherwood Survey Secondary Plan. The Sherwood Survey Secondary Plan includes the Milton Heights neighbourhood area.

In 2003, lands within Milton Heights neighbourhood were zoned Future Development ('FD'). The FD zone is applied throughout the Town's Urban Area to lands that may be suitable for development or re-development through land consolidation in the future, but where additional land use studies are required or where municipal services had not been established.

In June 2017, at the request of residents within the existing Milton Heights neighbourhood, Town staff created a work plan to discuss the preparation of zoning provisions for what was at the time the Milton Heights Character Area. Staff met with residents on June 20th, 2017,

Background

to obtain feedback on future development in the area. Following the meeting, staff initiated a review of the area and drafted zoning provisions for discussion. The draft zoning provisions were intended to implement the desire to redevelop and improve lands within the area while maintaining a sense of rurality, respect for the heritage of the neighbourhood and consideration of the close proximity to the Niagara Escarpment area.

On December 6th, 2017, a Public Information Centre meeting was held in-person at Town Hall, which provided residents with the opportunity to discuss the proposed zoning provisions with Town staff. Illustrations were developed and available for review at the meeting to demonstrate the types of dwellings that may be constructed in the neighbourhood in the future under the proposed zoning provisions. The Public Information Centre meeting was well-attended and many positive comments from residents were provided to Town staff.

Following the Public Information Centre, the proposed zoning by-law amendment was put on hold until such time as nearby developments and municipal servicing were imminent.

Since that time, a number of legislative changes have been imposed by the Provincial government which has had implications on planning policy. These changes include removing the ability to regulate character areas within municipalities and changes to the Ontario Heritage Act which has required the Town to review the heritage register and remove any properties not designated under Part IV of the Act by January 1, 2027. Additionally, the Province has identified a need for housing and has directed municipalities to deliver more housing options, particularly within urban areas where municipal servicing is available and there are opportunities to create additional dwelling units through intensification in existing neighbourhoods.

The proposed zoning by-law amendment will enable property owners to improve their properties in accordance with a residential low-density zone, which is consistent with Provincial policy and conforms to local Town policy. It will allow existing property owners to construct new dwellings or additions and provides for the potential for lot creation under circumstances where municipal servicing is available and both the severed and retained lots comply with the Zoning By-law. In the future, any development that does not comply with the Zoning By-law once in-effect, would be required to proceed through other Planning Act processes (e.g. Minor Variance, Zoning By-law Amendment and/or Consent application), which includes a requirement for notification within the vicinity of the property.

The subject lands to the proposed zoning by-law amendment are identified on a map in Figure 1 to this Report. The subject lands include properties that currently have an existing single detached residential dwelling or vacant lots capable of accommodating a single

Background

detached residential dwelling. Properties were excluded if they met any of the following criteria:

- Lands subject to the Niagara Escarpment Plan;
- Lands that are currently zoned Natural Heritage System in the Town's Urban Zoning By-law 016-2014, as amended;
- Lands subject to an active development application (e.g. Official Plan Amendment, Zoning By-law Amendment or Draft Plan of Subdivision);
- Lands that include multi-unit dwelling types; and/or,
- Lands with existing commercial or industrial uses, with the exception of the property located at 119 Tremaine Road that has current permissions for a convenience store.

Discussion

Provincial Planning Statement

The Provincial Planning Statement ('PPS')(2024) is a province-wide policy document that provides policy direction on matters of Provincial interest related to land use planning and development. The PPS sets out the Province's long-term plan to manage land use changes and promote efficient development patterns.

Section 2.2.1 of the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities to meet the current and future needs by permitting and facilitating all housing options required to meet the social, health, economic and well-being of both current and future residents. This policy direction includes both new housing options as well as redevelopment within previously developed areas.

Section 2.3.1 of the PPS directs growth to settlement areas, discourages inefficient expansion of these areas and encourages effective use of existing and planned infrastructure, such as municipal water and wastewater services.

The subject lands are located within the Urban Area in the Town of Milton Official Plan and are designated Residential Area where residential uses are permitted. Under the current FD zoning, the subject lands are restricted to the existing lot frontage, existing uses, buildings and structures, however minor additions to existing buildings and structures are permitted. The proposed zoning by-law amendment will enable property owners to improve their properties in accordance with the applicable residential zone, construct new dwellings and/or additions and, in cases where municipal servicing is available, there is potential for lot creation to accommodate new development.



