The Corporation of the
TOWN OF MILTON

Report to: Chair & Members of the Administration & Planning Standing Committee
From: W. F. Mann, MCIP, RPP, OALA, RPF, Director of Planning & Development
Date: 10 May, 2010
Report No. PD-031-10

Subject: Technical Report – Proposed Plan of Subdivision and Amendment to the Zoning By-law by Elkford Investments Inc. (“Elkford – Phase 2”) to permit the development of a Residential Plan of Subdivision (Files 24T-05014/M & Z-29/05).

RECOMMENDATION:
THAT Town of Milton Council supports the granting of Draft Plan Approval by the Director of Planning and Development to the proposed plan of subdivision, Elkford Phase 2 attached as Figure 2, subject to standard conditions and the site-specific conditions;

THAT Planning and Development Department Report PD-031-10 outlining an amendment to Town of Milton Zoning By-law to change the Future Development Zone to a site-specific Residential Medium Density 2 Zone for the lands legally described as North East Half of Lot 10, Concession I, N.S. (Trafalgar), BE APPROVED, in accordance with the draft By-law attached as Appendix 1;

AND THAT staff be authorized to bring forward amending Zoning By-law for Council adoption once the appeal to the Ontario Municipal Board has been withdrawn.

EXECUTIVE SUMMARY

Requested Amendments
The applicant has requested an amendment to the Town of Milton Zoning By-law 144-2003, as amended, to change the zoning applicable to the subject lands, consisting of part of the Elkford subdivision (Phase 2), from the Future Development (FD) Zone to a site-specific Residential Medium Density 2 (RMD2*) zone. This amendment is requested in order to permit the development of 39 townhouses and 14 semi-detached dwellings on the lands between the proposed Retirement Residence and the Storm Water Management Pond, identified as the Phase 2 lands.

While the entire subdivision includes the creation of approximately 236 dwelling units, consisting of 60 semi-detached and 176 townhouses (in blocks of 4 to 8 units) and one Residential High Density block, Phase 2 consists of 14 semi-detached dwelling units and 6 blocks with a total of 39 townhouses. Additional blocks include a railroad buffer block and an internal road system. Staff notes that the Owner has already conveyed the road widening adjacent to Derry Road to Halton Region and is conveying the widening for Bronte Street South (formerly First Line) with Phase 1 of the development.

Servicing allocation

The Elkford subdivision has been assigned 30 SDE’s servicing allocation from the 2009 (immediate) release of 500 (SDE). The associated agreement has been entered into and securities posted. The Region has sent their final clearance that Elkford Investments Inc. has met their obligations to the satisfaction of the Region. Combined with the remaining 12 SDE’s from the 2005 servicing allocation program, this additional servicing allocation (30 SDE’s) will allow Elkford to undertake the majority of Phase 2 of the subdivision. Two additional units of servicing allocation are required to complete this phase. At the request of Halton Region, a Holding provision is to be included for one of the semi-detached lots in the amending Zoning By-law or such other solution to the satisfaction of Halton Region to address their concerns.

Revisions to the Application

In response to discussions with staff, the proponent has revised the street layout and location of the second high density block within the plan of subdivision. This places the residential high density block along Derry Road, rationalizes the road layout and creates a window street along Bronte Street South. These changes occur within the future phases of the subdivision and do not affect Phase 2.

Conclusions and Recommendations

Staff notes that these applications have been appealed to the Ontario Municipal Board by the developer. In spite of the appeal to the Board, the applicant has continued to work with staff to resolve the issues relating to the proposed development. Now that the
The proponent has obtained additional servicing allocation from Halton Region and can proceed with Phase 2, the representative for the developer has indicated that it is their intent to withdraw their appeal to the Ontario Municipal Board as it relates to the future phases of the subdivision, including the Phase 2 lands.

With respect to the Phase 1 lands, the only outstanding issue remains the final approval of the amending Zoning By-law by the Ontario Municipal Board. Outstanding matters relating to site plan approval of the retirement residence are execution of the site plan agreement and the financial obligations prior to approval by the Board.

Staff is satisfied that the plan of subdivision, subject to the standard conditions and the site-specific conditions, conforms to Provincial, Regional and local planning policy and achieves acceptable engineering and design standards. The Director of Planning and Development is prepared to grant draft plan approval to Phase 2 of the proposed plan of subdivision processed under File 24T-05014/M, subject to conditions, once the appeal to the Ontario Municipal Board has been withdrawn.

In addition, it is staff’s opinion that the proposed zone classification and provisions, in conjunction with the approved architectural control guidelines, provides appropriate land use controls. Planning staff is further satisfied that the proposed by-law is consistent with the policies of the Provincial Policy Statement and conforms to the Regional and local Official Plans. As such, staff recommends that the rezoning application be approved and an amending zoning by-law adopted once the appeal to the Ontario Municipal Board has been withdrawn.

**REPORT**

**Background**

**Agent**
Humphries Planning Group Inc.
216 Chrislea Road, Suite 103
Vaughn ON L4L 8S5

**Owner**
Elkford Investment Inc.
361 Four Valley Drive
Concord ON L4K 5Z3

**Location/Description**

The subject lands have an area of 13.84 ha and are located west of First Line between Derry Road and the Union Gas corridor to the south. The Phase 2 lands are 2.12 ha in
size and consist of a block between the proposed retirement residence and the stormwater management pond in Phase 1 of the subdivision. The property is legally described as North East Half of Lot 10, Concession I, (geographic township of Trafalgar) Town of Milton. The location of the property and the Phase 1 and Phase 2 areas is illustrated on Figure 1. The property generally slopes from First Line toward the Canadian National Railway corridor.

Surrounding land uses are as follows:

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site</td>
<td>Vacant</td>
<td>Future Development (FD) Zone;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Note: Greenlands B (GB) and site-specific Residential High Density (RHD*116) Zones for Phase 1 lands to be approved by the Ontario Municipal Board</td>
</tr>
</tbody>
</table>

Surrounding Lands

To the north Two-storey commercial building at the SW corner of Derry Road and Bronte Street (First Line); existing commercial building and vacant land north of Derry Road Future Development at the corner of Derry road and Bronte Street; Employment Zone north of Derry Road

To the west CN Rail Corridor and lands under development as part of a residential subdivision (Mattamy Biason) Residential Medium Density 1 (RMD1) and Residential Medium Density 2 (RMD2) Zones

To the south Union Gas Corridor and vacant land Future Development (FD), Zone

To the east Milton Hospital and vacant land Major Institutional (I-B) and Future Development (FD), Zones
Proposal

The applicant proposes to amend the Town of Milton Zoning By-law 144-2003, as amended, by replacing the existing Future Development (FD) Zone for the Phase 2 area with a site-specific Residential Medium Density 2 (RMD2*) Zone. The purpose of the requested amendment is to allow the development of a retirement residence on the subject lands (see Figure 2). The plan of subdivision for the Phase 2 area is proposed to consist of the following:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>No Lots/Blocks</th>
<th>No Units</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Semi-Detached Residential Lots</td>
<td>7</td>
<td>14</td>
<td>0.30</td>
</tr>
<tr>
<td>Townhouse Blocks</td>
<td>6</td>
<td>39</td>
<td>0.88</td>
</tr>
<tr>
<td>0.3 m Reserve</td>
<td>3</td>
<td>n/a</td>
<td>0.01</td>
</tr>
<tr>
<td>Roads</td>
<td>2</td>
<td>n/a</td>
<td>0.93</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>53</strong></td>
<td></td>
<td><strong>2.12</strong></td>
</tr>
</tbody>
</table>

