

SCHEDULE 5 – ZONING BY-LAW AMENDMENT



BY-LAW NO. 2021-00XX

A By-law to Amend Zoning By-law 2010-0050, as amended by By-law 2017-0064, for the lands described as Part Lots 1, 2 & 3, Registered Plan 37, Part of Lot 18, Concession 9, Town of Halton Hills, Regional Municipality of Halton, municipally known as 69-79 Main Street South and 94-98 Mill Street (Georgetown)

WHEREAS Council is empowered to enact this By-law by virtue of the provisions of Sections 34 and 37 of the Planning Act, R.S.O.1990, as amended;

AND WHEREAS on November 15, 2021, Council for the Town of Halton Hills approved Report No. PD-2021-0064, dated October 21, 2021, in which certain recommendations were made relating to amending Zoning By-law 2010-0050, as amended by By-law 2017-0064;

AND WHEREAS Council has recommended that Zoning By-law 2010-0050 be amended as hereinafter set out;

AND WHEREAS said recommendation will conform to the Official Plan for the Town of Halton Hills, as amended by Official Plan Amendment No. 37;

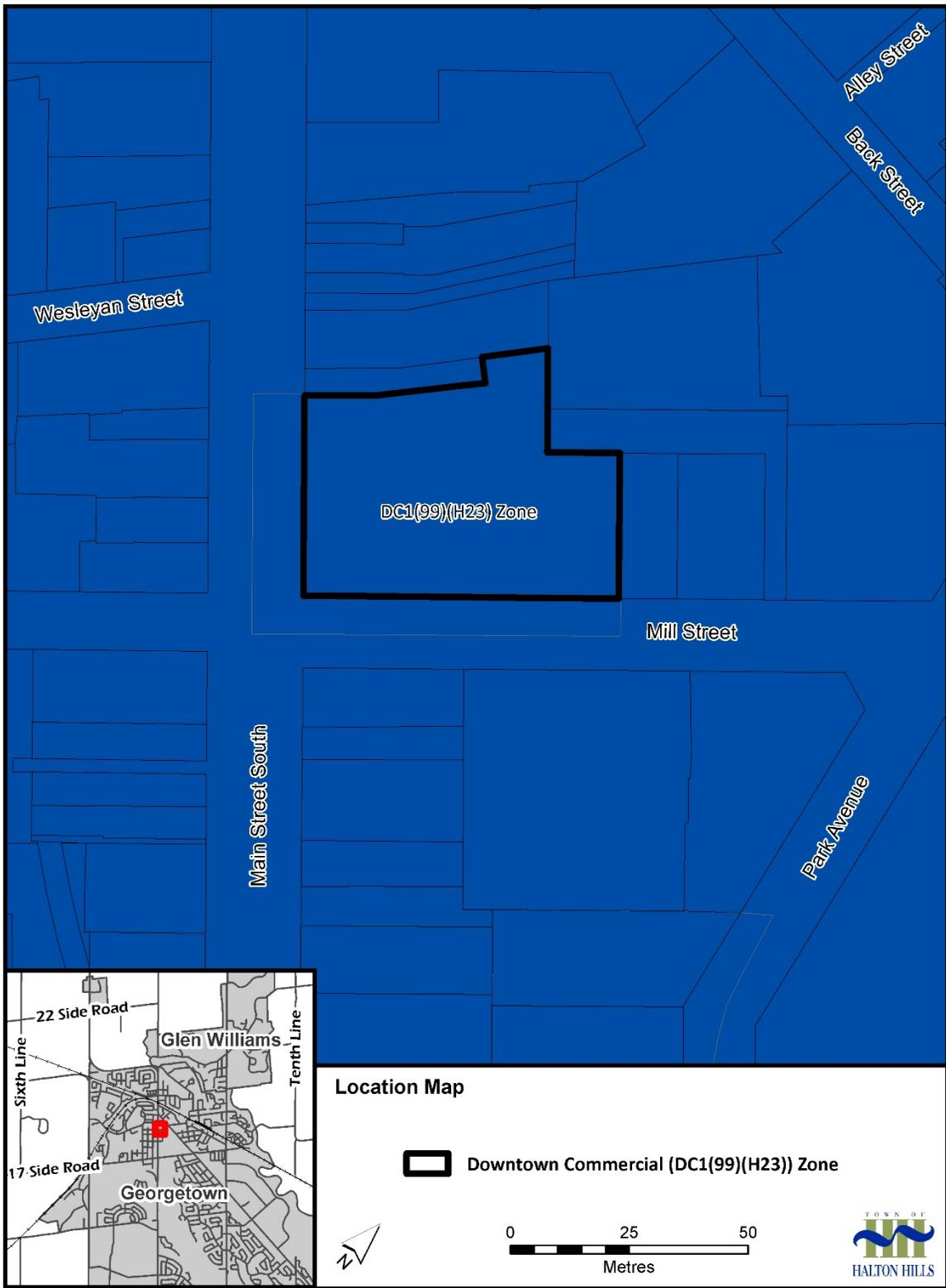
AND WHEREAS the Official Plan for the Town of Halton Hills contains provisions relating to the authorization of increases in height and density of development;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. That Schedule "A4" of Zoning By-law 2010-0050, as amended by By-law 2017-0064, shall continue to reference the lands described as Part of Lots 1, 2 & 3, Registered Plan 37 and Part of Lot 18, Concession 9, Town of Halton Hills, Regional Municipality of Halton, municipally known as 69-79 Main Street South and 94-98 Mill Street (Georgetown), as a Downtown Commercial One (DC1) Exception 99, Holding (H23) Zone, as shown on Schedule "1" attached to and forming part of this By-law;
2. That Table 13.1: Exceptions of Zoning By-law 2010-0050, as amended by By-law 2017-0064, is hereby further amended by replacing the existing Exception Provision 99 with that contained in Schedule "2" and the Height and Density Bonus requirements contained in Schedule "4" attached to and forming part of this By-law; and
3. That Table 14.1: Holding Zones of Zoning By-law 2010-0050, as amended by By-law 2017-0064, is hereby further amended by replacing the existing Holding Provision 23 (H23) with that contained in Schedule "5" attached to and forming part of this By-law.

