



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: December 9, 2024

Report No: DS-086-24

Subject: Site Plan Control By-law Consolidation

Recommendation: THAT Development Services Report DS-086-24 entitled Site Plan By-law Consolidation be received;

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

EXECUTIVE SUMMARY

As a result of changes to the Planning Act, the Town has updated and consolidated the Site Plan Control By-law to reflect the most up to date requirements and remain consistent with Provincial legislation.

REPORT

Background

The Town originally implemented Site Plan Control in 1993. Since that time, the Town's By-law has been subject to a series of amendments and revisions to address directions and requirements of the Town's Official Plan, adopted after the original by-law, as well as changes in Provincial legislation.

Discussion

The Site Plan Control By-law has been updated and consolidated to reflect current Provincial Planning direction. Changes include clarifying the scope of when Site Plan Approval is required and the circumstances in which development is exempt from Site Plan Control.

A notable exemption as a result of recent changes includes development for residential purposes on parcels of land containing no more than 10 residential units. Other changes to



Discussion

the By-law include administrative changes, such as references amending By-laws no longer applicable.

Town Staff will continue to review and process Site Plan applications in accordance with Town policy and Provincial legislation.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Mollie Kuchma, MSc., MPA., Phone: Ext. 2312
MCIP, RPP, Senior Planner

Attachments

Appendix 1: Site Plan Control By-law

Approved by CAO
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 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 NO. XXX- 2024

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. 005-2015;

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; and,
 - 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.
- 4.2 Development for residential purposes on a parcel of land that contains no more than 10 residential units, unless the parcel of land includes any land in a prescribed area.
- 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 Commissioner of Development Services or their designate, as applicable, and external agencies.
- 4.4 The placement of a portable classroom on a school site if the school site was in existence on January 1, 2007.
- 4.5 The placement of six (6) or less portable classrooms on a school site.
- 4.6 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; 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*.
6. 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 and 4.

7. 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.
8. 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 68 of the *Planning Act*.
9. By-law 005-2015, as amended, is hereby repealed in its entirety.
10. This by-law shall come into force and effect upon the date of passing.

PASSED IN OPEN COUNCIL this 9th day of December 2024

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk