



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: March 27, 2023

Report No: DS-020-23

Subject: Technical Report: Proposed Plan of Subdivision and Zoning By-law Amendment Applications by Mattamy (Brownridge) Limited (Garito Barbuto Tor) applicable to lands legally described as Part of Lot 7 and 8, Concession 4 (Trafalgar) (Town Files: 24T-22001/M a

Recommendation: **THAT** Town of Milton Council support the granting of Draft Plan Approval by the Commissioner of Development Services for the proposed plan of subdivision (Town File: 24T-22001/M);

AND THAT Application Z-09/22 for an amendment to the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, to change the current Future Development (FD) and Natural Heritage System Zones to Residential Medium Density 1 - Special Provision 334 (RMD1*334), Residential Medium Density 2 - Special Provision 335 (RMD2*335), Natural Heritage System (NHS), Open Space (OS), Open Space 2 (OS-2) and Future Development (FD) Zones, along with Holding (H) symbols H25, H34, H35 and H78 applicable to specific lots and blocks on the subject lands to permit the development of a residential plan of subdivision, BE APPROVED;

AND THAT the Commissioner of Development Services forward this report to the Provincial Ministers of Health, Education, Transportation and Infrastructure and Metrolinx with a request to review and plan for future Milton District Hospital, school and transportation expansions;

AND FURTHER THAT staff be authorized to bring forward an amending Zoning By-law for Council Adoption.

EXECUTIVE SUMMARY

Mattamy (Brownridge) Limited is seeking approval of an amendment to the Town of Milton Zoning By-law 016-2014, as amended, to implement a proposed residential plan of subdivision.

The subdivision proposes 705 residential lots (572 detached dwelling units and 133 townhouse dwelling units), a Future Development (FD) Block (that will be rezoned through a separate application in the near future to implement a proposed development in accordance with the minor-sub node designation), three future medium density residential



EXECUTIVE SUMMARY

condominium blocks (units to be determined), an open space block, two stormwater management ponds, delineation of the natural heritage system (watercourse and woodlot blocks and environmental buffers) a trail system, various servicing and reserve blocks and an internal road network. Holding provisions have also been applied to specific lots and blocks where further works or information is required. Development and registration of the subdivision is planned to occur in phases.

As such, the proposed Zoning By-law Amendment seeks to replace the current Future Development and Natural Heritage System (NHS) Zone symbols with the Residential Medium Density 1 - Special Provision 334 (RMD1*334), Residential Medium Density 2 - Special Provision 335 (RMD2*335), Natural Heritage System (NHS), Open Space (OS), Open Space 2 (OS-2) and Future Development (FD) Zone symbols, along with Holding (H) Symbols H25, H34, H35 and H78 on specific lots and blocks on the subject lands.

The statutory public meeting was held on July 18, 2022. Dave McCann, the non-participating landowner to the south of the proposed development spoke to the proposal and requested that his riparian rights be maintained.

All internal Town of Milton departments and responding external agencies have provided correspondence to Town Planning staff indicating their support for the applications as currently presented. They have also provided the appropriate conditions of draft plan approval necessary for the Town to consider the approval of these applications. Staff has reviewed all of the documentation, plans and comments provided to date and is of the opinion that the applications as submitted are prepared in a manner that would allow them to be considered by Town Council for approval.

Conclusions and Recommendations

Staff is satisfied that the plan of subdivision processed under File 24T-22001/M, subject to the requested conditions of draft plan approval and the site-specific zoning provisions attached as Appendix 1, conforms to Provincial, Regional and Town planning policies and Conservation Halton regulations, and achieves acceptable engineering and design standards. Planning staff is also satisfied that the proposed Zoning By-law Amendment is consistent with the land use policies of the Provincial Policy Statement and conforms to the Region and Town Official Plans.

REPORT

Background

Owner: Mattamy (Brownridge) Limited, 433 Steeles Avenue East, Milton, ON

Applicant: Korsiak Urban Planning, 206-277 Lakeshore Road East, Oakville, ON

Location/Description

Background

The subject lands are primarily located on the west side of Fourth Line, south of Louis St. Laurent Avenue, north of Britannia Road and east of Thompson Road South. The subject lands are legally described as Part of Lot 7 and 8, Concession 4, New Survey (Trafalgar), in the Town of Milton, in the Regional Municipality of Halton. See Figure 1- Location Map.

The subject lands are approximately 51.93 hectares in size with frontages along Louis St. Laurent Avenue and Fourth Line. The majority of the lands are vacant with the exception of an established woodlot located at the northwest corner of the property. A watercourse also traverses the property from the north to the southeast with branches of the watercourse also travelling to the west and south.

Surrounding lands uses include:

North: medium density residential uses

East: an existing elementary school and secondary school, two existing residential lots on the west side of Fourth Line directly adjacent to the subject lands, as well as a medium density residential subdivision currently under construction on the east side of Fourth Line (Mattamy Bayview Lexis).

South: agricultural uses

West: currently vacant, however, future development consisting of residential, parks, elementary and secondary schools and commercial uses are under review.

The subject lands are located within the Boyne Survey Secondary Plan Area.

Proposal

Figure 2 illustrates the proposed plan of subdivision, which consists of 705 residential lots (572 detached dwelling units and 133 townhouse dwelling units), a Future Development (FD) Block (that will be rezoned through a separate application in the near future to implement a proposed development in accordance with the minor-sub node designation), three future medium density residential condominium blocks (units to be determined), one open space block, two creek blocks, four environmental buffer blocks, three trail blocks, two woodlot blocks, two woodlot buffer blocks, nine servicing blocks, two stormwater management pond blocks, four stormwater management pond buffer blocks, five residential reserve blocks, thirteen 0.3 metre reserve blocks and an internal road network. The main access to the proposed development will be from Louis St. Laurent Avenue and the Ferguson Drive extension for the time being, however, a third major access (i.e. Whitlock Avenue from the west) will be available in future through the development of the adjacent subdivision. The proposed plan of subdivision is intended to be registered in phases (See Figure 3 - Phasing Plan).

The proposal before Council at the current time is a request for an amendment to Town of Milton Zoning By-law 016-2014, as amended, to implement the draft plan of subdivision as described above. Accordingly, the proposal seeks to change the zoning applicable to the subject lands (referred to as "Mattamy Garito Barbuto Tor) from the current Future

Background

Development (FD) and Natural Heritage System (NHS) Zone symbols to the Residential Medium Density 1 - Special Provision 334 (RMD1*334) Zone, Residential Medium Density 2 - Special Provision 335 (RMD2*335) Zone, Natural Heritage System (NHS) Zone, Open Space (OS) Zone, Open Space 2 (OS-2) Zone and Future Development (FD) Zone symbols. In addition, Holding (H) symbols H25, H34, H35 and H78 are proposed to be applied to specific lots and blocks within the subdivision which prohibits the sale of lots and issuance of any building permits on the identified lots and blocks until such time that the conditions associated with these lots and blocks (i.e. completion of roundabout and intersection design, extension of road connections into adjacent subdivisions, consolidation of residential reserves with adjacent lands and confirmation of servicing availability for future condo blocks) are met to the satisfaction of the Commissioner of Development Services.

The following plans and documents have been submitted in support of the applications:

- Plan of Survey (20R-18304), prepared by Rady-Pentek & Edward Surveying Ltd., dated July 9, 2009;
- Plan of Survey (20R-20658), prepared by Rady-Pentek & Edward Surveying Ltd., dated November 15, 2016;
- Topographic Survey, prepared by Rady-Pentek & Edward Surveying Ltd., dated May 1, 2015;
- Sketch Showing Elevations for Engineer's Use, Rady-Pentek & Edward Surveying Ltd., with field observations completed on September 28, 2022 and October 2, 2022.
- Ecological Constraints Mapping, prepared by GEI Consultants, dated April 28, 2022;
- Draft Plan of Subdivision, prepared by Korsiak Urban Planning, dated February 24, 2023, Version D;
- Phasing Plan, prepared by Korsiak Urban Planning, dated February 24, 2023;
- Public Engagement Strategy, Korsiak Urban Planning, dated April 19, 2022;
- Planning Justification Report, prepared by Korsiak Urban Planning, dated May 2022;
- Transportation Impact Study, prepared by TYLin, dated May 9, 2022 and revised on October 27, 2022;
- Functional Servicing, Stormwater Management and Preliminary Design Report, prepared by DSEL, dated November 2022;
- Noise Feasibility Study, prepared by HGC Engineering, dated November 3, 2022;