Future phases of the proposed plan of subdivision are shown to consist of the following:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>No Lots/Blocks</th>
<th>No Units</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Semi-Detached Residential Lots</td>
<td>23</td>
<td>46</td>
<td>1.07</td>
</tr>
<tr>
<td>Medium Density Residential</td>
<td>24</td>
<td>137</td>
<td>3.33</td>
</tr>
<tr>
<td>Townhouse Blocks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Density Residential Block</td>
<td>1</td>
<td>175</td>
<td>0.93</td>
</tr>
<tr>
<td>0.3m Reserve</td>
<td>1</td>
<td>n/a</td>
<td>0.01</td>
</tr>
<tr>
<td>Railroad Buffer Block</td>
<td>1</td>
<td>n/a</td>
<td>0.56</td>
</tr>
<tr>
<td>Roads</td>
<td>7</td>
<td>n/a</td>
<td>1.99</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>369</strong></td>
<td></td>
<td><strong>7.89</strong></td>
</tr>
</tbody>
</table>
Supporting Documentation

The applicant’s consultant has submitted the following technical reports in support of the proposed development:

**Phase 2:**
- Draft Plan of Subdivision prepared by Humphries Planning Group Inc. dated August 13, 2005, last revised 1 Feb 2010
- Architectural Control Guidelines, prepared by John G. Williams Architect, dated April 2010

**Reports previously submitted with Phase 1:**
- Geotechnical Investigation prepared by AME – Materials Engineering, dated October 2005
- Hydrogeologic Investigation prepared by Terraprobe Limited, dated December 2004
- Traffic Impact Study prepared by Sernas Transtech, dated December 2005, last revised August 2007
- Draft Addendum Traffic Analysis, prepared by Sernas Transtech. dated May 23, 2007
- Environmental Site Assessment – Phase 1 prepared by Soil Engineers Ltd., dated October 2005
- Preliminary Environmental Noise & Vibration Analysis prepared by Jade Acoustics, dated December 21, 2004
- Road Network Assessment, prepared by Sernas Transtech, dated November 2005
- Tree Inventory/ Tree Preservation Plan prepared by Strybos Barron King Landscape Architecture, dated August 23, 2005, revision 1 dated August 30, 2005
- Functional Servicing Report prepared by Urbantech, dated October 2006
These reports have been reviewed by Town staff and external agencies and the reports have provided sufficient basis to support the granting of draft plan approval to the proposed subdivision.

**Planning Policy**

**Provincial Policy**

The Provincial Policy Statement encourages the development of strong communities through the promotion of efficient land use and development patterns. The Provincial Policy Statement advocates densities which use land, resources, infrastructure and public service facilities efficiently and are supportive of public transit. It is Provincial policy to promote development standards which minimize land consumption and reduce servicing costs. An appropriate range of housing types and densities is to be provided in order to meet projected requirements of current and future residents of the regional market area. Healthy, active communities are to be promoted through the provision of public spaces, parks and open space.

The proposed plan of subdivision in combination with Phase 1 and future phases incorporates a mix of semi-detached and townhouse dwelling types and high density residential development while making efficient use of land, resources, infrastructure and public service facilities.

Additional components of the policy statement related to noise, cultural heritage and archaeological resources and human-made hazards have been reviewed through reports provided by the applicant.

**Region of Halton Official Plan**

Regional Planning staff reviewed this application in the context of the Regional Official Plan. The subject lands are located within the Urban Area. Within Urban Areas, policies in the Regional Plan state that: “the creation of new lots in the Urban Areas will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of this plan.”

**Sixteen Mile Creek and Indian Subwatershed Studies**

The Subwatershed Plans are based on the Sixteen Mile Creek Watershed Plan (1995) and the Bronte Creek Watershed Plan (2002), which prescribes development and resource management principles, focused on the protection and preservation of the watershed-based ecosystem. They provide a greater level of detail with respect to the
approach to stormwater servicing, the type and location of management infrastructure, the approach to watercourse management and identify habitat to be protected, phasing considerations and study requirements.

All new development within the Sherwood Survey is to generally comply with the recommendations of the applicable subwatershed plan. To this end, prior to draft plan approval, Subwatershed Impact Studies are required for each of the subwatershed impact areas in order to achieve a greater level of detail regarding the integration of servicing and stormwater management and identification of loss and compensation of the natural heritage features and functions.

The Subwatershed Impact Study (SIS) for Area #7 has been approved.

**Town of Milton Official Plan**

The subject lands are located within the Residential Employment Area land use designation, as illustrated on Schedule B – Urban Area Land Use Plan.

The intent of the Residential Employment Area designation is the development of an area with a fully integrated range of uses including residential, institutional and employment uses. The permitted uses provides for a range of residential uses, including medium and high density residential development at a minimum of 20 units per net hectare and a maximum density of 100 units per net hectare. The Official Plan further contemplates that during the preparation of the Secondary Plans, consideration be given to the integration of a range of employment uses, including office, light industrial and institutional uses. Additional permitted uses include Special Needs Housing in accordance with the policies of subsection 3.2.3.3 and High Density Residential uses in accordance with the policies of subsection 3.3.3.5.

The Phase 2 development consists of townhouses and semi-detached dwellings, considered to be medium density residential development, which is a permitted residential use in the Residential Employment Area. Phase 1 of the subdivision consisted of Special Needs Housing in the form of a retirement residence. As such, staff is satisfied that Phase 2 of the proposed plan of subdivision, in combination with Phase 1, conforms to the Official Plan.

**Sherwood Survey Secondary Plan**

The subject lands are located within the Residential Employment Area land use designations on Schedule C-8-D of the Sherwood Survey Secondary Plan. Section C.8.5.11 of the Sherwood Secondary Plan provides that medium density residential
development in the Residential Employment Area will be limited and the majority of permitted residential development shall be high density with a minimum density of 50 units per net hectare.

The Residential Employment Area designation requires the submission of the following plans as a basis for the evaluation of applications for development:

a) elevations and plans which demonstrate a high quality of landscaped site development abutting Bronte Road; and
b) elevations and plans which demonstrate that the interface between the development and any existing or proposed adjacent residential development, is compatible with respect to site design, and noise studies and lighting plans, if required by the Town, to address issues of noise and light impacts.
c) Studies which address the need to provide appropriate noise, vibration and safety impact mitigation measures for where development is proposed adjacent to the railway right-of-way.

As the proposed development in the future phases of the subdivision consists of medium density residential development adjacent to Bronte Street South, the above are to be addressed through the architectural control guidelines for the subdivision.

Density
Section C.8.5.11 of the Secondary Plan states that “medium density residential development will be limited, and that the majority of permitted residential development shall be high density with a minimum density of 50 units per net hectare”. Section 3.4.2 of the Official Plan sets the maximum density at 100 units per net hectare.

The lotting for Phase 2 results in a density of 44.9 units per net hectare. While this is below the minimum of 50 units per net hectare, the overall density for the subdivision remains within the targets identified in the Secondary Plan policies. Including the retirement residence in Phase 1, the density is around 72.5 units per net hectare. Excluding the retirement residence, the anticipated density remains above the minimum at 64.8 units per net hectare. As future phases develop, it will be important to ensure that the high density block is built as proposed in order to meet the overall density targets. In addition, Block 24, currently proposed as townhouses, remains an opportunity for higher density development, which may be considered when future phases proceed.
Given that the subdivision exceeds 200 lots of residential development, Policy C.8.5.1.1 Residential Mix also applies. This policy states that individual subdivisions which exceed 200 lots in size, shall be in accordance with the ultimate housing mix targets for the Urban Area, consisting of 60% single and semi-detached, 15% row housing or similar housing forms and 25% apartment or similar housing form. The intent of the policy is to encourage a variety of housing forms and avoid the creation of large areas with uniform housing types. In consideration of this, the applicant has revised the overall plan to incorporate 60 semi-detached units in order to achieve a greater variety of housing types. The housing mix for the overall Elkford subdivision consists of 10% semi-detached dwellings, 31% townhouse dwellings and 59% apartments and retirement residence units. This increased proportion of row housing and apartment or similar housing form reflects the requirement for higher density development in Residential Employment designation.

Urban Design
The Urban Design policies of the Sherwood Secondary Plan (Section C.8.4.6.3.f)) speak to encouraging a mix of lot sizes, building types and architectural styles with high quality building materials on a street-by-street basis to reinforce the character of the existing community. The proponent has provided architectural control guidelines.

Staff is satisfied that the proposed development for Phase 2 conforms to the land use policies. On the basis of the foregoing, staff is satisfied that the proposed plan of subdivision and zoning by-law amendment conform to the Secondary Plan policies and criteria.

Zoning By-law
The Phase 2 lands are presently within the Future Development (FD) in accordance with Zoning By-law 144-2003, as amended. The Future Development (FD) Zone was implemented through the new Zoning By-law in order to identify lands, which would ultimately be developed for urban purposes.

As the Future Development (FD) Zone does not contemplate the form of development proposed, an amendment to the Zoning By-law is required in order to implement the proposed draft plan of subdivision.
Site Plan Control

Site plan control applies to the development of semi-detached dwellings and townhouses contemplated in Phase 2. Provided the developer satisfies the conditions set out in the Site Plan Control By-laws, they receive an automatic exemption.

Discussion

Public Consultation

Notice of a Public Meeting was circulated to all persons assessed in respect of land within 120 m of the subject property on January 27, 2006. No written comments were received in response to the written notice. In addition, two notice signs were posted on the subject lands along the Derry Road and First Line (Bronte Street South) frontages.

Notice of consideration of the Technical Report was sent by direct mail to those who signed the register at the public meeting.

One person spoke at the public meeting and expressed their opposition to development in the Niagara Escarpment “shadow lands” and requested that more hospital space be demanded and provincial approval of an expansion to the Milton Hospital before any further growth occurs.

Staff notes that this area has been designated as an urban area in the Regional Official Plan and as an urban expansion area in the local Official Plan. In addition, the area and has been the subject of a secondary planning process which included extensive public consultation and has resulted in the approval of the Sherwood Survey Secondary Plan. The principle of development has been decided through these earlier planning phases.

With respect to the request that more hospital space be demanded and provincial approval of an expansion to the Milton Hospital be granted before any further growth occurs, staff notes that the hospital is a regional facility and funding is subject to provincial policies. Linking land development decisions to the funding of this facility, which is outside the control of the applicant, is not appropriate. In any event, staff is aware that the hospital is actively working toward an expansion plan.

Agency Consultation

The application was circulated to external agencies on January 5, 2006 with comments requested by February 3, 2006. The Phase 2 submission was circulated on February
24, 2010. The majority of the circulated agencies either offered no comment and/or no objection to the application, or requested that standard conditions be imposed upon draft plan approval.

Comments regarding Phase 2 provided by the agencies circulated are outlined below:

**Halton Region**

Regional Planning staff’s concerns in the Urban Area are mostly related to the availability and allocation of services. Policies in the Regional Plan limit development in Urban Areas to the ability and financial capability of the Region to provide urban services in accordance with its approved Development Charges Bylaws and to monitor servicing requirements of proposed developments.

The Elkford subdivision has been included as part of the 2009 (immediate) release of 500 (SDE). Combined with the remaining 12 SDE’s from the 2005 servicing allocation program, this additional servicing allocation (30 SDE’s) will allow Elkford to undertake the majority of Phase 2 of the subdivision. Two additional units of servicing allocation are required to complete this phase.

While the Region has no objection to the proposed zoning amendment for Phase 2, Regional staff is concerned that pre-sales or receipt of payments could occur on these two units as well as building permits being issued in advance of the Region’s receiving its financial allocation payment for 2 SDE’s. Regional staff has requested the use of an ‘H1’ Holding provision to restrict development of a building lot these two units until such time as the appropriate water and wastewater allocation payment is received.

The Region also appears to be requiring that this one lot for two semi-detached units not be registered as part of Phase 2 of the subdivision. Notwithstanding this requirement, town staff has pointed out that the lot will be created at the time of registration of the subdivision, by virtue of the surrounding lands being registered. If this occurs, this single lot will unfortunately not be a lot within a registered plan of subdivision and will not be subject to a subdivision agreement, which would identify requirements for the developer and warning clauses for prospective purchasers. In addition, the lot cannot be subject to part lot control and a consent application will be required to create the two semi-detached units.

While Town staff supports the Region’s servicing allocation program requirements and policies, in this particular instance, staff would be supportive should another solution be acceptable to Halton Region.
Engineering Services

Engineering Services has no objection to the plan provided that a temporary access to Bronte Street is provided for emergency access to the subdivision. This temporary access is to remain until the lands to the south develop and the proposed collector road is extended across the Union Gas Pipeline corridor and connects back to Bronte Street.

Planning and Development Department Comments

Subdivision Design

The Phase 2 lands are bounded by the block for the retirement residence, the Union Gas corridor and the storm water management pond and the alignment for Street A. Consequently, the developer has little latitude in the design of this Phase.

Zoning Provisions

The lands are proposed to be placed in a Residential Medium Density 2 Zone. While this zone permits townhouses, a provision is being proposed to permit semi-detached dwellings in accordance with the housing mix policies discussed earlier. The proposed zoning by-law amendment also includes site-specific provisions relating to driveway width and fencing.

Provisions are included to ensure that minimum driveway widths are maintained in those locations where the fronts of the dwelling units are staggered. In these locations, portions of the driveways abut the building wall of the adjacent dwelling unit. The result is that the combined driveway width for two abutting units will be slightly wider than what is currently permitted.

With respect to fencing, a provision has been included to restrict the fence height in the front and exterior yards for corner lots. A maximum fence height of 1.0 metre will be permitted. For an open wrought iron fence, the maximum height will be 1.2 metres. This ensures that the façade facing the street and the architectural detailing developed to mitigate the increase in lot coverage is visible from the public realm. The fence provisions serve to realize the intent of the urban design policies, which identify the requirement to create pedestrian-oriented streets and a high urban design standard.

Access

In accordance with Engineering requirements, a second access to the subdivision for emergency services must be provided, in order for development to proceed in Phase 2. It is intended that a road connection will be provided across the Union Gas corridor in accordance with the Schedules of the Sherwood Secondary Plan. However, the lands to the south are not proceeding with development at this time. As a result, a temporary
The Corporation of the
town of Milton

Report No.PD-031-10
Page No. 14

Second access must be provided on Bronte Street immediately south of the existing medical building. This second access will also serve as a construction access.

On the basis of the foregoing, staff is satisfied that Phase 2 of the subdivision design achieves appropriate engineering and design standards.

Conclusions

Planning staff is satisfied that the policies and criteria found in the Official Plan and Secondary Plan are met in this proposal. In addition, no issues relating to conformity have been identified with respect to either Provincial or Regional planning policy.

On the basis of the foregoing, staff recommends, provided the standard conditions of draft plan approval and the site-specific conditions are imposed, that it is appropriate for the Director of Planning and Development to grant draft approval to Phase 2 of the plan of subdivision processed under file 24T-05014/M, attached as Figure 2 to this report.

Staff recommends that the draft Zoning By-law, attached as Appendix 1, be brought forward for Council adoption when the appeal to the Ontario Municipal Board has been withdrawn.

Relationship to the Strategic Plan

This application relates to the goal of “Well managed growth, well planned spaces”. The proposed subdivision will contribute to create a sense of civic identity and pride through a high standard of urban design for all new development identified under Direction 1. The subdivision design allows for the establishment of a street pattern in new development areas that is based on a permeable grid pattern of arterials, collectors and local roads under Direction 2.

The proposed development is consistent with the phasing for the Sherwood Survey and thereby contributes to the efficient use of land to make the best use of infrastructure and services under Direction 3 “Encourage cost effective and timely municipal/community infrastructure development”.

Financial Impact

Should the application be approved, some change in the assessed value of the subject lands for property tax purposes is anticipated. In addition, development charges would be payable upon building permit issuance.
Respectfully submitted,

W. F. Mann, MCIP, RPP, OALA, RPF
Director of Planning and Development

MS

If you have any questions on the content of this report: Maria Smith, 905-878-7252 ext. 2311

Attachments:  
Figure 1 – Location Map  
Figure 2 – Concept Plan  
Appendix 1 – Draft Zoning By-law

CAO Approval: ________________________________
THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO.  -2010

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, AS AMENDED, IN RESPECT OF THE LANDS DESCRIBED AS
PART OF THE NORTH EAST HALF OF LOT 10, CONCESSION I, NS
(TRAFALGAR), FILE:  Z-29/05

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 amended by changing the existing Future Development (FD) zone symbol
to a site-specific Residential Medium Density 2 (RMD2 *XX) zone symbol on the
land and adding the Holding (H) symbol, H1, to the Residential Medium Density 2
(RMD2*XX) zone symbol on part of this property shown on Schedule A attached
hereto.

2) THAT  Section 13.1, Subsection 13.1.1.XX, is amended by adding the following
provisions:

For lands zoned Residential Medium Density 2 *XX (RMD2*XX), the following
provisions apply:

i) Notwithstanding Section 6.2 Table 6A to the contrary, a semi-detached
dwelling is a permitted use and shall comply with all of the applicable
requirements of the RMD1 zone.

ii) Notwithstanding Section 4.5 Fencing, subsection 4.5.2 i) and 4.5.2 ii):

a. Within an interior side yard or rear yard, the maximum fence height
shall be 2.0 metres;
b. Within a front yard or an exterior side yard, the maximum fence height shall be no higher than 1.0 m*, except that for that portion of the exterior side yard which adjoins the rear yard of a corner lot, the maximum fence height along the common property boundary may be no higher than 2.0 m. (* 1.2m for an open wrought iron fence)

iii) Notwithstanding Section 5.5.2 iii), b) to the contrary, for lots with adjoining Residential Driveways on abutting properties, the minimum residential Driveway width shall be 3.2 m each, with a minimum combined width of 6.4 m.

iv) Notwithstanding Section 5.5.2 iii) e) to the contrary, no person shall permit a Residential Driveway exceeding the width of 3.35m for lots having a frontage of less than or equal to 6.5 m.

3) THAT, Section 13.2 is amended by adding Section 13.2.1.XX to read as follows:

For lands zoned a site-specific Residential Medium Density 2 (RMD2*__), the property description being Lot 7 of the draft plan of subdivision, for the lands consisting of part of the north east half of Lot 10, Concession I, NS, only legally established existing uses are permitted until the conditions for removal identified in the “H1” Holding provision are satisfied.

4) 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 Municipal Board dismisses the appeal, this by-law shall come into force on the day of its passing. If the Ontario Municipal Board 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 Board's Order is issued directing the amendment or amendments.

READ A FIRST, SECOND AND THIRD TIME, and FINALLY PASSED this day of                        , 2010.

______________________________MAYOR
G.A. Krantz

_________________________TOWN CLERK
T. McHarg
Note: These lands are currently designated Future Development (FD), the indicated zones reflect the amending Zoning By-law pending approval by the Ontario Municipal Board.