

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 084-2021

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 IN RESPECT OF THE LANDS DESCRIBED AS PART OF LOT 6, CONCESSION 3, FORMER GEOGRAPHIC SURVEY OF TRAFALGAR AND MUNICIPALLY KNOWN AS 8175 BRITANNIA ROAD IN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (FERNBROOK HOMES (MILTON ONE) LIMITED) - File: Z-10/20

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:

- 1.0 **THAT** Schedule A to Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by changing a portion of the existing Open Space (OS) Zone to a site specific Mixed Use (MU*305-H55) Zone on this property as shown on Schedule A attached hereto.
- 2.0 **THAT** Section 13.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.1.1.305 as follows:
Notwithstanding any provision of the by-law to the contrary, for lands zoned site specific Mixed Use *305 (MU*305-H55 Zone), the following special provisions apply:
 - A. Notwithstanding Section 6.1 – Table 6A-1 Permitted Uses, the following additional uses shall be permitted:
 - 1) Multiple Dwellings (Stacked Townhouses) at a minimum density of 100 units per net hectare and provided that a minimum of 80% of parking spaces are within a parking structure.
 - B. Notwithstanding the provisions found in Section 6.2 Table 6F of the By-law, for the lands zoned site specific Mixed Use (MU*305-H55) Zone the following additional special site provisions shall apply:
 - 1) For the purposes of this By-law, the lot line facing Rose Way shall be deemed the front lot line;
 - 2) Setback to all other zones – 3.0 metres;

- 3) Minimum first storey height - 3.1 metres;
- 4) Balconies oriented towards Britannia Road (an arterial road) or internal to a property are permitted at any height;
- 5) Balconies that are oriented toward any other public road other than an arterial road – Minimum 1.0 metres above grade;
- 6) A bicycle parking rate of 0.2 unit for long term parking and 0.2 for short term parking for a total of 0.4 combined short and long term bicycle parking shall apply;
- 7) Minimum Landscape Open Spaces for residential uses – 23% and any landscaping located between Rose Way and Street “B” shall be maintained as part of the private amenity area located adjacent to the public right of way;
- 8) At Grade Patio encroachment – where an 80% or greater at grade patio encroachment is requested, a minimum 1-metre tall ornate railings with masonry pillars is required. In addition, no storage of personal belongings will be permitted on the said Patio with this encroachment;
- 9) Any proposed pedestrian public access from a unit onto Street “B” will require a safety railing on any steps gaining access to Street “B” or any private walkway leading to Street “B”;
- 10) Access to a stacked townhouse unit from a public or private street shall be a maximum 3.25 metres above grade; and
- 11) Any below grade patio fronting onto Britannia Road shall have direct pedestrian access to a private walkway or public street.
- 12) Setback to an underground parking structure 0.55 m.
- 13) The maximum encroachment of a column in an underground parking garage is 0.1 metre into a parking space.
- 14) Notwithstanding the requirements in Table 5D, the minimum off-street parking requirement for a multiple dwelling in a common parking area is as follows:
 - 1.25 spaces per dwelling unit, and
 - 0.25 spaces per dwelling unit for visitor parking
- 15) Setback to a patio wall located on top of a parking structure, regardless of patio wall foundation type 0.07 m;
- 16) The minimum setback of a ramp accessing an underground parking structure to a building is 0.0 metre; and
- 17) Common Amenity Area per dwelling unit (minimum): 4.0 m²

- 3.0 **THAT** Section 13.2 of By-law 016-2014, as amended, is further amended by adding the following conditions for removal of this H55 Holding Provision:
“H55” shall not be removed until:
- a) Municipal water and wastewater capacity and the ability to connect to municipal services is confirmed by the Region of Halton.
- 4.0 **THAT** Section 13.2 is amended by adding subsection 13.2.1.55 as follows:
For the lands zoned site specific Mixed Use (MU*305-H55) Zone on the property legally described as Part of Lots 6, Concession 3, (Trafalgar), only legally established existing uses are permitted on the lots covered by “H55” until the conditions for removal identified in the “H55” Holding provision are satisfied.
- 5.0 **THAT** the Owner be permitted to apply for a Minor Variance Application(s) to the Town and/or the Town of Milton Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.
- 6.0 **THAT** pursuant to Section 34(21) of the Planning Act, R.S.O. 1990, c. P.13, as amended, this by-law comes into effect the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to Subsection 34(19) of the Planning Act, as amended. Where one or more appeals have been filed under Subsection 34(19) of the said Act, as amended, this Zoning By-law Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Ontario Land Tribunal.

PASSED IN OPEN COUNCIL ON SEPTEMBER 13, 2021

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk