

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW 042-2024

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 THE LANDS DESCRIBED AS PART 2, 20R-20604; PARTS 2&4 20R-19779; PART 4, 20R-20160; AND PART 19, 20R-20414, PART OF LOT 6, CONCESSION 2, NEW SURVEY, (TRAFALGAR), TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (MATTAMY MILTON WEST LIMITED) – FILE: Z-02/18

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. **THAT** Schedule A to Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by changing the existing Future Development (FD) zone symbol to a site specific Mixed Use (MU* 351) zone symbol with Holding Symbols (H83), (H84) and (H85) on the lands shown on Schedule A attached hereto.
2. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.351 to read as follows:
 - a. Notwithstanding any provisions of the By-law to the contrary, for lands zoned site specific Mixed Use *351(MU*351) the following standards and provisions shall apply to the entirety of the lands zoned MU*351:
 - i. Notwithstanding the definition of Lot in Section 2, for the purposes of administering the zoning by-law, a Lot shall constitute as:
 - a. the entirety of the lands located south of Etheridge Avenue zoned MU*351; or
 - b. the entirety of the lands located north of Etheridge Avenue zoned MU*351.
 - ii. No non-conformity will be created as a result of any severance of the land for the purpose of mortgaging or conveying to a condominium corporation or any public authority.

- iii. More than one (1) residential *building* is permitted on a *lot*.
- iv. Regional Road 25 shall be deemed the *front lot line*.
- v. The maximum *building height* shall be 15 storeys and 55 metres:
- vi. The minimum height of the first *storey* 3.5 metres.
- vii. The building *podium* shall have a maximum *height* of 8 *storeys*.
- viii. Any portion of a *building* between a *height* of 8 *storeys* and 15 *storeys* shall not exceed a *tower floor plate area* of 1,000 square metres.
- ix. Where there is more than one *apartment building* on a *lot*, the minimum separation between *towers* shall be 22 metres measured from the main face of the *building*, excluding *balconies*.
- x. A balcony may project up to a maximum of 1.8 metres into a required yard.
- xi. Balconies oriented toward an arterial road are permitted above 3.5 metres from grade.
- xii. Where residential, retail, commercial and office units are located at-grade within the first story of a residential or mixed-use building, a minimum of one building entrance to each unit shall be directly accessible from, and oriented towards, a public street.
- xiii. The following minimum off-street *parking spaces* shall be required:
 - Residential Building Parking
 - 1.0 *parking spaces* per *dwelling unit*
 - 0.22 visitor *parking spaces* per dwelling unit
 - Shared Parking Provision for a Mixed-Use Building
 - Notwithstanding anything to the contrary, the greater of 0.22 residential visitor parking spaces per dwelling unit or 1 parking space per 25 square metres of non-residential gross floor area shall be required.
- xiv. The *parking area* setbacks shall be:
 - Minimum 2.2 metres from a *building*

- Minimum 2.5 metres from a *street line*
 - Minimum 9.0 metres from a lot line that abuts a Natural Heritage System Zone.
- xv. The Parking Area setback to the two (2) buildings located at the corners of Etheridge Avenue and Regional Road 25 shall be 1.8 metres. For clarity, Section 5.9v) regarding accessible parking spaces shall still apply.
 - xvi. A below grade parking structure may be located within a minimum of 0.5 metres from the Etheridge Avenue *street line*.
 - xvii. Above grade parking may be permitted within the first 9.0 metres of building depth and 4.0 metres of building height.
 - xviii. Above grade parking structures shall not be included in the Floor Space Index calculations.
 - xix. All waste storage areas shall be located within the principal building.
 - xx. For the lands zoned site specific Mixed Use *351(MU*351) south of Etheridge Avenue, the following additional site specific provisions shall apply:
 - a. A maximum of 800 *Dwelling Units* shall be permitted;
 - b. A minimum of 450 square metres of non-residential *Gross Floor Area* shall be provided;
 - c. The building *podium* shall be setback a minimum of 32 metres from the *Rear Lot Line*;
 - d. The building *podium* for the southernmost building at the corner of Regional Road 25 and Britannia Road (known as Building 4) shall be setback a minimum of 17 metres from the *Rear Lot Line*;
 - e. The maximum *Floor Space Index* (FSI) shall be 2.5;
 - f. The maximum *Surface Parking Area* shall be 22%;
 - g. The minimum *Landscaped Open Space* shall be 30%.
 - h. The top storey of the second building south of Etheridge Ave, may encroach into the minimum angular plane by a maximum of 2.5 metres.

xxi. For the lands zoned site specific Mixed Use *351(MU*351) north of Etheridge Avenue, the following additional site specific provisions apply:

- a. A maximum of 790 *Dwelling Units* shall be permitted;
- b. A minimum of 450 square metres of non-residential *Gross Floor Area* shall be provided;
- c. The maximum *Floor Space Index (FSI)* shall be 2.7;
- d. The building *podium* shall be setback a minimum of 35 metres from the *Rear Lot Line*;
- e. The maximum surface *Parking Area* shall be 22%;
- f. The minimum Landscaped Open Space shall be 28%
- g. The minimum *interior side yard* building setback for the northernmost building abutting the NHS Zone shall be 5.0 metres.
- h. The top storey of the northernmost building may encroach into the minimum angular plane by a maximum of 4.5 metres.

xxii. For the lands known as 6110 Regional Road 25, the following additional site specific provisions shall apply:

- a. That a maximum building height of 11 storeys shall be permitted.
- b. That no driveway access shall be permitted onto Regional Road 25.

3. **THAT** Section 13.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.130 and the following conditions for removal of the “H83” Holding Provision:

“H83” shall not be removed until:

The Owner has addressed the following requirements for all the 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:

- a) The Owner shall secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program;

- b) The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements;
- c) The Owner shall have made all required payments associated with the Allocation Program; and,
- d) The Owner shall be in receipt of the Region of Halton Public Works Commissioner's Notice (PWCN) letter.”)

4. **THAT** Section 13.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.131 and the following conditions for removal of the “H84” Holding Provision:

“H84” shall not be removed until:

- a) The Owner has provided a development plan detailing how the proposed building can be integrated in the development of the adjacent lands to the satisfaction of the Town of Milton.

5. **THAT** Section 13.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.132 and the following conditions for removal of the “H85” Holding Provision:

“H85” shall not be removed until:

- a) The owner provides an updated transportation impact study to the satisfaction of the Town of Milton;
- b) The owner provides a pedestrian level wind study and implements any recommendation to the satisfaction of Town of Milton; and that
- c) The Owner has made site plan application, including detailed design drawings and has entered into a site plan agreement to the satisfaction of the Town of Milton.

6. 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 May 13, 2024

Gordon A. Krantz Mayor

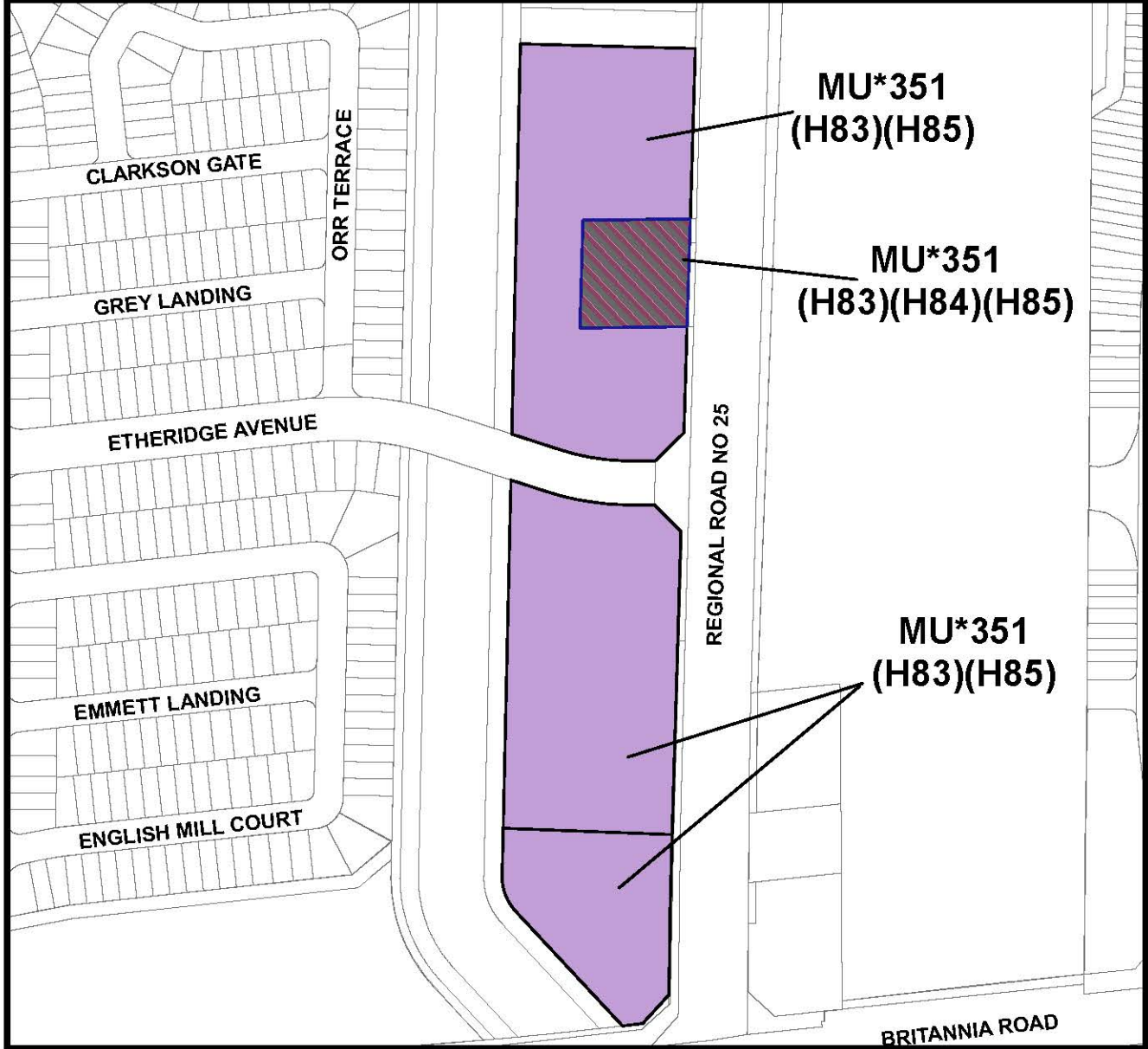
Meaghan Reid Town Clerk

**SCHEDULE A
TO BY-LAW No. 042-2024**

TOWN OF MILTON



PART 2, 20R-20604; PARTS 2&4 20R-19779; PART 4, 20R-20160; AND PART 19, 20R-20414,
PART OF LOT 6, CONCESSION 2, NEW SURVEY, (TRAFALGAR)
6096 AND 6110 REGIONAL ROAD 25

Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. 042-2024 PASSED
THIS 13TH DAY OF MAY, 2024.

Rezoned from FD:

-  MU*351(H83)(H84)(H85) - Mixed Use Zone Special With Holding Provisions 83/84/85
-  MU*351(H83)(H85) - Mixed Use Zone Special With Holding Provisions 83/85

MAYOR - Gordon A. Krantz

CLERK - Meaghen Reid

