

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO.XXX.2023

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 7 & 8, CONCESSION 1, FORMER GEOGRAPHIC SURVEY OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (FIELDGATE DEVELOPMENTS 1000118982 ONTARIO LTD.) – TOWN FILE - Z-17/21

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 will provide for the lands affected by this By-law to be zoned as set forth in this By-law upon the approval of Official Plan Amendment Number 77.

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 Future Development (FD) zone and Natural Heritage System (NHS) zone symbol to the to a new site-specific Secondary Mixed Use Zone (C2*329), site specific Residential Medium Density 2 with a Holding (RMD2*330-H75), site specific Residential High Density (RHD*331), site Specific Residential High Density with a Holding (RHD*332-H75-H76), Open Space (OS), Open Space – Stormwater Management (OS-2) and Natural Heritage System (NHS) zone symbols on the lands shown on Schedule A attached hereto.
2. **THAT** Section 13.1 of Comprehensive By-law 016-2014, as amended, is hereby further amended by adding subsection 13.1.1.329 as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned site-specific Secondary Mixed Use (C2*329) zone, the following standards and provisions shall apply:

- a) Special Zone Standards:
 - i. Maximum lot area shall be 8.1 ha
 - ii. Maximum building height shall be 10.5 m

- iii. Minimum landscaped open space shall be 10%
- iv. Maximum front yard setback shall be 27.0 m (on Louis St. Laurent Avenue)
- v. Minimum exterior side yard setback shall be 3.0 m (on Bronte Street South)
- vi. Maximum exterior side yard setback shall be 8.5 m (to Bronte Street South)
- vii. Maximum Gross Floor Area (GFA) for all buildings combined shall be 16,550 square metres
- viii. Maximum Gross Floor Area (GFA) for an individual building shall be 6,335.0 square metres
- ix. Minimum Gross Floor Area (GFA) for an individual building shall be 200 square metres
- x. Minimum landscape buffer abutting a street shall be 1.3 metres (from Building G to Bronte Street South)
- xi. Notwithstanding Section 5.18.4 Setbacks for Queuing Lanes, the following minimum setbacks shall apply:
 - i. The setback from a queuing lane to a street line shall be 3.0 metres
 - ii. The minimum setback from a voice order box to a street line shall be 2.0 metres
- xii. Minimum setback of a parking area from a building shall be 1.5 metres
- xiii. Minimum setback of a loading space from a building for Building C shall be 1.5 metres
- xiv. Minimum setback of a loading area from an adjacent residential zone shall be 3.0 metres
- xv. Where a commercial block abuts a residential block, parking spaces are permitted to be located 0.0 metres from the common lot line

3. **THAT** Section 13.1 of Comprehensive By-law 016-2014, as amended, is hereby further amended by adding subsection 13.1.1.330 as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned site-specific Residential Medium Density 2 with a Holding (RMD2*330-H75) zone, the following standards and provisions shall apply:

a) Additional Permitted Uses in the RMD2 Zone:

- i. Dwelling, Live-Work Units

b) Special Site Provisions Applicable to All Dwelling Types:

- i. 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 the purpose of administering the Zoning By-law.
- ii. On a corner lot, where an attached garage is accessed over the exterior side lot line, 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. Where a front yard abuts a commercial block, parking spaces are permitted to be located 0.0 metres from the shared lot line

c) Notwithstanding any provisions to the contrary, Townhouse Dwelling – Private Street, the following provisions shall apply:

- i. The minimum rear yard setback shall be 6.0 metres
- ii. The minimum lot depth shall be 27.0 metres

d) Notwithstanding any provisions to the contrary, Back-to-Back Townhouse Dwellings, the following provisions shall apply:

- i. The minimum lot depth shall be 12.5 metres
- ii. The minimum front yard setback to a building shall be 2.0 metres
- iii. The minimum exterior side yard setback to a building shall be 2.0 metres if the yard abuts a right-of-way of less than 18.0 metres in width
- iv. The maximum height shall be 13.0 metres

e) Notwithstanding any provisions to the contrary, Townhouse Dwelling – Private Street, Rear Access, the following provisions shall apply:

- i. The yard where the driveway is located is deemed to be the rear yard
 - ii. The minimum front yard setback shall be 1.0 metres
 - iii. The minimum lot depth shall be 23.0 metres
 - iv. The minimum rear yard setback shall be 2.0 metres to the dwelling face and 5.5 metres to the garage wall
 - v. Stairs and landings accessing the dwelling may encroach to within 0.6 metres of a lot line
 - vi. The maximum height shall be 13.0 metres
 - vii. The minimum exterior side yard setback to a building shall be 2.0 metres if the yard abuts a right-of-way of less than 18.0 metres in width
 - viii. Notwithstanding Section 4.19.1.i) to the contrary, buildings or structures shall be permitted to be erected on a lot that has rear access on a public street or on a private street as described in a registered plan of condominium.
- f) Notwithstanding any provisions to the contrary, Townhouse Dwelling – Live/Work Units, Private Street, Rear Access, the following provisions shall apply:
- i. The yard in which the driveway is located is deemed to be the rear yard
 - ii. The minimum front yard setback shall be 1.0 metres
 - iii. The minimum lot depth shall be 23.0 metres
 - iv. The minimum rear yard setback shall be 2.0 metres to the dwelling face and 5.5 metres to the garage wall
 - v. Stairs and landings accessing the dwelling may encroach to within 0.6 metres of a lot line
 - vi. The maximum height shall be 14.0 metres
 - vii. The minimum exterior side yard setback to a building shall be 2.0 metres if the yard abuts a right-of-way of less than 18.0 metres wide
 - viii. The following is the list of the only permitted uses as part of the live-work units:
 - i. Artist's studio

