

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW 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 LOT 13, CONCESSION 1, FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (VILLAGE DEVELOPMENT INC. & ORNELLA GROUP INC.) - FILE: Z-17/20

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 lands affected by this By-law will comply with the Town of Milton Official Plan upon Official Plan Amendment No. 74 taking full effect;

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 Residential Medium Density 1 (RMD1) zone symbol & site specific Residential Medium Density 1 (RMD1*42) zone symbol to a site specific Residential Office with a Holding symbol (RO*322-H68-H70) on the land shown on Schedule A attached hereto.
2. **THAT** Section 13.2.1 of By-law 016-2014, as amended, is hereby further amended by adding section 13.2.1.111 to read as follows

For lands with Holding Provision H68, the “H68” Holding Provision shall not be removed until such times as the Owner has satisfied the following requirements and has provided written confirmation from CN Rail of the same:

- a) Satisfactory Peer Review of the Crash Wall Design;
 - b) Satisfactory Peer Review of the Noise and Vibration Report;
 - c) Satisfactory Peer Review of the Stormwater Management Report;
 - d) Completed and signed CN Development Agreement;
3. **THAT** Section 13.2.1 of By-law 016-2014, as amended, is hereby further amended by adding section 13.2.1.113 to read as follows:

For lands with Holding Provision H70, that prior to the lifting of the “H70”, and prior to site alteration, servicing or grading of the site, the Owner shall have submitted Archaeological Assessment of the subject property and, if recommended, mitigate/salvage/excavate any significant resources to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries, as well as Clearance Letter from the Ministry of Heritage, Sport, Tourism and

Culture Industries. No grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Heritage, Sport, Tourism and Culture Industries, being submitted to the Town of Milton and the Regional Municipality of Halton.”

4. **THAT** Section 13.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.322 to read as follows:

a. Notwithstanding any provisions of the By-law to the contrary, for lands zoned site specific Residential Office (RO*322) the following standards and provisions shall apply:

i. Additional permitted uses: Apartment Building, Hybrid

ii. Definitions:

For the purpose of this by-law:

BALCONY means a platform that may be partially enclosed projecting from the main wall of a building which is not supported by vertical uprights other than the wall itself except when located above a porch/veranda, patio or exclusive use driveway and which is only accessible from within the building

LONG-TERM BICYCLE PARKING means bicycle parking spaces located within the building for the use by occupants or tenants of the building

SHORT-TERM BICYCLE PARKING means bicycle parking spaces for use by visitors to a building and can be provided either inside or outside of the building

iii. Zone Standards:

a) Maximum number of apartment dwelling units: 268;

b) Minimum front yard setback: 4.6 metres;

c) Minimum front yard setback above the 5th Storey: 11.0 metres;

d) Minimum rear yard setback: 0.0 metres;

e) Minimum side yard setback to the north: 3.0 metres;

f) Minimum side yard setback to the south: 3.5 metres;

g) Maximum lot coverage: 58%

h) Minimum landscape open space: 24%

i) Maximum floor space index: 3.1

j) No portion of any dwelling unit shall be located within 20 metres of the rear lot line;

k) A minimum of 4.0 square metres per dwelling unit of communal amenity space shall be provided as outdoor amenity space on

the lot and shall be maintained and operated by a common entity;

- l) No portion of a mechanical penthouse may be within 20 metres of a front lot line and 10 metres of a side lot line.

iv. Special Provisions:

- a) Notwithstanding the provisions of Section 4.5 ii), balconies are permitted in all yards for an Apartment Building and an Apartment Building, Hybrid;
 - b) Notwithstanding the provisions of Section 4.19.4, exceptions to Height Requirements, the calculation of Building Height shall be exclusive of mechanical penthouses, rooftop equipment, elevator tower, stair tower and/or architectural features such as parapets and screen walls.
 - c) Notwithstanding Section 5.8.1, Table 5E, the minimum off-street parking requirements shall be:
 - i) 1.30 parking spaces per dwelling unit; and
 - ii) plus 0.25 visitor parking spaces per dwelling unit; and
 - iii) a minimum of 11 of the total parking spaces required by i) and ii) above shall be accessible parking spaces.
 - d) Notwithstanding Section 5.10 to the contrary, a minimum of 8 of the bicycle parking spaces required shall be provided as short-term bicycle parking spaces.
 - e) Notwithstanding Section 5.12 Table 5 L to the contrary, the minimum 2.2 m setback required between a parking area and a building shall not apply between the parking area and the support columns located at the front of the building.
 - f) Notwithstanding Section 5.14.1 to the contrary, a below grade parking structure is permitted a minimum setback of 1 m to the front lot line and 0 m to the rear lot line.
5. 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 JULY 18, 2022

Gordon A. Krantz Mayor

_____ Town Clerk
Meaghen Reid