

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 039-2022

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, REGIONAL MUNICIPALITY OF HALTON (MATTAMY (BROWNRIDGE) LIMITED) - TOWN FILE: Z-01/20

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 two Residential Medium Density 1 - Special Sections (RMD1*315 & RMD1*316) Zone), a Residential Medium Density 2 - Special Section (RMD2*284) Zone, Natural Heritage System (NHS) Zone, Open Space (OS) Zone and Open Space 2 (OS-2) Zone symbols and adding the Holding (H) symbols H58, H59, H60, H61, H62 and H63, to each of the zone symbols on this on the lands as shown on Schedule A attached hereto.

2.0 THAT Section 13.2 of By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.101 to read as follows:

For lands with Holding Provision H58, the H58 Holding Provision shall apply to Lots 181 to 193 (inclusive) and 326 to 431 (inclusive) and Blocks 432 to 435 (inclusive), and Block 451 on the Draft Plan of Subdivision dated February 4, 2022, and not be removed until such time as there is an acceptable storm water management strategy in place to accommodate these units, to the satisfaction of the Town.

3.0 THAT Section 13.2 of By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.102 to read as follows:

For lands with Holding Provision H59, the H59 Holding Provision shall apply to Lots 414, 415, 416 and 417 on the Draft Plan of Subdivision dated February 4, 2022, and not be removed until such time as the excess lands currently part of the Fourth Line right-of-way are in the Owner's possession. The additional lands will be required to be merged with these lots

- 4.0 THAT** Section 13.2 of By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.103 to read as follows:

For lands with Holding Provision H60, the H60 Provision shall apply to Lots 320-325 on the Draft Plan of Subdivision dated February 4, 2022 and not be removed until

- a) it is determined through detailed design that Block 463 (SWM Pond) is of sufficient size,
- b) such time as the lands to the south develop to the satisfaction of the Town of Milton and
- c) such time as the size of the stormwater management pond has been verified.

- 5.0 THAT** Section 13.2 of By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.104 to read as follows:

For lands with Holding Provision H61, the H61 Provision shall apply to Lots 300 -303 (inclusive) on the Draft Plan of Subdivision dated February 4, 2022 and not be removed until such time as the lands to the south develop and to the satisfaction of the Town.

- 6.0 THAT** Section 13.2 of By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.105 to read as follows:

For lands with Holding Provision H62, the H62 Provision shall apply to Lots 228-230 (inclusive) and 250-252 (inclusive) on the Draft Plan of Subdivision dated February 4, 2022 and not be removed until it is determined through detailed design that the Town is satisfied with the design of the roundabout.

- 7.0 THAT** Section 13.2 of By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.106 to read as follows:

For lands with Holding Provision H63, the H63 Provision shall apply to Lots 414-419 (inclusive) on the Draft Plan of Subdivision dated February 4, 2022 and not be removed until it is determined through detailed design that the Town is satisfied with the design of the roundabout.

- 8.0 THAT** Section 13.1 of Comprehensive By-law 016-2014 is hereby further amended by adding subsection 13.1.1.315 as follows:

Residential Medium Density 1 - Special Section (RMD1*315) Zone

- i) Special Site Provisions Applicable to All Dwelling Types

- a. 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.
- b. 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.
- 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. 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 street, the lot is considered to have frontage on a public street.
- e. For the purposes of this By-law, lots abutting a roundabout shall be considered a Corner Lot.
- f. 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.
- g. Notwithstanding Section 5.12, Table 5L, to the contrary, a parking area may be located within 0.0 metres of a private street line.
- h. 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:
 - i. a lot line adjacent to James Snow Parkway, the setback shall be 2 metres.
- 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 3.2 metres provided that no more than 64% 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 1.83 metres 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. 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.

- v. Notwithstanding Section 4.8.1 i), within a *front yard* the maximum fence *height* shall be 2.0 metres.
- 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.

9.0 THAT Section 13.1 of Comprehensive By-law 016-2014 is hereby further amended by adding subsection 13.1.1.316 as follows:

Residential Medium Density 1 - Special Section (RMD1*316) Zone

- i) For the purposes of this section, a *Sales Office* shall be defined as a Temporary Sales office for the sale of residential lots or units in a plan of subdivision or condominium, within the Town of Milton.
- ii) Additional Permitted Uses
 - a. Sales office
- iii) Where a Sales Office is proposed, it shall be subject to the following provisions:
 - a. 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.
 - b. Whitlock Avenue shall be deemed the front lot line.
 - c. Minimum yard setbacks:
 - i. Front yard setback - 4.0 metres
 - ii. Interior side yard setback - 4.0 metres
 - iii. Exterior side yard setback - 4.0 metres
 - iv. Rear yard setback - 4.0 metres
 - d. The minimum parking area setback from the main wall of a building shall be 1.5 metres.

- e. Accessible parking spaces shall be located in proximity to the primary entrance(s) to a building and shall have direct access to the entrance(s) by a minimum of 2.0 metres wide unobstructed access route.
- f. A minimum of 1.5m of landscaping shall be provided between the parking area and any lot line.

iv) Zone Standards for Detached and Townhouse Dwellings:

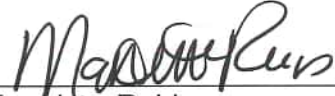
- a. Shall be subject to the RMD1*315 zone provisions.

10.0 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 Ontario Land Tribunal.

PASSED IN OPEN COUNCIL ON MAY 9, 2022.

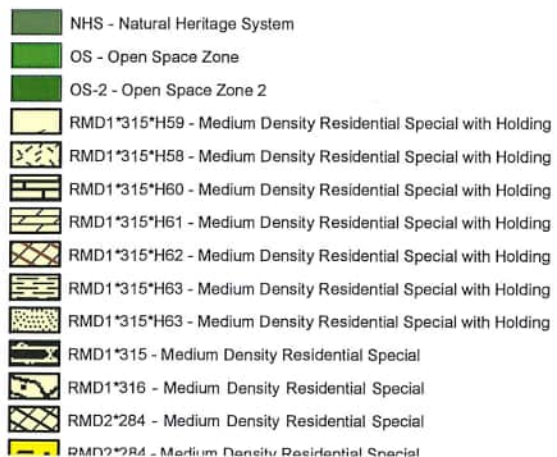


Gordon A. Krantz Mayor



Meaghan Reid Clerk

Town of Milton



G. A. Krantz
MAYOR- Gordon A. Krantz
Meaghan Reid
CLERK- Meaghan Reid