- ii. Commercial School
- iii. Convenience Store
- iv. Fitness Centre
- v. Office Use
- vi. Personal Service Shop
- vii. Retail Store
- ix. The business component of the Live-Work unit is restricted to the first storey (ground floor) only.
- x. That a parking rate of 1 space per 30 square metres of gross floor area be required for the business component of the Live-Work unit.
- xi. That a maximum two non-resident employees be permitted to be employed in the business component of the Live-Work unit.

4. THAT Section 13.1 of Comprehensive By-law 016-2014, as amended, is hereby further amended by adding subsection 13.1.1.331 as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned site-specific Residential High Density (RHD*331) zone, the following standards and provisions shall apply:

a) Definitions:

- i. For the purpose of this Zone, DWELLING, RETIREMENT means a building containing dwelling units where common facilities may be provided for the preparation and consumption of food and where housekeeping services and onsite medical services are provided, as required. A retirement dwelling may contain accessory personal service shop, retail and recreational uses for residents, and may have kitchens or modified kitchens in each unit, as necessary. A retirement dwelling is intended to be occupied by persons who are retired from the work force, or by reason of age or infirmity require the services provided in a semi-independent living environment, where the majority of units do not require the services and support provided in a Long-Term Care Facility.

b) Special Zone Standards:

- i. The lot frontage shall be measured along the northern property limit, along a condominium road
- ii. The maximum lot coverage shall be 40%

- iii. The minimum front yard setback shall be 6.7 metres
- iv. The minimum rear yard setback shall be 3.9 metres
- v. The minimum exterior side yard setback shall be 8.2 metres
- vi. The maximum height shall be 15 storeys (49 metres)
- vii. The maximum height of the mechanical room shall be 7.5 metres
- viii. The minimum parking setback from a street line shall be 2.8 metres
- ix. The minimum parking setback to all other lot lines shall be 0.8 metres
- x. Notwithstanding Table 5L to the contrary, the underground parking structure may be set back a minimum 0.8 metres to the lot line and shall be able to encroach into a landscape buffer
- xi. The minimum parking rate for an Apartment Building shall be 1.2 spaces per unit

5. THAT Section 13.1 of Comprehensive By-law 016-2014, as amended, is hereby further amended by adding subsection 13.1.1.332 as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned site-specific Residential High Density with a Holding (RHD*332-H75-H76) zone, the following standards and provisions shall apply:

b) Special Zone Standards:

- i. The lot frontage shall be measured along the northern lot line, on a condominium road
- ii. The minimum front yard setback shall be 1.16 metres
- iii. The minimum rear yard setback shall be 3.0 metres
- iv. The minimum exterior side yard setback shall be 1.0 metres
- v. The minimum interior side yard setback shall be 3.0 metres
- vi. The maximum lot coverage is 33%

- vii. The maximum height shall be 15 storeys (49) metres on the north side of of the lot and a maximum height of 6 storeys abutting Whitlock Avenue
- viii. The maximum height of the mechanical room shall be 7.5 metres
- ix. The minimum residential parking rate shall be provided at a rate of 1.2 spaces per unit
- x. The minimum parking setback from a streetline shall be 5.5 metres
- xi. The minimum parking ramp setback from a street line shall be 6.7 metres
- xii. Notwithstanding Table 5L to the contrary, the underground parking structure may be set back a minimum of 1.3 metres to the lot line and 0.0 metres to the street line, and in both instances shall be able to encroach into a landscape buffer

6. THAT Section 13.2.1.118 of By-law 016-2014, as amended, is hereby further amended by adding the following conditions for removal of this “H75” Holding Provision:

“H75” shall not be removed until:

- a. The Owner has addressed the following requirements for all units proposed for development to the satisfaction of the Region of Halton. The Region of Halton shall provide written confirmation that these matters have been addressed:
 - i. The owner shall secure the appropriate amount of water and wastewater servicing allocation under the Region of Halton Allocation Program;
 - ii. The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements;
 - iii. The Owner shall have made all required payments associated with the Allocation Program; and
 - iv. The Owner shall be in receipt of the Region of Halton Public Works Commissioner’s Notice (PWCN) Letter.

7. THAT Section 13.2.1.119 of By-law 016-2014, as amended, is hereby further amended by adding the following conditions for removal of this “H76” Holding Provision:

“H76” shall not be removed until:

- a. All recommended TDM measures identified in the revised Traffic Impact Study 2nd Submission Response to Comments Letter, prepared by TYLin, Dated December 2022, be implemented and provided to the Town in the form of a traffic addendum letter.
- 8. THAT** 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 the 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 MARCH 6, 2023.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid