



# The Corporation of the Town of Milton

Report To:	Council
From:	Barbara Koopmans, Commissioner, Development Services
Date:	October 4, 2021
Report No:	DS-075-21
Subject:	Extension of Interim Control By-law <a href="#">082-2020</a>
Recommendation:	<p>THAT Report No. DS-075-21 dated October 4, 2021 regarding an extension of Interim Control By-law 082-2021, be received;</p> <p>AND THAT Council adopt the By-law, attached as Appendix 1 to this report, which extends the period during which Interim Control By-law 082-2020 will be in effect by five additional months, from October 19, 2021 to March 19, 2022.</p> <p>AND FURTHER THAT the exemption process, as outlined in Report DS-044-20 no longer applies to Interim Control By-law <a href="#">082-2021</a>.</p>

## EXECUTIVE SUMMARY

- Development Services Staff initiated the Mature Neighbourhoods Character Study in response to a Council direction to review Town policies and regulations relating to the construction of new dwellings and recommend appropriate changes to protect character. The study is phased to recognize the extent of the Town's stable low-density residential neighbourhoods.
- The *Planning Act* enables municipalities to enact Interim Control By-laws for a period of one year (with the potential to renew for a further year), having the effect of restricting the use of land in an area specified by the by-law, to enable the study to be undertaken.
- On Oct. 19, 2020, Milton Council adopted Interim Control By-law (ICBL) [082-2020](#) under Section 38 of the *Planning Act* to control replacement dwellings and building additions in some areas of Old Milton and in the Mountainview, Mountain View Survey, Fallingbrook, Forrest Grove, Bronte Meadows, Valley View, Dorset Park and Timberlea neighbourhoods.
- On August 23, 2021, Milton Council adopted By-law 077-2021, which implements new zoning regulations for some areas of Old Milton and the Mountainview,

Mountain View Survey, Martin Meadows, Fallingbrook, Forrest Grove, Bronte Meadows, and Valley View neighbourhoods.

- On August 23, 2021, Milton Council also approved By-law 078-2021 to amend Interim Control By-law (ICBL) 082-2020. The amendment removed some areas of Old Milton and the Mountainview, Mountain View Survey, Martin Meadows, Fallingbrook, Forrest Grove, Bronte Meadows, and Valley View neighbourhoods from Schedule A to By-law 082-2020. By-law 078-2021 was adopted upon the coming into force of By-law 077-2021.
- Interim Control By-law (ICBL) [082-2020](#) as amended is currently in effect in the Dorset Park and Timberlea neighbourhoods until October 19, 2021.
- The subject report recommends that Council approve an extension to Interim Control By-law [082-2020](#), as amended, from October 19, 2021 to March 19, 2022, as provided for under Section 38(2) of the *Planning Act*, to ensure that development is controlled in the Dorset Park and Timberlea neighbourhoods to allow the recommendations of Phase 3 of the Mature Neighbourhoods Character Study to be brought into effect.

## REPORT

### Background

There has been public concern expressed with respect to the impacts of large home rebuilds in mature residential neighbourhoods in the Town.

Section 38 of the *Planning Act* enables municipalities to enact Interim Control By-laws (ICBL) for a period of one year (with the potential to renew for a further year), having the effect of restricting the use of land in an area specified by the by-law, to enable a study to be undertaken. Where an ICBL ceases to be in effect, Council may not for a period of three years pass a further ICBL that applies to any lands to which the original ICBL applied.

Section 5.5.3.12 of Milton's Official Plan specifies that Council may pass an ICBL for a one-year period (with the potential to renew for a further year) to provide Council with the time to study a particular land use planning issue.

### Discussion

#### Approval of Interim Control By-law (ICBL) 082-2020

At the Council meeting of October 19, 2020, Milton Council received Report [DS-044-2020](#) titled “Interim Control By-law - Mature Neighbourhoods”, and subsequently enacted Interim Control By-law (ICBL) 082-2020.

The intent of Interim Control By-law [082-2020](#) is to restrict the erection of any new single-detached, semi-detached, duplex, triplex or townhouse dwellings or additions to existing single-detached, semi-detached or duplex dwellings, resulting in greater than a 25 percent increase in gross floor area and/or increases the height of the structure beyond that which existed on the same lot, within a defined area of the Town of Milton for a period of one year, unless extended by Council for up to one additional year in accordance with Section 38 of the *Planning Act*.

The defined area was limited to areas zoned Residential Low Density (RLD) and Residential Medium Density 1 (RMD1) in sections of Old Milton and in the neighbourhoods of Mountain View, Fallingbrook, Forrest Grove, Bronte Meadows, Valley View, Dorset Park and Timberlea, as delineated by Schedule ‘A’ to By-law 082-2020.

#### **Exemption Process for Interim Control By-law 082-2020**

Through Report [DS-044-2020](#), Council also approved a process to review and grant site-specific exceptions to By-law [082-2020](#) for erections of, or additions to, single-detached, semi-detached, duplex, triplex or townhouse dwellings that are considered to be compatible with existing neighbourhood character.

