

## THE CORPORATION OF THE TOWN OF MILTON

### BY-LAW NO. 050-2024

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 ALL LANDS WITHIN THE URBAN AREA OF THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (TOWN FILE: Z-05/24)

**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 lands affected by this By-law will comply with the Town of Milton Official Plan upon Official Plan Amendment No. 80 taking full effect;

**NOW THEREFORE** the Council of the Corporation of the Town of Milton hereby enacts as follows:

- 1.0 **THAT** Sections 1.11.2 ii) and 1.11.3 iii) and iv) of Comprehensive Zoning By-law 016-2014, as amended, are hereby further amended by modifying the phrase “date of passage of By-law NO. 077-2021 or 007-2022” to “date of passage of By-law NO. 077-2021, 007-2022, or 050-2024” in all instances where this phrase occurs in these subsections.
- 2.0 **THAT** Section 1.11.5 ii) of Comprehensive Zoning By-law 016-2014, as amended, are hereby further amended by modifying the phrase “By-law No. 077-2021 or 007-2022” to “By-law No. 077-2021, 007-2022, or 050-2024”.
- 3.0 **THAT** Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the definition of **DWELLING UNIT** and replacing it with the following:

#### **DWELLING UNIT**

Means a room or group of rooms designed, occupied, or capable of being occupied as a single, self-contained housekeeping unit which contains separate sanitary facilities, living quarters, and cooking facilities.

- 4.0 **THAT** Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the definitions of **DWELLING UNIT**, **ACCESSORY** and **GARDEN SUITE**.
- 5.0 **THAT** Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the following definition:

## **DWELLING UNIT, ADDITIONAL**

Means a self-contained *dwelling unit* that is subordinate to a principal *dwelling unit* in a *detached dwelling*, *semi-detached dwelling*, *semi-link dwelling*, or *townhouse dwelling* and is located within the same *building*, or within an *accessory building* on the same *lot*, as the principal *dwelling unit*.

- 6.0 **THAT** Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying the definitions below as follows (Note: deletions are shown as a strikethrough and additions are underlined):

## **DRIVEWAY, RESIDENTIAL**

Means a hard surface (consisting of, but not limited to, asphalt, concrete, patterned concrete, interlocking brick, or paving stone) on a *lot* having a residential use containing less than four (4) *dwelling units*, exclusive of any *additional dwelling unit(s)*, upon which vehicles drive and park, and includes an adjacent hard surface, capable of being parked or driven upon by part or the whole of a *motor vehicle*, such as, but not limited to, walkways, banding, or curbing.

## **DWELLING, DETACHED**

Means a *building* containing not more than one *dwelling unit*, exclusive of any ~~accessory~~ *additional dwelling unit(s)*.

## **DWELLING, DUPLEX**

Means a *building* divided horizontally above grade into two *dwelling units*, exclusive of any *additional dwelling unit(s)*, where each unit has an independent entrance directly from the outside or through a common vestibule or common corridor.

## **DWELLING, MULTIPLE**

Means a ~~*dwelling unit in a building*~~ containing four or more *dwelling units*, each of which has an independent entrance directly from the outside or through a common vestibule or common corridor but does not include a *townhouse dwelling*, *stacked townhouse dwelling*, *quattroplex dwelling* ~~or an~~ *apartment building*, or a residential *principal building* containing *additional dwelling unit(s)*.

## **DWELLING, QUATTROPLEX**

Means a *building* containing four *dwelling units* divided vertically and horizontally, and each of which has an independent entrance directly from the outside or through a common vestibule or common corridor, but does not include a residential *principal building* containing *additional dwelling unit(s)*.

### **DWELLING, SEMI-DETACHED**

Means a *building* divided vertically by a common wall into two *dwelling units* above grade, exclusive of any *additional dwelling unit(s)*.

### **DWELLING, SEMI-LINK**

Means two *detached dwellings* which are only attached below *grade*, exclusive of any ~~accessory dwelling unit~~ *additional dwelling unit(s)*.

### **DWELLING, TOWNHOUSE**

Means a *building* divided vertically by *common walls* into 3 or more *dwelling units* above *grade*, exclusive of any *additional dwelling unit(s)*, and whereby each *dwelling unit* has an independent entrance into the unit from the outside and whereby each unit has access to the *rear yard*.

### **DWELLING, TRIPLEX**

Means a *building* divided horizontally into three *dwelling units*, each of which has an independent entrance directly from the outside or through a common vestibule or common corridor, but does not include a residential *principal building* containing *additional dwelling unit(s)*.

