



# The Corporation of the Town of Milton

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Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: June 3, 2024

Report No: DS-045-24

Subject: Technical Report: Zoning By-law Amendment Application by Kenneth Lee and Seong Mun, applicable to lands located at 100 Stokes Trail (Town File: Z-06-24)

**Recommendation: THAT Staff Report DS-045-24 outlining application for amendment to the Zoning By-law 016-2014, as amended, to facilitate a multi-purpose recreational pad and accessory structure, 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 2 to Report DS-045-24 for Council adoption;**

**AND FURTHER THAT the Commissioner of Development Services forward a copy of the report and Decision to the Region of Halton for information.**

## **EXECUTIVE SUMMARY**

The purpose of the proposed application is to permit a recreational concrete pad, including associated infrastructure, and an accessory structure within the rear yard of the subject lands. The Zoning By-law amendment proposes to re-zone the lands to permit a site specific Village Residential (RV\*352) Zone to accommodate existing special provisions, along with those required to accommodate the proposed accessory structure in this application. Further, the amendment proposes to re-zone the rear lands to a site specific Greenlands B (GB\*353) Zone to permit the recreational concrete pad and associated infrastructure.

All internal Town of Milton departments and responding agencies have provided correspondence to Town Planning Staff indicating their support for the applications as presented. Staff has reviewed all of the documentation, plans and comments provided to

## **EXECUTIVE SUMMARY**

date and is of the opinion that the application is prepared in a manner that would allow it to be considered by Town Council for approval.

### **Conclusions and Recommendations:**

Staff recommends that the Zoning By-law Amendment application BE APPROVED for the following reasons:

1. The proposed development is consistent with and conforms to Provincial, Regional and Town planning policy and provides for appropriate uses that have been contemplated by the Town of Milton Official Plan;
2. The proposal meets all of the technical requirements of the affected Civic Departments and all other agencies.

## **REPORT**

### **Background**

**Owner:** Kenneth Lee and Seong Mun, 100 Stokes Trail, Campbellville, Ontario

**Applicant:** Brutto Planning Consultants Limited, 113 Miranda Avenue, Toronto, Ontario

### **Location/Description:**

The subject lands are located in Ward 1 and are municipally known as 100 Stokes Trail. The property is within the Hamlet of Campbellville and is generally located north of Campbellville Road and south of Reid Side Road.

The subject lands have an approximate lot area of 0.35 hectares and currently contain a single detached dwelling with an attached garage. To the rear of the dwelling, a patio area, pool and cabana are situated.

Surrounding land use include low-density residential along Stokes Trail and natural heritage systems to the rear (including a candidate significant woodlot identified by Halton Region).

A Location Map is included as Figure 1 to this report.

## Background

### Proposal:

The applicant intends to construct a multi-use recreational concrete pad and associated infrastructure to provide private amenity and recreational area in the backyard. During the summer months, the pad would accommodate uses such as basketball and other seasonal sports. During the winter months, the pad would be used as an ice rink. Lighting is proposed surrounding the pad and infrastructure, such as French drains, is proposed to accommodate that pad's anticipated drainage.

Further, the applicant intends to locate an accessory structure (garden shed) within the interior side yard. Based on the siting of the proposed structure and cumulative gross floor area of existing accessory structures (cabana), the applicant is proposing a site specific interior side yard setback and maximum gross floor area permission for accessory structures.

A Concept Plan is included as Figure 2 to this report.

The following information has been submitted in support of this application:

- Planning Justification Report, prepared by Brutto Planning Consultants Limited, dated March 5, 2024;
- Draft Zoning By-law Amendment, prepared by Brutto Planning Consultants Limited;
- Conceptual Site Plan, prepared by Brutto Planning Consultants Limited, dated February 14, 2024;
- Grading Plan, prepared by Ertl-Hunt Surveyors, dated October 20, 2023;
- Erosion and Sediment Control Plan, prepared by Ertl-Hunt Surveyors, dated October 20, 2023;
- Photometric Plans, prepared by e-Lumen International Inc., dated October 4, 2023;
- Environmental Impact Study, prepared by RiverStone Environmental Solutions Inc., dated February 2024;
- Stormwater Management Report, prepared by Phoenix Engineering Services, dated June 20, 2023; and,
- Topographic Survey, prepared by IBW Surveyors, dated February 23, 2023.

