

# THE CORPORATION OF THE TOWN OF MILTON

## BY-LAW NO. 082-2020

BEING A BY-LAW OF THE TOWN OF MILTON TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTION 34 AND 38 OF *THE PLANNING ACT*, AS AMENDED, IN RESPECT TO CERTAIN LANDS WITHIN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON

**WHEREAS** The intent of this Interim Control By-law is 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 of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, authorized the Council of a Municipality to pass an Interim Control By-law to be in effect for a period of time to prohibit the use of land, building or structures in a defined area, while the municipality undertakes a study in respect of the land use planning policies in the subject area;

**AND WHEREAS** in response to ongoing development pressure, the Council of the Town of Milton seeks to control development of residential lands within the Town of Milton identified in Schedule A to this By-law in order to complete a study with respect to land use planning policies and regulations (Phases 2 and 3 of the Mature Neighbourhoods Character Study) which will examine large home rebuilds and their compatibility with the mature neighbourhoods in Schedule "A";

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

1. **THAT** this Interim Control By-law applies to all lands, buildings and structures zoned Residential Low Density (RLD) and Residential Medium Density 1 (RMD1) as identified in Schedule A to this by-law.
2. **THAT** No land, building or structure subject to this By-law shall be used for an "Intensified Residential Use".
3. **THAT** for the purposes of this By-law, the following definitions shall apply:
  - A. "Complete" for the purposes of Sections 5 and 7 means:
    - i) for a Building Permit means an application for a Building permit that satisfies the requirements set out in Building By-law 123-2011 or its successor by-law;
    - ii) for a Minor Variance means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor

Variance Applications) under the *Planning Act*;

- iii) for Site Plan Approval means an application which satisfies the requirements set out in the Town of Milton Official Plan; and
  - iv) for Draft Plan of Subdivision approval, Official Plan and Zoning By-law Amendments means an application which satisfies the requirements of the *Planning Act*, the Town of Milton Official Plan and has been deemed complete by the Town of Milton.
- B. "Dwelling" means a single detached, semi-detached, duplex, triplex, quadraplex or townhouse residential building.
- C. Gross Floor Area means the aggregate of all floor areas of a building or structure above or below established grade, which floor areas are measured between the exterior faces of the exterior walls of the building at each floor level but excluding any porch, veranda, cellar, mechanical room or penthouse, or areas dedicated to parking within the building. For the purposes of this definition, the walls of an interior court shall be deemed to be exterior walls.
- D. "Intensified Residential Use" means:
- i. a new Dwelling that exceeds by 25% or more the Gross Floor Area of any Dwelling that existed on the same lot on the date of passage of this By-law; or
  - ii. an addition to an existing Dwelling such that the new Gross Floor Area of such dwelling exceeds by 25% or more the Gross Floor Area of such a Dwelling as it existed on the date of passage of this By-law; or
  - iii. a new Dwelling or addition to a Dwelling that increases the height of the structure beyond that which existed on the same lot on the date of passage of this By-law; or
  - iv. a new Dwelling on land that was vacant on the date of passage of this By-law or becomes vacant by means of a consent to sever under the *Planning Act* during the period of time when this By-law is in effect.
4. **THAT** this By-law shall come into force and take effect immediately upon the passage thereof, and shall be in effect for one (1) year from the passage of this By-law unless otherwise extended in accordance with Section 38 of the *Planning Act*, or repealed by Council at an earlier date.
5. **THAT** for greater certainty, if a building permit application filed in accordance

with the Ontario Building Code Act was Complete on or before the date of passage of this By-law, then this By-law does not preclude the issuance of said building permit.

6. **THAT** for greater certainty, nothing in this By-law shall prevent the registration of a Plan of Subdivision, which, has received draft plan approval on or before the passage of this By-law. Lots within the said registered Plan of Subdivision shall be eligible for building permits in accordance with the approved zoning by-law for the lands.
7. **THAT** for Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval or Minor Variance applications within the defined area that could permit lands to be used for an Intensified Use shall be deemed contrary to this By-law and are prohibited.
8. **THAT** any Complete application for Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval or Minor Variance under the *Planning Act* within the defined area that exists on or before the date of passage of this By-law shall be exempt from this By-law and be eligible to apply for building permits in accordance with the approved zoning for the lands.