### **LANDSCAPING, PERMEABLE RESIDENTIAL**

Means ~~the vegetative~~ landscaped surface areas (level or otherwise) ~~capable of supporting the growth of vegetation that permit the infiltration of water into the ground~~ such as grass, trees, shrubs, flowers ~~berms~~ or other plants, berms, river rock, and decorative stone, but does not include gravel or artificial turf, on a *lot* having a residential use containing ~~less than~~ four (4) or fewer *dwelling units*.

### **PARKING AREA**

Means an open area, other than a street, used for the temporary loading or unloading of service vehicles, or the temporary parking of two or more vehicles that includes *loading spaces*, *parking spaces* and aisles and is available for public use as an accommodation for clients or customers or residents, and shall also include residential uses containing four or more *dwelling units* on the same *lot*, exclusive of any *additional dwelling unit(s)*, but does not include the storing of impounded, wrecked and/or otherwise inoperable vehicles.

- 7.0 **THAT** Section 4.1 iii) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “, under,” after the word “on”.

- 8.0 **THAT** Section 4.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting subsection iv) and renumbering the subsequent subsections accordingly.
- 9.0 **THAT** Section 4.2.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “those containing an *additional dwelling unit*,” after the word “excluding”.
- 10.0 **THAT** Section 4.2.2.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection iv) as follows:

- iv) In addition to the regulations set out in Section 4.2.2.1, a *detached garage* that contains an *additional dwelling unit* is permitted on a *lot* in accordance with the following requirements:

**Requirements Specific to *Street Access and Lane Access Detached Garages* Containing an *Additional Dwelling Unit***

- a) All *detached garages* containing an *additional dwelling unit* shall be subject to the following:
- i) it is located in the *interior side yard* or *rear yard* of the *lot* only;
  - ii) it is located no closer than 1.2 m from an *interior side lot line*, unless it is attached to a *detached garage* on an *abutting lot*;
  - iii) it is located no closer to the *exterior side lot line* than permitted for the *principal building*;
  - iv) it is located no closer than 5.5 m from the *principal building*, including any *structure* with a *roof* that may be attached to the *principal building*, on a *lot*;
  - v) the Floor Area of the *additional dwelling unit* shall not exceed the Floor Area of the *principal dwelling unit* or 110 m<sup>2</sup>, whichever is less;
  - vi) notwithstanding any other provision of this by-law to the contrary, for the purposes of this section, Floor Area shall mean the total area of all floors of a *dwelling unit*, measured from the interior walls, excluding *basements*, *stairs* and *landings*, cold cellars, and unfinished mechanical rooms; and
  - vii) roof-top *amenity areas* shall not be permitted.
- b) In addition to the requirements set out in subsection a), a one *storey detached garage* shall be subject to the following:
- i) the *gross floor area* shall not exceed 10% of the *lot area* or 145 m<sup>2</sup>, whichever is less;
  - ii) it is located no closer than 1.5 m from the *rear lot line* if the *detached garage* is accessed by a *residential driveway* crossing either the *front lot line* or *exterior side lot line*;

**Requirements Specific to *Street Access and Lane Access Detached Garages Containing an Additional Dwelling Unit***

- iii) it is located no closer than 1.0 m from the *rear lot line* if the *lot* is accessed by a *residential driveway* from a *lane* crossing the *rear lot line*; and
  - iv) the height shall not exceed:
    - A. 3.5 m in the case of a flat *roof*, measured from the *established grade* to the uppermost point of the *roof* surface or parapet, whichever is greater; or
    - B. 4.3 m in the case of a gable, hip, gambrel, or mansard *roof*, measured from the *established grade* to the uppermost point of the *roof* surface.
- c) In addition to the requirements set out in subsection a), a two *storey detached garage* shall be subject to the following:
- i) the *gross floor area* of the *first storey* shall not exceed 10% of the lot area or 110 m<sup>2</sup>, whichever is lesser;
  - ii) it is located no closer than 2.5 m from the *rear lot line* if the *detached garage* is accessed by a *residential driveway* crossing either the *front lot line* or *exterior side lot line*;
  - iii) it is located no closer than 1.0 m from the *rear lot line* if the *lot* is accessed by a *residential driveway* from a *lane* crossing the *rear lot line*;
  - i) the height shall not exceed:
    - A. 6.0 m in the case of a flat *roof*, measured from the *established grade* to the uppermost point of the *roof* surface or parapet, whichever is greater; or
    - B. 7.0 m in the case of a gable, hip, gambrel, or mansard *roof*, measured from the *established grade* to the uppermost point of the *roof* surface; and,
    - C. Notwithstanding a) and b) above, in no case shall the overall height exceed that of the *principal building*.
- d) In addition to the requirements set out in b) or c), whichever is applicable, *lane access detached garages* shall be subject to the following:
- i) The required outside *parking spaces* on a *lot* accessed by a *residential driveway* from a *lane* are:
    - A. located parallel to each other, whether in or outside of a *detached garage or carport*; and,
    - B. shall be located no farther than 6.0 m from the *rear lot line*.

**11.0 THAT** Section 4.2.4 i) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “, but excluding those containing an additional dwelling unit,” after the word “carports”.

**12.0 THAT** Section 4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new Section 4.2.5 as follows:

**4.2.5 Regulations for Accessory Buildings Containing an Additional Dwelling Unit**

In addition to the requirements of Section 4.1, an *accessory building*, excluding a *detached garage*, that contains a permitted *additional dwelling unit* in accordance with Section 4.10, is permitted subject to the following provisions:

- i) the building shall be permitted in a *rear yard* or an *interior side yard*;
- ii) it shall be located no closer to an *exterior side lot line* than permitted for the *principal building*;
- iii) it shall be located no closer than 1.2 m from an *interior side lot line*;
- iv) it shall be located no closer than 1.5 m from a *rear lot line*;
- v) it shall be located no closer than 3.5 m from the *principal building*, including any *structure* with a *roof* that may be attached to the *principal building*, on the *lot*;
- vi) the *gross floor area* shall not exceed 10% of the *lot area* or 110 m<sup>2</sup>, whichever is less;
- vii) the height shall not exceed:
  - A. 3.5 m in the case of a flat *roof*, measured from the *established grade* to the uppermost point of the *roof surface* or parapet, whichever is greater; or
  - B. 4.3 m in the case of a gable, hip, gambrel, or mansard *roof*, measured from the *established grade* to the uppermost point of the *roof surface*;
- viii) notwithstanding the definition of *Lot Coverage* in Section 3, the *building* shall be included in the *lot coverage* calculation; and,
- ix) roof-top *amenity areas* shall not be permitted.

**13.0 THAT** Section 4.3.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “, under,” after the word “on” and replacing the “.” at the end of subsection ii) with “; and,” and by adding a new subsection iii) as follows:

- iii) Notwithstanding any provisions of Section 4.3.1 to the contrary, *decks* associated with an *accessory building* containing an *additional dwelling unit* are permitted in accordance with the following:
  - a) The platform of the *deck* shall not exceed 0.6 m above grade and in no case shall be higher than the floor of the *first storey*;
  - b) *Decks* shall be subject to the minimum *setbacks* required for the *accessory building*.

**14.0 THAT** Section 4.4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting “; and” at the end of subsection i), by replacing the “.” at the end of subsection ii) with “;” and by adding new subsections iii) and iv) as follows:

- iii) Notwithstanding ii) above to the contrary, *porches/verandas* associated with a *principal building* shall be *setback* a minimum of 3.5 m to an *accessory building* containing an *additional dwelling unit* and 5.5 m to a *detached garage* containing an *additional dwelling unit*; and,
- iv) Notwithstanding any provisions of Section 4.4 to the contrary, the following provisions shall apply to a *porch/veranda* associated with an *accessory building* containing an *additional dwelling unit*.
  - a) *Porches/Verandas* shall not be located above the floor of the first storey; and,
  - b) *Porches/verandas* shall comply with the minimum setbacks required for the *accessory building*.

**15.0 THAT** Section 4.5 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the word “and;” at the end of subsection ii), by replacing the “.” at the end of subsection iii) with “; and,” and by adding a new subsection iv) as follows:

- iv) Notwithstanding any provisions of Section 4.5 to the contrary, the following provisions shall apply to *balconies* associated with an *accessory building* containing an *additional dwelling unit*.
  - a) *Balconies* shall not be permitted on any wall facing an *abutting residential zone*;
  - b) Where the side of a *balcony* faces an *abutting residential zone*, a full visual screen with a minimum height of 1.5 m from the platform of the *balcony* shall be provided on that side; and
  - c) A *balcony* shall comply with the minimum *setbacks* required for the *accessory building*.