## Discussion

### Planning Policy:

#### Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on the matters of Provincial interest related to land use planning and development. As set out in the PPS, the Province's long-term prosperity depends on a coordinated approach to wisely managing change and promoting efficient development patterns. Section 1.1.4 of the PPS promotes healthy and integrated rural areas that build upon rural character and leverage rural amenities.

Section 1.1.5 of the PPS contains policies relating to permitted uses within Rural Lands:

#### **1.1.5 Rural Lands in Municipalities**

*1.1.5.1 On rural lands located in municipalities, permitted uses are:*

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*
- c) residential development, including lot creation that is locally appropriate;*
- d) agricultural uses, agricultural-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) home occupations and home industries;*
- f) cemeteries; and*
- g) other rural land uses.*

*1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.*

Section 2.1 of the PPS contains policies relating to Natural Heritage, specifically that:

#### **2.1 Natural Heritage**

*2.1.1 Natural heritage features and areas shall be protected for the long term.*

## Discussion

2.1.2 *The diversity and connectivity of natural feature sin an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

2.1.3 *Natural heritage systems shall be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*

2.1.5 *Development and site alteration shall not be permitted in:*

*b) Significant woodlands in Ecoregions 6E and 7E*

*d) Significant wildlife habitat*

*unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

2.1.8 *Development and site alternation shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

The proposed development is consistent with the above-noted policies as the subject lands are located within a settlement area (Hamlet of Campbellville) that maintains rural character. The proposed use is consistent with the permitted uses for the rural lands and the applicant has demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts on the adjacent natural heritage system.

### Greenbelt Plan (2014)

The subject lands are identified as Protected Countryside, within an established Hamlet, on Schedule 1: Greenbelt Area. The rear portion of the property, currently zoned as GB\*15, is subject to the Natural Heritage System designation on Schedule 4: Natural Heritage System.

Section 3.2.5 (1) (c) of the Greenbelt Plan permits recreational uses with the Natural Heritage System. While the Greenbelt Plan does not define 'recreational uses', the Provincial Policy

## Discussion

Statement (2020) defines recreation as the following: “leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sports participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.”

Planning Staff is satisfied that the proposed development is consistent with the direction of the Greenbelt Plan, including permitted uses.

### **Region of Halton Official Plan:**

The subject lands are designated as Hamlet on Map 1 – Regional Structure within the Regional Official Plan with a Natural Heritage System overlay as illustrated on Map 1G – Key Features within the Greenbelt and Regional Natural Heritage System.

The Hamlet designation is intended to accommodate compact growth in the rural area, along with accessory uses thereof. The Natural Heritage System overlay depicts Key Features, in this case an unmapped candidate significant woodlot. The overlay permits recreational uses subject to an applicant demonstrating that a proposed use will not negatively impact the Key Feature. Through this application, an Environmental Impact Study (EIS) has been submitted to the satisfaction of Regional Planning Staff and confirmed that while the proposed recreational pad is in proximity to a Key Feature, it will not negatively impact the Natural Heritage System.

Regional Planning Staff is satisfied that the proposal conforms to the Regional Official Plan.

### **Town of Milton Official Plan:**

The subject lands are designated as Hamlet on Schedule 1 – Town Structure Plan with a Greenbelt Plan Overlay applied to the rear portion of the lands as illustrated on Schedule 1A – Provincial Planning Structure. The lands are further designated Hamlet Residential on Schedule C.3.1 – Campbellville Hamlet Land Use within the Hamlet of Campbellville Secondary Plan.

Section 4.5.3.2 establishes development criteria for lands within the Hamlet designation including a detailed development plan demonstrating that the proposal can be integrated with surrounding land uses. The applicant has provided a detailed site plan that demonstrates how the recreational concrete pad will integrate with adjacent residential uses

## Discussion

whereby privacy between neighbours is maintained and surrounding naturalized areas are not negatively impacted.

In Section 4.5.3.3, the Hamlet Residential designation permits single detached dwellings, along with accessory uses such as accessory structures.

Section 4.9.2 sets out permitted uses within the Regional Natural Heritage System (RNHS) which is inclusive of the Greenbelt Plan overlay. When located outside of a Key Feature, permitted uses include single detached dwellings on existing lots, non-invasive recreational uses, accessory structures, and incidental uses. The uses subject to this application are in conformity with the permissions of the RNHS designation and Greenbelt Plan overlay.

Section 4.9.3 sets out criteria for development within the RNHS which includes prohibiting development within areas of natural significance (i.e. habitat of endangered species) and only permitting alteration of the RNHS when it has been demonstrated that the development will have no negative impact on the natural features or their ecological functions. Should development meet the criteria of Section 4.9.3, an applicant is required to undertake an Environmental Impact Assessment (EIA) in accordance with the criteria of Section 4.9.3.3.

The applicant prepared an Environmental Impact Study (EIS) which confirmed that the proposed recreational concrete pad is not located within areas with natural significance and further, that the proposed development will not impact the surrounding natural features or their ecological function. The recommendations included within the EIS will be undertaken by the landowner.

Town Planning Staff is satisfied that the application is in conformity with the Town of Milton Official Plan and the Hamlet of Campbellville Secondary Plan.

### **Town of Milton Rural Zoning By-law 144-2003, as amended:**

The front portion of the subject property is zoned as site specific Village Residential (RV\*14). The zone permits single detached dwellings, including accessory structures, and accessory uses such as a cottage industry. The site specific provisions address minimum lot area as established through the original development of the subdivision.

The rear portion of the subject property is zoned as site specific Greenlands B (GB\*15). The GB\*15 Zone prohibits any building, structures and/or accessory uses to the permitted



## Discussion

residential unit on the same lot and further, specifies that the only permitted use shall be naturalized vegetation.

The area subject to the RV\*14 Zone is proposed to be re-zoned to a site specific Village Residential (RV\*352) Zone that will include the original site specific zone provisions from the initial development while adding new provisions that address the accessory structure (garden shed) that is proposed within the interior side yard. The proposed siting of the accessory structure requires a reduced interior side yard setback. Further, given that there is an existing accessory structure on site (cabana), the addition of the proposed structure exceeds the permitted aggregate total of gross floor area for accessory structures. Therefore, the site specific provisions propose an increased maximum gross floor area permission. Based on the siting and existing trees along the mutual lot line, along with the overall lot size, Planning Staff is of the opinion that the site specific provisions are appropriate for the subject lands.

The area where the recreational pad will be located, which is currently zoned GB\*15, is proposed to be re-zoned to a site specific Greenlands B (GB\*353) Zone that will include a site specific provision that permits the proposed recreational concrete pad, existing patio interlock, and accessory infrastructure (i.e. ice chillers and stormwater management infrastructure). Further, provisions will be included to address the maximum height for the protective netting and minimum setback of the pad from the rear lot line.

Based on the submission materials, including a Photometric Plan, Stormwater Management Brief and an Environmental Impact Study, Planning Staff is of the opinion that the site specific provisions are appropriate for the subject lands.

To ensure that the appropriate stormwater management controls and grading are installed in accordance with the Stormwater Management Brief reviewed, Town Development Engineering requested that a Holding Provision (H86) be applied until such time that the infrastructure has been installed and inspected to the satisfaction of the Town.

The Draft Zoning By-law is attached as Appendix 1 to this Report.



## Discussion

### Site Plan Control:

Given that there is no principal structure proposed, nor publically accessible spaces on the subject lands, Site Plan Approval is not applicable. Should future development be contemplated on the subject lands, Site Plan Approval may apply.

### Public Consultation and Review Process:

Notice for the statutory public meeting was provided pursuant to the requirements for the Planning Act and the Town of Milton on April 19, 2024. Signage providing information on the proposed application was posted on the subject property along Stokes Trail, in addition to notice being sent by registered mail to all properties within 300 metres of the subject lands.

The statutory public meeting was held on May 13, 2024. No members of the public made oral submissions or signed the public register. To date, staff received written public comments (attached as Appendix 2 to this report) from five individuals with respect to the application. Public feedback includes:

- Environmental concerns; and,
- Neighbourhood support for the proposed recreational concrete pad.

### Agency Circulation:

The Zoning By-law Amendment and all supportive documents were circulated to both internal and external commenting agencies and their comments are summarized below. The agencies had no objection to the proposal as presented. Subject to the proposed Holding Provision (H86), the department and external commenting agencies are satisfied with the Town issuing approval for the application.