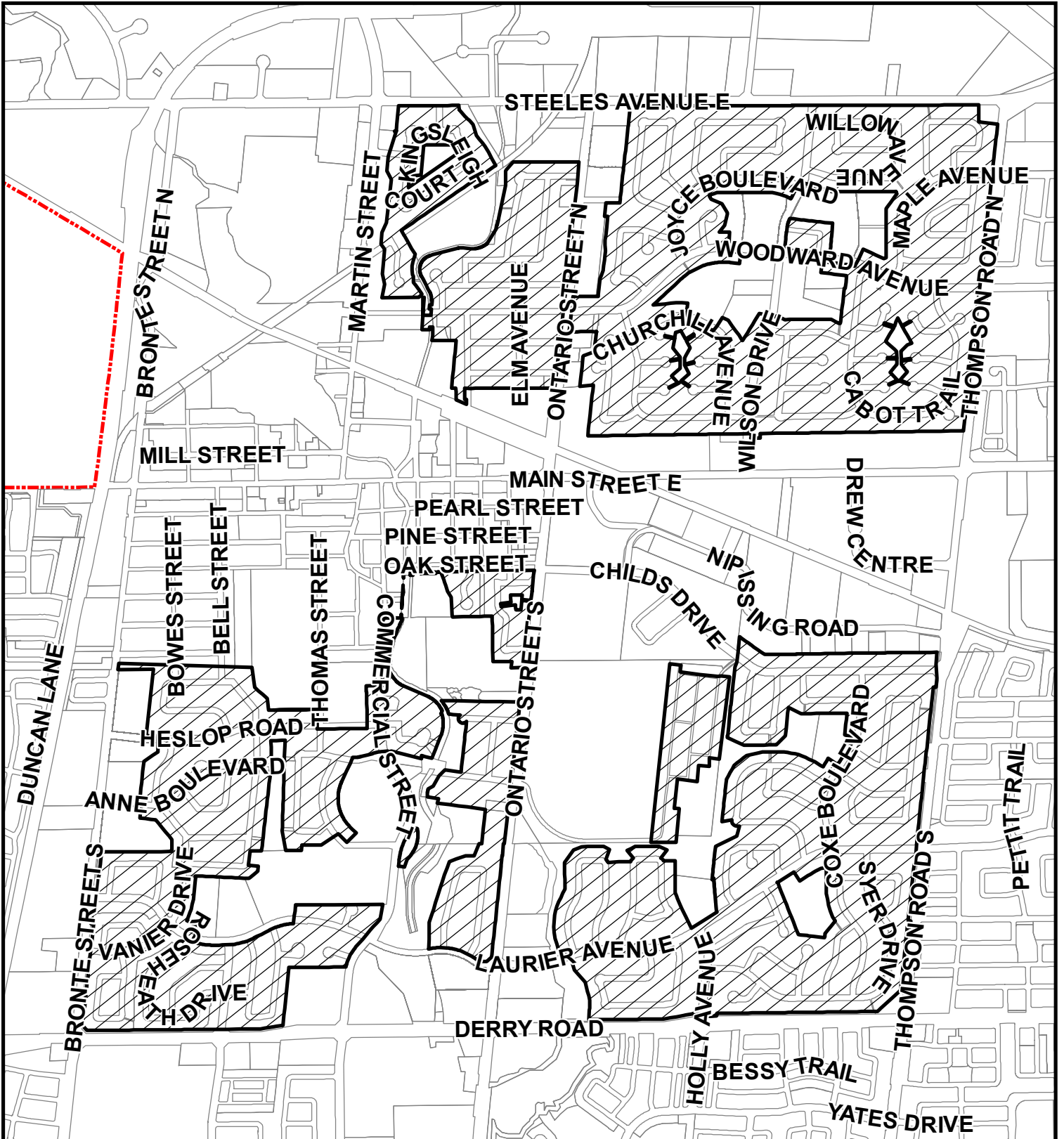
**PASSED IN OPEN COUNCIL ON OCTOBER 19, 2020**

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Gordon Krantz

Mayor

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Meaghen Reid

Deputy Clerk



Council Meeting Date: October 19, 2020

Scale: 1: 17,000

Development Services Department



Area subject to  
Interim Control By-law



Urban Area Boundary