

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 26th day of January, 2015.

Gordon A. Krantz

Mayor

Meaghen Reid

Town Clerk