This exemption process allows property owners to proceed with rebuilds and additions, subject to staff review and notification to neighbouring property owners. This process also allows staff to determine the compatibility of these proposals with existing neighbourhood character on a case-by-case basis. Council approval is required to grant a site-specific exception from the Interim Control By-law.

To date, Council has granted five site-specific exceptions to the Interim Control By-law.

#### **By-law 078-2021 (Amendment to Interim Control By-law 082-2020)**

On August 23, 2021, through report [DS-063-21](#), Council approved By-law 077-2021, which implements a Town Initiated Zoning By-law Amendment for the Mountainview, Fallingbrook, Forest Grove, Bronte Meadows, and Valley View neighbourhoods and residential sections of Old Milton outside the Downtown Character Area.

Through report [DS-063-21](#), Council also approved By-law 078-2021, which amends Interim Control By-law (ICBL) [082-2020](#) to remove the above-mentioned areas from Schedule A to the By-law.

By-law 078-2021 was adopted upon the coming into force of By-law 077-2021.

### **Extension of Interim Control By-law 082-2020**

Planning staff has been working on the review of the Dorset Park and Timberlea neighbourhoods and the preparation of proposed recommendations for these residential areas. Following public consultation on the proposed zoning changes to be held through [www.letstalkmilton.ca](http://www.letstalkmilton.ca) in October of this year, the work program currently targets December 2021 for a Statutory Public Meeting, and presentation of a technical report and recommendations for Council consideration in February 2022.

Notwithstanding the significant progress of the Mature Neighbourhoods Study to date, in order to ensure that development is controlled in the Dorset Park and Timberlea neighbourhoods until the recommendations of Phase 3 of the Mature Neighbourhoods Character Study are expected to be brought into effect, it is recommended that Council approve an extension to Interim Control By-law [082-2020](#), as amended, from October 19, 2021 to March 19, 2022, as provided for under Section 38(2) of the *Planning Act*. The proposed extension by-law is attached to this report as Appendix 1.

In response to Council's recent concerns related to the ICBL exemption process outlined in Staff Report DS-044-21, staff further recommends that the exemption process no longer apply to Interim Control By-law [082-2020](#). Notwithstanding this provision, applications for an exemption to Interim Control By-law 082-2020 that were filed prior to the date of the passage of the proposed by-law can still be reviewed by planning staff and considered by Council.

At such time as the Zoning By-law amendment implementing the final recommendations of the Mature Neighbourhoods Character Study for the Dorset Park and Timberlea neighbourhoods are approved by Council, Council has the option to repeal Interim Control By-law [082-2020](#).

As per the Mature Neighbourhoods Character Study work program, staff expects that Council may be in a position to repeal Interim Control By-law [082-2020](#) in February 2022, provided that the Zoning By-law amendment implementing the final recommendations of the Study is not appealed. If the recommendations are appealed, Interim Control By-law [082-2020](#), as amended, will remain in effect until the appeal is resolved at the Ontario Land Tribunal, as per Section 38(6.1) of the *Planning Act*.



## Communication Matters

Section 38(3) of the *Planning Act* does not require notice to be provided prior to the extension of an Interim Control By-law. However, if Council approves the proposed By-law (attached as Appendix 1 to this report), a Notice of Passing will be provided in the local newspaper per the requirements of the *Planning Act*, and on the Town of Milton web site.

## Financial Impact

There is no financial impact associated with this report.

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO  
Commissioner, Development Services

For questions, please contact: Hugo Rincon, Senior Policy Planner  
Phone: Ext. 2307

## Attachments

Appendix 1 – Proposed By-law

CAO Approval  
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 HuronWendat 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

**THE CORPORATION OF THE TOWN OF MILTON**

**BY-LAW NO. XXX-2021**

BEING A BY-LAW TO EXTEND THE PERIOD OF TIME DURING WHICH INTERIM CONTROL BY-LAW 082-2020 WILL BE IN EFFECT, BY AN ADDITIONAL FIVE MONTHS TO MARCH 19, 2022.

**WHEREAS** on October 19, 2020, the Council of the Corporation of the Town of Milton enacted Interim Control By-law No. 082-2020 to control the development of single detached, semi-detached, duplex, triplex, quadraplex and townhouse dwellings within defined areas of the Town of Milton for a period of one year.

**AND WHEREAS** Section 38(2) of the Planning Act provides Council with the discretion to extend the period of time during which Interim Control By-law 082-2020 will be in effect, provided the total period of time does not exceed two years from the date of the passing of Interim Control By-law 082-2020.

**AND WHEREAS** the Mature Neighbourhoods Character Study is well advanced and is at the stage of proposed Zoning By-law recommendations for the Dorset Park and Timberlea neighbourhoods, nevertheless additional time is required to permit completion of all phases of the Study and approval of the final Zoning By-law amendment.

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

1.0 Interim Control By-law 082-2020, as amended, is hereby further amended by repealing Section 4 and replacing it with the following:

"4. **THAT** this By-law shall come into force and take effect immediately upon the passage thereof, and shall be in effect until March 19, 2022, unless repealed by Council at an earlier date."

**PASSED IN OPEN COUNCIL ON OCTOBER 4, 2021.**

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Gordon A. Krantz Mayor

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Meaghen Reid Deputy Clerk