#### Halton Region

Regional Staff is of the opinion that the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS) and Greenbelt Plan, and conforms to the Regional Official Plan. The Environmental Impact Study (EIS) demonstrated that the impacts associated with the proposal are negligible and the recreational pad is reasonably setback from the existing dripline. The recommendations of the study will be implemented in an effort to enhance the area, including bat roosting structures and a naturalization plan along the woodland edge with an associated one-year monitoring period conducted by a professional retained by the landowner.



## Discussion

### Development Engineering

Development Engineering Staff is satisfied with the proposed Zoning By-law Amendment and offers no objection, subject to the inclusion of the proposed Holding Provision (H86). The owner must provide a written certification, prepared by a professional engineer, that the stormwater management and grading works have been completed in accordance with the approved drawings and reports reviewing through this application.

### **Summary of Issues**

#### Environmental Impacts

A resident expressed concerns with the environmental impact of the recreational concrete pad within the existing site specific GB\*15 Zone, which currently only permits naturalized vegetation.

The GB\*15 Zone was established during the initial development of the subdivision and was applied to the rear portion of the properties located on Stokes Trail. It is Staff's understanding that the intent of this zone was to incorporate a naturalized vegetation area that provides a buffer between the residential development and existing naturalized areas, while also contributing to the rural character of the community and providing opportunities for passive recreation.

As part of this application, the applicant provided an Environmental Impact Study (EIS) prepared by RiverStone Environmental Solutions Inc. to evaluate any impact that the proposal would have on surrounding Key Features and the Natural Heritage System. While it is acknowledged that the lands were disturbed prior to the study taking place, the findings determined that the footprint of the recreational concrete pad is located outside of the current dripline and that there are no significant impacts anticipated on the adjacent Key Feature or Natural Heritage System. The study recommended enhancement measures such as bat roosting structures and a naturalization plan along the woodland edge with an associated one-year monitoring and replanting period conducted by a professional retained by the landowner. In addition, the study considered the Stormwater Management Brief provided and concluded that the anticipated stormwater controls will not disrupt the natural drainage of the adjacent Natural Heritage System. Finally, through the Photometric Plan, the applicant demonstrated that the LUX (unit of illumination) levels will not exceed those set-out within the Zoning By-law and any lighting will be directed towards the interior of the site away from the Natural Heritage System in an effort to minimize light pollution on the adjacent woodlands and wildlife.

## Discussion

Halton Region reviewed the EIS which concluded that no negative impacts on the adjacent RNHS are anticipated and is satisfied with the enhancement recommendations.

### Integration with Surrounding Land Uses

Staff initially expressed concern with the proposal's ability to integrate with the surrounding community and land uses as far as privacy of adjacent landowners and maintaining the principal residential use.

The applicant provided a detailed site plan which included landscaping details, along with a Photometric Plan. Planning Staff is satisfied that the existing trees along the shared interior lot lines will assist in minimizing the visual impact of the recreational concrete pad and associated protective fencing. Further, the LUX levels will not exceed those set-out in the Zoning By-law and any lighting will be directed towards the interior of the site away from adjacent residential parcels. The applicant has confirmed that the recreational concrete pad will only be used for personal recreation and there will be no for-profit commercial use associated thereby maintaining the residential use as the principal use on the property.

Based on the aforementioned, Planning Staff is satisfied that that the proposal will integrate with the surrounding residential hamlet community and will not disrupt the privacy of adjacent landowners.

## Conclusion

Staff is satisfied that the site specific Village Residential (RV\*352) Zone and site specific Greenlands B with a Holding (GB\*353\*H86) Zone attached as Appendix 1 will conform to Provincial, Regional and Town planning policies. Further, the application achieves acceptable engineering, environmental and technical standards. Therefore, Staff recommends approval for the Zoning By-law Amendment as presented through this report.

## Financial Impact

There are no financial implications associated with this report.

Respectfully submitted,

Jill Hogan, MCIP, RPP  
Commissioner, Development Services



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For questions, please contact: Rachel Suffern, MPA, M.Sc., Phone: Ext. 2263  
MCIP, RPP  
Planner, Development Review

### **Attachments**

Figure 1 - Location Map  
Figure 2 – Concept Plan  
Appendix 1 – Proposed Zoning By-law Amendment  
Appendix 2 – Public Comments

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.