

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2017

BEING A TOWN INITIATED BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTION 34 OF THE *PLANNING ACT* FOR THE PURPOSES OF IMPLEMENTING NEW REGULATIONS FOR THE MAJOR NODE, MINOR SUB-NODE AND SECONDARY MIXED USE NODE DESIGNATIONS INTRODUCED THROUGH THE BOYNE SURVEY SECONDARY PLAN, WITHIN THE TOWN OF MILTON (FILE: Z-11/17)

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 lands affected by this By-law will comply with the Town of Milton Official Plan upon Official Plan Amendment No XX taking full effect;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1.0 THAT the Town Milton Comprehensive Zoning By-law No. 016-2014 text is hereby amended as follows:

- i) by adding the following references to the Table of Contents:
 - a) “Table 6A-1” after “Table 6A” under Section 6 Residential Zones; and,
 - b) “Table 6F” after “Table 6E” under Section 6 Residential Zones;
- ii) by adding the following references to the List of Tables:
 - a) “Table 6 A-1 Permitted Uses in Mixed Use Zones” after “Table 6A Permitted Uses in Residential Zones”; and,
 - b) “Table 6F Mixed Use Zone Provisions” after “Table 6E Residential/Office (RO) Zone Provisions”;
- iii) by adding the following zone description to Section 2.1 i) after *Residential Office Zone*:

“Mixed Use Zone

MU”

- iv) by revising the definitions of “Amenity Area” and “Apartment Building” in Section 3 by adding the text in bold as follows:

AMENITY AREA

Means the area situated on a residential **or mixed use** lot that is intended for recreational purposes, and may include landscaped open spaces, patios, balconies, communal play areas, lounges, decks and other similar uses but shall not include a swimming pool or areas occupied at grade, by service areas, parking areas, aisles or access driveways associated with the development.

APARTMENT BUILDING

Means a *building* consisting of 5 or more *dwelling units*, where each unit is divided vertically and horizontally by *common walls*, with each *dwelling unit* being accessed by a common corridor system, **and may include an Apartment Building, Hybrid.**

- v) by adding the following new definitions to Section 3:

“APARTMENT BUILDING, HYBRID

Means a *building* with 5 or more *dwelling units* off a common corridor and with *dwelling units* on the ground floor with individual entrances directly from the outside, which may be one or two *storeys*. ”

“DWELLING, GRADE-RELATED

Means a *dwelling unit* with an individual entrance directly from the outside, but shall not include a *dwelling unit* on the ground floor of an *apartment building* or a *hybrid apartment building*. “

“DWELLING, STACKED TOWNHOUSE

Means a three or four-*storey building* divided horizontally and vertically by *common walls* with more than 5 *dwelling units* and each unit having an individual entrance directly from the outside and no common corridor.”

“DWELLING, BACK-TO-BACK STACKED TOWNHOUSE

Means a stacked *townhouse* with a common rear wall.”

“MIXED USE BUILDING

Means a *building* which contains both residential *dwelling units* and non-residential (i.e. commercial, *retail*, *office*) *uses*; and where the residential units are located above non-residential *use* portions. An *apartment building*, a *dwelling*, *live-work unit*, and a *building* with only *dwelling units* are not *mixed use buildings*.”

“SPECIALTY FOOD STORE

Means a *premises* specializing in the sale of specific type or class of foods, such as a bakeshop, delicatessen, coffee shop, ice cream parlour, gourmet, or similar foods and does not include a fast food retail outlet, *restaurant* or on-site food preparation that involves frying, and may include a seating area comprising no more than 25% of the total *gross floor area*.”

- vi) by revising Section 4.14.1 i) by deleting the text shown with a strikethrough and adding the text in bold as follows:
 - i) Waste Storage Areas, including recycling facilities are permitted only in the RHD, ~~and RO~~, **and MU** Zones as an accessory use to a permitted residential use provided they are contained within the main building, and;”
- vii) by revising Section 4.14.1 ii) by adding the text in bold as follows:
 - ii) Notwithstanding subsection i) above, waste storage areas may be permitted in the RMD1 Zone or RMD2 Zone, or outside of a main building in the **MU Zone**, RHD Zone or RO Zone provided the waste is contained within a deep collection waste disposal system, in accordance with the provisions of Section 4.14.2 v).
- viii) by revising the first row of Section 4.9.5, Table 4H (Encroachments into Required Yards) with respect to balconies by adding the words in bold and deleting the words shown with a strikethrough as follows:

Structure	Required Setbacks	Maximum Distance
<i>Balconies</i>		
For all dwelling types, excluding Apartment Buildings, Mixed Use Buildings and Stacked Townhouses with a Common Underground Parking Area	<i>Front setback, Exterior Side Setback, Rear Setback</i>	1.5m into a required yard, and where located on top of a <i>porch / veranda</i> shall be provided in accordance with the encroachments for <i>porches / verandas</i>
For Apartment Buildings only , Mixed Use Buildings and Stacked Townhouses with a Common Underground Parking Area	<i>Front Setback, Interior Side Setback, Exterior Side Setback, Rear Setback</i>	1.5m into a required yard, and where located on top of a <i>porch / veranda</i> shall be provided in accordance with the encroachments for <i>porches / verandas</i>

- ix) by deleting the words “Unless otherwise permitted by this By-law, no more than one residential building is permitted on a lot” from Section 4.19.2 (Dwelling Units) and replacing them with the following:

“A maximum of one residential *building* is permitted on a *lot*, or on a parcel of tied land in a Common Element condominium or on a unit in a condominium in accordance with the Condominium Act, for the following:

- a. a *detached dwelling*;
- b. a *duplex dwelling*;
- c. a *semi-detached dwelling*;
- d. a *townhouse dwelling*, including a *deck-townhouse dwelling*;
- e. a *back-to-back townhouse dwelling*; and,
- f. a *live work unit*.”

- x) by deleting the maximum distance requirement for porches/verandas in Section 4.19.5, Table 4H (Encroachments into Required Yards) and replacing it with the following:

“Shall encroach to a maximum of 3.0 metres into the rear yard and shall project a maximum of 2.0 metres from the building face and no closer than 1.0 metre to the front, interior side and exterior side lot lines.”

- xi) by revising the second row of Section 5.8.1, Table 5E (Residential Parking Requirements) by deleting the words/numbers shown with a strikethrough and adding the words in bold as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements
<p style="text-align: center;"><i>Apartment Buildings, Mixed Use Buildings and Stacked Townhouses with a Common Underground Parking Area</i></p>	<ul style="list-style-type: none"> • 4.5 1.25 <i>parking spaces</i> per unit <u>PLUS</u> • 0.25 <i>parking spaces</i> for visitor <i>parking</i> in a designated visitor <i>parking area</i>.

- xii) By revising Section 5.10 (Bicycle Parking Space Requirements), Table 5I and subsection ii) by deleting the words/numbers shown with a strikethrough and adding the words in bold as follows:

- “i) The minimum *parking* requirements for bicycle *parking* shall be provided in accordance with the following:

TABLE 5I

Type of Nature of Use	Minimum Bicycle Parking Spaces <i>Minimum Short Term Bicycle Parking Spaces</i>	Minimum Long Term Bicycle Parking Space
<i>Dwelling, Apartment and residential dwellings that share a common parking area</i>	0.06-0.2 spaces/ unit	0.25 spaces/unit (*1)(*2)
<i>Dwelling, Retirement</i>	0.1 spaces/ unit	n/a
Elementary and Secondary Schools	5% of the required parking spaces for the use or lot	n/a
All other Commercial, Employment and Institutional Uses	3% of the required parking spaces for the use or lot	n/a

Footnotes to Table 5I

- (*1) Required bicycle parking spaces shall be located in an area dedicated to bicycle parking only. Such spaces must contain a parking rack that is securely anchored to the ground or wall, with the exception of where a bicycle locker is used.
 - (*2) Required bicycle parking shall not be located within a dwelling unit, on a balcony or in a general storage locker.
- ii) Notwithstanding the above, a maximum of 30 bicycle parking spaces shall be required on any lot. The terms “long-term” bicycle parking space and “short-term” bicycle parking space have the following meaning:
- a) “long term” bicycle parking spaces are bicycle parking spaces for use by the occupants or tenants of a building, which may be located inside or outside of a building or a combination thereof; and,
 - b) “short-term” bicycle parking spaces are bicycle parking spaces for use by visitors to the building and are generally located outside of a building;

- xiii) by adding a new row to Section 5.8.2, Table 5F (Non-Residential Parking Requirements) as follows:

“

Zones	Minimum Off-Street <i>Parking</i> Requirements
MU <i>Mixed Use Buildings</i>	<ul style="list-style-type: none"> 1.25 parking spaces per unit PLUS The greater of 0.25 parking spaces per residential dwelling unit visitor parking or 1 <i>parking space</i> per 25m² of <i>gross floor area</i> for the non-residential component in a <i>mixed use building</i>.

- xiv) by adding the following new subsection to Section 5.14 (Requirements for Parking Structures):

“5.14.4 **Stairs and Air Vents Associated with Parking Structures**
Stairs and air vents associated with an underground or above ground parking structure, are permitted anywhere in any yard.”

- xv) by adding the following new Table 6A-1 and associated footnotes to Section 6.1, Permitted Uses :

“Table 6A-1”

<i>Permitted Uses</i>	Mixed Use Zones
	MU
	Mixed Use
Mixed Use Building	• (*3)
Apartment Building	• (*3)
Dwelling, Live-Work Unit	
Dwelling, Multiple	• (*3)(*4)
Dwelling, Retirement	• (*3)
<i>Art gallery</i>	• (*6)
Artist’s studio	• (*6)
Bank	• (*1) (*2) (*5) (*6)
Commercial school – skill	• (*1) (*2) (*6)
Convenience store	• (*1) (*2) (*6)
Day nursery	• (*1) (*2) (*5) (*6)
Dry cleaning depot	• (*1) (*2) (*6)
Fitness centre	• (*2) (*5) (*6)
Home day care	• (*6)
Home occupation	•
Medical clinic	• (*1) (*5)(*6)

Permitted Uses	Mixed Use Zones
	MU
	Mixed Use
<i>Laundromat</i>	• (*1) (*2) (*5) (*6)
Library	• (*5)
<i>Long term care facility</i>	• (*5)
Office use	• (*6)
Personal service shop	• (*1) (*2) (*6)
Restaurant	• (*1) (*2) (*5) (*6)
Retail Store 1	• (*1) (*2) (*6)
Specialty Food Store	• (*6)
Veterinary clinic – small animal	• (*5) (*6)
Veterinary clinic – large animal	• (*6)

Footnotes for Table 6A-1:

- (*1) Only permitted on the first storey of a multi-storey Mixed-use Building and must be oriented towards, with at least one principal entrance accessible from a public street, or in a stand-alone building.
- (*2) Total gross floor area of all retail and commercial uses per Major/Minor Node zone is 2,787 m², with the exception of the following four nodes that shall have a maximum total gross floor area of 450 m²:
 - a) the northeast corner of Tremaine Road and Britannia Road;
 - b) the northwest corner of Thompson Road and Britannia Road;
 - c) the northeast corner of Thompson Road and Britannia Road; and,
 - d) the southwest corner of Louis St. Laurent Avenue and the first collector road west of Fourth Line.
- (*3) A minimum of 4 m² per dwelling unit of outdoor communal amenity space shall be provided at grade and shall be maintained and operated by a common entity (such as a condominium corporation). This outdoor communal amenity space shall be aggregated into areas of not less than 50 m² and have a minimum width of 6.0 metre.
- (*4) Limited to multiple attached dwelling units, such as stacked townhouses, back-to-back stacked townhouses and hybrid apartment buildings up to four stories, at a minimum density of 100 units per net hectare and with a common underground parking garage containing a minimum of 80% of the required parking.
- (*5) Shall not be permitted within a Dwelling, Live/Work Unit.
- (*6) Stand-alone retail and service commercial uses, not exceeding 1860 m² within a single node may be permitted.

xvi) by adding a new Table 6F to Section 6.2 as follows:

“Table 6F

Regulations	Mixed Use Zones
	MU
	Mixed Use
Setbacks to Streetline (minimum): Residential Mixed Use Buildings	3.0 metres 0.0 metres
Setbacks to All Other Zones and Grade Related Dwellings (minimum):	Up to 10.5 m in height: 7.5 m Above 10.5 m in height: No part of any building on a lot with a rear lot line abutting grade-related dwellings may project above a 45 degree angular plane measured at a height of 10.5 metres from a point 7.5 metres from the rear lot line, projecting upwards towards the front lot line.
Access to at-grade units:	Where residential, retail, commercial and office units are located at-grade within the first storey, a minimum of one principal building entrance to each unit shall be directly accessible from, and oriented towards, a public street.
First storey height, measured from floor to floor: (Minimum)	4.0 metres
Building height, exclusive of mechanical penthouses, rooftop equipment, elevator tower, stair tower and/or architectural features such as parapets:	Minimum: 3 storeys and 10.5 metres Maximum: 8 storeys and 29 metres
Surface Area Parking (maximum):	25%
Balconies	Where balconies are oriented towards an arterial road, they are only permitted above 6.0 metres from established grade.
Main wall of a building:	The maximum length of a main wall shall not exceed 60 metres.

Regulations	Mixed Use Zones	
	MU	
	Mixed Use	
Above-grade parking structure:	Above grade parking within a building is not permitted within the first 9.0 metres of the depth of the building measured in from the lot line adjacent to a public road, and the first 4.5 metres of height of the building measured from the finished floor elevation to the top of the first storey within that 9.0 metre depth.	
Transformer and Telecommunications:	Transformer and tele-communications vaults and pads shall not project towards a public street beyond the main wall of the building.	
Landscaped Open Space (minimum)	Residential	30%
	Mixed Use Buildings and Stand-Alone Commercial	20%

xvii) by adding the following new Holding Provision and conditions for removal of this holding provision to Section 13.2:

““H-*** – Shall not be removed until:

- a) the developer has entered into a site plan agreement to the satisfaction of the Town of Milton;
- b) the developer has obtained a building permit for the high density component and/or the underground parking garage; and,
- c) the foundation has been completed for the underground garage.

2.0 THAT all other provisions of By-law No. 016-2014, as amended, remain in force and effect.

3.0 THAT 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 the passing, following enactment of Official Plan Amendment XX. 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 xxxx day of
xxxxxxxxxxxxxxxxxxxxxx, 2017.

Gordon A. Krantz Mayor

Troy McHarg Clerk