



# The Corporation of the Town of Milton

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Report To: Council

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From: Barbara Koopmans, Commissioner, Development Services

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Date: October 25, 2021

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Report No: DS-086-21

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Subject: Site Plan Control By-law Amendment

**Recommendation: THAT Development Services Report DS-086-21 entitled Site Plan Control By-law Amendment be received;**

**AND THAT Council approve the proposed amendments included in the draft By-law attached as Appendix 1 to this report.**

## EXECUTIVE SUMMARY

The By-law Amendment proposes updates to the Town's Site Plan Control By-law as recommended through recent studies endorsed by Town of Milton Council requiring Site Plan Approval for *Cannabis Production and Processing Facilities* and additional residential typologies in the Town's Character Areas.

## REPORT

### Background

The Town's Site Plan Control By-law was first passed by Council in 1993 with several amendments following to provide consistency with updated Town documents and practices. The last update to the Site Plan Control By-law was in 2017. Since that time there have been various Town studies that have been endorsed by Council which included recommendations to update the Town's Site Plan Control By-law as a part of the implementation guidance.

### Discussion

#### Cannabis Review Study

In 2019, Council approved the Town of Milton Cannabis Review Study, through PD-041-19, which provided a series of recommendations including suggested changes to the Town's policy and regulatory framework.

Following the approval of this report, Town Staff brought forward Official Plan and Zoning By-law Amendments which were approved by Council through report DS-014-20.

The Official Plan Amendment approved in 2020 introduced clear direction and requirements with respect to development applications for cannabis production and processing facilities and now requires all proposed facilities to obtain site plan approval. This step provides the Town with a level of control and certainty over how the facilities would develop. This process would also require the applicant to submit the following studies:

- Odour and Dust Impact Assessment;
- Light Impact Assessment;
- Transportation Impact Study;
- Hydrogeological Studies; and,
- Any other appropriate studies identified as a part of the complete application and pre-consultation process.

The amendment proposed through this report would provide consistency between the Site Plan Control By-law and the Official Plan Amendment that was implemented in 2020, by stating in the Site Plan Control By-law that *Cannabis Production and Processing Facilities*, as defined by the Town of Milton Official Plan, require Site Plan Approval.

### Mature Neighbourhoods Character Study

In 2020, Milton Council enacted Official Plan Amendment No. 60 (By-law No. 080-2020), updating policies to better manage development in Milton's mature neighbourhoods and character areas, and a Zoning By-law Amendment (By-law No. 081-2020) introducing new standards that apply to low-density residential development in the Downtown Character Area.

The Official Plan amendment introduced a new policy to the Site Plan Control policies to require a scoped site plan review for new or replacement dwellings and additions to existing dwellings within lands designated Residential Area or CBD Low Density Residential Sub-Area within Character Areas.

Currently, the Site Plan By-law only requires single detached dwellings within Character Areas to obtain Site Plan approval. The amendment through this report would incorporate semi detached, duplex and triplex dwellings – all permitted under the corresponding zones – to the list of low density residential typologies subject to Site Plan Approval process within Character Areas.

### Other Updates

An additional change was made to update the department name from “Planning and Development” to “Development Services” within the By-law.



### Financial Impact

There is no financial impact arising from this report.

Respectfully submitted,

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

For questions, please contact: Megan Lovell

Phone: 905-878-7252  
Ext. 2398

### Attachments

Appendix 1 - The Site Plan Control By-law Amendment  
Appendix 2 - The Site Plan Control By-law Consolidation

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. \*\*\*-2021**

BEING A BY-LAW TO AMEND THE TOWN OF MILTON SITE PLAN CONTROL BY-LAW NO. 005-2015, AS AMENDED, TO ESTABLISH A SITE PLAN CONTROL AREA UNDER SECTION 41 OF THE PLANNING ACT, R.S.O. 1990, c.P.13, AS AMENDED

**WHEREAS** pursuant to Section 41 of the Planning Act, R.S.O. 1990, c.P.13, as amended, municipal councils are authorized to designate site plan control areas for lands within their corporate limits;

**AND WHEREAS** the Town of Milton Official Plan provides for the designation of all land within the Town as a site plan control area;

**AND WHEREAS** the Council of the Corporation of the Town of Milton is desirous of amending By-law 005-2015;

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

1. In Section 1 c) removing the words "Planning and Development" and replacing with "Development Services"
2. In Section 4.4 b), replacing the word "detached" with the words "single detached, semi-detached, duplex, and triplex"
3. Adding a new Section 4.4 c) after 4.4 b) as follows:  
4.4 c) "cannabis production and processing facilities" as defined by the Town of Milton Official Plan.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED** this 25<sup>th</sup> day of October, 2021.

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Gordon A. Krantz Mayor

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Meaghen Reid Town Clerk

## THE CORPORATION OF THE TOWN OF MILTON

### BY-LAW NO. 005- 2015

BEING A BY-LAW TO ESTABLISH A SITE PLAN CONTROL AREA UNDER SECTION 41 OF THE *PLANNING ACT*, R.S.O. 1990, c.P.13, AS AMENDED

**WHEREAS** pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, municipal councils are authorized to enact site plan controls for lands within their corporate limits;

**AND WHEREAS** the Official Plan for the Town of Milton provides for the establishment of a Site Plan Control By-law;

**AND WHEREAS** the Council of the Corporation of the Town of Milton is desirous of repealing By-law No. 056-2005;

**NOW THEREFORE** the Council enacts as follows:

1. In this By-law:
  - a) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
  - b) "development" means development as defined in Section 41 of the *Planning Act* and includes the placement of shipping containers as defined in the Zoning By-law except those permitted on a temporary basis
  - c) "Commissioner" means the Commissioner of Development Services for the Corporation of the Town of Milton, or authorized designate.
2. The provisions of this By-law shall apply to all lands situated within the corporate boundaries of the Town of Milton.
3. No person shall undertake any development in the Site Plan Control Area without the approval of the required plans and drawings in accordance with the requirements of Section 41 of the *Planning Act*.
4. Notwithstanding Sections 1b) and 3, the following classes of development are exempt from Site Plan Control and may be undertaken without the approval of plans as otherwise required under the *Planning Act*.
  - 4.1 Agricultural and farm related buildings or structures for use in active farm operations and which by their nature do not directly serve the public and/or do not charge public user fees except where such buildings and structures are located within a Greenlands A Zone or located within an Environmentally Sensitive Area as defined by the Town of Milton Official Plan; and

- 4.2 Grade-related residential buildings where each of the dwelling units has an independent entrance at grade and frontage on a public street provided that the development is in a registered plan of subdivision and complies with the terms and conditions of any related agreements unless site plan approval is required as a condition of subdivision approval; or where not in a registered plan of subdivision the development addresses lot grading and drainage and noise attenuation requirements to the satisfaction of the Town.

Notwithstanding the foregoing, any grade-related residential buildings requiring any form of condominium approval, are subject to site plan control.

- 4.3 Municipally-developed parks without major buildings and/or existing municipal facilities which have been screened through a Town-led project requirements meeting and have received clearances from the Commissioners of Engineering and/or Planning and Development or their designates, as applicable, and external agencies.

- 4.4 Notwithstanding 4.1 above the following classes of development are subject to site plan control:

- a) agriculturally-related commercial or industrial development including but not limited to the development of farm equipment sales and service establishments, farm supply sales establishments, off-farm agricultural storage buildings and structures and similar developments;
- b) single detached, semi-detached, duplex, and triplex dwellings within a "Character Area" as defined by the Town of Milton Official Plan; and
- c) "cannabis production and processing facilities" as defined by the Town of Milton Official Plan.

5. The Commissioner is hereby delegated Council's authority to approve plans and drawings, grant site plan approval, impose conditions and require agreements pursuant to Section 41 of the *Planning Act*.
- 5.1 Notwithstanding Section 5, the Commissioner or Town of Milton Council may request that certain proposals be presented to the Council prior to final approval.
- 5.2 Notwithstanding Section 5, the Commissioner may approve moderate changes to any approved site plan, in writing, without an amendment to the Site Plan Agreement.
6. Where the Commissioner refuses to approve the plans or drawings referred to in Section 3 or where the owner of the land is not satisfied with any of the requirements and/or conditions imposed by the Commissioner under Section 5, the Commissioner may refer the development to Council for a decision.

7. The Mayor and Clerk are hereby authorized to execute any agreement required pursuant to Section 41 of the *Planning Act* where the Commissioner has approved plans and drawings for development in accordance with Sections 3, 4 and 5.
8. Where the owner defaults in satisfying its obligations of site plan approval, the Corporation may satisfy those obligations on the owner's behalf and recover associated expenses by drawing upon any securities provided by the owner, or the same may be recovered in like manner as municipal taxes.
9. Any offence of the provisions of Section 41 of the *Planning Act* or its successors thereto or any provisions of this by-law, as may be amended from time to time, may be prosecuted pursuant to the provisions of Section 67 of the *Planning Act*.
10. By-law 052-2006, as amended, is hereby repealed in its entirety.
11. This by-law shall come into force and effect upon the date of passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED** this 26<sup>th</sup> day of January, 2015.

\_\_\_\_\_ Mayor  
Gordon A. Krantz

\_\_\_\_\_ Town Clerk  
Meaghen Reid