BY-LAW read and passed by the Council for the Town of Halton Hills this 15th day of November, 2021.

SCHEDULE 1 to By-law 2021-00XX



SCHEDULE 2 to By-law 2021-00XX

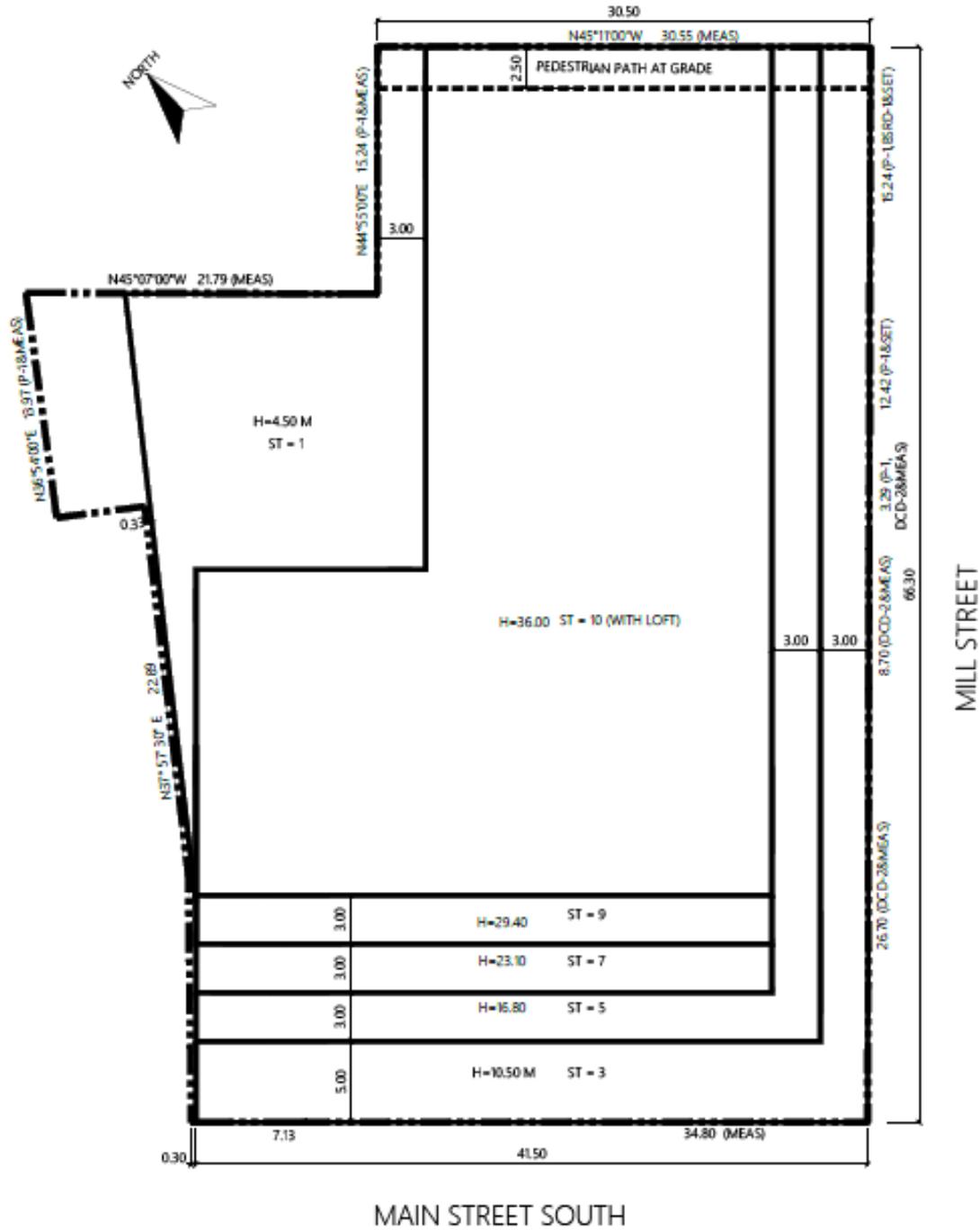
13.1 EXCEPTIONS

1 Exception Number	2 Zone	3 Municipal Address	4 Additional Permitted Uses	5 Only Permitted Uses	6 Uses Prohibited	7 Special Provisions
99	DC1	69-79 Main Street South and 94-98 Mill Street (Georgetown), (Part Lots 1, 2 & 3, Registered Plan 37, Part of Lot 18, Concession 9)	Apartment Dwelling Units			<ul style="list-style-type: none"> (i) Maximum number of Apartment Dwelling Units – 169; (ii) Maximum height – as shown on Schedule 3 to this By-law. No portion of the building or structure, excluding parapets, guard rails, railing and dividers, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, garbage chute overruns, make up air unit to a maximum height of 3.5 metres, roof drains, plumbing vents, electrical panel with enclosure, architectural features and/or landscaping elements of a green roof is to have a height greater than the height in metres specified by the number following the H symbol as shown on Schedule 3; (iii) The Mechanical Penthouse shall not project more than 3.6 metres above the highest point of the roof to the building and other freestanding mechanical equipment, such as cooling towers, shall not project more than 6.0 metres above the highest point of the roof to the building; (iv) For the purposes of this zone “Storey” means the portion of a building between the surface of a floor and the floor, ceiling or roof immediately above. Any loft or mezzanine space on the tenth storey shall not be considered as a separate storey; (v) Main Street South is

						<p>defined as the front yard;</p> <p>(vi) Minimum required front yard – as shown on Schedule 3 to this By-law;</p> <p>(vii) Minimum required rear yard – as shown on Schedule 3 to this By-law;</p> <p>(viii) Minimum required interior side yard – as shown on Schedule 3 to this By-law;</p> <p>(ix) Minimum required exterior side yard – as shown on Schedule 3 to this By-law;</p> <p>(x) The portions of the building or structure above ground must be located within the areas delineated by heavy lines as shown on Schedule 3 of this By-law except that cornices, light fixtures, ornamental elements, parapets, art and landscape features, eaves, window sills, planters, ventilation and exhaust shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment and underground garage ramps and associated structures may extend beyond;</p> <p>(xi) Minimum required number of loading spaces – 1 loading space;</p> <p>(xii) Minimum width of an aisle providing access to a parking space within a parking area – 6.0 metres;</p> <p>(xiii) Minimum required number of parking spaces for residents – 1.25 spaces per dwelling unit, 4 of which can be an <i>Auto-Share Parking Space</i>;</p> <p>(xiv) Minimum required number of parking spaces for visitors and</p>
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						<p>retail/commercial – 0.15 parking spaces per dwelling unit;</p> <p>(xv) For the purposes of this Zone “<i>Auto-Share Parking Space</i>” means a parking space that accommodates a vehicle offered for short-term rental for use by the public. Each Auto-Share Parking Space shall be equal to 4 spaces for residents when calculating the on-site parking supply;</p> <p>(xvi) Height and Density Bonusing Requirements as per Schedule 4 to this By- law.</p>
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SCHEDULE 3 to By-law 2021-00XX



NOTE:

- H DEMOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE OF 252.80 M CANADIAN GEODETIC DATUM
- ST DENOTES NUMBER OF STOREYS PERMITTED
- ALL DIMENSIONS ARE IN METRES
- BUILDING SETBACKS ARE PROVIDED & FLEXIBILITY OF +/- 0.1 M

SCHEDULE 4 to By-law 2021-00XX

Height and Density Bonusing Requirements

The following requirements were secured through an agreement under Section 37 of the Planning Act, registered on title on June 27, 2017:

- (i) Prior to the issuance of a demolition permit for the McGibbon Hotel (71-79 Main Street South and 98 Mill Street), the Owner shall submit a Heritage Reconstruction and Restoration Plan for the McGibbon Hotel, to the satisfaction of Town Administration and have said Plan approved.
- (ii) The facades of the existing McGibbon Hotel (71-79 Main Street South and 98 Mill Street) are to be reconstructed in accordance with the approved Heritage Reconstruction and Restoration Plan on Main Street South and replicated on Mill Street as follows:
 - the upper two floors of the facade on Main Street will be reconstructed in a two brick wythe using original brick retained during demolition, or in the alternative the upper two floors of the facade will be retained in situ and restored;
 - the façade along Mill Street may use the same original brick retained during demolition or new brick that is matched for colour, size and appearance;
 - using original materials and elements retained during demolition such as stone window sills, metal tieback plates and the restoration, reuse and reinstallation of the McGibbon Hotel sign;
 - both facades will replicate all of the details and ornamentation of the existing McGibbon Hotel; and,
 - the intent of these provisions shall be implemented through a condition of the Holding Provision of this By-law, the section 37 Agreement and/or through the Site Plan Control approval process.
- (iii) The facade of the upper floor of the existing building at 69 Main Street South to be replicated to the extent reasonably practicable in accordance with the approved Heritage Reconstruction and Restoration Plan on Main Street as follows:
 - where feasible, using original materials and elements retained during demolition such as stone window sills, limestone bricks, metal tieback plates, together with such new materials that are matched for colour, size and appearance where the use of original materials is not feasible;
 - where feasible, the façade will replicate all of the details and ornamentation of the upper floor of the existing building; and
 - the intent of these provisions shall be implemented through a condition of the Holding Provision of this By-law, the section 37 Agreement and/or through the Site Plan Control approval process.
- (iv) The Owner shall make a cash contribution of \$500,000 payable prior to the lifting of the Holding (H23) provision as referenced in SCHEDULE 5 of this Bylaw which contribution shall be allocated by and expended by the Town to a) the enhancement and preservation of heritage conservation initiatives within the Town to increase the historic connection to Downtown Georgetown and/or to b) the provision of additional public facilities and improvements within and adjacent to Downtown Georgetown to increase the vitality of Downtown Georgetown. Allocation and expenditure of the contribution shall not occur prior to consultation with the Owner and other stakeholders to obtain input on the potential projects to which the contribution may be expended.

The following requirement shall be implemented through a supplemental agreement under Section 37 of the *Planning Act*:

- (v) The Owner shall develop and make available a permanent on-site pathway or connection for use by the general public that will provide pedestrian access, to municipal standards, between the abutting "Back Street" municipal parking lot and Mill Street. An access easement over the pedestrian connection in favour of the Town of Halton Hills will be required to secure the public connection. Perpetual maintenance of the permanent on-site pathway or connection, to municipal standards and the Town's satisfaction, will be the responsibility of the property owner or subsequent condominium corporation.

SCHEDULE 5 to By-law 2021-00XX

14.1 HOLDING ZONES

	Zone Designation	Property/Legal Description	Conditions for Removal	Date Enacted
H23	DC1(99)	69-79 Main Street South and 94-98 Mill Street (Georgetown), (Part Lots 1, 2 & 3, Registered Plan 37, Part of Lot 18, Concession 9)	<p>The Holding (H23) provision may be lifted upon:</p> <ul style="list-style-type: none"> i) Execution of agreement under Section 37 of the <i>Planning Act</i>, or other such legal agreement that the Town Solicitor may require, providing for the public benefits referenced in SCHEDULE 4 of this Bylaw; ii) Payment of the \$500,000 contribution as set out in SCHEDULE 4 of this Bylaw and in the agreement under Section 37 of the <i>Planning Act</i>; iii) Approval of a Site Plan application and execution of a Site Plan Agreement in accordance with Section 41 of the <i>Planning Act</i>, for any future development; iv) Approval by Town Administration of a Heritage Reconstruction and Restoration Plan, prior to the issuance of any Demolition Permit(s); v) The Owner satisfies the Region of Halton's Protocol for Review Contaminated and Potential Contaminated sites, by submitting a Ministry of the Environment and Climate Change acknowledged Record of Site Condition in accordance with Ontario Regulation 153/04, or the Owner provides documentation prepared by a Qualified Professional that demonstrates that the lands are or will be suitable for the intended use, both of which shall be to the Region of Halton's satisfaction; vi) The Town of Halton Hills and the Region of Halton being satisfied that the subject site has received the necessary servicing allocation (SDE). A Water Usage and Sanitary Discharge Report shall be submitted to the Region of Halton for review; vii) Arrangements for an easement over the Back Street parking lot and all necessary upgrades, improvements or restoration of the parking lot shall be secured to ensure access to the garbage and loading area as well ensuring reasonable access to adjacent properties is maintained, to the satisfaction of Town Administration; viii) Arrangements for the relocation of existing utilities located on the subject lands, to the satisfaction of Town Administration; and ix) Approval by Town Administration of a Construction Management Plan. 	November 15, 2021