

**THE CORPORATION OF THE TOWN OF MILTON**

**BY-LAW NO. 063-2019**

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 LOT 10, CONCESSION 3, FORMER GEOGRAPHIC SURVEY OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON - BRIARWOOD (MILTON TOWERS) LTD. & BRIARWOOD (MILTON GREENFIELDS) LTD. (TOWN FILE: Z-12/17)

**WHEREAS** the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 016-2014, as amended;

**AND WHEREAS** the Town of Milton Official Plan will provide for the lands affected by this By-law to be zoned as set forth in this By-law upon the approval of Official Plan Amendment Number 56;

**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 is hereby further amended by changing the existing Future Development (FD) Zone symbol to a site –specific Residential High Density with a Holding Provision (RHD\*261\*H33) and Open Space (OS) Zone symbol shown on Schedule A attached hereto.
2. **THAT** Section 13.1 of Comprehensive By-law 016-2014 is hereby further amended by adding subsection 13.1.1.261 as follows:
  - i) Only Permitted Uses:
    - a) Apartment Buildings
    - b) Stacked Townhouse Dwellings
    - c) Townhouse Dwellings
    - d) Home Occupations
  - ii) Special Site Provisions:

Notwithstanding any provisions of the by-law to the contrary, the following provisions shall apply:

- a) For the purpose of administering the zoning by-law, the lands identified as RHD\*261\*H33 on Schedule A shall be considered to be one lot.

b) For the purpose of this By-law, *floor plate area* means:

*The gross horizontal floor area of a single floor measured from all the exterior walls of a building or structure excluding balconies.*

- c) A minimum of 4 square metres of outdoor communal amenity space per apartment dwelling unit and stacked townhouse dwelling unit shall be provided at *grade* and/or as a rooftop amenity area on the podium and shall be maintained and operated by a common entity (such as a condominium corporation).
- d) The separation distance between a Stacked Townhouse Dwelling and an Apartment Building shall be a minimum of 5 metres from building face to building face.
- e) Notwithstanding any provisions to the contrary, the maximum lot coverage for the overall site shall be 40%.
- f) Transformer and telecommunications vaults and pads shall not project towards a public street beyond the main wall of a building.
- g) Despite any provisions to the contrary, more than one residential building is permitted on the lot.

### iii) Special Zone Standards – Apartment Buildings

#### 1. Apartment Buildings

Notwithstanding any provisions of the by-law to the contrary, the following provisions shall apply to an apartment building:

- a) Site development plans shall comply with Schedule B attached hereto.
- b) GUEST UNIT means a room within an apartment building that is not connected to any individual apartment dwelling, but which includes bedroom and bathroom space that can be used by visitors to the apartment building as overnight temporary accommodation and it shall not include a kitchen. A Guest Unit does not constitute an apartment dwelling and shall not require a separate parking provision.
- c) Maximum height is 25 stories and 77 metres

- d) A mechanical penthouse is exempt from the maximum height requirements regardless of its setback from the exterior walls of the floor beneath it
- e) Maximum number of residential units is 590 units.
- f) Where there is more than one apartment building, the minimum separation between towers shall be 25 metres measured from the face of the building, excluding balconies.
- g) The podium of Buildings "A", "B" and "C" as shown on Schedule "B" to this By-law shall have a minimum height of three storeys.
- h) Any portion of a building between a height of 9 storeys and 15 storeys must not exceed a floor plate area of 1,000 square metres on the development site.
- i) Any portion of the building above a height of 15 storeys must not exceed a floor plate area of 750 square metres or 40 linear metres measured diagonally on the development site. Notwithstanding the foregoing, the 16th Floor (top floor) of Building "C" as shown on Schedule "B" to this By-law may have a maximum floor plate of 870 square metres or 51 linear metres measured diagonally.
- j) Notwithstanding the provisions of Section 4.19.4, Exceptions to Height Requirements, the calculation of Building Height shall be exclusive of mechanical penthouses, rooftop equipment, elevator tower, stair tower and/or architectural features such as parapets and screen walls

## 2. Stacked Townhouse Dwellings

Notwithstanding any provision of the by-law to the contrary, the following provisions shall apply to a Stacked Townhouse Dwelling:

- a) Site development plans shall comply with Schedule "B" attached hereto.
- b) The minimum separation distance between an apartment building and a stacked townhouse dwelling is 5 metres;
- c) HVAC units are not permitted in any yard facing a public street.

### 3. Townhouse Dwellings – Street Access

Notwithstanding any provision of the by-law to the contrary, the following provisions shall apply to a Townhouse Dwelling:

- a) A “unit” within a plan of condominium, on which a townhouse dwelling unit is situated, shall be considered a lot for the purpose of administering the zoning by-law.
- b) Unless specified otherwise, a “unit” within a plan of condominium shall comply with the zoning requirements for the RMD2 zone.
- c) The minimum lot frontage is 5.8 metres for all types of townhouse units;
- d) The minimum lot depth is 20 metres;
- e) The minimum front yard setback is 3.5 metres.
- f) The minimum interior side yard setback for end units abutting a common element area shall be 0 metres on both sides
- g) The minimum rear yard setback is 7.0 metres save and except for units shown on Schedule C attached hereto; and
- h) Support walls or columns may project out a maximum of 1.5 metres from the garage face and encroach into the minimum required driveway width provided the encroachment does not exceed a width of 0.5 metres and a minimum clear driveway width of 3.0 metres is maintained in the area of the encroachment.
- i) Sections 6.3.1.3 iv), v) and vi) of the zoning by-law shall not apply.
- j) The platform of a deck may be higher than the floor of the first storey.
- k) Balconies may encroach a maximum of 2 metres into a required rear yard.
- l) On lots having a frontage of less than or equal to 6.5m the maximum residential driveway width shall be 3.3 metres.

iv) Special Parking Provisions

- a) Notwithstanding Section 5.8.1, Table 5E, the minimum off-street parking requirements for an apartment building shall be:
  - a. 1.03 spaces per 1 bedroom dwelling unit;
  - b. 1.15 spaces per dwelling unit for all other bedroom units; and
  - c. 0.25 visitor parking spaces per dwelling unit.
- b) Notwithstanding Section 5.8.1, Table 5E, the minimum off-street parking requirements for a stacked townhouse dwelling shall be:
  - a. 1.15 spaces per dwelling unit
  - b. 0.25 visitor parking spaces per dwelling unit.
- c) Notwithstanding Section 5.8.1, Table 5E, the minimum off-street parking requirements for a townhouse dwelling shall be:
  - a. 2.0 spaces per dwelling unit
  - b. 0.25 visitor parking spaces per dwelling unit.
- d) A minimum of 23 short-term (outdoor) and 363 long-term (indoor) bicycle parking spaces shall be provided for the apartment building.
- e) Notwithstanding Section 5.14.1 to the contrary, the underground parking structure may be located within 0.7 metres of a street line or lot line.
- f) Notwithstanding Section 5.12 Table 5L to the contrary, a parking area may be located within 0 metres of a private street line.

3. **THAT** Section 13.2 of By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.67 to read as follows:

For lands with Holding Provision H33, the H33 Holding Provision shall apply and shall not be removed until:

- a) Regional Servicing Allocation has been secured to the satisfaction of the Region of Halton. This holding provision does not apply to lands located within the Delineated Built Boundary and described as Part 2, on Plan 20R-2396.
- b) The Owner must demonstrate to the satisfaction of the Town of Milton that they will be able to achieve all proposed TDM measures outlined in the Proposed Residential Development – Derry Road at Regional Road 25 Traffic Impact and Parking Study dated May 2019 by GHD, including any ongoing programming or management that may be required for program success. All costs associated with the implementation of the TDM measures are the responsibility of the Owner. The TDM measures are as follows:

- The provision of a minimum of 363 long-term secure bicycle parking spaces plus 23 at-grade short-term visitor bicycle parking spaces. The long-term bicycle parking areas must be locked and have access permitted to residents only. The bicycle parking facilities must comply with the City of Toronto Bicycle Parking Guidelines. The bicycle parking spaces must be shown on the plans including details of the lockers/racks;
  - The provision of a minimum of one (1) car share vehicle and dedicated car share parking space (above resident/visitor parking requirements) in a priority location that is accessible to residents. Proof of how the car share program will be facilitated will be required. It must also be noted in the purchase/rental agreement which must be provided to the Town for review.
  - The Owner agrees to provide all occupants subsidized Milton Transit passes at a rate of one (1) annual bus pass (or equivalent) per unit for a period of two (2) years. Each bus pass shall be provided upon occupancy of a unit and the rental agreement between the tenant and property owner must note the availability of the subsidized transit passes. The Owner agrees that, prior to the release of the required letter of credit or other securities held by the Town in accordance with this agreement, they are to enter into a contractual agreement with Milton Transit.
  - The Owner agrees to charge for parking as a separate cost to occupants. All units are to be unbundled from parking spaces. The purchase/rental agreement between the occupant and the property owner must be provided noting the cost of a parking space and the ability for occupants to opt in or out of having a parking space.
  - The Owner agrees to provide active uses at-grade along street frontages via sidewalk connectivity.
  - The provision of a bicycle service station equipped with tools for repair and maintenance on site. This must be shown on the plans including a detail of the proposed service station.
- c) The Owner submits an updated noise mitigation report and implements any recommendations to the satisfaction of the Town of Milton and that the owner provide confirmation by a qualified acoustical engineer that the required noise mitigation measures have been constructed to address the stationary noise sources and meet Class 1 under NPC-300.

- d) 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.
  - e) The Owner provides an updated Pedestrian Wind Study as part of the site plan application to the satisfaction of the Town of Milton.
  - f) The Owner has submitted, to the satisfaction of the Region of Halton, a Ministry of the Environment, Conservation and Parks acknowledged Record of Site Condition for the subject lands, which demonstrate that the lands are free and clear for their intended use.
4. **THAT** if no appeal is filed pursuant to Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or if an appeal is filed and the Local Planning Appeal Tribunal dismisses the appeal, this by-law shall come into force on the day of the passing. If the Local Planning Appeal 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.

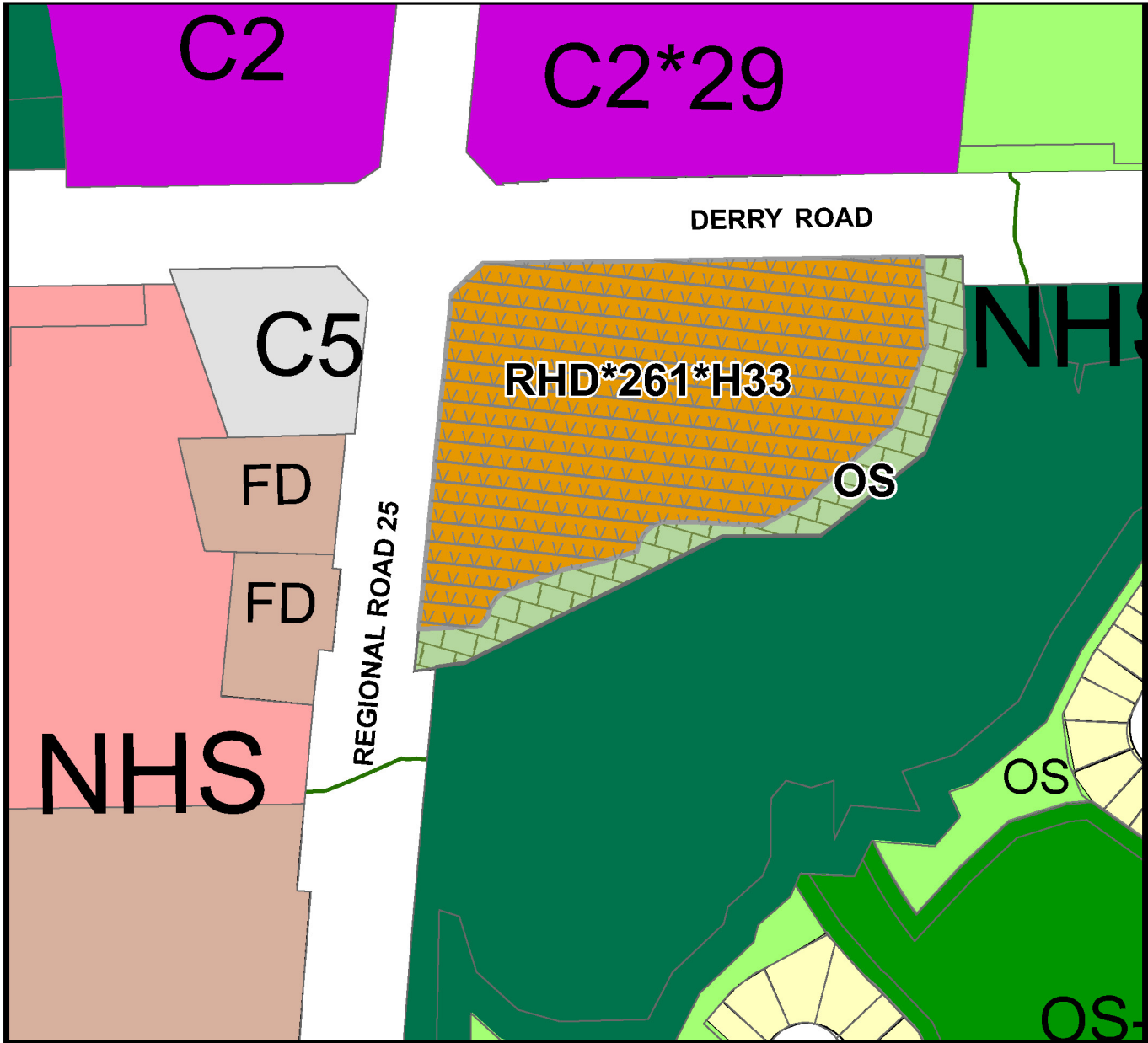
**PASSED IN OPEN COUNCIL ON JUNE 24, 2019.**

\_\_\_\_\_ Mayor  
Gordon Krantz

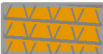

\_\_\_\_\_ Acting Town Clerk  
William Roberts

SCHEDULE A  
 TO BY-LAW No. 063-2019  
 TOWN OF MILTON

PART OF LOT 10, CONCESSIONS 3 NS  
 Town of Milton



THIS SCHEDULE A  
 TO BY-LAW 063-2019 PASSED  
 THIS 24th DAY OF June 2019.

-  RHD\*261\*H33 - Residential High Density Zone Special
-  OS - Open Space Zone



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 MAYOR - Gordon A. Krantz

\_\_\_\_\_  
 ACTING TOWN CLERK - William Roberts

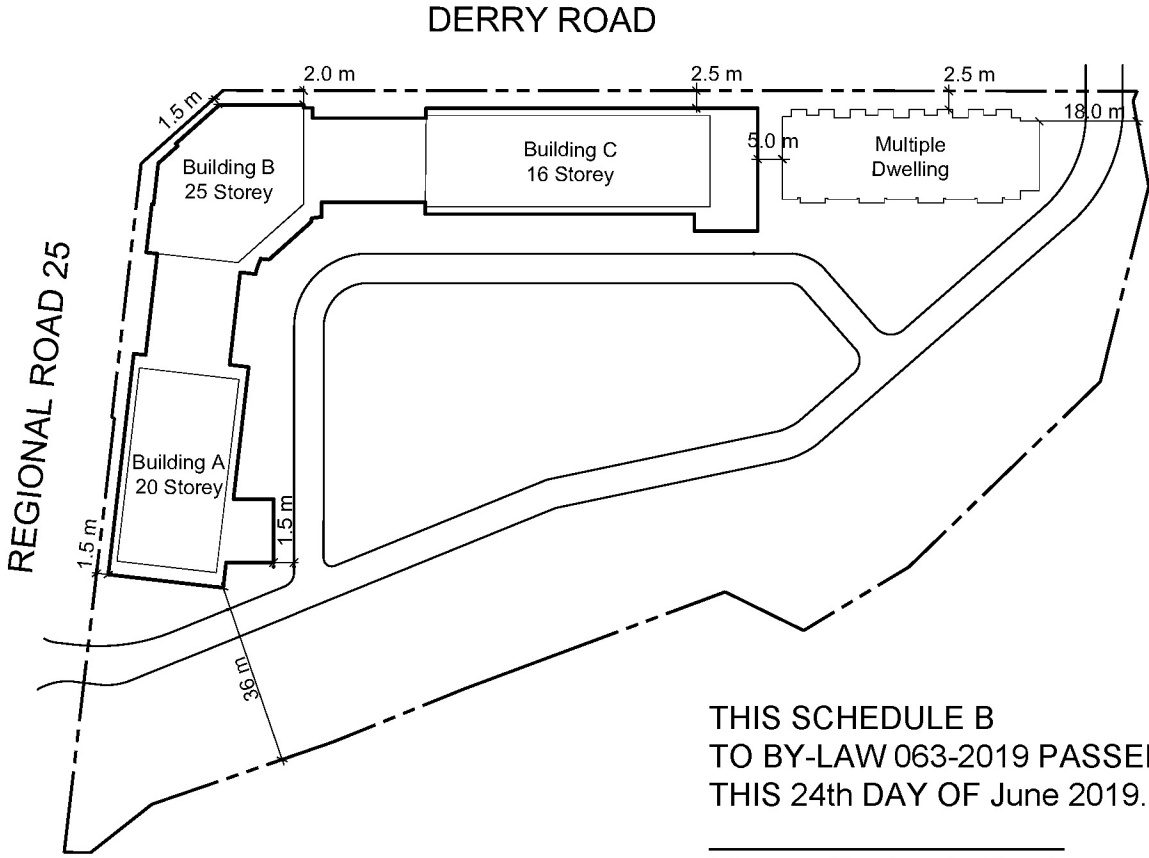
Z-12/17  
 LOPA-06/17



**SCHEDULE B  
TO BY-LAW 063-2019**

**TOWN OF MILTON**

PART OF LOT 10  
CONCESSION 3, NEW SURVEY (TRAFALGAR)  
TOWN OF MILTON  
REGIONAL MUNICIPALITY OF HALTON



THIS SCHEDULE B  
TO BY-LAW 063-2019 PASSED  
THIS 24th DAY OF June 2019.

Mayor - Gordon A. Krantz

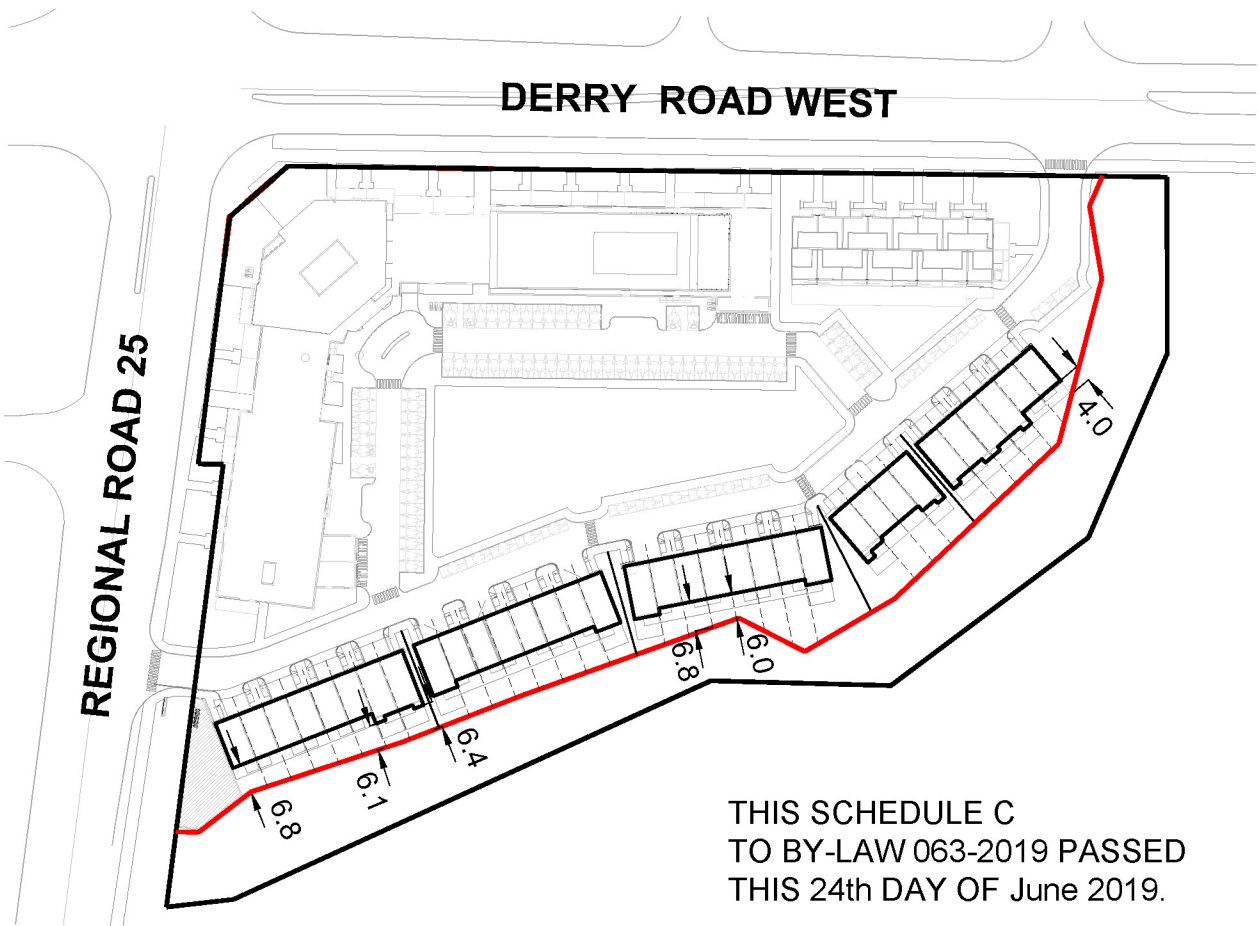
Acting Town Clerk - William Roberts

Note: All measurements are in metres and are minimums unless otherwise noted.

**SCHEDULE C  
TO BY-LAW 063-2019**

**TOWN OF MILTON**

PART OF LOT 10  
CONCESSION 3, NEW SURVEY (TRAFALGAR)  
TOWN OF MILTON  
REGIONAL MUNICIPALITY OF HALTON



THIS SCHEDULE C  
TO BY-LAW 063-2019 PASSED  
THIS 24th DAY OF June 2019.

Mayor - Gordon A. Krantz

Acting Town Clerk - William Roberts

— Property Line