



# The Corporation of the Town of Milton

Report To:	Council
From:	Barbara Koopmans, Commissioner, Planning and Development
Date:	December 16, 2019
Report No:	PD-047-19
Subject:	Technical Report: Housekeeping Amendments to Comprehensive Zoning By-law 016-2014, as amended, and Comprehensive Zoning By-law 144-2003, as amended.
Recommendation:	<b>THAT Planning and Development Report PD-047-19 outlining Town-initiated housekeeping amendments to Comprehensive Zoning By-law 016-2014, as amended and Comprehensive Zoning By-law 144-2003, as amended, BE APPROVED;</b>

**AND THAT WHEREAS** the Planning Act limits the ability to apply for a minor variance for a 2-year period following the approval of the By-laws proposed to implement a series of housekeeping amendments, **BE IT RESOLVED** that a privately initiated application for a minor variance may be made;

**AND FURTHER THAT** staff be authorized to bring forward amending Zoning By-laws, in accordance with Appendix 1 and 2 to Report PD-047-19 for Council Adoption.

## EXECUTIVE SUMMARY

Staff continues to monitor the effectiveness of its current Comprehensive Zoning By-laws, recommending changes through housekeeping amendments to keep the by-laws as up-to-date as possible. Staff has been aiming to bring forward proposed amendments of a housekeeping nature, to Council for consideration every 6 months to a year.

The purpose of this report is to provide Council with an update on the consultation process relating to the proposed Town-initiated housekeeping amendments prepared for public and agency review in October 2019, and the final housekeeping amendment by-laws, attached as Appendix 1 and 2 to Planning and Development Report PD-047-19 as a result of the full evaluation of the application.

## REPORT

### Background



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Public Meeting Report PD-040-19 provided details with respect to four Town-initiated housekeeping amendments (three of which related to the Town's Comprehensive Urban Area Zoning By-law 016-2014, as amended; and one relating to Comprehensive Rural Area Zoning By-law 144-2003, as amended) to be discussed at a public meeting on October 28, 2019. Three of the four proposed housekeeping amendments affected Town-wide regulations, and the fourth related to eight properties subject to a site-specific Village Residential Zone located within the Hamlet of Moffat. The proposed housekeeping amendments related to the following definitions and provisions:

## **Comprehensive Urban Area By-law 016-2014, as amended**

- Definitions of "Health Professional, Regulated" and "Office Use"
- Day Care Centres

## **Comprehensive Rural By-law 144-2003, as amended**

- Site Specific Village Residential 20 (RV\*20) Zone

The purpose of the proposed amendments were as follows:

- To revise the "Health Professional, Regulated" definition to reflect current legislation;
- To revise the "Office Use" definition to provide opportunities for alternative health care professionals whose practices are similar to regulated health professionals but are not registered under the Regulated Health Professions Act, to operate as a single practitioner within an Office, and where permitted, as a home occupation subject to specific provisions;
- To permit day care centres as of right in the Town's Urban Growth Centre Mixed Use (UGC-MU) Zone as new development proposals are achieving more suitable built form, than previously existing buildings to accommodate the use; and,
- To correct an inadvertent error made in relation to the site-specific Village Residential (RV\*20) Zone, in order to conform to the Town's Official Plan policies associated with the Hamlet of Moffat.

## **Discussion**

Staff regularly consolidates the Town's Urban and Rural Zoning By-laws and often brings forward proposed zoning by-law revisions outside of a Comprehensive Zoning Review for the purposes of updating, clarifying and correcting various provisions, as well as addressing issues resulting from multiple supported variances, matters of interpretation, and suggestions from other departments within the Corporation. It is the intention of staff to monitor the by-laws on a regular basis and bring forward revisions at appropriate times (i.e. every six months to a year) to aid in improving their effectiveness and ensure the continued relevance of the by-laws.



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The issues brought forward by members of the public and circulated agencies, along with staff's recommended actions, are outlined below.

## **Public Consultation and Review Process**

The statutory public meeting was held on October 28, 2019. One member of the public spoke to the application at the public meeting. In addition, staff received one formal written submission (see Appendix 3).

All of the comments received as a result of public consultation related to staff's proposed revision to the site-specific RV\*20 Zone. It should be noted however, that the concerns raised by the public were due to confusion arising from the details of the public meeting notice, rather than the proposed revision to the site-specific zone.

Planning staff has provided formal notice that the technical report will be brought forward for consideration by Council on December 16, 2019, to those who provided a written submission or request, spoke at the public meeting, and/or signed the public meeting register.

## **Agency Consultation**

The proposed housekeeping amendments, along with a description and rationale for the proposed changes to the Urban and Rural Zoning By-laws, were circulated to internal departments and external agencies on November 6, 2019. The only substantive comment received was from the Town's By-law Enforcement and Licensing staff who identified concerns with how the proposed revisions to the "Office Use" definition would impact the Town's existing Body Rub Parlour Licensing By-law. By-law Enforcement and Licensing staff have requested more time to review the licensing by-law in light of the proposed changes to the Urban Zoning By-law to ensure that the by-laws are supportive of one another in their regulations.

## **Summary of Issues**

### Licensing of Unregulated Health Professionals

The Health Professions Regulatory Advisory Council (HPRAC) is established under the Regulated Health Professions Act (RHPA), 1991, to advise the Ministry of Health and Long Term Care on regulatory matters relating to health professions in Ontario. HPRAC will assess a profession's suitability for regulation on the request of the Minister. HPRAC uses a two part assessment as the means by which it will decide whether to recommend a health profession for regulation. Not all professions who make application to become regulated under the RHPA are approved.



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Many professions that are not regulated under a Provincial statute, practice similarly to regulated professions and often have an external professional body by which they are required to meet specific standards. While these standards may afford the same public protection as those that are regulated under the RHPA, in absence of identifying these health related services under the “Office Use” definition, these services would fall under the “body rub” use definition, which they are clearly not. Consequently, they are subject to licensing under the Body Rub Parlour Licensing By-law.

Even though the proposed revisions to the “Office Use” definition (i.e. to include certain unregulated health professions) was well received, the licensing component has not yet been thoroughly vetted. Given that a licensing by-law review and associated amendment will be necessary to ensure that the proposed changes to the regulations of the zoning by-law and the licensing by-law support one another, staff recommends that the proposed changes to the “Office Use” definition be deferred until such time as the changes to the by-laws are harmonized.

## Proposed Changes to the RV\*20 Zone

The proposed revision to the site-specific RV\*20 Zone was to correct an inadvertent error made during the implementation of By-law 144-2003, as amended, to permit single detached dwellings as-of right within the Hamlet of Moffat in accordance with the policies of the Official Plan. The public notice inadvertently caused some confusion for individual property owners within the Hamlet of Moffat that received direct notification. In particular, property owners understood that urban uses such as day care centres, offices, regulated health professionals and body rub uses were being proposed within the Hamlet in absence of a full evaluation of the impacts. Staff clarified to those that expressed concern in this regard, that the only change to the RV\*20 Zone was to add the residential permissions that had previously been omitted from the site-specific section.

As set out in the policies of the Official Plan, it was always envisioned that within the Hamlet of Moffat, a limited number of very specific commercial uses, along with single detached dwellings and existing semi-detached and duplex dwellings would be permitted. The housekeeping amendment proposes to fully implement the Official Plan policies.

## **Conclusions**

Based on the foregoing, it is staff’s opinion that the proposed housekeeping amendments, with the exception of the proposed changes to the “Office Use” definition are appropriate, and are intended to clarify and strengthen existing regulations within the Town Urban and Rural Zoning By-laws. As a result, staff recommends that the housekeeping amendments as described herein, be approved and that staff be authorized to bring forward amending Zoning By-laws in accordance with the draft zoning by-law amendments attached as Appendix 1 and 2 to this report for Council adoption. Further amendments to the definition



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of "Office Use" will be considered at a later date, once the licensing issues have been reviewed.

## Financial Impact

None arising from this Report.

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO  
Commissioner, Planning and Development

For questions, please contact: Angela Janzen, MCIP, RPP      Number: Ext. 2310  
Planner

## Attachments

Appendix 1: Draft Zoning Amendment to By-law 016-2014, as amended
Appendix 2: Draft Zoning Amendment to By-law 144-2003, as amended
Appendix 3: Public Comments

CAO Approval  
Andrew M. Siltala  
Acting Chief Administrative Officer

**APPENDIX 1  
PD-047-19**

**THE CORPORATION OF THE TOWN OF MILTON**

**BY-LAW NO. XXX- 2019**

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, AS AMENDED, TO INCORPORATE A SERIES OF HOUSEKEEPING AMENDMENTS THAT AFFECTS ALL LANDS WITHIN THE URBAN AREA OF THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON - (TOWN FILE: HKA-01/19).

**WHEREAS** the Council of the Corporation of 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 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** the text of the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended as follows:

*The following table outlines the changes that are included in this zoning by-law amendment. Text that is underlined indicates new text to be inserted in the By-law. Text that is crossed out ("~~strikethrough~~") is to be deleted from the By-law.*

Item No.	Section or Schedule	Description of Change in By-law
1	Section 3: Definitions	<p><i>Revise the definition of "Health Professional, Regulated" as follows:</i></p> <p><b>HEALTH PROFESSIONAL, REGULATED</b>                      Means a person registered under the Regulated Health Professions Act, S.O. 1991, C.18, <del>or as a drugless practitioner under the Drugless Practitioners Act, R.S.O. 1990, C.D. 18 including such as:</del> <u>Acupuncturists, Audiologists, Chiropodists, Chiropractors, Dental Hygienists, Dental Technologists, Denturists, Dentists, Dieticians, Homeopaths, Massage Therapists, Medical Laboratory Technologists, Medical Radiation Therapists, Midwives, Naturopaths, Nurses, Occupational Therapists, Opticians, Optometrists, Pharmacists, Physicians,</u></p>

		Physiotherapists, Podiatrists, Practitioners of Traditional Chinese Medicine, Psychologists, Respiratory Therapists, Speech Language Pathologists.
2	Section 7.1, Table 7A. (Permitted Uses within Commercial Zones)	Add the "Day Care Centre" use to the Urban Growth Centre Mixed Use (UGC-MU) Zone in Section 7.1, Table 7A.

- 2.0 THAT all other provisions of By-law No. 016-2014, as amended, in existence at the time of the passing of this by-law 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 Local Planning Appeal Tribunal dismisses the appeal, this by-law shall come into force on the day of its passing. If the Local Planning Appeal 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 DECEMBER 16, 2019.

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Gordon Krantz Mayor

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Troy McHarg Town Clerk

**APPENDIX 2  
PD-047-19**

**THE CORPORATION OF THE TOWN OF MILTON**

**BY-LAW NO. XXX-2019**

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, TO INCORPORATE A HOUSEKEEPING AMENDMENT THAT AFFECTS THE LANDS ZONED SITE-SPECIFIC VILLAGE RESIDENTIAL 20 (RV\*20), AND MUNICIPALLY IDENTIFIED AS 2000 AND 2073 15 SIDE ROAD, AND 11004, 11008, 11012, 11018, 11024 AND 11032 FIRST LINE NASSAGAWEYA, IN THE TOWN OF MILTON (HAMLET OF MOFFAT), REGIONAL MUNICIPALITY OF HALTON - (TOWN FILE: HKA-01/19).

**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 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** Section 13.1 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by replacing the word “Only” with the word “Additional” in the heading of provision i) of site-specific subsection 13.1.1.20, being the site-specific Village Residential \*20 (RV\*20) Zone.
- 2.0 **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 Local Planning Appeal Tribunal dismisses the appeal, this by-law shall come into force on the day of its passing. If the Local Planning Appeal 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 DECEMBER 16, 2019.**

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Gordon A. Krantz Mayor

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Troy McHarg Town Clerk