

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 058-2021

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, AS AMENDED, IN RESPECT TO THE LANDS MUNICIPALLY IDENTIFIED AS 0, 6390-6400 AND 6548 FIFTH LINE, AND LEGALLY DESCRIBED AS DESCRIBED AS PART OF LOTS 7, 8, AND 9, CONCESSION 5, FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON IN THE REGIONAL MUNICIPALITY OF HALTON (TOWN FILE: Z-02/20)

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

AND WHEREAS the Town of Milton Official Plan and the Derry Green Corporate Business Park Secondary Plan provides for the lands affected by this by-law to be zoned as set forth in this by-law;

AND WHEREAS the Town of Milton Official Plan, as amended by Official Plan Amendment No. 66, 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:

- 1.0 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 a special provision Prestige Office (EMP-1*292-H50) Zone Symbol, special provision Business Park (M1*293-H51), (M1*294-H50) and (M1*295-H51) Zone Symbols, a Natural Heritage (NHS) Zone Symbol, and an Open Space- Storm Water Management (OS-2) Zone Symbol on the Lands shown on Schedule A attached hereto.
- 2.0 THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection section 13.1.1.292 to read as follows:

Notwithstanding any provisions of the By-law to the contrary, for the lands zoned site-specific Prestige Office *292 (EMP1*292), the following standards and provisions shall apply:

- A. Notwithstanding Section 8.1 – Table 8A Permitted Uses, the following additional uses shall be permitted:
- 1) *Banquet Facility*
 - 2) *Convention Centre*
 - 3) *Hotel*
 - 4) *Place of Assembly*
 - 5) *Place of Entertainment*

- 6) *Speciality Food Store*, in the first storey of an *Office Building*
- 7) *Theatre*
- B. Notwithstanding Section 8.1 – Table 8A Permitted Uses, the following additional uses shall not be permitted:
 - 1) *Day Care Centre*
- C. Special Site Provisions
 - 1) For the lands zoned Prestige Office *292 (EMP1*292) the following additional special site provisions shall apply:
 - a) Notwithstanding Section 8.1 –Table 8A Footnote (*8), a *Research & Technology Use* shall only be permitted where such use does not produce biomedical waste.
 - b) Notwithstanding Footnote (*10) of Table 8A, Section 8.1, a maximum of two standalone restaurants are permitted at the intersection of James Snow Parkway and Louis St. Laurent provided each *Restaurant* has a minimum *Gross Floor Area* of 500 square metres.
 - c) Notwithstanding Section 8.2, Table 8B, the minimum *Gross Floor Index* shall be 0.5.
 - d) Notwithstanding Section 8.2, Table 8B, the minimum *Building Height* shall be two *Storeys*.
 - e) Parking shall not be permitted between the *Building* and the *Street*.
 - f) Notwithstanding Section 8.2, Table 8B, the maximum *Front Yard Setback* shall be 16.0 metres.
 - g) Notwithstanding Section 8.2, Table 8B, the maximum *Exterior Side Yard Setback* shall be 15.0 metres.
 - h) Notwithstanding Sections 4.19.1 ii) b), 5.1 iii) and 5.6.1 i), connection to a street may be provided by *Private Streets* and driveways located on adjacent lots.

3.0 THAT Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection Section 13.1.1.293 to read as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned site-specific Business Park *293 (M1*293), the following standards and provisions shall apply:

- A. Notwithstanding Section 8.1 – Table 8A Permitted Uses, only the following uses shall be permitted:
 - 1) *Industrial Use*
 - 2) *Medical Clinic*

- 3) *Office Building*
- 4) *Office Use*
- 5) *Research & Technology Use*, excluding uses which produce biomedical waste
- 6) *Restaurant*
- 7) *School, Adult Education*
- 8) *Warehouse/Distribution Centre*
- 9) *Wholesale Operation*

C. Special Site Provisions

- 1) For the lands zoned Business Park (M1*293) the following additional special site provisions shall apply:
 - a) Notwithstanding section 13.1.1.293.A above, a *Restaurant* shall only be permitted as part of an *Industrial Use*, *Warehouse/Distribution Centre*, or *Wholesale Operation*, and shall not be permitted as part of an *Industrial Mall*.
 - b) Notwithstanding Section 5.12, Table 5L, *Parking Areas* can be setback 0.0 metres from the property line when located adjacent to shared access private driveway.
 - c) Notwithstanding anything to the contrary, accessory service, wholesale and retail associated with an *Industrial Use*, *Warehouse/Distribution Centre* or a *Wholesale Operation* shall be permitted provided that the retail area does not exceed 15% or 480 square metres of the *Gross Floor Area* of the premises, which ever is less.
 - d) Notwithstanding Section 5.8.2, Table 5G, the minimum off-street parking requirements for an *Industrial Use* shall be provided as follows:
 - i. Parking is calculated for each individual industrial and warehouse/distribution premises, including accessory office space, as follows:
 - a) For the first 5,000 m² of gross floor area, 1 parking space per 100 m² of gross floor area shall be provided; and
 - b) Gross floor areas greater than 5000 m² shall provide 1 parking space per 200 m² of gross floor area.
 - ii. Notwithstanding any provisions of the By-law to the contrary, accessory retail and showroom uses associated with an *Industrial Use*, *Warehouse/Distribution Centre* or a *Wholesale Operation* shall be included within the above noted calculations.

- e) Notwithstanding Section 8.2, Table 8B, a maximum *Building Height* of 27.5 metres shall be permitted.
- f) Notwithstanding Section 8.2, Table 8B, the minimum *Landscaped Open Space* shall be 7.5%.
- g) Notwithstanding Section 8.2, Table 8B, all *Buildings* must be *Setback* a minimum 23.5 metre from the centreline of Fifth Line.

4.0 THAT Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection section 13.1.1.294 to read as follows:

Notwithstanding any provisions to the By-law to the contrary, for the lands zoned site-specific Business Park *294 (M1*294), the following standards and provisions shall apply:

- A. Notwithstanding Section 8.1 – Table 8A Permitted Uses, the following shall be the only uses permitted:
 - 1) *Fitness Centre*
 - 2) *Industrial Uses*
 - 3) *Medical Clinic*
 - 4) *Office Building*
 - 5) *Office Use*
 - 6) *Recreation and Athletic Facility*
 - 7) *Research and Technology Use*, excluding uses which produce biomedical waste
 - 8) *U-Brew Establishment*
 - 9) *Warehouse/ Distribution Centre*
 - 10) *Wholesale Operation*
- B. Notwithstanding Section 8.1 – Table 8A Permitted Uses, the following uses shall be permitted if located in an office, light industrial or mixed use building including an *Industrial Mall*:
 - 1) *Bank*
 - 2) *Commercial School – Skill*
 - 3) *Commercial School – Trade*
 - 4) *Dry Cleaning Depot*
 - 5) *Dry Cleaning Establishment*
 - 6) *Motor Vehicle Rental Agency*
 - 7) *Personal Service Shop*

- 8) *Restaurant*
- 9) *School – Adult Education*
- 10) *Service and Repair Shop*
- 11) *Specialty Food Store*

C. Special Site Provisions

- 1) For the lands zoned Business Park (M1*294) the following additional special site provisions shall apply:
 - a) The lot line abutting James Snow Parkway is considered the *Front Lot Line*.
 - b) The minimum *Building Height* shall be 6 metres.
 - c) Notwithstanding Section 5.12, Table 5L, *Parking Areas* can be setback 0.0 metres from the property line located within the shared access driveway.
 - d) For an *Industrial Use, Warehouse / Distribution Centre and Wholesale Operation*, a minimum of fifteen percent (15%) or 929 square metres of *Gross Floor Area*, which ever is greater, shall be dedicated to the *Office* component for such use.
 - e) Notwithstanding the forgoing, for an *Industrial Use, Warehouse / Distribution Centre and Wholesale Operation* located in a building where the total building *gross floor area* is greater than 6,967 square metres, a minimum of ten percent (10%) of the *gross floor area* or 696 square metres, which ever is greater, shall be dedicated to the office component for such use.
 - f) Notwithstanding anything to the contrary, accessory service, wholesale and retail associated with an *Industrial Use, Warehouse/Distribution Centre* or a *Wholesale Operation* shall be permitted provided that the retail area does not exceed 15% or 480 square metres of the *Gross Floor Area* of the premises, which ever is less.
 - g) Notwithstanding Section 8.2, Table 8B, the minimum *Landscaped Open Space* shall be 7.5%.
 - h) Notwithstanding Section 5.8.2, Table 5G, the minimum off-street parking requirements for an *Industrial Use* shall be provided as follows:
 - i. Parking is calculated for each individual industrial and warehouse/distribution premises, including accessory office space, as follows:
 - a) For the first 5,000 m² of gross floor area, 1 parking space per 100 m² of gross floor area shall be provided; and

- b) Gross floor areas greater than 5000 m² shall provide 1 parking space per 200 m² of gross floor area.
- ii. Notwithstanding any provisions of the By-law to the contrary, accessory retail and showroom uses associated with the *Industrial Use, Warehouse/Distribution Centre* or a *Wholesale Operation* shall be included within the above noted calculations.
- iii. Notwithstanding Sections 4.19.1 ii) b), 5.1 iii) and 5.6.1 i), connection to a street may be provided by private streets and driveways located on adjacent lots.

5.0 THAT Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection section 13.1.1.295 to read as follows:

Notwithstanding any provisions to the By-law to the contrary, for the lands zoned site-specific Business Park *295 (M1*295), the following standards and provisions shall apply:

- A. Notwithstanding Section 8.1 – Table 8A Permitted Uses, the following shall be the only uses permitted:
 - 1) *Fitness Centre*
 - 2) *Industrial Uses*
 - 3) *Medical Clinic*
 - 4) *Office Building*
 - 5) *Office Use*
 - 6) *Recreation and Athletic Facility*
 - 7) *Research & Technology Use*, excluding uses which produce biomedical waste
 - 8) *U-Brew Establishment*
 - 9) *Warehouse/ Distribution Centre*
 - 10) *Wholesale Operation*
- B. Notwithstanding Section 8.1 – Table 8A Permitted Uses, the following uses shall be permitted if located in an office, light industrial or mixed use building including an industrial mall:
 - 1) *Bank*
 - 2) *Commercial School – Skill*
 - 3) *Commercial School – Trade*
 - 4) *Dry Cleaning Depot*
 - 5) *Dry Cleaning Establishment*

- 6) *Motor Vehicle Rental Agency*
- 7) *Personal Service Shop*
- 8) *Restaurant*
- 9) *School – Adult Education*
- 10) *Service and Repair Shop*
- 11) *Specialty Food Store*

C. Special Site Provisions

- 1. For the lands zoned Business Park (M1*295) the following additional special site provisions shall apply:
 - a. A *Research & Technology Use* shall only be permitted where such use does not produce biomedical waste.
 - b. For an *Industrial Use, Warehouse / Distribution Centre* and *Wholesale Operation*, a minimum of fifteen percent (15%) or 929 square metres of *Gross Floor Area*, which ever is greater, shall be dedicated to the *Office* component for such use.
 - c. Notwithstanding the forgoing, for an *Industrial Use, Warehouse / Distribution Centre* and *Wholesale Operation* located in a building where the total building *gross floor area* is greater than 6,967 square metres, a minimum of ten percent (10%) of the *gross floor area* or 696 square metres, which ever is greater, shall be dedicated to the office component for such use.
 - d. Notwithstanding anything to the contrary, accessory service, wholesale and retail associated with an *Industrial Use, Warehouse/Distribution Centre* or a *Wholesale Operation* shall be permitted provided that the retail area does not exceed 15% or 480 square metres of the *Gross Floor Area* of the premises, which ever is less.
 - e. Notwithstanding Section 5.8.2, Table 5G, the minimum off-street parking requirements for an Industrial use shall be provided as follows:
 - i. Parking is calculated for each individual industrial and warehouse/distribution premises, including accessory office space, as follows:
 - a) For the first 5,000 m² of *Gross Floor Area*, 1 parking space per 100 m² of *Gross Floor Area* shall be provided; and
 - b) *Gross Floor Areas* greater than 5000 m² shall provide 1 parking space per 200 m² of *Gross Floor Area*.
 - ii. Notwithstanding any provisions of the By-law to the contrary, accessory retail and showroom uses associated

with the *Industrial Use Warehouse/Distribution Centre* or *Wholesale Operation* use shall be included within the above noted calculations.

- f. Notwithstanding Section 8.2, Table 8B, the minimum *Landscaped Open Space* shall be 7.5%.
- g. Notwithstanding Section 8.2, Table 8B, all *Buildings* must be setback a minimum 23.5 metre from the centreline of Fifth Line.
- h. Notwithstanding Sections 4.19.1 ii) b), 5.1 iii) and 5.6.1 i), connection to a street may be provided by private streets and driveways located on adjacent lots.

6.0 **THAT** Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding a new definition for the use “Industrial Mall” as follows:

“Means a multi-unit industrial building with a minimum of five (5) separate units, which are managed by a single owner, tenant, or through a condominium corporation.”

7.0 **THAT** Section 13.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the following conditions for removal of the ‘H50’ Holding Provision and “H51’ Holding Provision:

“H50” shall not be removed until:

- a) a site plan or other development plan has been provided to the satisfaction of the Town, which demonstrates that an enhanced level of berming and/or landscaping and urban design along James Snow Parkway can be provided; and
- b) a Noise Study is submitted to the satisfaction of the Town of Milton and Region of Halton

“H51” shall not be removed until:

- a) a Noise Study is submitted to the satisfaction of the Town of Milton and Region of Halton.

8.0 **THAT** if no appeal is filed pursuant to Section 34 (19) of the Planning Act, RSO 1990, c. P13, as amended, or if an appeal is filed and the Ontario Land Tribunal dismisses the appeal, this By-law shall come into force upon the day which 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 of the Tribunal’s Order is issued directing the amendment or amendments.

PASSED IN OPEN COUNCIL ON JUNE 21, 2021

Gordon A. Krantz

Mayor

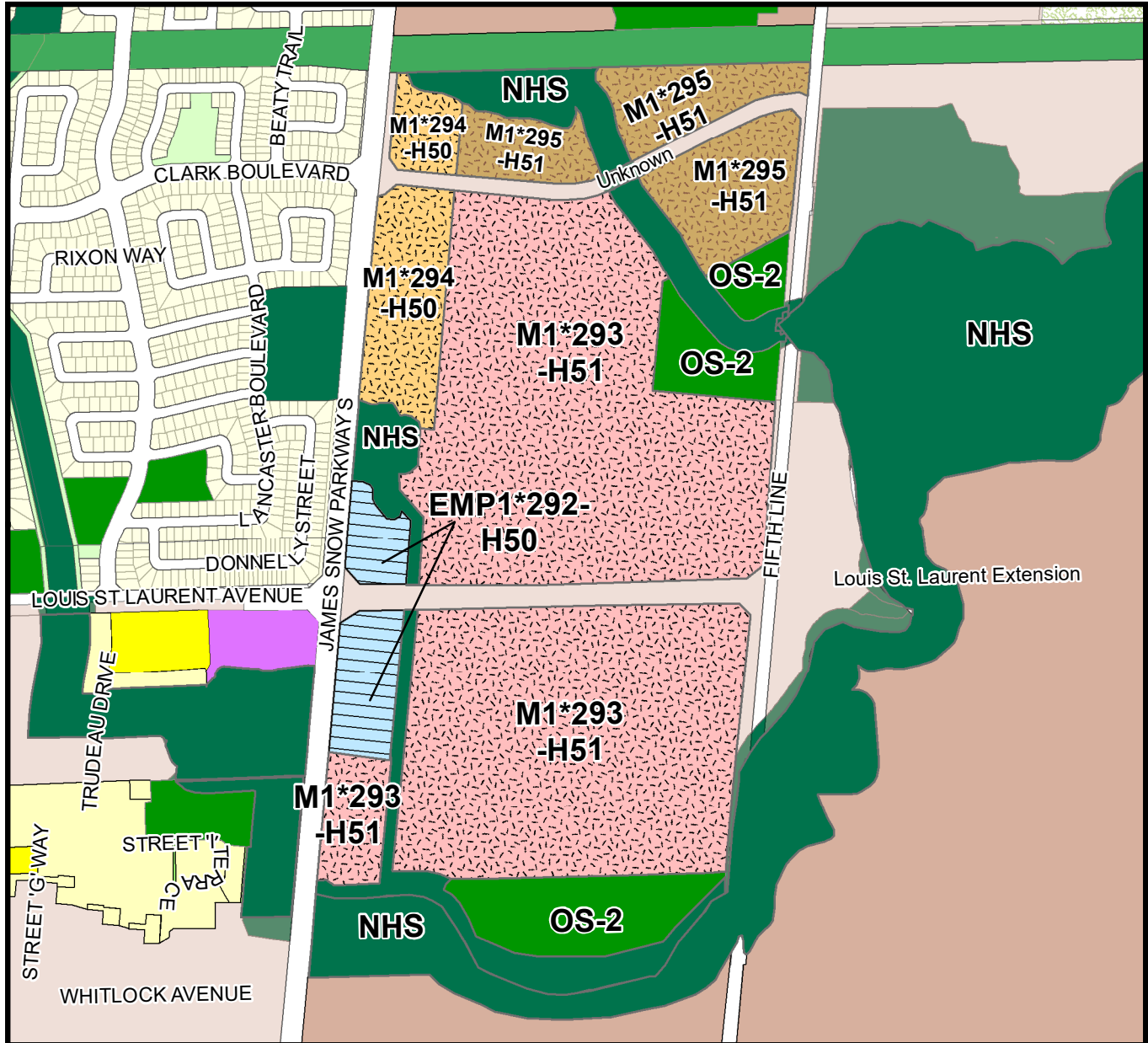
Meaghen Reid

Town Clerk

SCHEDULE A TO BY-LAW No. 058-2021 TOWN OF MILTON

Part of Lots 7, 8, and 9, Concession 5, Former Geographic Township of Trafalgar


Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. 058-2021 PASSED
THIS 21 DAY OF JUNE, 2021.


MAYOR - Gordon A. Krantz


CLERK- Meaghen Reid


 M1*293-H51 - Business Park Zone 293 with Holding Provision H51

 M1*294-H50 - Business Park Zone 294 with Holding Provision H50

 M1*295-H51 - Business Park Zone 295 with Holding Provision H51

 EMP1*292-H50 - Prestige Office Zone 292 with Holding Provision H51

 NHS - Natural Heritage System Zone

 OS-2 - Open Space 2 Zone

24T-20002/M,
LOPA-01/20, Z-02/20