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Interim Control By-law Extension Staff Report to Council

Report Number: 2020-44

Department(s): Planning Services

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Meeting Date: June 22, 2020

Recommendations

1. That the report entitled Interim Control By-law Extension dated June 22nd be received; and,
2. That the By-law included as Attachment 2 be adopted; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to provide an update to Council on the Established Neighbourhoods Compatibility Study and recommend that Interim Control By-law 2019-04 be extended until January 21, 2021. The proposed extension will allow time for the final public consultations and adoption of Official Plan policies and Zoning By-law regulations stemming from the Established Neighbourhoods Compatibility Study. If the policies and zoning regulations of the Established Neighbourhood Study are not in place before the expiry of the ICB, the prohibition on creating an “Intensified Residential Use” will expire and the zoning for residential areas will revert to the permissions that existed previously.

Background

On January 14, 2019 Committee of the Whole received Report 2019-3 and directed staff to prepare an interim control by-law. Council then adopted Interim Control By-law 2019-04 on January 21, 2019, which prohibited any person from using lands identified in

Schedule A of the By-law for the purposes of an “Intensified Residential Use” as defined by the By-law.

Staff engaged the services of SvN Architects + Planners to assist with the consultation and revisions to the Official Plan and Zoning By-laws.

Since that time, the Town has consulted with the public and Council on numerous occasions, through a variety of methodologies, including workshops, open houses, and presentations.

On January 20, 2020 a By-law was brought to Council to extend the Interim Control By-law for a period of six months from the date of expiry, extending the by-law to July 21, 2020. The purpose of this extension was to provide more time for the Established Neighbourhoods Compatibility Study to be completed and for the amending by-laws to be adopted.

Discussion

Since January, staff have been working on advancing the Established Neighbourhood Study and prepare the accompanying policy and zoning changes for Council’s consideration within the additional six months. The following work plan identifies what major milestones remain to be done in this project:

1. Hold Open House and Statutory Public Meeting
2. Bring recommendation report to Committee of the Whole
3. Adoption of By-laws by Council
4. Appeal Period
5. Lift Interim Control By-law

The Open House and Statutory Public Meeting were originally scheduled for April 2020. This scheduling would have allowed for the adoption of the new policies before the expiry of the Interim Control Bylaw in July 2020, however due to the COVID-19 pandemic, all intended timelines for the project have been altered.

On April 15, 2020, a new section was added to the Planning Act, Sec. 70.11 (O.Reg 149/20) in response to the pandemic. This regulation allows for the temporary suspension of specified timelines for development applications during COVID 19 while the Emergency Management and Civil Protection Act is in effect. This relief applies retroactively to the date that the emergency was declared. This regulation applies to the Interim Control By-law as follows:

- An Interim Control By-Law in effect on March 17, 2020 which has not been repealed prior to April 15, 2020, but expires after April 15, 2020 and before the COVID-19 emergency terminates or is disallowed, is deemed to remain in effect:
 - during the remainder of the emergency, and

- after the emergency for a period equal to the number of days between March 17, 2020 and the day the by-law would have expired.
- An Interim Control By-Law in effect on March 17, 2020 which has not been repealed prior to April 15, 2020 and expires after the COVID-19 emergency terminates or is disallowed, is deemed to remain in effect:
 - after the day it would have expired for a period equal to the number of days between March 17, 2020 and the day the COVID-19 emergency terminates or is disallowed.

As such, this regulation pauses the timeframes for the ICB, however the exact length of time that the ICB will be extended beyond its expiration cannot be confirmed at this time because the lifting of the the Emergency Management and Civil Protection Act is not known.

This unknown extension length may or may not provide staff with enough time to complete the Established Neighborhood Study and bring policies to Council for adoption.

Due to this unknown extension period, the recommendation made in this report is to extend the ICB for a period of six months beyond its current expiry date. This extension is out of an abundance of caution in the event the extended timeframe isn't sufficient to finalize the Established Neighborhood Study and adopt the resulting policies and zoning regime.

Council has the ability to extend the ICBL for the statutory limit of two years from the passage of the original ICB. The ICB was originally established on January 21, 2019 and it was extended in January 2020 for a period of six months, until July 21, 2020. The now-proposed six month extension would bring the ICB to January 21, 2021, resulting in a total time limit of two years.

It is noted that Council can repeal the ICB at an earlier date should current circumstances change, for example if the Study is completed and the amending policy documents are adopted earlier, and this will certainly be staff's goal. If this occurs, it will be necessary to lift the ICB as soon as the new policies have been established.

If the policies of the Established Neighbourhood Study are not in place before the expiry of the ICB, the prohibition on creating an "Intensified Residential Use" will expire and the zoning for residential areas will revert to the permissions that existed previously. The extension of the ICB is a matter that can be appealed to the Local Planning Appeal Tribunal.

Conclusion

The Established Neighbourhoods Compatibility Study is progressing toward recommendations to Council on amendments to the Official Plan and Zoning By-law,

followed by the lifting of the ICB. Further steps are required to develop, refine, and consult on the proposed amendments.

Circumstances surrounding COVID-19 have paused the study process. Interim Control By-law 2019-04 is set to expire on July 21, 2020. A new regulation (O.Reg 149/20) pauses the timeframes for the ICB; however, the exact length of time that the ICB will be extended beyond its expiry date is unknown.

Staff recommend extending the ICB to allow time for the Study to be completed and necessary amending By-laws passed, before the expiry of the ICB. Staff's intention remains to complete the study and propose the amending policy documents at the earliest possible opportunity, and lift the Interim Control By-law once the new policies are adopted.

Business Plan and Strategic Plan Linkages

The Established Neighbourhoods Compatibility Study responds to Council's direction of reviewing development in established neighbourhoods to protect character and ensure well-managed growth. The amendments to the Official Plan and Zoning By-law will fulfill Council's statutory obligation to make decisions on planning matters that conform to provincial policies.

Consultation

The Study has included significant public consultation to date. The extension of the ICB as recommended by this report will provide further opportunities to consult on the specific proposed policy and zoning changes.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1: Interim Control By-law 2019-04

Attachment 2: Proposed Interim Control By-law Extension

Submitted by

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Approved for Submission

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