Discussion

On the basis of the above, staff are of the opinion that the proposed zoning by-law amendment is consistent with the Provincial Planning Statement.

Region of Halton Official Plan

As of July 1, 2024, Halton Region became an upper-tier municipality without planning responsibilities. The Halton Region Official Plan (ROP) remains in-effect and the local municipalities are responsible for administering the plan until such time that it is revoked or amended by the respective municipality.

The subject lands are designated Urban Area on Map 1: Regional Structure in the ROP. All development is subject to the policies of the ROP. Section 76 of the ROP states that the permitted uses in the Urban Area are to be in accordance with the Local Official Plan and Zoning By-law. Within Urban Areas, the ROP identifies a range of permitted uses in the Urban Area. The ROP also indicates that lot creation is subject to local Official Plan policies and Zoning By-law provisions.

Section 89 of the ROP includes servicing policies that generally require new development within the Urban Area to connect to municipal water and wastewater services. However, there are policies that allow for new development on private services where urban services are determined as unavailable or until municipal services are available.

The subject lands are within the Town of Milton Urban Area and are also designated Residential Area within the parent Official Plan and the Sherwood Survey Secondary Plan. The subject lands are connected to municipal water services but are not currently connected to municipal wastewater services. Given that the construction of approved developments in the area is either underway or soon to be underway, there may be opportunities for properties to connect to municipal wastewater services as well. Any future connections require servicing allocation from Halton Region as well as a Regional service permit.

Staff is of the opinion that the proposed zoning by-law amendment conforms to the Halton Region Official Plan.

Town of Milton Official Plan

The subject lands are within the Town's Urban Area and are designated Residential Area on Schedule B: Urban Area Land Use Plan in the Town of Milton Official Plan. The majority of the subject lands are considered greenfield lands (e.g. outside of the built boundary), except for the properties on the east side of Peru Road and along both sides of Steeles Avenue East to the east of Peru Road.

Section 3.2 of the Town of Milton Official Plan includes policies that apply to the Residential Area land use designation within the Urban Area. Residential uses are identified as the

Discussion

predominant form of land use within this designation and infill development is required to be compatible with the surrounding area in terms of dwelling unit type, lot size, configuration and building size and design.

In addition to the above, infill lot creation policies set out criteria where lot creation is being contemplated and the policies require consideration of the predominant lot fabric in the surrounding neighbourhood, retaining and enhancing trees and vegetation and ensuring that the orientation and sizing of a new lot does not have a negative impact on significant views and vistas. Section 5.7 of the Town of Milton Official Plan includes additional criteria to consider for lot creation such as road access, lot size, access and municipal servicing.

The proposed zoning by-law amendment applies a residential low-density zone to the subject lands that would enable low density residential development in a manner that is consistent with the existing residential neighbourhood area. As noted previously, the current FD zoning on the subject lands does not allow for lot creation. However, with the proposed zoning there may be potential lot creation opportunities under circumstances where municipal servicing is available and both the severed and retained lots comply with the Zoning By-law.

Staff is of the opinion that the proposed zoning by-law amendment conforms to the Town of Milton Official Plan.

Sherwood Survey Secondary Plan and the Milton Heights Local Official Plan Amendment

The Sherwood Survey Secondary Plan area was brought into the Town's Urban Area through the 1997 Town of Milton Official Plan. Several years later in 2014, the Ontario Municipal Board approved a Local Official Plan Amendment ('LOPA')(LOPA-01/07) through a hearing that also approved a number of subdivisions in the Milton Heights neighbourhood area. The principle overall objective of the LOPA was to maintain a significant degree of larger lot development, particularly adjacent to the Niagara Escarpment Plan area. In addition to policies related to the approved subdivisions in the area, the LOPA also revised policies related to density, added policies with respect to appropriate transitions and introduced maximum height restrictions.

The subject lands are designated Residential Area in the Sherwood Survey Secondary Plan. Section C.8.5.1 of the Sherwood Survey Secondary Plan includes policies that apply to development in the Residential Area designation. Residential uses are permitted within this designation, and development is required to reflect the character of the existing residential area as well as the unique setting adjacent to the Niagara Escarpment. In addition, the maximum height of new residential development west of new Tremaine Road is limited to a

Discussion

maximum of two-storeys, except for the development block adjacent to the Highway 401 in the Milton Meadows North subdivision.

The proposed low-density residential zoning respects the low-density character of the surrounding neighbourhood, while allowing for redevelopment on lands within the Milton Heights neighbourhood. The proposed zoning by-law amendment also includes site-specific maximum building height provisions to conform to the Official Plan policies.

Staff is of the opinion that the proposed zoning by-law amendment conforms to the Sherwood Survey Secondary Plan policies.

Town of Milton Zoning By-law

The subject lands are currently zoned Future Development ('FD') in the Town of Milton Urban Zoning By-law 016-2014, as amended. The FD zone only allows the existing lot frontage, existing uses, existing buildings and structures, subject to certain provisions for additions and renovations, as well as accessory buildings. The FD zone permits a maximum building height of two storeys. Additions to existing buildings and structures are also permitted, however additions to existing residential dwellings are limited to a maximum of 10% of the gross floor area of the existing building. Legally existing residential principal buildings may also be replaced provided that the gross floor area does not exceed the gross floor area of the existing building plus 10% and is to be located on the existing foundation.

The proposed site-specific Residential Low Density 2 (RLD2*371) zone will allow property owners to improve their properties by constructing new dwellings or additions to existing dwellings in accordance with the RLD2 zone provisions. The proposed zoning takes into consideration feedback and input from the public that has been collected over the years, as well as information collected through the Mature Neighbourhood Study in other areas of Town, which has demonstrated a thoughtful approach to low density development in the established neighbourhoods of Town. The proposed zoning is consistent with Provincial policy direction, conforms to local Town policies, and achieves a built form that is respectful of the existing character and nature of the surrounding area while also supporting intensification and redevelopment.

In addition to the provisions contained within the RLD2 zone, a site-specific provision related to maximum building height is also proposed. The maximum height implements the policy direction contained within the Milton Heights Local Official Plan Amendment (LOPA 01/07) and represents an appropriate transition to the Niagara Escarpment Plan area.

As noted above, the current FD zone permits legally established uses. The property at 119 Tremaine Road has permissions to allow a Convenience Store on the ground floor. Staff

Discussion

propose to add this additional use through a site-specific Residential Low Density 2 (RLD2*372) zone at this address only.

Section 2.5 vii) of the Town's Urban Zoning By-law 016-2014, as amended, includes provisions related to lands under the jurisdiction of a Conservation. Table 2A of the Town's Urban Zoning By-law 016-2014, as amended, includes a list of properties within the Town's Urban Area that are currently zoned entirely Natural Heritage System ('NHS'). The provisions of Section 2.5 vii) indicate that where a Conservation Authority permits development to proceed, the uses and provisions of the adjacent zone designation on the same lot shall apply.

The proposed zoning by-law amendment identifies a number of properties within the Milton Heights neighbourhood that are entirely within the NHS zone and proposes to include these addresses in Table 2A. This would have the effect of allowing development on such properties to proceed in accordance with the proposed site-specific Residential Low Density 2 (RLD2*371) zone so long as Conservation Authority approval is received.

Lot Creation

As noted earlier in this Report, the current FD zone does not permit any lot creation as the provisions only permit the existing lot frontage. As a result of the proposed rezoning, there may be potential for lot creation under circumstances where municipal services are available and both the severed and retained lots comply with the Zoning By-law. Through an application for consent, a property owner will be required to demonstrate compliance with the Zoning By-law and will also need to obtain servicing allocation and a service permit from Halton Region. In accordance with the Planning Act, a consent application will also be subject to public notice requirements.

Building Permits

A property owner will be required to apply for a building permit for where an addition or new residential dwelling is proposed. As part of the building permit review, Zoning staff will review to ensure that any proposed addition or new dwelling complies with the requirements of Zoning By-law. Where full municipal services are not available and a property is on private septic service, the capacity of the septic system will be reviewed and confirmed through the permit review process to ensure that there is adequate capacity. All Ontario Building Code requirements will apply.

