



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: May 13, 2024

Report No: DS-033-24

Subject: Public Meeting and Initial Report: Zoning By-law Amendment Application by Kenneth Lee and Seong Mun, applicable to lands located at 100 Stokes Trail (Town File: Z-06/24)

Recommendation: **THAT Development Services Report DS-033-24 BE RECEIVED FOR INFORMATION.**

EXECUTIVE SUMMARY

An application has been made for an amendment to the Town of Milton Zoning By-law 144-2003, as amended, to re-zone the Greenlands B (GB*15) Zone to a site specific Greenlands B (GB*XX) Zone to permit a recreational concrete pad and associated infrastructure. Further, the application proposes to re-zone the Village Residential (RV*14) Zone to a site specific Village Residential (RV*XX) Zone to accommodate a reduced interior side yard setback and maximum gross floor area permissions for an accessory structure.

The application is complete pursuant to the requirements of the *Planning Act* and is being processed accordingly. Upon completion of the consultation and review process, a Technical Report, including recommendations, will be brought forward for Council consideration. The Technical Report will address issues raised through the consultation and review process.

REPORT

Background

Owner: Kenneth Lee and Seong Mun, 100 Stokes Trail, Campbellville, Ontario

Applicant: Brutto Planning Consultants Limited, 113 Miranda Avenue, Toronto, Ontario

Location/Description:

The subject lands are located in Ward 1 and are municipally known as 100 Stokes Trail. The property is within the Hamlet of Campbellville and is generally located north of Campbellville Road and south of Reid Side Road.

Background

The subject lands have an approximate lot area of 0.45 acres and currently contain a single detached dwelling with an attached garage. To the rear of the dwelling, a patio area, pool and cabana are situated.

Surrounding land uses include low-density residential along Stokes Trail and natural heritage systems to the rear (including a woodlot).

A Location Map is included as Figure 1 to this report.

Proposal:

The applicant intends to construct a multi-use recreational concrete pad and associated infrastructure to provide private amenity and recreational area in the backyard. During the summer months, the pad would be used for uses such as basketball and other seasonal sports. During the winter, the pad would be used as an ice rink. Lighting is proposed surrounding the pad and infrastructure, such as French drains, is proposed to accommodate the pad's anticipated drainage.

Staff are aware that the owner previously initiated works associated with the recreational concrete pad. Town Staff identified to the owner that the proposed use is not permitted within the GB*15 Zone and until such time that the appropriate approvals are obtained, work should not continue.

Therefore, the applicant is proposing to re-zone the rear portion of the lands currently zoned GB*15 to a new site specific GB*XX Zone to permit the recreational concrete pad and associated uses. In addition, the applicant intends to re-zone the front portion of the lands from RV*14 to a new site specific RV*XX Zone to accommodate a reduced interior side yard setback and maximum gross floor area permissions for an accessory structure (i.e. garden shed).

A Concept Plan is included as Figure 2 to this report.

The following information has been submitted in support of this application:

- Planning Justification Report, prepared by Brutto Planning Consultants Limited, dated March 5, 2024;
- Draft Zoning By-law Amendment, prepared by Brutto Planning Consultants Limited;
- Conceptual Site Plan, prepared by Brutto Planning Consultants Limited, dated February 14, 2024;
- Grading Plan, prepared by Ertl-Hunt Surveyors, dated October 20, 2023;
- Erosion and Sediment Control Plan, prepared by Ertl-Hunt Surveyors, dated October 20, 2023;
- Photometric Plan, prepared by e-Lumen International Inc., dated October 4, 2023;
- Environmental Impact Study, prepared by RiverStone Environmental Solutions Inc., dated February 2024;
- Stormwater Management Report, prepared by Phoenix Engineering Services, dated June 20, 2023; and,



Background

- Topographic Survey, prepared by IBW Surveyors, dated February 23, 2023.

Discussion

Planning Policy:

The majority of the subject lands are designated as Protected Countryside Area within the Greenbelt Plan. The rear portion of the subject lands are designated as Natural Heritage System within the Greenbelt Plan.

Within the Town of Milton Official Plan, the subject lands are designated as Hamlet on Schedule 1 - Town Structure Plan with a Greenbelt Plan overlay applied to the rear portion of the lands on Schedule 1A - Provincial Planning Structure. The lands are further designated Hamlet Residential on Schedule C.3.1 - Campbellville Hamlet Land Use within the Hamlet of Campbellville Secondary Plan.

Official Plan policies relevant to this proposal include:

- Section 4.5.3.2 - Hamlet Residential Area: Policies that establish development criteria within the Hamlet Residential Area designation, including land use compatibility.
- Section 4.9.2 and 4.9.3 - Regional Natural Heritage: Policies that established permitted uses and criteria with respect to development proposals.
- Section C.3 - Hamlet of Campbellville Secondary Plan: Policies that set out the vision for the Secondary Plan area, along with permitted uses.

While a full review of the applicable planning policies will be undertaken as part of the review of the application, based on the information provided, Staff is satisfied that an Official Plan Amendment is not required.

Zoning By-law 144-2003, as amended:

The rear portion of the subject lands are zoned site specific Greenlands B (GB*15) under the Town's Zoning By-law 144-2003, as amended. The GB*15 Zone only permits naturalized vegetation. The proposed multi-use recreation pad and associated infrastructure will be partially located within the GB*15 Zone. As a result, the applicant intends to establish a site specific GB*XX Zone that will permit the additional uses currently proposed, in addition to their supporting infrastructure, and overall siting.

The front portion of the subject lands are zoned site-specific Village Residential (RV*14) under the Town's Zoning By-law 144-2003, as amended. Currently the RV*14 Zone permits a single detached dwelling, cottage industry, home day care and home occupation. The applicant intends to establish a new site specific RV*XX Zone to accommodate a reduced interior side yard setback and maximum gross floor area permission for an accessory structure (i.e. garden shed). Relief of this nature would typically be considered through a Minor Variance application under Section 45(1) of the



Discussion

Planning Act, however the applicant is choosing to address the deficiency through the Zoning By-law Amendment application to forgo a future Committee of Adjustment application.

The Draft Zoning By-law is attached as Appendix 1 to this Report.

Site Plan Control:

Given that there are no principal structures proposed nor publically accessible spaces on the subject lands, Site Plan Approval will not be required. Should future development be contemplated on the subject lands, Site Plan Approval may apply.

Public Consultation and Review Process:

Notice of Public Meeting was provided pursuant to the requirements of the Planning Act on April 19, 2024. Signage providing information on the proposed application was posted on the property's frontage on Stokes Trail, in addition to notice being sent by mail to all properties within 300 metres of the subject lands.

With respect to the proposal, staff has identified the following matters to be addressed through the review process:

- Consistency with the Provincial Policy Statement and conformity with the Greenbelt Plan, Regional Official Plan and Town Official Plan;
- Environmental considerations, including adjacent Key Features and tree preservation; and,
- Land use compatibility and privacy of adjacent residential properties.

Upon completion of the evaluation of the application, a Technical Report with recommendations will be brought forward for Council consideration.

Key Milestones

Milestone	Date
Pre-Consultation Meeting	10/4/2022
Pre-Submission Review	7/26/2023
Application Deemed Complete	3/18/2024
Statutory Public Meeting	5/13/2024
Date Eligible for Appeal for Non-Decision	6/16/2024



Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan, MCIP RPP
Commissioner, Development Services

For questions, please contact: Rachel Suffern, MPA, M.Sc., Phone: Ext. 2263
MCIP, RPP

Attachments

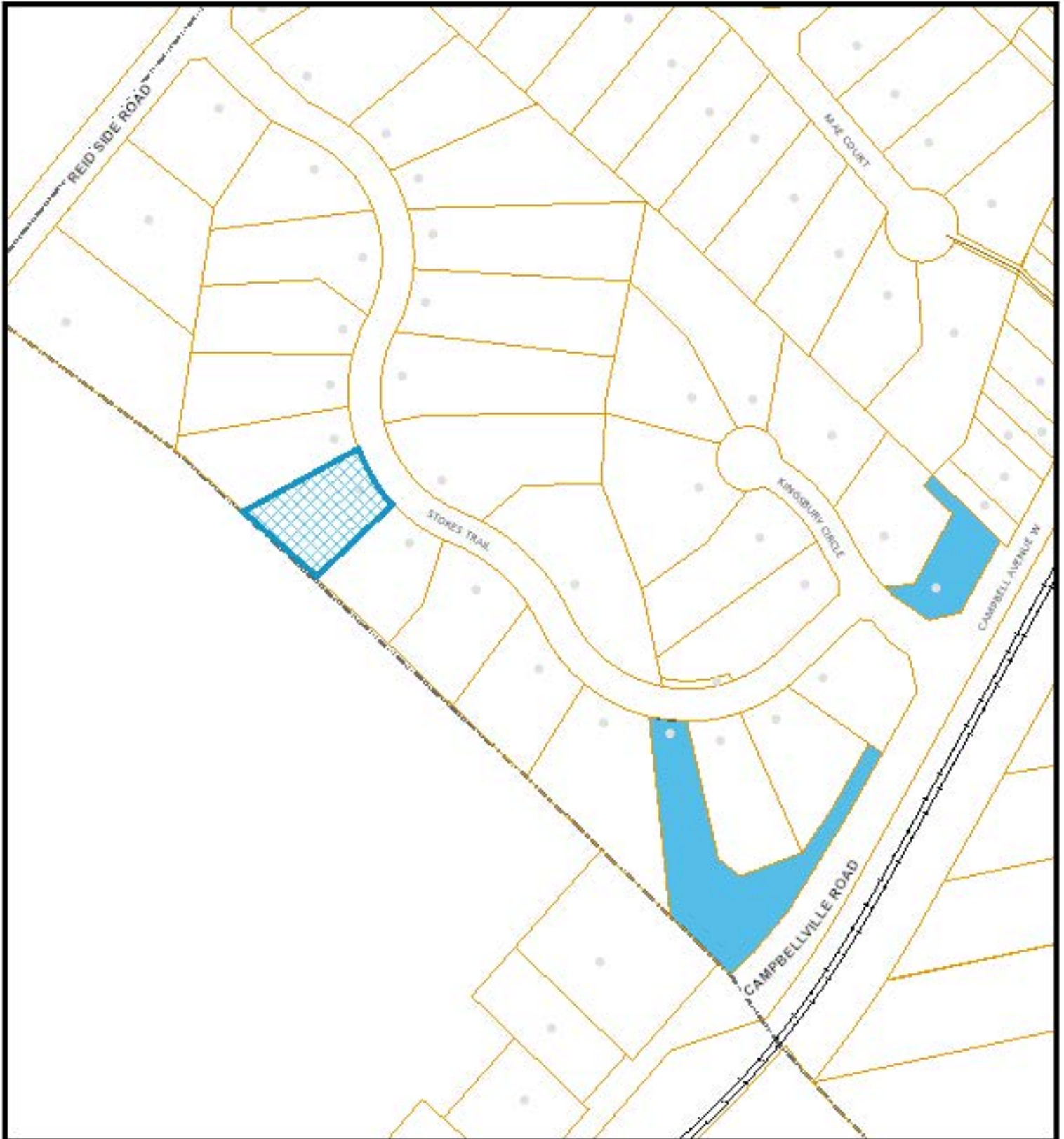
- Figure 1 – Location Map
- Figure 2 – Concept Site Plan
- Appendix 1 – Draft Zoning By-law Amendment

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:
May 13, 2024

Scale: 1:4,513.99 File: Z-06-24

Development Services



Subject Property
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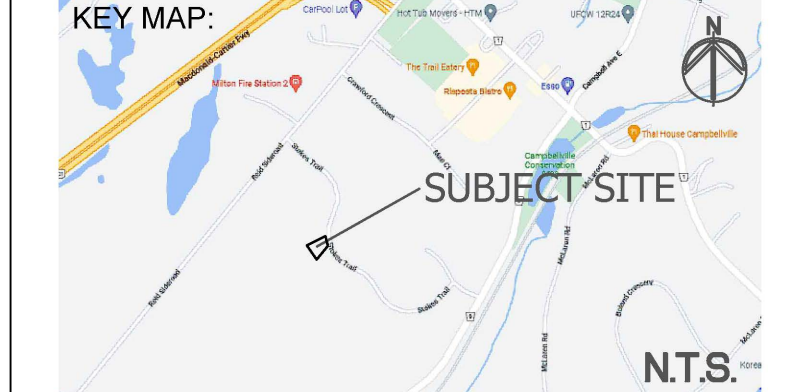
Copyright 2024: Town of Milton, Teranet Inc.



CABANA (66.6 m²)—UNDER CONSTRUCTION
 FILE NO. D13 (A2-21/007/M)
 (APPROVED MARCH 18, 2021)

Brutto Consulting
 113 Miranda Avenue, Toronto, ON M6B 3W8
 Tel: (647) 274-8031 Email: fforani@bruttoconsulting.ca

DETAILED CONCEPT PLAN
 PLAN OF LOT 23, REGISTERED PLAN 20M-969
 TOWN OF MILTON
 REGIONAL MUNICIPALITY OF HALTON



SITE STATISTICS:

PROPERTY AREA	3,528.16 m ² (0.35 ha)
LOT FRONTAGE	40.50 m
FRONT YARD	21.30 m
SIDE YARD (E)	11.01 m
SIDE YARD (W)	9.51 m
REAR YARD	30.77 m
DWELLING HEIGHT	2-STOUREYS

LIST OF SITE-SPECIFIC ZONING EXCEPTIONS:

- To permit a recreational concrete sports pad, ice chiller pad, lighting, and drainage infrastructure on a portion of the GB*15 Zone; whereas the only permitted use in a GB*15 Zone is naturalized vegetation.
- To permit a reduced Interior Side Yard for an Accessory Structure (Shed) of 1.07m; whereas the minimum required interior side yard setback is 3.0 m.
- To permit a reduced Rear Yard Setback between the Recreational Concrete Pad and the Rear Property Line of 0.48 m; whereas the minimum required rear yard setback is 6.0 m.
- To permit a reduced Rear Yard Setback between the Ice Chiller Pad and the Rear Property Line of 0.65 m; whereas the minimum required rear yard setback is 6.0 m.
- To permit a maximum height of 3.0 m for the protective netting around the Recreational Concrete Sports Pad.
- To permit an increased total aggregate gross floor area for accessory buildings of 76.45 m²; whereas the maximum permitted is 66.6 m².
- To permit a maximum area of 324.11 m² for the Recreational Concrete Sports Pad.

SITE STATISTICS:		PERMITTED	PROPOSED	SITE STATISTICS:		PERMITTED	PROPOSED
CABANA (UNDER CONSTRUCTION)			EXISTING PATIO + POOL + WALKWAY				
AREA	66.6 m ²	66.6 m ²	AREA	N/A	530.61 m ²		
HEIGHT	3.70 m	3.70 m	FRONT YARD	6.0 m	22.65 m		
FRONT YARD	6.0 m	44.50 m	SIDE YARD (E)	3.0 m	8.83 m		
SIDE YARD (E)	3.0 m	3.13 m	SIDE YARD (W)	3.0 m	7.89 m		
SIDE YARD (W)	3.0 m	42.93 m	REAR YARD	3.0 m	5.20 m		
REAR YARD	3.0 m	9.31 m					
EXISTING ACCESSORY SHED			EXISTING RECREATIONAL CONCRETE PAD				
AREA	66.6 m ²	9.85 m ²	AREA	N/A	324.11 m ²		
HEIGHT	3.70 m	2.68 m	FRONT YARD	6.0 m	56.80 m		
FRONT YARD	6.0 m	54.03 m	SIDE YARD (E)	3.0 m	27.15 m		
SIDE YARD (E)	3.0 m	50.43 m	SIDE YARD (W)	3.0 m	3.01 m		
SIDE YARD (W)	3.0 m	1.07 m	REAR YARD	3.0 m	0.48 m		
REAR YARD	3.0 m	22.54 m					
SCALE:	DRAWING NO.:	BRUTTO PROJECT No.:	01	ZONING RESUBMISSION	MAR 2024		
1:500	A100	21-970					
ORIGINAL DRAWING DATE:	ORIGINAL DRAWING DATE:						
VER-01	Page 127 of 128	22/08/2022					

Figure 2 - Concept Site Plan

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW XXX-2022

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 144-2003, AS AMENDED, PURSUANT TO SECTION 34 OF THE *PLANNING ACT* IN RESPECT OF THE LANDS DESCRIBED AS LOT 23 ON PLAN 20M-969 FORMER GEOGRAPHIC TOWNSHIP OF NASSAGAWEYA, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (KENNETH LEE AND SEONG MUN) - FILE: Z-06/22

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 144-2003, 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 144-2003, as amended, is hereby further amended by changing the existing site specific Greenlands B (GB*15) zone symbol to a site specific Greenlands B (GB*XX) zone symbol on the land shown on Schedule A attached hereto.
2. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding Section 13.1.1.XXX to read as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned site-specific Greenlands B (GB*XX), the following standards shall apply:

- a. For the purposes of the GB*XX zone, the following definition shall apply:
 - i. "RECREATIONAL CONCRETE PAD means a private uncovered outdoor pad equipped for the conduct of leisure and sport activities including floor hockey, ice hockey, ice skating, basketball, and tennis. The use is solely accessory to a primary residential dwelling and any non-residential uses shall be prohibited. Ice chiller equipment, ice chiller equipment pad, and protective netting are permitted as accessory items to the Recreational Concrete Sports Pad."
- b. Notwithstanding Section 11 Table 11A, the only permitted uses shall be as follows:
 - i. Naturalized Vegetation
 - ii. Recreational Concrete Pad

- iii. Patio
 - iv. Infiltration Galleries and French Drains
- c. Site Specific Provisions:
- i. Notwithstanding the provisions of Section 11.2 Table 11B, the minimum Rear Yard Setback for the Recreational Concrete Sports Pad shall be 0.48 metres.
 - ii. Notwithstanding the provisions of Section 11.2 Table 11B, the minimum Rear Yard Setback for the Ice Chiller shall be 0.65 metres.
 - iii. Notwithstanding the provisions of Section 11.2 Table 11B, the minimum Interior Side Yard Setback for the Ice Chiller shall be 3.0 metres.
 - iv. The maximum height of the protective netting around the Recreational Concrete Sports Pad shall be 3.0 metres.
 - v. The maximum area of the Recreational Concrete Sports Pad shall be 325 square metres.
3. **THAT** Schedule A to Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by changing the existing site specific Village Residential (RV*14) zone symbol to a site specific Village Residential (RV*XX) zone symbol on the land shown on Schedule A attached hereto.
4. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding Section 13.1.1.XXX to read as follows:
- Notwithstanding any provisions of the By-law to the contrary, for lands zoned site-specific Village Residential (RV*XX), the following standards shall apply:
- i. Notwithstanding the provisions of Table 4A in Section 4.1.1 the minimum required *Interior Side Yard Setback* for an accessory structure shall be 1.07 metres.
 - ii. Notwithstanding the provisions of Table 4A in Section 4.1.1 the maximum total *Gross Floor Area* for *Accessory Buildings* and *Structures* shall be 76.45 square metres.
5. 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.

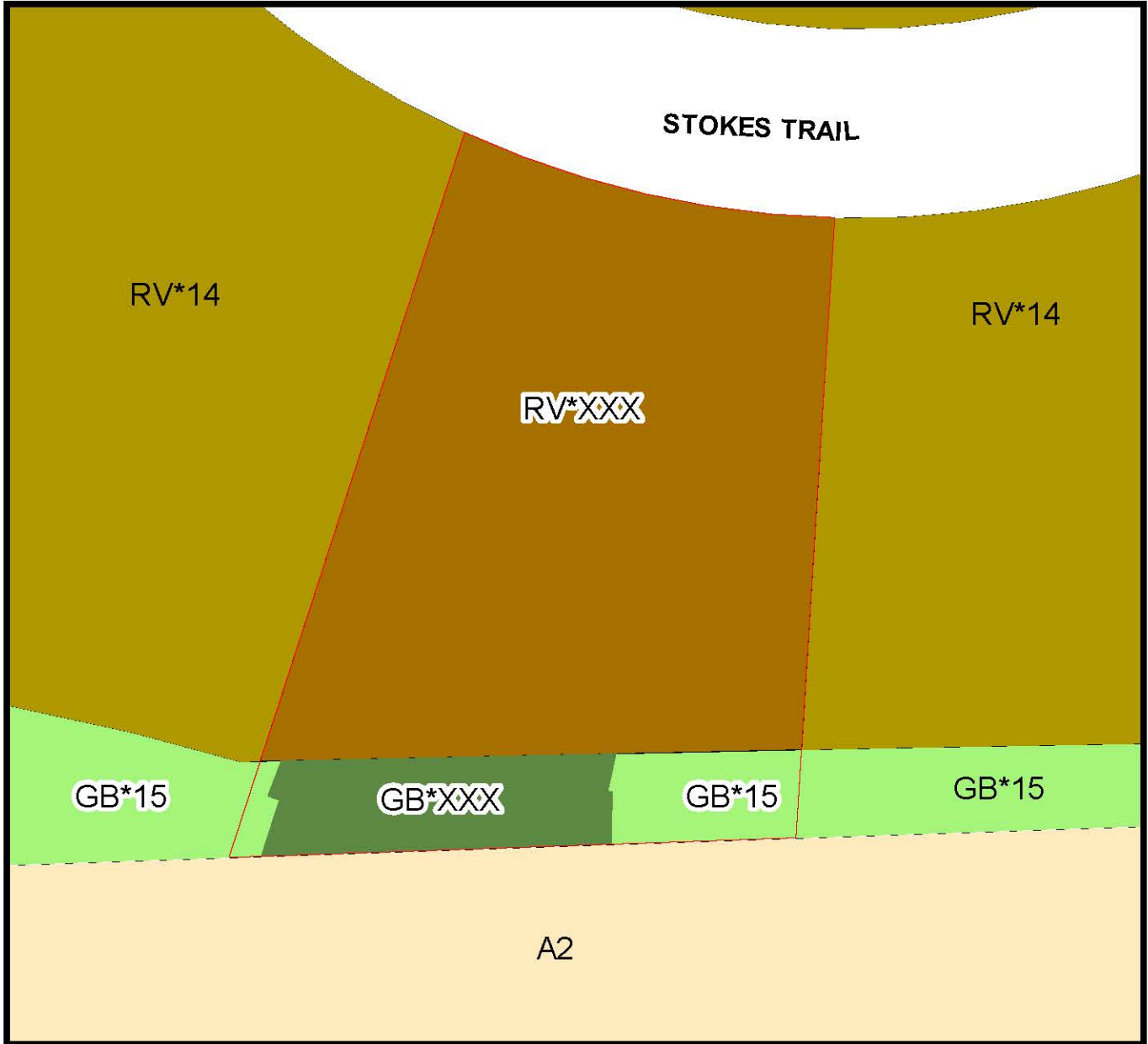
PASSED IN OPEN COUNCIL ON JUNE XX, 2024.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid

SCHEDULE A
 TO BY-LAW No. -2024
 TOWN OF MILTON

100 Stokes Trail
 Town of Milton



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

- RV*XXX - Residential Village Zone Special
- GB*XXX - Greenlands B Zone Special
- GB*15 - Greenlands B Zone Special
- RV*14 - Residential Village Zone Special

 MAYOR - Gordon A. Krantz

 CLERK- Meaghan Reid