**16.0 THAT** Section 4.6.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection ii) as follows, and by renumbering the subsequent subsections accordingly:

ii) In addition to the requirements of Section 4.6.1 i), ground level HVAC and emergency generators associated with an *accessory building* containing an *additional dwelling unit* shall be *setback* a minimum of 3.5 m from the *principal building*; and,

**17.0 THAT** Section 4.9 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by amending subsection ii) as follows:

ii) It is attached to the *principal building* or to an *accessory building* containing an *additional dwelling unit*.

**18.0 THAT** Section 4 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting Section 4.10 and replacing it with the following:

#### **4.10 ADDITIONAL DWELLING UNITS**

*Additional dwelling units* shall be permitted in accordance with the following:

- i) *Additional dwelling units* are permitted within the following *buildings* where permitted by this by-law:
  - a) *Detached dwelling*;
  - b) *Semi-detached dwelling*;
  - c) *Semi-link dwelling*;
  - d) *Townhouse dwelling*; and,
  - e) *Accessory building* located on the same *lot* as the foregoing;
- ii) A maximum of three (3) *additional dwelling units* are permitted on a *lot*;
- iii) Not more than one (1) *additional dwelling unit* shall be located in an *accessory building* on a *lot*;
- iv) An *additional dwelling unit* must be served by municipal water and wastewater services;
- v) *Additional dwelling units* shall not be permitted on lands identified by a *Conservation Authority* as hazard lands or as being within the regulatory flood plain, unless specifically permitted by the *Conservation Authority* having jurisdiction;
- vi) An unobstructed pedestrian access with a minimum width of 1.2 m and minimum vertical clearance of 2.1 m shall be provided and maintained



from the *street line* to the principal entrance of an *additional dwelling unit*,

vii) Notwithstanding vi) above, the following encroachments shall be permitted within the minimum 1.2 m width of the unobstructed pedestrian access:

- a) Utility metres;
- b) Window wells with a maximum projection of 0.3 m;
- c) Gates with a minimum unobstructed opening of 1.02 m; and,
- d) *Stairs and landings* above *grade* in accordance with Section 4.10 viii) e).

viii) Where one or more *additional dwelling unit(s)* is located within a *principal building*:

- a) The Floor Area of each *additional dwelling unit*, or portion(s) thereof, located on the *first storey* or above shall not exceed 85 m<sup>2</sup>;
- b) The total Floor Area of all *additional dwelling units*, or portion(s) thereof, located on the first storey or above, shall not cumulatively exceed a maximum of 50% of the Floor Area of the principal *dwelling unit*;
- c) An *additional dwelling unit* that is located in a *basement* may occupy the entire *basement*;
- d) Notwithstanding any other provision of this by-law to the contrary, for the purposes of this section, Floor Area shall mean the total area of all floors of a *dwelling unit*, measured from the interior walls, excluding *basements, stairs and landings, cold cellars*, and unfinished mechanical rooms; and,
- e) Notwithstanding any other provision of this by-law to the contrary, an above *grade* entrance meeting the minimum unobstructed pedestrian access requirements of Section 4.10 vi) and vii) and used as the principal entrance to an *additional dwelling unit* may be accessed by a *landing* provided it is less than 0.6 m above *grade*, has a maximum length and width of 0.9 m, and *stairs* are provided at both the front and rear of the *landing* as may be necessary to provide pedestrian access from the *front yard* to the *rear yard*.

- ix) On a lot containing an *additional dwelling unit* within an *accessory building* in a RMD1 or RMD2 zone, the following minimum *permeable residential landscaping* shall be provided:

Dwelling Type	Minimum Percentage of Lot Area
<i>Detached Dwelling, Semi-Link Dwelling and Semi-Detached Dwelling</i>	35%
<i>Townhouse Dwelling</i>	25%

- x) In addition to the regulations set out in this section, *accessory buildings* containing an *additional dwelling unit* shall be subject to the regulations of Section 4.2.

**19.0 THAT** Section 4.19.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended as follows:

A maximum of one residential *principal building* is permitted on a *lot*, or on a parcel of tied land in a Common Element condominium or on a unit in a condominium in accordance with the Condominium Act, for the following:

**20.0 THAT** Section 4.19.5 Table 4H of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding and/or modifying the following in the table:

Structure	Required Setbacks	Maximum Distance
<u>Window Wells</u>	<u>Interior Side Setback, Exterior Side Setback, Rear Setback</u>	<u>0.55m into a required interior side yard, no closer than 1.2 m from an exterior side lot line, and no maximum into a required rear yard</u>
<u>Stairs, Below Grade Accessing A Principal Building</u>	<u>Rear Setback, Exterior Side Setback</u>	<u>No Maximum into a required rear yard and no closer than 1 m from an exterior side lot line</u>

**21.0 THAT** Section 4.19.5 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection iii) and Table 4H(I) as follows:

- iii) Notwithstanding any provision of this by-law to the contrary, no encroachments shall be permitted within the minimum *setbacks*

required for an *accessory building* containing an *additional dwelling unit* except in accordance with the following:

TABLE 4H(I)

<b>Structure</b>	<b>Required Setbacks</b>	<b>Maximum Distance</b>
Eaves & Gutters	<i>Rear Setback, Interior Side Setback, Exterior Side Setback, or Setback from Principal Building</i>	0.45m provided that the eaves and gutters are a minimum of 2.0m above grade

22.0 **THAT** Section 4.22.1 of Zoning By-law 016-2014, as amended, is hereby further amended by adding the phrase “or *building* containing an *additional dwelling unit*” after the phrase “no permanent *building* or *structure*”;

23.0 **THAT** Section 4.24 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the “.” at the end of subsection ii) and replacing it with “; and,” and by adding a new subsection iii) as follows:

iii) Notwithstanding any provisions of this by-law to the contrary, on a *lot* containing one or more *additional dwelling unit(s)*, the whole or a portion of only one *dwelling unit* on the *lot* may be used as a *short-term rental*.

24.0 **THAT** Sections 5.1 iv) and vi) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding “exclusive of *additional dwelling units*” after “less than four (4) *dwelling units*” in each subsection;

25.0 **THAT** Section 5.6.2 of Zoning By-law 016-2014, as amended, is hereby further amended by modifying the following provision as follows:

“Access to residential *dwelling*s containing less than four units, exclusive of *additional dwelling units*, shall be provided by an unobstructed *driveway* in accordance with the following”;

26.0 **THAT** Section Section 5.6.2 of Zoning By-law 016-2014, as amended, is hereby further amended by adding a new subsection ii) as follows and by renumbering the subsequent subsections and updating any references to those subsections throughout the by-law accordingly:

ii) Notwithstanding i) above, on a *lot* where one or more *additional dwelling unit(s)* is located, the minimum size of a required *parking space* on a *residential driveway* shall be 2.50 m wide by 5.5 m in length;

27.0 **THAT** Section 5.6.2 ix) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying the section as follows:

ix) The following surface areas of a lot shall only be *permeable residential landscaping, excluding permeable pavers, a permeable Residential*

~~landscaped surface such as grass, trees, shrubs, flowers or other plants, river rock, decorative stone, etc. that permits the infiltration of water into the ground, but may include a portion of a retaining wall that is not permeable:~~

**28.0 THAT** Section 5.6.2 x) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the word “permeable” before the words “residential landscaping”;

**29.0 THAT** Section 5.8.1 i) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying the following rows in Table 5E as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements
<i>Dwellings with individual driveway access from a public street</i>	<ul style="list-style-type: none"> <li>• 2 parking spaces per <i>dwelling unit</i> (*2)</li> </ul>
<del>Accessory</del> <i>Additional Dwelling Units</i>	<ul style="list-style-type: none"> <li>• 1 parking space per <del>accessory</del> <i>additional dwelling unit</i></li> </ul>
<i>All other dwellings units</i>	<ul style="list-style-type: none"> <li>• 2 parking spaces per <i>dwelling unit</i> (*2)</li> <li>• <u>PLUS</u></li> <li>• 0.25 parking spaces per unit for visitors on a lot with four or more <i>dwelling units</i></li> </ul>

Footnote(s) to TABLE 5E

(\*1) For lands within the UGC-MU designation shown to contain a star symbol followed by a number on schedules to this By-law, the special parking provisions in Section 13.1.1 of this By-Law shall only apply where the required parking rate is less than the parking requirements in Table 5E.

(\*2) Where one or more *additional dwelling unit(s)* is located on the *lot*, a minimum of 1 *parking space per dwelling unit* shall be provided.

**30.0 THAT** if no appeal is filed pursuant to Section 34 (19) of the Planning act, RSO 1990, c. P13, 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 Land Use Planning Appeal 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 of the Tribunal’s Order is issued directing the amendment or amendments.

**PASSED IN OPEN COUNCIL ON JUNE 3, 2024.**

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Gordon A. Krantz Mayor

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Meaghen Reid Town Clerk