Public Consultation

Notice of the statutory Public Meeting was provided pursuant to the requirements of the Planning Act on May 2, 2025. The statutory Public Meeting was held on May 26, 2025. At

Discussion

the meeting, staff answered a number of questions from Council regarding ongoing development in the Milton Heights neighbourhood area and about implications of the proposed zoning by-law amendment. No public comments were provided on the provisions in the proposed zoning by-law amendment.

Three property owners identified a desire for updates and further consultation on development within the Milton Heights neighbourhood area. As identified earlier in this Report, over the years staff have consulted with area residents about future development in the Milton Heights neighbourhood area. The proposed zoning by-law amendment was crafted with the desires of the community in mind, while also ensuring that it is consistent with the Provincial Planning Statement and conforms to the Halton Region Official Plan, Town of Milton Official Plan, Sherwood Survey Secondary Plan and the Local Official Plan Amendment for the Milton Heights neighbourhood.

Following the statutory Public Meeting, staff received written correspondence from one property owner expressing support for the proposed zoning by-law amendment. At the time of writing this report, staff have not received written correspondence from any property owner objecting to the proposed zoning by-law amendment and no requests have been filed to remove their property from the subject lands in the amendment.

Agency Circulation

Town Planning staff held meetings with Halton Region and internal staff on the proposed zoning by-law amendment. The proposed amendment was circulated to internal departments, Halton Region, Conservation Halton and the Niagara Escarpment Commission for review and comment on April 11, 2025. No objections were received from internal departments or external agencies on the proposed zoning by-law amendment. Halton Region noted that in the event that property owners wish to sever their lands, they will be subject to typical land division servicing requirements of the Region.

Issues of Concern

Consultation

Town staff have received feedback from a few residents that there is a desire for the Town engage with the area residents on development in the Milton Heights neighbourhood. The Planning Act sets out the minimum requirements for public consultation for all development applications. It is noted that the Town of Milton includes enhanced public notification requirements that are included in the Official Plan and implemented by Town staff.

During the development review process for the subdivision applications in the Milton Heights neighbourhood area, the Town completed public consultation in accordance with the

Discussion

Planning Act and Official Plan requirements. A number of developments in the Milton Heights neighbourhood were subsequently approved by the Ontario Municipal Board in 2014, but development has been delayed for various reasons, most notably due to infrastructure and servicing upgrades required to service the developments. Since that time, Town staff have done their best to provide accurate updates and timely responses on the progress of development in the area to residents that have inquired with the Town.

As for the proposed zoning by-law amendment, Town staff consulted with area residents several times on the preparation of appropriate zoning provisions for the existing residential area in the Milton Heights neighbourhood. As noted earlier in this Report, implementation of the zoning provisions was placed on hold until such time as nearby developments and municipal servicing were imminent. Staff are of the opinion that the proposed zoning by-law amendment will provide for opportunities to redevelop and improve lands within the area while maintaining a sense of rurality, respect for the heritage of the neighbourhood and consideration of the close proximity to the Niagara Escarpment area.

Rezoning Private Properties

Town staff have received inquiries from property owners about the implications of the proposed zoning provisions for their property. Given that the proposed zoning by-law amendment is proposing changes to private properties, Town staff have indicated that should a property owner not agree with the proposed zoning changes then the property could be removed from the proposed zoning by-law amendment. Town staff advised that written correspondence of such a request is required to remove the property from the subject lands. Town staff also advised that if a property owner chose to remove their property from the subject lands that the property would remain in the FD zone and a zoning by-law amendment may be required in the future, at the owner's cost, if the property owner was interested in redeveloping the property with a new dwelling or addition beyond what is allowed for in the FD zone.

At the time of writing this Report, the Town has not received any written requests to remove any properties from the proposed zoning by-law amendment.

Conclusion

Staff is satisfied that the zoning by-law amendment, attached as Appendix 1 to this Report, will be consistent with and conform to Provincial, Regional and Town land use planning policies. Therefore, staff recommends approval of the zoning by-law amendment.



Financial Impact

None arising from this Report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Jessica Tijanic, MSc., MCIP, RPP Phone: Ext. 2221
Senior Planner, Development
Review

Attachments

Figure 1 - Location Map

Appendix 1 - Proposed Zoning By-law Amendment and Schedule A

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.