Background

- Preliminary Geotechnical Report (Garito Barbuto), prepared by AMEC Earth & Environmental, dated February 20, 2008;
- Preliminary Geotechnical Report (Tor), prepared by Shad & Associates Inc., dated July 29, 2016;
- Geotechnical Slope Stability Analysis, prepared by Shad & Associates Inc., dated October 20, 2022;
- Stage 1 & 2 Archaeological Study (Garito Barbuto South), prepared by Archaeologix Inc., dated August 2005;
- Ministry Clearance Letter for Stage 1 & 2 Archaeological Study, Ministry of Culture, May 27, 2008;
- Phase 1 Environmental Site Assessment (1334 Fourth Line), prepared by Pinchin, dated October 28, 2011;
- Phase 1 Environmental Site Assessment (Part of Lot 7 & 8, Conc. 4), prepared by Pinchin, dated January 23, 2015;
- Phase 1 Environmental Site Assessment (ESA) Update, prepared by Pinchin, dated February 14, 2022;
- Letter of Reliance (Phase 1 ESA), prepared by Pinchin, dated February 17, 2022;
- Tree Management Plan (Garito Barbuto Tor Phase 1), prepared by LGL Limited, November 2022;
- Tree Management Plan (Garito Barbuto Tor Phase 2), prepared by LGL Limited, dated November 2022;
- Built Form Guidelines, prepared by NAK Design Strategies, dated December 2022;
- Preliminary Site Plan - Minor Sub-Node, prepared by KNYMH, revision date December 4, 2022;
- Preliminary Site Plan - Medium Density Residential Block 586, prepared by Korsiak Urban Planning, dated October 31, 2022;
- Preliminary Site Plan - Medium Density Residential Block 587, prepared by Korsiak Urban Planning, dated October 31, 2022;
- Preliminary Site Plan - Medium Density Residential Block 588, prepared by Korsiak Urban Planning, dated October 31, 2022;
- Stacked Towns - Concepts 1 and 2, undated;
- Pedestrian Management Plan, prepared by DSEL, dated April 2022;

Background

- Waste Management Plan, prepared by Korsiak Urban Planning, dated October 20, 2022;
- Record of Site Condition Number 216946, filed April 10, 2015; and,
- Draft Zoning By-law Amendment and Schedule, prepared by Korsiak Urban Planning, dated February 14, 2023.

Planning Policy

Within the Halton Region Official Plan 2009 (ROP), the subject lands are designated as 'Urban Area' with areas of 'Regional Natural Heritage System'. Regional staff has confirmed that the uses proposed on the attached draft plan of subdivision conform to the Regional Official Plan and all Provincial land use policy as the proposed development supports efficient use of land and infrastructure through the provisions of a range and mix of dwelling types in a compact form, and ensures adequate protection of the quality of the natural environment.

At the local level, the subject lands are located within the Town's Urban Area and are designated Residential Area and Natural Heritage System Area as shown on Schedule B - Urban Area Land Use Plan of the Town of Milton Official Plan. The Residential Area designation means that the uses shall be primarily low to medium density residential dwellings. The purpose of the Natural Heritage System is to protect areas which have been identified as having environmental significance and to establish a Natural Heritage System which achieves an enhanced natural habitat and ecological functions that will be resilient to the impacts of the adjacent urban development.

Schedule K - Intensification Areas also designates Louis St. Laurent Avenue as an Intensification Corridor. Residential intensification is encouraged in these corridors and shall generally take the form of medium and high density residential uses in accordance with applicable policies of the Official Plan.

The subject lands are also located within the Boyne Survey Secondary Plan Area and are designated Residential Area, Minor Sub-Node Area, Residential Office Area, and Natural Heritage System as shown on Schedule C.10.C - Boyne Survey Secondary Plan Land Use Plan. Schedule C.10.A - Boyne Survey Secondary Plan Community Structure Plan shows a requirement for a stormwater facility and Schedule C.10.B - Boyne Survey Secondary Plan Active Transportation and Natural Heritage System Plan establishes the proposed recreational pedestrian/bicycle trail system for the Boyne area. A key requirement of the secondary plan is to provide a trail system along the Natural Heritage System / watercourse corridor.

Similar to the general Official Plan policies, the Residential Area permits a variety of housing types and forms including medium density residential I and II uses, high density residential uses, local institutional uses and coach houses on public and condominium lanes or service roads.

Background

The Minor Sub-Node Area designation is primarily for concentrations of mixed uses and higher residential densities at key intersection locations. These areas are intended to support the overall neighbourhood structure and, in particular, the use of public transit. The main permitted uses include a variety of high density residential, institutional and office uses and community facilities. For high density residential uses, the Boyne Survey Secondary Plan sets out, among other items, height and density criteria for the development of apartment buildings whereby buildings shall have a minimum height of three storeys and a minimum FSI of 1.0, with a maximum height of 15 storeys and a maximum FSI of 3.0. Additional uses such as medium density residential, supportive housing and limited retail and service commercial uses that shall not exceed a combined total gross floor area of 450 square metres within the node, may be permitted subject to a comprehensive development plan for the entire node. The main permitted uses of the Residential/Office Area designation shall be office uses, high density residential uses, and medium density residential II uses.

The Minor Sub-Node Area and Residential Office Area designations are conceptual on Schedule C.10.C, except where bounded by existing major roads. The exact configuration of these designations are to be established through the preparation of the tertiary plan. As per Section C.10.5.2.1, where a Subwatershed Impact Study results in the realignment of a watercourse corridor or a stormwater management facility such that the lands within the designation no longer have frontage on and direct access to an arterial road, the adjacent land use designation will be deemed to apply to such lands without amendment to the secondary plan. Through the tertiary planning exercise, refinements were made to the minor sub-node and given that a stormwater management facility was required along Fourth Line, the Residential/Office designation was removed from the subject lands and redirected to the existing residential lots that do have frontage along Fourth Line.

Boyne Survey Secondary Plan Policy C.10.2.1 e) identifies that the overall residential density of at least 40 units per net hectare and an overall density of approximately 70 residents and jobs combined per gross hectare exclusive of lands within the Natural Heritage System is required. The development as currently proposed including the estimated units in the Minor Sub-Node Block and three medium density residential blocks proposed, has a development density of approximately 64 units per net hectare and approximately 84 residents and jobs combined per gross hectare as calculated using the persons per unit assumptions from the Region of Halton 2022 Development Charges Background Study. The estimated population that would be generated based on the proposed draft plan of subdivision is approximately 3800 people.

Staff reviewed the application in relation to the policies of the Provincial Policy Statement (2020), the Growth Plan (2019), the Halton Region Official Plan 2009 (ROP), the Town of Milton Official Plan, the Boyne Survey Secondary Plan including the Boyne Survey Tertiary Plan (July 2017), and the Boyne Survey Area 5B - Omagh Tributary Subwatershed Impact Study (SIS) Addendum. Town staff and our agency partners are satisfied that the draft plan of subdivision and the application for the Zoning By-law

Background

Amendment as presented through this report, conform to the applicable Provincial, Regional and Town land use planning policies and regulations.

Zoning By-law 016-2014, as amended

The subject lands are currently zoned Future Development (FD) and Natural Heritage System (NHS), which do not permit the land uses being proposed on the subject lands. An amendment to the Zoning By-law is required in order to allow the implementation of the proposed residential plan of subdivision as described above and to refine the NHS in accordance with the detailed studies undertaken as part of the Boyne Survey Secondary Plan and the subject application. A draft amending Zoning By-law is attached as Appendix 1 to this report.

Site Plan Control

Should the applications be approved, site plan approval will be required for the medium density residential condominium blocks and the Minor Sub-Node block, prior to the commencement of any development.

It should be noted that based on the information provided to date, Staff is satisfied that the size and configuration of the future medium density and minor sub-node blocks are appropriate for the scale and form of development envisioned in the Boyne Survey Secondary Plan.

Discussion

Public Consultation

Notice for the public meeting was provided pursuant to the requirements of the Planning Act on June 23, 2022 and the statutory public meeting was held July 18, 2022. Dave McCann, the non-participating landowner to the south of the proposed development, spoke to the proposal and requested that his riparian rights be maintained. Two neighbouring landowners also contacted staff prior to the meeting to inquire about the proposal.

Agency Consultation

The draft Plan of Subdivision, Zoning By-law Amendment and all supportive documents were circulated to both internal and external commenting agencies. Halton Region, Conservation Halton, Town Departments, School Boards and other agencies, including Enbridge Gas and Canada Post, offered no objection to the applications and requested standard conditions of draft plan approval be applied. Halton Region did request that a holding provision be placed on the future medium density residential blocks and residential reserve blocks at the south end of the plan until such time that sufficient servicing allocation is ensured through the Region's Allocation Program for the future development of the blocks.

Discussion

Town Departments and agencies will continue to work with the applicants through the detailed draft approval process.

Summary of Issues

Status of the Subwatershed Impact Study (SIS)

The Mattamy Garito Barbuto Tor subdivision is located within the Boyne Area 5A, 5B & 6 SIS Area, and specifically within the SIS Area 5B Omagh Tributary. Currently there is not an approved addendum for the Area 5B Omagh SIS, however the Town of Milton, Halton Region and Conservation Halton are reviewing the third submission of this document. Once the Omagh SIS Addendum is deemed to be substantially complete, planning staff can proceed with draft plan approval.

Riparian Rights of the McCann Property

The McCann properties, situated south of the Sundial 3rd Line & Mattamy Garito Barbuto Tor developments, are expected to remain undeveloped for an unspecified length of time. The McCann's signed a letter addressed to the Town of Milton acknowledging the lands that are immediately neighbouring their properties are intended for development, which would require new infrastructure to be constructed. The McCann's also confirmed that they have come to an agreement with the landowners of the SIS, whereby drainage by way of surface water and sheet flows would cease in perpetuity from entering their property. Therefore, no water balance was conducted to match overland drainage contributions to the McCann property.

Residential Reserves

There are currently five residential reserve blocks on the draft plan of subdivision which represent partial lots in the Mattamy Garito Barbuto Tor lands, adjacent to the McCann lands to the south. These lands, for the time being will be used to accommodate grading transitions between the Mattamy subdivision and the McCann lands and will be placed under a holding provision until the lands are assembled in future with adjacent lands and are suitable for development.

Potential Requirement for HCDSB School Site on Subject Lands

The Halton Catholic District School Board (HCDSB) has identified the need for an elementary school site within the area referred to as Block 4 on the Boyne Survey Tertiary Plan, with a targeted opening date of 2024-25. The conceptual location of the elementary school for the HCDSB is currently shown on the McCann lands, which are expected to remain undeveloped for an unspecified amount of time. Prior to selecting a new location within the block, which includes the Mattamy Garito Barbuto Tor lands discussed herein, the Board must assess and evaluate all of the possible alternatives (i.e. canvassing Block 4 landowners, and evaluating lands they currently own adjacent to the western property boundary of the Mattamy development).

Discussion

Although Mattamy has expressed their preference for the elementary school to be located outside of the Mattamy Garito Barbuto Tor lands, they are cognizant that the Board could choose their lands in future should it be deemed appropriate. Mattamy will continue their dialogue with the Board if required, and have included permissions for an elementary school in their site-specific RMD1 and RMD2 Zones in the amending Zoning By-law to accommodate the school if warranted.

Amending Zoning By-law

In order to permit the proposed development, a Zoning By-law Amendment containing a revised NHS boundary, Open Space Zones (i.e. stormwater management ponds, open space areas, servicing blocks and trails), a Future Development Zone, as well as existing residential zone classifications with site-specific provisions, and selective holding zones, is required. See proposed Zoning By-law Amendment and Schedule 'A' attached as Appendix 1 to this report.

Future Development (FD) Zone (Minor Sub-Node)

As part of the subdivision and zoning amendment applications, Mattamy provided preliminary concepts for the future medium density residential condominium blocks and the minor sub-node block at the north end of the plan to demonstrate that the blocks were sufficiently sized to accommodate the development envisioned by the Boyne Survey Secondary Plan. The medium density residential condominium blocks were easily addressed through the proposed site-specific Zoning By-law as the shape, built form (mainly townhouses) and general design of such blocks have been implemented in other Mattamy subdivisions in the past.. The Minor-Sub Node however, is unique in shape and its location is not directly accessible from the main intersection of the overall node.

The preliminary concept plan for the Minor Sub-Node proposes a mix of dwelling types including apartments and stacked townhouses with underground parking, along with a few standard townhouse dwelling units. While the applicant has not indicated an intent to change the proposed built form, they have expressed interest in considering an increase in density on the site which may include a change in the height of the proposed apartment building shown on the preliminary concept. As noted previously, the Boyne Survey permits up to 15 storeys in height for apartment buildings.

Due to the above, the lands dedicated to the Minor Sub-Node will remain as FD in the attached amending Zoning By-law for the time being. In order to proceed with any development, Mattamy will be required to submit a new application to rezone the Minor Sub-Node block. Mattamy anticipates that a new Zoning By-law Amendment application will be submitted to the Town in relation to this block in the next two to three months.

Residential Medium Density 1 (RMD1) and 2 (RMD2) Site-Specific Zones

The amending by-law includes site-specific provisions relating to grade-related dwelling units including single detached dwellings, rear lane townhouse, street townhouse and back-to-back townhouse dwellings within the RMD1 and RMD2 Zones, with a portion of

Discussion

the units (townhouses only) being located within three future medium density residential blocks. Elements of these future residential blocks have also been addressed through site-specific provisions, where sufficient information was provided.

Variation in frontage and depth requirements, along with setbacks and allowable encroachments have been proposed in certain instances to accommodate urban design features, sitings of proposed dwellings created and marketed by the developer, and in some cases, the relationship to the street of lots that are irregular due to their proximity to roundabouts or located on a private street within a future residential condominium block.

More specifically relating to the future medium density residential blocks, which will likely be of a condominium tenure, provisions were added to clarify that a “unit” within a condominium (and the parts that make up the unit), on which a townhouse dwelling unit is situated, shall be considered a lot for the purposes of administering the Zoning By-law. In addition, parking rates to be applied to the condominium, as well as how setbacks will be measured from reserve blocks implemented by the Town to control access, has been set out.

Permissions for an elementary school, subject to the provisions of the Minor Institutional (I-A) Zone have also been added to the site-specific Residential Zone provisions in the event that the HCDSB requires an elementary school site within the Mattamy subdivision.

Holding Provisions

Planning and Engineering staff has required through conditions of draft plan approval that specific lots in proximity to roundabouts and intersections where designs have not been fully finalized; where road connections to adjacent subdivisions are not available; and where residential lots that do not comply with the Zoning By-law are located (i.e. residential reserves that must be assembled with lands in the adjacent subdivision), be subject to holding provisions within the implementing by-law. The Region also required a holding provision relating to allocation matters associated with development of the future medium density residential blocks. These holding provisions would remain on these specific lots until such time as the works required to be completed in these areas have significantly advanced to the satisfaction of both the Planning and Engineering Divisions of the Development Services Department and Halton Region, where applicable. Lots subject to the holding provisions are also subject to a “no sales” agreement and cannot obtain a building permit until the applicable holding provision is lifted. The Commissioner of Development Services has the delegated authority to approve the applications to lift the holding provisions and execute the associated Zoning By-law permitting the removal.

Conclusion:

Staff is satisfied that the Plan of Subdivision (Figure 2), subject to the required conditions of draft plan approval and the site-specific Zoning By-law and associated provisions attached as Appendix 1, will conform to Provincial, Regional and Town land use planning policy and achieves acceptable engineering and design standards. Planning staff is also satisfied that the proposed Zoning By-law Amendment is consistent with Provincial Policy



Discussion

and conforms to the Region of Halton and Town of Milton Official Plans. Therefore, staff recommends approval of the draft Zoning By-law Amendment and the granting of draft plan approval to the plan of subdivision.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Angela Janzen, MCIP RPP Phone: Ext. x2310
Senior Planner

Attachments

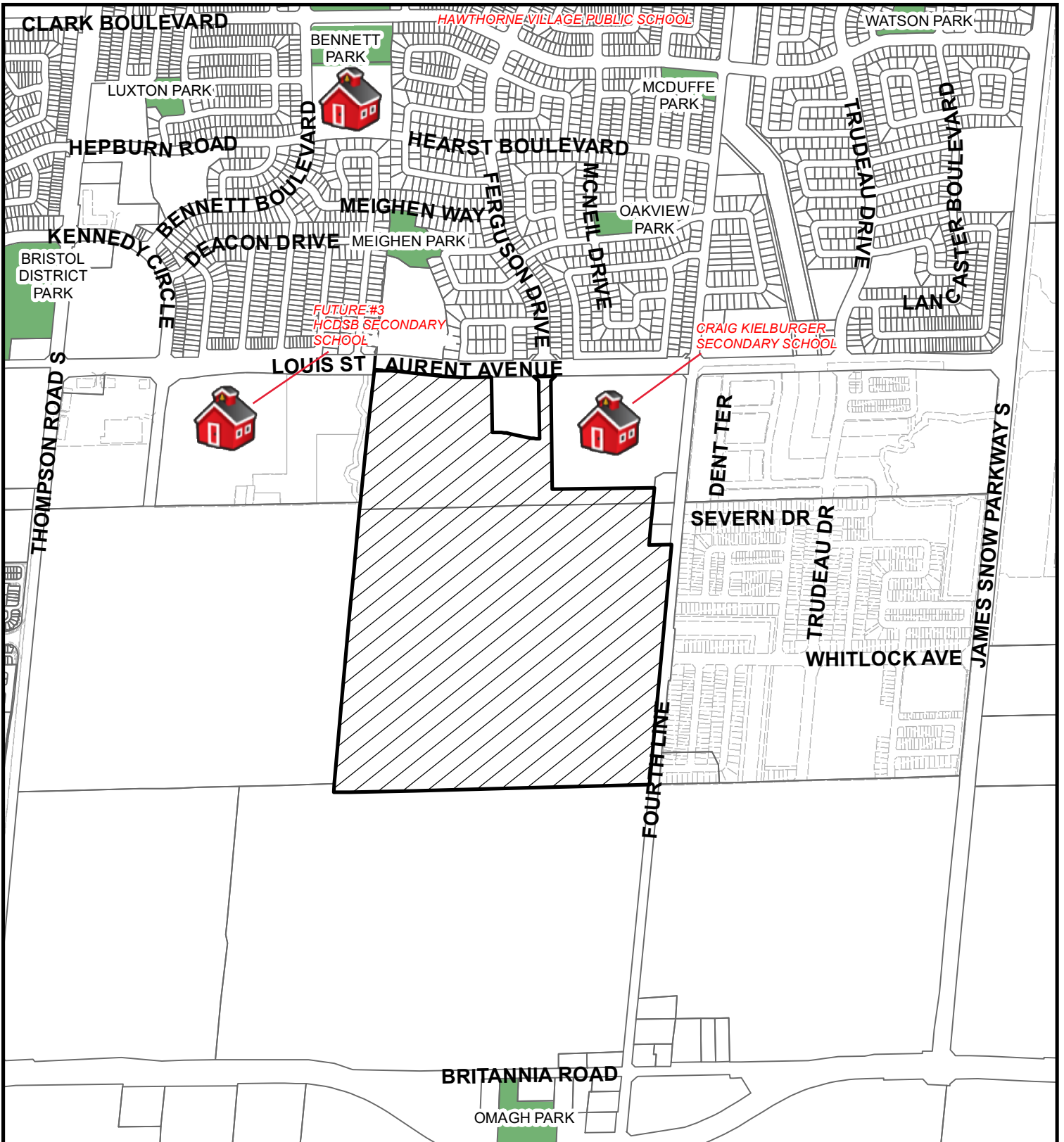
Figure 1 – Location Map
Figure 2 – Draft Plan of Subdivision
Figure 3 – Phasing Plan
Appendix 1 – Draft Zoning By-law and Schedule A

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.

FIGURE 1 LOCATION MAP



Council Meeting Date:
March 27, 2023

Scale: 1: 12,500

Files: Z-09/22

Development Services Department



Subject Property
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FIGURE 2 DS-020-23

DRAFT PLAN OF SUBDIVISION FILE 24T-22001/M


PART OF LOT 7 & 8
CONCESSION 4, NEW SURVEY

(GEOGRAPHIC TOWNSHIP OF TRAFALGAR)
TOWN OF MILTON
REGIONAL MUNICIPALITY OF HALTON

GARITO BARBUTO TOR

OWNER'S AUTHORIZATION

I HEREBY AUTHORIZE KORSIK URBAN PLANNING TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF MILTON FOR APPROVAL.

SIGNED  DATE April 20, 2022
Jason Suddergard, A.S.O.
Mattamy (Brownridge) Limited
433 Steeles Avenue East, Suite 110
Milton, Ontario L9T 8Z4

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN.

SIGNED  DATE November 24, 2021
Ross DenBroeder, Ontario Land Surveyor
rpe R-PE SURVEYING LTD.
645 CHRISLEA ROAD, SUITE 7, WOODBRIDGE, ONTARIO L4L 8A3
Tel: (416) 635-5000 Fax: (416) 635-5001

ADDITIONAL INFORMATION (UNDER SECTION 51 (17) OF THE PLANNING ACT)

- A) SHOWN ON PLAN
- B) SHOWN ON PLAN
- C) SHOWN ON PLAN
- D) SHOWN ON PLAN
- E) SHOWN ON PLAN
- F) SHOWN ON PLAN
- G) SHOWN ON PLAN
- H) MUNICIPAL AND PIPED WATER TO BE PROVIDED
- I) CLAY LOAM
- J) SHOWN ON PLAN
- K) SANITARY AND STORM SEWERS TO BE PROVIDED
- L) SHOWN ON PLAN

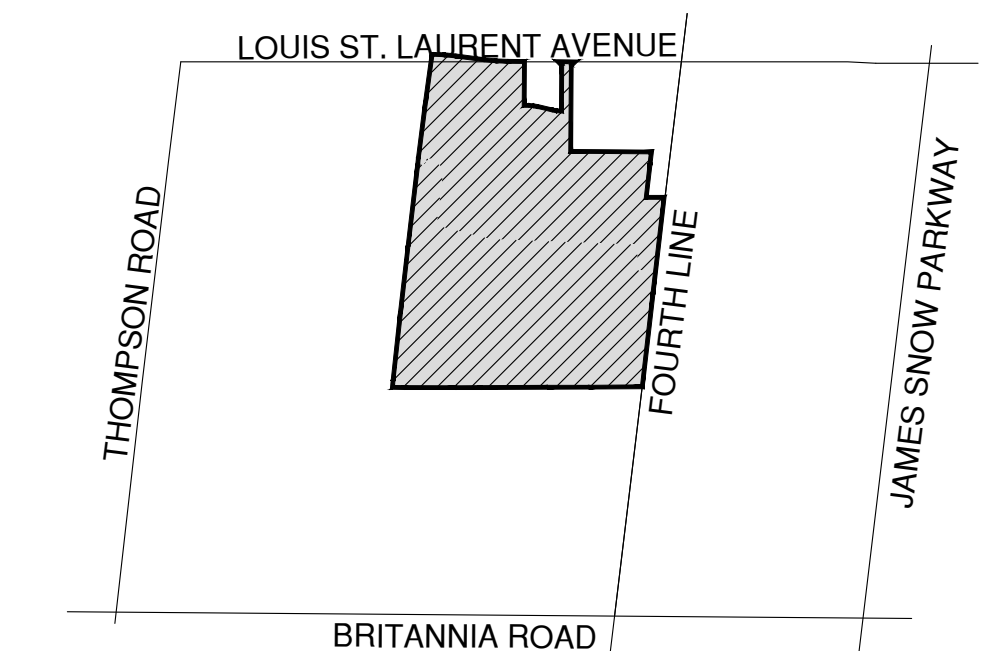
LAND USE SCHEDULE

| Land Use | Blocks | Block Total | Area (ha) | Units |
|----------------------------------|------------------------|-------------|--------------|------------|
| Minor Sub Node | 1 | 1 | 3.01 | TBD |
| Single Detached | 5-576 | 572 | 17.89 | 572 |
| Townhouse | 2-4, 577-595 | 22 | 2.64 | 133 |
| Medium Density Residential | 596-598 | 3 | 4.06 | TBD |
| Open Space Block | 599 | 1 | 0.13 | |
| Creek Block | 600, 601 | 2 | 2.68 | |
| Environmental Buffer Block | 602-605 | 4 | 1.74 | |
| Trail Block | 606-608 | 3 | 0.44 | |
| Woodlot Block | 609, 610 | 2 | 1.89 | |
| Woodlot Buffer Block | 611, 612 | 2 | 0.49 | |
| Servicing Block | 613-618, 625, 626, 637 | 9 | 0.33 | |
| Stormwater Management Pond Block | 619, 620 | 2 | 5.05 | |
| Stormwater Pond Buffer Block | 621-624 | 4 | 0.77 | |
| Residential Reserve | 627-631 | 5 | 0.16 | |
| 0.3m Reserve | 632-636, 638-645 | 13 | 0.04 | |
| 16m ROW (4.188 m) | | | 6.86 | |
| 20m ROW (4.76 m) | | | 0.95 | |
| 24m ROW (263 m) | | | 0.63 | |
| 26m ROW (819 m) | | | 2.17 | |
| Totals | 1-645 | 645 | 51.93 | 705 |

SDE CALCULATIONS

| Unit Type | Blocks | Units | SDE* |
|----------------------------|--------------|------------|--------------|
| Minor Sub Node | 1 | TBD | TBD |
| Single Detached | 5-576 | 572 | 572.0 |
| Townhouse | 2-4, 577-595 | 133 | 101.1 |
| Medium Density Residential | 596-598 | TBD | TBD |
| Totals | | 705 | 673.1 |

* SDE Factors:
Single Detached - 1.00
Townhouse - 0.76
Medium Density Residential & Minor Sub Node - TBD




KEY MAP
N.T.S.   SUBJECT LANDS



| DATE [D.M.Y] | REVISION | DWG | BY |
|--------------|---|-----|----|
| 24/02/23 | Daylighting revisions | D | KC |
| 13/02/23 | Third Submission - general revisions | C | KC |
| 20/10/22 | Second Submission - revisions to road network | B | KC |
| 18/04/22 | Original Submission | A | SP |

NOTES:
 * Local/Local corner radii = 5m
 * Local/Collector corner triangle = 7.5m
 * Collector/Arterial corner triangle = 15m
 * Pavement illustration is diagrammatic



SCALE 1:2000 February 24, 2023
 DRAWN BY: MS CHECKED BY: KC  **D**

KORSIAK Urban Planning
 206-277 Lakeshore Road East
 Oakville, Ontario L6J 1H9
 T: 905-257-0227
 info@korsiak.com

FIGURE 3 DS-020-23

DRAFT PLAN OF SUBDIVISION FILE 24T-22001/M


PART OF LOT 7 & 8
CONCESSION 4, NEW SURVEY

(GEOGRAPHIC TOWNSHIP OF TRAFALGAR)
TOWN OF MILTON
REGIONAL MUNICIPALITY OF HALTON

GARITO BARBUTO TOR

OWNER'S AUTHORIZATION

I HEREBY AUTHORIZE KORSIK URBAN PLANNING TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF MILTON FOR APPROVAL.

SIGNED  DATE April 20, 2022
Jason Sudlergaard, A.S.O.
Mattamy (Brownridge) Limited
433 Steeles Avenue East, Suite 110
Milton, Ontario L9T 8Z4

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN.

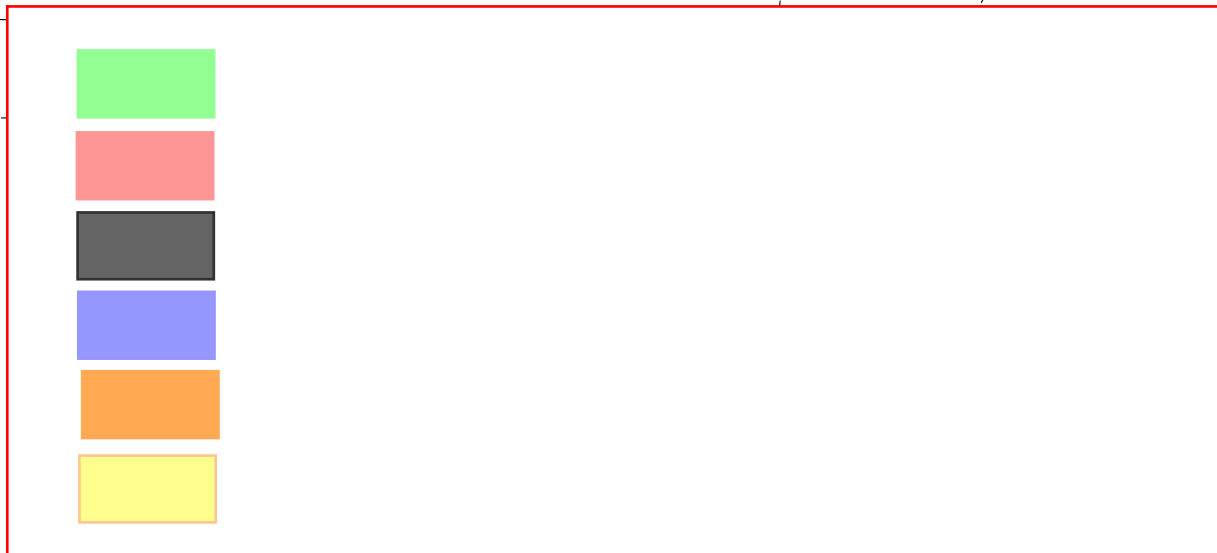
SIGNED  DATE November 24, 2021
Ross DenBroeder, Ontario Land Surveyor
R-PE SURVEYING LTD.
645 CHRISLEA ROAD, SUITE 7, WOODBRIDGE, ONTARIO L4L 8A3
Tel: (416) 635-5000 Fax: (416) 635-5001

ADDITIONAL INFORMATION (UNDER SECTION 51 (17) OF THE PLANNING ACT)

- | | |
|------------------|---|
| A) SHOWN ON PLAN | G) SHOWN ON PLAN |
| B) SHOWN ON PLAN | H) MUNICIPAL AND PIPED WATER TO BE PROVIDED |
| C) SHOWN ON PLAN | I) CLAY LOAM |
| D) SHOWN ON PLAN | J) SHOWN ON PLAN |
| E) SHOWN ON PLAN | K) SANITARY AND STORM SEWERS TO BE PROVIDED |
| F) SHOWN ON PLAN | L) SHOWN ON PLAN |

LAND USE SCHEDULE

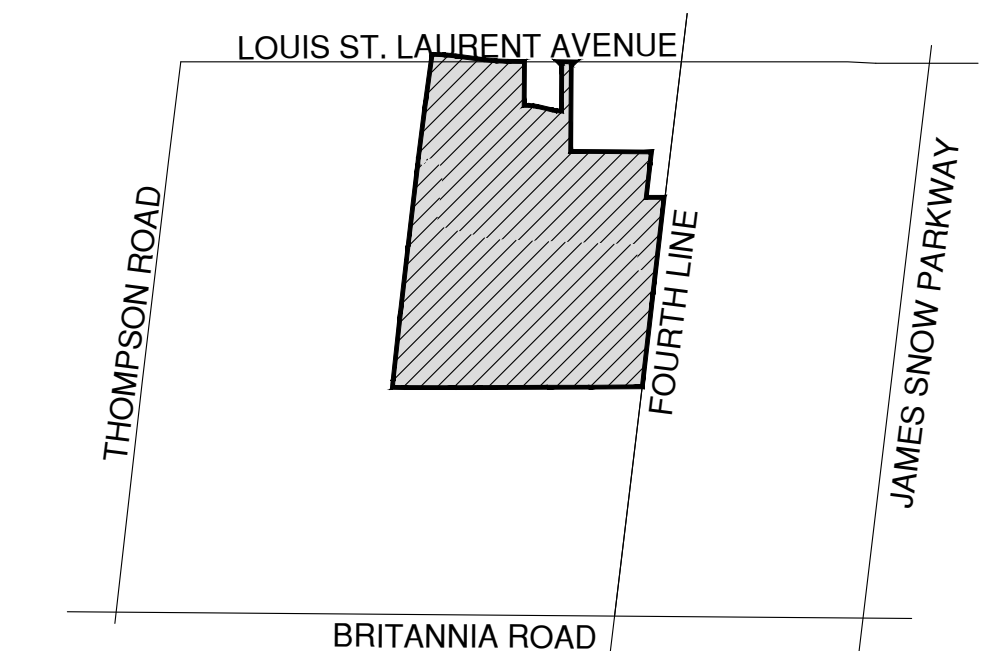
| Land Use | Blocks | Block Total | Area (ha) | Units |
|----------------------------------|------------------------|-------------|--------------|------------|
| Minor Sub Node | 1 | 1 | 3.01 | TBD |
| Single Detached | 5-576 | 572 | 17.89 | 572 |
| Townhouse | 2-4, 577-595 | 22 | 2.64 | 133 |
| Medium Density Residential | 596-598 | 3 | 4.06 | TBD |
| Open Space Block | 599 | 1 | 0.13 | |
| Creek Block | 600, 601 | 2 | 2.68 | |
| Environmental Buffer Block | 602-605 | 4 | 1.74 | |
| Trail Block | 606-608 | 3 | 0.44 | |
| Woodlot Block | 609, 610 | 2 | 1.89 | |
| Woodlot Buffer Block | 611, 612 | 2 | 0.49 | |
| Servicing Block | 613-618, 625, 626, 637 | 9 | 0.33 | |
| Stormwater Management Pond Block | 619, 620 | 2 | 5.05 | |
| Stormwater Pond Buffer Block | 621-624 | 4 | 0.77 | |
| Residential Reserve | 627-631 | 5 | 0.16 | |
| 0.3m Reserve | 632-636, 638-645 | 13 | 0.04 | |
| 16m ROW (4.188 m) | | | 6.86 | |
| 20m ROW (476 m) | | | 0.95 | |
| 24m ROW (263 m) | | | 0.63 | |
| 26m ROW (819 m) | | | 2.17 | |
| Totals | 1-645 | 645 | 51.93 | 705 |



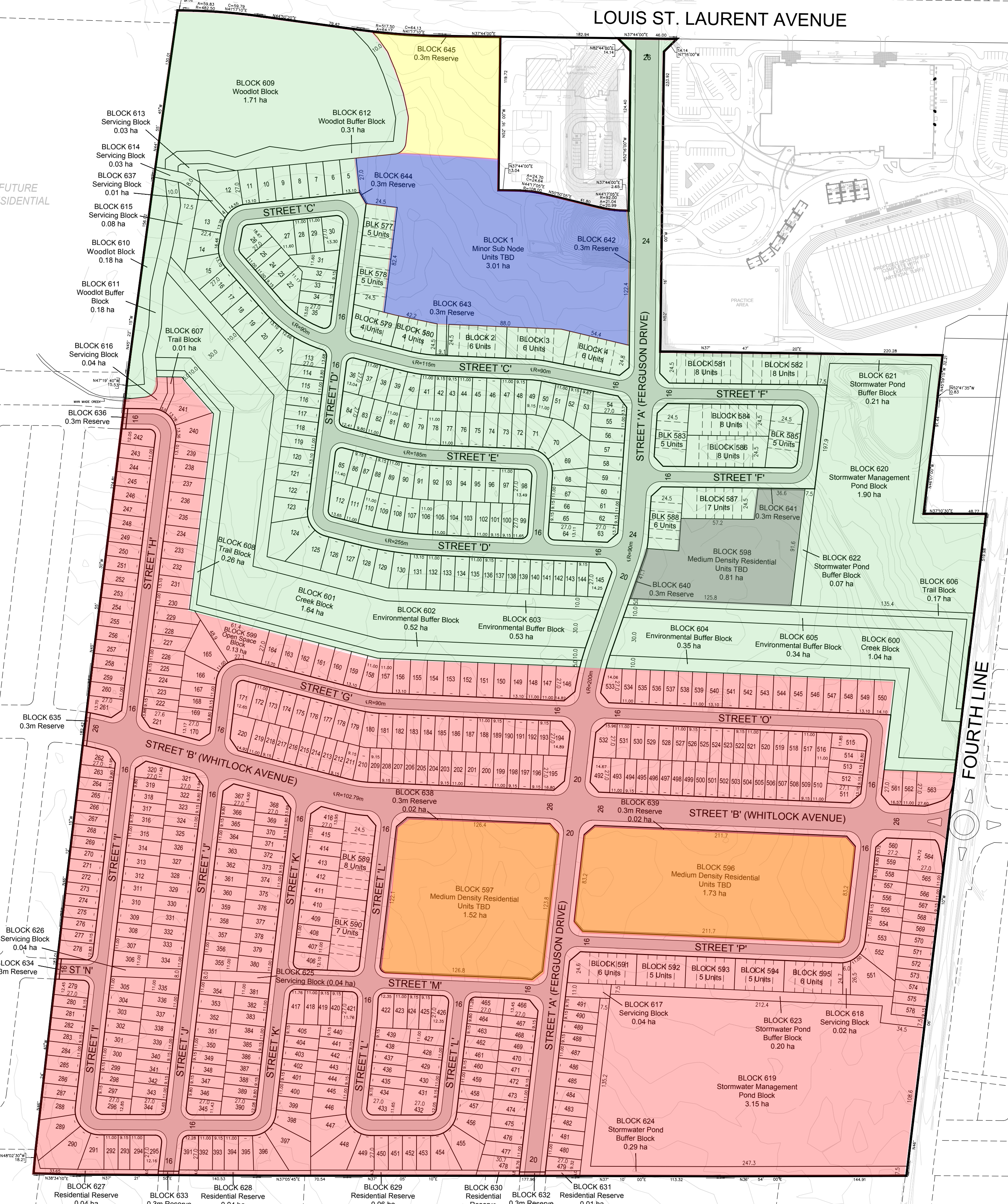
SDE CALCULATIONS



| Unit Type | Blocks | Units | SDE* |
|----------------------------|--------------|------------|--------------|
| Minor Sub Node | 1 | TBD | TBD |
| Single Detached | 5-576 | 572 | 572.0 |
| Townhouse | 2-4, 577-595 | 133 | 101.1 |
| Medium Density Residential | 596-598 | TBD | TBD |
| Totals | | 705 | 673.1 |

* SDE Factors:
Single Detached - 1.00
Townhouse - 0.76
Medium Density Residential & Minor Sub Node - TBD



KEY MAP
N.T.S.   SUBJECT LANDS



SCALE 1:2000 February 24, 2023
DRAWN BY: MS CHECKED BY: KC  



206-277 Lakeshore Road East
Oakville, Ontario L6J 1H9
T: 905-257-0227
info@korsik.com

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW 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 4, N.S. FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (MATTAMY (BROWNRIDGE) LIMITED - GARITO BARBUTO TOR) - FILE: Z-09/22

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) and Natural Heritage System (NHS) Zone symbols to the Residential Medium Density 1 - Special Provision 334 (RMD1*334) Zone, Residential Medium Density 2 - Special Provision 335 (RMD2*335) Zone, Natural Heritage System (NHS) Zone, Open Space (OS) Zone, Open Space 2 (OS-2) Zone and Future Development (FD) Zone symbols on the land and adding the Holding (H) Symbols H25, H34, H35 and H78 to each of the Zone symbols on the land as 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 13.1.1.334 to read as follows:

Residential Medium Density 1 - Special Provision 334 (RMD1*334) Zone

- i) Additional Permitted Uses:
 - a. Elementary School, subject to the provisions of the Minor Institutional (I-A) Zone.
- ii) 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 a minimum of 0.75 metres where abutting a OS-2 Zone and 1.2 metres from any other lot line, except where a parking area abuts a sidewalk the setback shall be a minimum of 1.5 metres.
- iii) 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. 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. 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 metre 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.

- iv) Notwithstanding any provisions to the contrary, for Detached Dwelling - Street Access, Interior Lot:
- a. Lot Frontage (minimum), interior lot: 9.15 metres
 - b. Lot Depth (minimum): For lots abutting the OS-2 Zone, with a lot frontage greater than 16 metres, the minimum lot depth is 22 metres.
 - c. The dwelling shall have a minimum dwelling face, which may include the porch/veranda, of 3.3 metres provided that no more than 60% of the building face is used for the garage portion of the elevation.
 - d. 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.
 - e. 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.
- v) 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. 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. 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 adjacent to roundabouts, 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: 5.5 metres
 - iv. Minimum Rear Yard Setback to the dwelling (excluding the garage): 6.5 metres
 - v. 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.
 - vi. Fences with a maximum height of 2.0 metres are permitted within the front yard in the area bounded by the front lot line, interior side lot line, and the extension of the wall of the dwelling closest to the interior side lot line. In no case, shall the 2.0 metre fence extend more than 1.0 metre into the dwelling face.
- vi) Notwithstanding any provisions to the contrary, for Townhouse Dwelling - Street Access, the following shall apply:
- a. 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.
 - b. 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.
- vii) 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): 18.0 metres
 - c. For the purpose of this By-law, lot depth is measured from the limit of the right-of-way to the rear lot line, inclusive of the 0.3 metre reserve and Common Element Exclusive Use Areas.
 - d. Rear yard setback (minimum), all unit types - 1.0 metre
 - 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 5 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. 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.

3. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.335 to read as follows:

Residential Medium Density 2 - Special Provision 335 (RMD2*335) Zone

- i) Additional Permitted Uses:
 - a. Elementary School, subject to the provisions of the Minor Institutional (I-A) Zone.
- ii) Townhouse Dwelling - Private Street, Rear Access shall be subject to the provisions of the Residential Medium Density 1 - Special Provision 334 (RMD1*334) Zone above.
- iii) Notwithstanding any provisions to the contrary, for Back to Back Townhouse Dwellings, the following shall apply:
 - 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, 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.
- f. A parking area may be located within 0.0 metres of a private street line.
- g. A parking area may be setback a minimum of 0.75 m where abutting an OS-2 zone and 1.2 metres from any other lot line, except where a parking area abuts a sidewalk the setback shall be a minimum of 1.5 metres.
- h. Minimum Lot frontage (corner unit): 8.0 metres
- i. Minimum Front yard setback (all unit types): 2.0 metres to building
- j. The minimum required outdoor amenity area per unit is 5 m², to be provided on a balcony.
- k. Porches/verandas and balconies are permitted to be located no closer than 1.0 metre to a street line.
- l. For a corner unit at the intersection of two local 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.
- m. A maximum driveway width of 3.5 metres shall be permitted for lots with frontage less than or equal to 6.5 metres.
- n. For units that do not have an interior side yard, air conditioning and heat exchange units may be located in a required front or exterior side yard and are permitted to be located no closer than 0.6 metres to a front or exterior side lot line.
- o. 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.

iv) Notwithstanding any provisions to the contrary, for all dwelling types, the following shall apply:

- a. Within a plan of condominium, visitor parking shall be provided at a rate of 0.25 parking spaces per unit.
- b. Notwithstanding a. above, visitor parking requirements shall not apply to dwellings with individual driveway access from a public street.

4. THAT Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the following conditions for removal of this H78 Holding Provision:

“H78” shall not be removed until:

- a. 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:
 - 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.”

5. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.2.1.121 as follows:

For the lands zoned Residential Medium Density 1 - Special Provision 334 (RMD1*334) on the property legally described as Part of Lots 7 and 8, Concession 4, NS (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H25” Holding provision are satisfied.

6. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.2.1.122 as follows:

For the lands zoned Residential Medium Density 1 - Special Provision 334 (RMD1*334) and Residential Medium Density 2 - Special Provision 335 (RMD2*335) on the property legally described as Part of Lots 7 and 8, Concession 4, NS (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H34” Holding provision are satisfied.

7. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.2.1.123 as follows:

For the lands zoned Residential Medium Density 1 - Special Provision 334 (RMD1*334) on the property legally described as Part of Lots 7 and 8, Concession 4, NS (Trafalgar), only legally established existing uses are

permitted until the conditions for removal identified in the “H35” Holding provision are satisfied.

8. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.2.1.124 as follows:

For the lands zoned Residential Medium Density 1 - Special Provision 334 (RMD1*334) and Residential Medium Density 2 - Special Provision 335 (RMD2*335) on the property legally described as Part of Lots 7 and 8, Concession 4, NS (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H78” Holding provision are satisfied.

9. **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 MARCH 27, 2023.

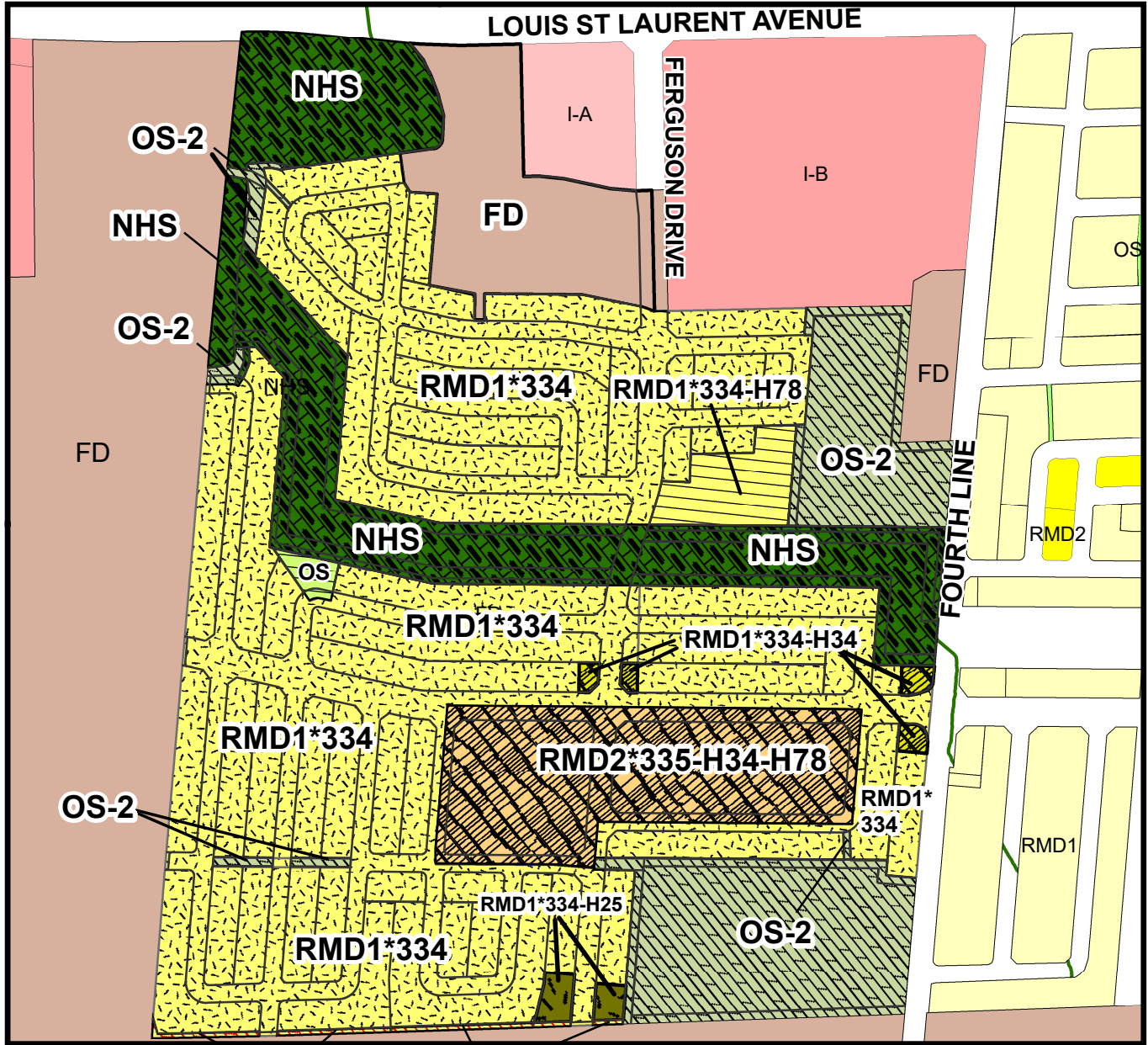
Gordon A. Krantz Mayor

Meaghen Reid Town Clerk

**SCHEDULE A
TO BY-LAW No. -2023
TOWN OF MILTON**

PART OF LOT 7 & 8, CONCESSION 4 (TRAFALGAR)

Town of Milton



RMD1*334-H35-H78

RMD1*334-H35-H78

THIS IS SCHEDULE A
TO BY-LAW NO. _____ PASSED
THIS ___ DAY OF _____, 2023.

MAYOR - Gordon A. Krantz

CLERK- Meaghen Reid

- FD- Future Development Zone
- NHS - Natural Heritage System
- OS - Open Space Zone
- OS-2 - Open Space 2 Zone
- RMD1*334 - Medium Density Residential 1 Zone Special
- RMD1*334-H25 - Medium Density Residential 1 Zone Special with Holding Provision 25
- RMD1*334-H34 - Medium Density Residential 1 Zone Special with Holding Provision 34
- RMD1*334-H35-H78 -Medium Density Residential 1 Zone Special with Holding Provisions 35 and 78
- RMD1*334-H78 - Medium Density Residential 1 Zone Special with Holding Provision 78
- RMD2*335-H34-H78 Medium Density Residential 2 Zone Special with Holding Provisions 34 and 78

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW 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 4, N.S. FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (MATTAMY (BROWNRIDGE) LIMITED - GARITO BARBUTO TOR) - FILE: Z-09/22

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) and Natural Heritage System (NHS) Zone symbols to the Residential Medium Density 1 - Special Provision 334 (RMD1*334) Zone, Residential Medium Density 2 - Special Provision 335 (RMD2*335) Zone, Natural Heritage System (NHS) Zone, Open Space (OS) Zone, Open Space 2 (OS-2) Zone and Future Development (FD) Zone symbols on the land and adding the Holding (H) Symbols H25, H34, H35 and H78 to each of the Zone symbols on the land as 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 13.1.1.334 to read as follows:

Residential Medium Density 1 - Special Provision 334 (RMD1*334) Zone

- i) Additional Permitted Uses:
 - a. Elementary School, subject to the provisions of the Minor Institutional (I-A) Zone.
- ii) 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 a minimum of 0.75 metres where abutting a OS-2 Zone and 1.2 metres from any other lot line, except where a parking area abuts a sidewalk the setback shall be a minimum of 1.5 metres.
- iii) 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. 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. 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 metre 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.

- iv) Notwithstanding any provisions to the contrary, for Detached Dwelling - Street Access, Interior Lot:
- a. Lot Frontage (minimum), interior lot: 9.15 metres
 - b. Lot Depth (minimum): For lots abutting the OS-2 Zone, with a lot frontage greater than 16 metres, the minimum lot depth is 22 metres.
 - c. The dwelling shall have a minimum dwelling face, which may include the porch/veranda, of 3.3 metres provided that no more than 60% of the building face is used for the garage portion of the elevation.
 - d. 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.
 - e. 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.
- v) 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. 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. 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 adjacent to roundabouts, 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: 5.5 metres
 - iv. Minimum Rear Yard Setback to the dwelling (excluding the garage): 6.5 metres
 - v. 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.
 - vi. Fences with a maximum height of 2.0 metres are permitted within the front yard in the area bounded by the front lot line, interior side lot line, and the extension of the wall of the dwelling closest to the interior side lot line. In no case, shall the 2.0 metre fence extend more than 1.0 metre into the dwelling face.
- vi) Notwithstanding any provisions to the contrary, for Townhouse Dwelling - Street Access, the following shall apply:
- a. 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.
 - b. 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.
- vii) 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): 18.0 metres
 - c. For the purpose of this By-law, lot depth is measured from the limit of the right-of-way to the rear lot line, inclusive of the 0.3 metre reserve and Common Element Exclusive Use Areas.
 - d. Rear yard setback (minimum), all unit types - 1.0 metre
 - 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 5 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. 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.

3. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.335 to read as follows:

Residential Medium Density 2 - Special Provision 335 (RMD2*335) Zone

- i) Additional Permitted Uses:
 - a. Elementary School, subject to the provisions of the Minor Institutional (I-A) Zone.
- ii) Townhouse Dwelling - Private Street, Rear Access shall be subject to the provisions of the Residential Medium Density 1 - Special Provision 334 (RMD1*334) Zone above.
- iii) Notwithstanding any provisions to the contrary, for Back to Back Townhouse Dwellings, the following shall apply:
 - 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, 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.
- f. A parking area may be located within 0.0 metres of a private street line.
- g. A parking area may be setback a minimum of 0.75 m where abutting an OS-2 zone and 1.2 metres from any other lot line, except where a parking area abuts a sidewalk the setback shall be a minimum of 1.5 metres.
- h. Minimum Lot frontage (corner unit): 8.0 metres
- i. Minimum Front yard setback (all unit types): 2.0 metres to building
- j. The minimum required outdoor amenity area per unit is 5 m², to be provided on a balcony.
- k. Porches/verandas and balconies are permitted to be located no closer than 1.0 metre to a street line.
- l. For a corner unit at the intersection of two local 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.
- m. A maximum driveway width of 3.5 metres shall be permitted for lots with frontage less than or equal to 6.5 metres.
- n. For units that do not have an interior side yard, air conditioning and heat exchange units may be located in a required front or exterior side yard and are permitted to be located no closer than 0.6 metres to a front or exterior side lot line.
- o. 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.

iv) Notwithstanding any provisions to the contrary, for all dwelling types, the following shall apply:

- a. Within a plan of condominium, visitor parking shall be provided at a rate of 0.25 parking spaces per unit.
- b. Notwithstanding a. above, visitor parking requirements shall not apply to dwellings with individual driveway access from a public street.

4. THAT Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the following conditions for removal of this H78 Holding Provision:

“H78” shall not be removed until:

- a. 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:
 - 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."

5. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.2.1.121 as follows:

For the lands zoned Residential Medium Density 1 - Special Provision 334 (RMD1*334) on the property legally described as Part of Lots 7 and 8, Concession 4, NS (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the "H25" Holding provision are satisfied.

6. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.2.1.122 as follows:

For the lands zoned Residential Medium Density 1 - Special Provision 334 (RMD1*334) and Residential Medium Density 2 - Special Provision 335 (RMD2*335) on the property legally described as Part of Lots 7 and 8, Concession 4, NS (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the "H34" Holding provision are satisfied.

7. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.2.1.123 as follows:

For the lands zoned Residential Medium Density 1 - Special Provision 334 (RMD1*334) on the property legally described as Part of Lots 7 and 8, Concession 4, NS (Trafalgar), only legally established existing uses are

permitted until the conditions for removal identified in the “H35” Holding provision are satisfied.

8. **THAT** Section 13.2 (Holding Provisions) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.2.1.124 as follows:

For the lands zoned Residential Medium Density 1 - Special Provision 334 (RMD1*334) and Residential Medium Density 2 - Special Provision 335 (RMD2*335) on the property legally described as Part of Lots 7 and 8, Concession 4, NS (Trafalgar), only legally established existing uses are permitted until the conditions for removal identified in the “H78” Holding provision are satisfied.

9. **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 MARCH 27, 2023.

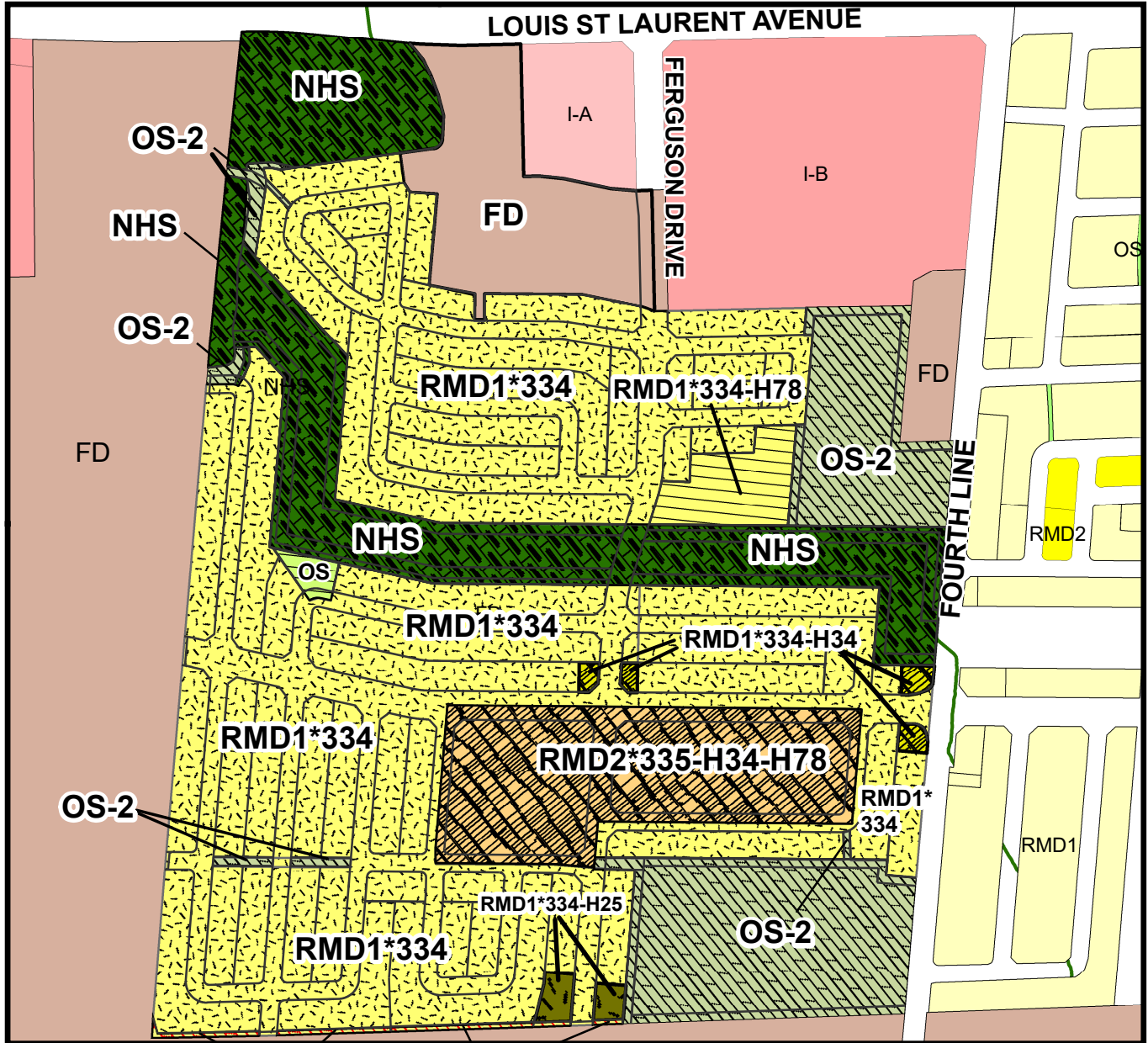
Gordon A. Krantz Mayor

Meaghen Reid Town Clerk

**SCHEDULE A
TO BY-LAW No. -2023
TOWN OF MILTON**

PART OF LOT 7 & 8, CONCESSION 4 (TRAFALGAR)

Town of Milton



RMD1*334-H35-H78

RMD1*334-H35-H78

THIS IS SCHEDULE A
TO BY-LAW NO. _____ PASSED
THIS ___ DAY OF _____, 2023.

MAYOR - Gordon A. Krantz

CLERK- Meaghen Reid

- FD- Future Development Zone
- NHS - Natural Heritage System
- OS - Open Space Zone
- OS-2 - Open Space 2 Zone
- RMD1*334 - Medium Density Residential 1 Zone Special
- RMD1*334-H25 - Medium Density Residential 1 Zone Special with Holding Provision 25
- RMD1*334-H34 - Medium Density Residential 1 Zone Special with Holding Provision 34
- RMD1*334-H35-H78 -Medium Density Residential 1 Zone Special with Holding Provisions 35 and 78
- RMD1*334-H78 - Medium Density Residential 1 Zone Special with Holding Provision 78
- RMD2*335-H34-H78 Medium Density Residential 2 Zone Special with Holding Provisions 34 and 78