



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: November 4, 2024

Report No: DS-071-24

Subject: Statutory Public Meeting and Recommendation Report: Delegated Authority OPA and By-law

Recommendation: **THAT Staff Report DS-071-24 Statutory Public Meeting and Recommendation Report: Delegated Authority Official Plan Amendment and By-law be received;**

THAT Staff Report DS-071-24 Statutory Public Meeting and Recommendation Report: Delegated Authority Official Plan Amendment and By-law, BE APPROVED;

AND THAT Council authorize Staff to bring forward Official Plan Amendment No. 85 attached as Appendix 1 to Report DS-071-24 for Council adoption;

AND THAT Council approve the proposed Official Plan Amendment included in the draft By-law attached as Appendix 1 to this report;

AND THAT Council approve the proposed amendment to the Delegated Authority By-law attached as Appendix 2 to this report.

EXECUTIVE SUMMARY

- The purpose of this report is to implement one of the five Council endorsed Housing Accelerator Fund initiatives as outlined in Staff Report ES-011-23, delegated decision making power for minor re-zonings, as well as approvals for affordable and modular housing to Town Staff.
- Staff are recommending to implement this initiative by amending the Official Plan and Delegated Authority By-law 071-2016 to include delegated authority permissions for zoning by-law amendments which are minor in nature and are for the purpose of accommodating new dwelling units greater than the current number of dwelling units on a site, including affordable housing and modular housing.

REPORT

Background

At its meeting on November 13, 2023 Council endorsed five additional Housing Accelerator Fund initiatives as outlined in Staff Report ES-011-23. These five additional initiatives were as follows:

1. Permitting four units as-of-right town-wide
2. Permitting four storeys as-of-right within 800 metres walking distance of Milton Transit Lines;
3. Designate dedicated staff to implement an affordable housing strategy, which should involve liaising with non-market housing providers and other levels of government, guiding projects through the development and permitting process and identifying lands for affordable non-market housing;
4. Delegate decision making power for minor re-zonings, as well as approvals for affordable and modular housing, to Town staff;
5. Create incentives to encourage the development of purpose-build rentals and non market housing.

This report seeks Council direction for the implementation of item 4 delegated decision making power for minor re-zonings as well as affordable and modular housing, to Town Staff.

Discussion

Staff are proposing to implement the delegated decision making initiative by extending the list of by-laws in the Town's Delegated Authority By-law that may be granted delegated authority under Section 34 of the Planning Act. The proposed Official Plan Amendment would add zoning by-law amendments which are minor in nature and are for the purpose of accommodating new dwelling units greater than the current number of dwelling units on a site, including affordable housing and modular housing. The Delegated Authority By-law 071-2016, as amended, is also being proposed to be amended to recognize the changes proposed to the Official Plan.

Minor zoning by-law amendments may only be considered if the proposed amendments satisfy the criteria in the Official Plan, which in the proposed Official Plan amendment are the following:

- a) The addition of dwelling units, and their aggregate impact on the subject lands, is determined to be minor in nature;
- b) The addition of dwelling units is desirable for the development of and will not result in over-development of the subject lands; and
- c) The proposal conforms with the applicable land use designation policies.



Financial Impact

The HAF Contribution Agreement will provide the Town a total of \$22,418,300 in equal installments over the next four years to help support growth in housing and housing options within the community. This funding is conditional upon the Town's progress on the implementation and achievement of the Commitments identified in the Contribution Agreement which include:

- Completion of the initiatives; of which one is the subject of this report;
- Achievement of the Housing Supply Growth Target and Additional Targets; and
- Submission of a Housing Needs Assessment Report.

The initiative identified in this report requires no direct financial investment; however, its implementation is required under the HAF Contribution Agreement.

Several other initiatives have already been implemented and Staff will continue to work through the other required program initiatives to ensure the Town benefits from the HAF funding. Future recommendations on the intended use of the remaining funds will be presented to Council as progress on the commitments is achieved.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Megan Lovell

Phone: 905-878-
7252 Ext. 2338

Attachments

Attachment 1 –Delegated Authority Official Plan Amendment 85

Attachment 2 –Proposed Amendment to Delegated Authority By-law 071-2016

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands



The Corporation of the Town of Milton

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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 Huron-Wendat 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 XXX-2024

BEING A BY-LAW TO ADOPT AN AMENDMENT TO THE TOWN OF MILTON OFFICIAL PLAN PURSUANT TO SECTIONS 17 AND 21 OF THE *PLANNING ACT* IN RESPECT OF THE LANDS MUNICIPALLY IDENTIFIED AS THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON- FILE: LOPA-06/24

The Council of the Corporation of the Town of Milton, in accordance with the provisions of Sections 17 and 21 of the *Planning Act* R. S. O. 1990, c. P.13, as amended, hereby enacts as follows:

1. Amendment No. 85 to the Official Plan of the Town of Milton, to amend Policy 5.3.5 and Policy 5.3.3.15 of the Town of Milton Official Plan with respect to all lands identified as the Town of Milton, is hereby adopted.
2. Pursuant to Subsection 17(27) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, this Official Plan Amendment comes into effect the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to Subsections 17 (24) and (25). Where one or more appeals have been filed under Subsection 17 (24) or (25) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Ontario Land Tribunal.
3. The Clerk is hereby authorized to approve the aforementioned Amendment Number No. 85 to the Official Plan of the Town of Milton.

PASSED IN OPEN COUNCIL ON NOVEMBER 4 2024

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk

AMENDMENT NUMBER 85

TO THE OFFICIAL PLAN OF THE TOWN OF MILTON

PART 1 THE PREAMBLE, does not constitute part of this Amendment

**PART 2 THE AMENDMENT, consisting of the following text constitutes
Amendment No. 85 to the Official Plan of the Town of Milton**

PART 1: THE PREAMBLE

THE TITLE

This amendment, being an amendment to the Official Plan of the Town of Milton shall be known as:

Amendment No. 85
To the Official Plan of the Town of Milton
Town Wide Amendment
(File: LOPA-06/24)

PURPOSE OF THE AMENDMENT

The purpose of this amendment is to extend the list of by-laws under Section 34 of the Planning Act that may be granted delegated authority.

LOCATION OF THE AMENDMENT

This is a Town-wide Official Plan Amendment.

BASIS OF THE AMENDMENT

The proposed Amendment is to extend the list zoning by-law amendments under Section 34 of the Planning Act that may be passed by the Commissioner of Development Services through a delegated authority. This proposed change would be applicable to zoning by-law amendments which are minor in nature and are for the purpose of accommodating new dwelling units greater than the current number of dwelling units on a site, including affordable housing and modular housing, as long as there is no dispute or objection to the passing of the proposed minor zoning by-law amendment.

The proposed Amendment also establishes criteria to determine eligibility for an amendment to be considered as a minor zoning by-law amendment for the purpose of accommodating new dwelling units greater than the current number of dwelling units on a site. Prior to the Commissioner of Development Services providing written confirmation that an application may be deemed minor in nature, an applicant would be required to demonstrate conformity with the following criteria:

- The addition of dwelling units, and their aggregate impact on the subject lands, is determined to be minor in nature;
- The addition of dwelling units is desirable for the development of and will not result in over-development of the subject lands; and
- The proposal conforms with the applicable land use designation policies.

In order to implement the above-noted proposed policy changes, amendments to the Delegation of Approval Authority By-law have also been proposed to provide the authority to the Commissioner of Development Services to deem an application minor in nature subject to the criteria above.

PART 2: THE AMENDMENT

All of this document, entitled Part 2: THE AMENDMENT consisting of the following text constitutes Amendment No. 85 to the Town of Milton Official Plan.

DETAILS OF THE AMENDMENT

The Town of Milton Official Plan is hereby amended by Official Plan Amendment No. 85, pursuant to Sections 17 and 21 of the Planning Act, as amended, as follows:

- 1.0 Text Change (Additions are shown in red underline and deletions are shown in yellow strikethrough)

No.	Section No.	Modification
	<i>5.3.3</i>	<i>Public Participation</i>
1.	5.3.3.15	Is modified to add a new subsection iv) as follows: <u>iv) Notice of a meeting to be held in public for an application under Section 5.3.5 b) iv) of this Plan shall be given to every owner of land within 60 metres of the subject lands.</u>
	<i>5.3.5</i>	<i>Delegated Authority</i>
1.	5.3.5 b)	Is modified to amend subsection iii) and to add to a new subsection iv) as follows: b) Delegation of authority to pass by-laws under section 34 of the Planning Act shall be limited to: i) a by-law to remove a Holding “H” symbol; ii) A by-law to authorize the temporary use of land, buildings or structures; <u>and</u> iii) A housekeeping by-law for the purpose of making clerical or other changes to assist in the interpretation of the Zoning Bylaw; and <u>iv) A by-law to permit amendments to the zoning by-law which are minor in nature and for the purpose of accommodating new dwelling units greater than the current number of dwelling units that exist on a site, including affordable housing and modular housing, subject to satisfying the criteria in Section 5.3.5 c) i).</u>
2	5.3.5 c)	Is modified as follows: c) The delegation of authority authorized under Section 5.3.5 b) may be subject to conditions of Council <u>which shall include:</u>

		<p><u>i) The written consent of the Commissioner of Development Services confirming eligibility for consideration of a minor zoning by-law amendment under Section 5.3.5 b) iv) of this Plan.</u></p> <p><u>A minor zoning by-law amendment in accordance with Section 5.3.5 b) iv) may only be considered if the proposed amendment satisfies the following criteria:</u></p> <ul style="list-style-type: none">a) <u>The addition of dwelling units, and their aggregate impact on the subject lands, is determined to be minor in nature;</u>b) <u>The addition of dwelling units is desirable for the development of and will not result in over-development of the subject lands; and</u>c) <u>The proposal conforms with the applicable land use designation policies.</u>
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End of text

**THE CORPORATION OF THE TOWN OF MILTON
BY-LAW NO. ***-2024**

BEING A BY-LAW TO AMEND THE TOWN OF MILTON DELEGATED AUTHORITY BY-LAW NO. 071-2016, AS AMENDED, BEING A BY-LAW TO DELEGATE VARIOUS AUTHORITIES TO STAFF.

WHEREAS Section 23.1 and 23.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, permits a municipality to delegate certain powers and duties to a person;

AND WHEREAS Section 39.2 of the Planning Act, R.S.O. 1990 c. P. 13, as amended, allows for Council to delegate authority to pass by-laws under Section 34 of the Planning Act, R.S.O. 1990 P.13, as amended, that are of a minor nature;

AND WHEREAS Official Plan Amendment 85 has been approved in order to delegate such authority;

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

1. **THAT** Section 6.1 be amended by replacing the existing subsection h) as follows:
 - h) To pass a minor zoning by-law amendment for the purpose of accommodating new dwelling units greater than the current number of dwelling units that exist on a site, including affordable housing and modular housing, where there is no dispute or objection with respect to the passing of the by-law.

Minor zoning by-law amendments as described in the Official Plan may only be considered if the proposed amendments satisfy the criteria in the Official Plan.

PASSED IN OPEN COUNCIL ON NOVEMBER 4, 2024.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid