



# The Corporation of the Town of Milton

---

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: January 27, 2025

Report No: DS-005-25

Subject: Technical Report - Temporary Use Zoning By-law Amendment  
Application by the Muslim Association of Milton to permit a place of  
worship on the lands located at 1801 Thompson Road South.

**Recommendation:** THAT Staff Report DS-005-25 outlining an application for a temporary  
use zoning by-law amendment to amend the Town of Milton Zoning  
By-law 016-2014, as amended, to facilitate a place of worship use for  
a period of three (3) years on the lands municipally identified as 1801  
Thompson Road South, **BE APPROVED**;

**AND FURTHER THAT** staff be authorized to bring forward an  
amending Zoning By-law in accordance with the draft By-law  
attached as Appendix 1 to Report DS-005-25 for Council adoption.

## EXECUTIVE SUMMARY

The Muslim Association of Milton is seeking approval of a temporary use zoning by-law amendment to the Town of Milton Zoning By-law 016-2014, as amended, to permit a place of worship use in an existing building on the lands located at 1801 Thompson Road South. The temporary use zoning by-law amendment is sought for a period of three (3) years. No exterior changes to the existing building are proposed, however the interior of the building will require updates to support the proposed use if approved. A new parking area, driveway and landscaped areas are also proposed.

The proposed temporary use zoning by-law amendment seeks to replace the current Future Development (FD) zone with a Temporary Use Future Development (T16-FD) zone to permit a place of worship on the subject lands for a period of three (3) years. Special provisions relating to the parking areas and setbacks on the subject lands are also proposed. Town staff are of the understanding that the applicant intends to permanently establish the proposed use on the subject lands once the Britannia Secondary Plan is approved and appropriate municipal services are available for the subject lands.

## EXECUTIVE SUMMARY

### Conclusions and Recommendations:

Staff recommends that the temporary use zoning by-law amendment application BE APPROVED for the following reasons:

1. The proposal conforms to Provincial, Regional and Town planning policy;
2. The proposal facilitates the establishment of a land use that has been identified in the policy directions for the Town's ongoing Official Plan Review and is a proposed permitted use for the subject lands in the draft Britannia Secondary Plan;
3. The proposal makes efficient use of land and is compatible with existing uses on adjacent lands; and,
4. The proposal meets all of the technical requirements identified by internal departments and external agencies.

## REPORT

### Background

**Owner:** Muslim Association of Milton, 4269 Regional Road 25, Oakville ON L6M 4E9

**Applicant:** Ruth Victor & Associates, 191 Main Street South, Waterdown ON L0R 1R0

### **Location/Description:**

The subject lands are located on the east side of Thompson Road South, south of Britannia Road and are municipally known as 1801 Thompson Road South. Figure 1 to this Report illustrates the location of the subject lands. The subject lands comprise an area of approximately 0.86 hectares. A detached dwelling is currently situated on the subject lands.

A high-pressure oil pipeline (Sun Canadian) abuts the northern portion of the subject lands. A portion of the subject lands are within an existing easement for the pipeline to ensure that no development occurs within this area.

The surrounding land uses comprise primarily rural land uses such as rural residential to the north, agricultural uses to the east and south and agricultural uses and the Croatian Club Karlovac to the west. It is noted that the subject lands, along with those to the north, east and south are within the Britannia Secondary Plan area and will be developed as a complete community.

### **Proposal:**

The applicant has applied for a temporary use zoning by-law amendment to permit a place of worship use in the existing building on the subject lands. The temporary use zoning by-

## Background

law amendment is sought for a period of three (3) years. The proposed place of worship will include a prayer hall, conference room, multipurpose hall, office and other ancillary uses. Internal building renovations and a change of use permit (single family dwelling to assembly use) will be required to facilitate the above-noted spaces within the existing building. No building additions are contemplated as part of this application. The proposed place of worship will rely upon existing private services (septic system and well) on the subject lands.

A second access to the subject lands from Thompson Road South is proposed to allow for improved circulation on the site and to establish a fire route for emergency services. The proposed parking areas are located in front of the building as well as along the south property boundary. Landscaping is proposed to screen the parking area from the street view. The proposed site plan includes a total of 58 parking spaces, including two accessible parking spaces, as well as three bicycle spaces.

In addition to the above, landscaped and open space area is proposed around the existing building and in the rear yard on the subject lands. A snow storage area is proposed in the interior side yard to the north of the existing building, outside of the easement area for the high-pressure oil pipeline.

Figure 2 to this Report includes the proposed site plan and building elevations. Figure 3 to this Report includes the proposed floor plans.

The following reports have been submitted in support of this application:

- Planning Justification Report, prepared by Ruth Victor & Associates, dated 2024-09-24;
- Site Plan and Existing Building Elevations, prepared by AAA Architects, undated;
- Existing Floor Plans, prepared by AAA Architects, undated;
- Proposed Floor Plans, prepared by AAA Architects, undated;
- Room Usage Summary, prepared by Muslim Association of Milton, undated;
- Grading and Drainage Plan, prepared by Trafalgar Engineering, dated 2024-07-05;
- Hydrogeological Investigation, prepared Englobe, dated 2024-05-23 and revised 2024-09-09;
- Noise and Vibration Report, prepared by HGC Engineering, dated 2024-01-18;
- Traffic Impact Study, prepared by Paradigm Transportation Solutions Limited, dated 2024-04;
- Stormwater Management Design Brief, prepared by Trafalgar Engineering, dated 2024-07;

## Background

- Environmental Impact Assessment, prepared by Dance Environmental Inc., dated 2024-11-24;
- Source Water Protection Checklist, prepared by Ruth Victor & Associates, dated 2024-07-22; and,
- Waste Management Plan, prepared by Ruth Victor & Associates, dated 2024-03-18.

## Discussion

### Provincial Planning Statement

On August 20, 2024, the Province of Ontario released the new Provincial Planning Statement (2024) ('PPS') and announced that the PPS would come into effect on October 20, 2024. The new PPS replaces the Provincial Policy Statement, 2020, as well as A Place of Grow: Growth Plan for the Greater Golden Horseshoe and consolidates both of these previous land use policy documents into one PPS document.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS establishes the foundation for regulating development and land uses in order to achieve the provincial goals of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The PPS identifies settlement areas as areas that are to be the focus of growth and development. In settlement areas, the PPS requires planning authorities to support the achievement of complete communities by providing for a range and mix of land uses, including institutional uses, to meet long-term needs. The subject lands are within the Town's Urban Area and within the draft Britannia Secondary Plan that is currently being prepared.

The PPS also encourages the efficient use of land and infrastructure where it is planned or available to service the development. The proposed place of worship is within an existing building that will eventually connect to municipal services, once available. Until such time, the proposed place of worship will privately serviced by a well and septic system on the subject lands.

On the basis of the above, staff are of the opinion that the proposed temporary use zoning by-law amendment is consistent with the Provincial Planning Statement.

### Halton Region Official Plan

As of July 1, 2024, Halton Region has become an upper-tier municipality without planning responsibilities, however the Halton Region Official Plan ('ROP') remains in-effect and the



## Discussion

local municipalities are responsible for administering the plan until such time that it is revoked or amended by each respective local municipality.

The subject lands are designated Urban Area on Map 1: Regional Structure of the ROP. All development is subject to the policies of the ROP. Section 76 of the ROP states that the permitted uses in the Urban Area are to be in accordance with the Local Official Plan and Zoning By-law.

While the ROP does not include policies specific to applications for temporary use zoning by-law amendments, it does provide direction on development criteria for all land uses. Section 58(1.1) of the ROP requires an adequate supply of water and treatment of wastewater to support a development proposal. Where development or site alteration has the potential to release or discharge contaminants that may impact groundwater quality, Section 145(5) and 145(23) of the ROP also requires an assessment of the use to be completed to ensure safe drinking water is available.

The proposed place of worship will be privately serviced as municipal services are not yet available. The applicant also completed a hydrogeological assessment to confirm adequate groundwater supply for potable use and a nitrate loading assessment.

Staff is of the opinion that the proposed temporary use zoning by-law amendment is appropriate and conforms to the policies of the Halton Region Official Plan.

### Town of Milton Official Plan

The subject lands are designated Sustainable Halton Plan (SHP) Growth Area on Schedule B - Urban Land Use Plan in the Town of Milton Official Plan. The northeast corner of the subject lands is also designated Natural Heritage System, however no portion of the proposal affects this area. The SHP Growth Area designation applies to lands that are within the Town's Urban Area and that will accommodate future population and employment growth, but where a secondary plan has not been completed.

On the basis of the above, the Town has been preparing the Britannia Secondary Plan which includes the subject lands. On November 4, 2024, a statutory Public Meeting was held on the draft Britannia Secondary Plan. The Britannia Secondary Plan will be brought forward to Town Council for adoption in early 2025.

Schedule C.X.C - Land Use Plan in the draft Britannia Secondary Plan identifies the subject lands as being within the Evolving Neighbourhood designation. Within this proposed designation, minor and major places of worship are permitted.

## Discussion

Section 5.5.3.6 of the Town's Official Plan enables Council to pass a temporary use by-law to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited in a zoning by-law. Section 5.5.3.6 reads as follows:

*Temporary use by-laws shall only be passed if they conform to the Regional Plan. Town Council, before passing a by-law to permit a temporary use, shall be satisfied that those of the following requirements, among others, which are relevant to the specific application are, or will be, fulfilled in order to safeguard the wider interests of the general public:*

- a) That the proposal fulfills reasonable planning standards;*
- b) That the proposed use will be compatible with adjacent uses;*
- c) That the size of the parcel of land or building to be used is appropriate for that proposed use; and,*
- d) That services such as water, sewage disposal and roads, are sufficient.*

The PPS and Halton Region Official Plan direct growth and development to settlement areas and a range of uses are encouraged within these areas. The subject lands and those that surround it are located within the Town's Urban Area and are within the draft Britannia Secondary Plan area where the secondary planning process for the area is near completion. The Britannia Secondary Plan area is being planned as a complete community providing for a range of uses to serve the long-term needs of future residents and businesses. In the draft Britannia Secondary Plan, the subject lands are within a land use designation that proposes to permit institutional uses such as the proposed place of worship.

Place of worship uses are considered sensitive land uses. However, given that the proposed place of worship is a new use being proposed on the subject lands, land use compatibility with surrounding existing uses was considered while acknowledging that the area is being planned to be developed as a future complete community. The Noise and Vibration Study prepared for the application identifies a residential dwelling approximately 90 metres from the building on the subject lands and concludes that noise from mechanical equipment meets the applicable noise standards and that there will be no noise impact on the adjacent residential dwelling.

In addition to the above, there are active agricultural lands around the subject lands. There are no buildings on the abutting property that could be used to raise livestock. These lands are also within the Town's Urban Area and within the Britannia Secondary Plan area that will develop as a complete community. In order to address concerns about potential parking spillover and light trespass, the proposed site plan includes a 1.8-metre privacy fence along the east and south property lines. In addition, the proposed grading of the paved parking area directs stormwater to the front of the subject lands rather than onto abutting lands.

## Discussion

The technical studies and the proposed site plan demonstrate that the subject lands are of an adequate size to accommodate parking and circulation, private services (well and septic) as well as landscaped open space and area to accommodate snow storage. The proposed site plan also includes an area for a road widening to meet the typical collector right-of-way width, however final right-of-way width for Thompson Road will be confirmed through the Tertiary Plan process for the Britannia Secondary Plan area.

On the basis of the above, staff is satisfied that the proposal conforms to the Town's Official Plan policies.

### **Zoning By-law 016-2014, as amended**

The subject lands are currently zoned Future Development (FD) under the Town of Milton Zoning By-law 016-2014, as amended. The FD zone recognizes existing uses only, which means a zoning by-law amendment is required to permit any new development.

The applicant has submitted an application to amend the zoning that applies to subject lands from Future Development (FD) to a temporary use FD zone (T16-FD). The proposed T16-FD zone identifies the place of worship as a permitted use and includes special provisions that address minimum parking space requirements, minimum lot area, setbacks, landscape area and the maximum building footprint of the existing building.

Staff are of the understanding that in the future the applicant intends to apply for a zoning by-law amendment to permanently rezone this property for a place of worship use once the Britannia Secondary Plan is complete and once municipal services (water and wastewater) are available. The temporary use zoning by-law amendment is being sought for a period of three (3) years, which is the maximum period of time permitted for temporary use zoning by-law amendments under the Planning Act. Should the application be approved, and the three-year period passes, the applicant will be required to apply for an extension prior to the lapsing date.

Appendix 1 to this Report includes the proposed temporary use zoning by-law amendment.

Staff is satisfied that the proposed temporary use zoning by-law amendment conforms to the Town's Official Plan.

### **Site Plan Control and Permits**

Should the development application be approved, the applicant will be required to obtain site plan approval prior to any building permits being issued. Detailed site plan drawings addressing matters such as building elevations, lot grading and drainage, site design, lighting and landscaping will be required for review and approval. The applicant will also be required

## Discussion

to enter into a site plan agreement with the Town and provide securities to guarantee the completion of works in accordance with the approved drawings.

In addition to the above, the applicant will also be required to apply for a building permit and a change of use permit (single family dwelling to an assembly use). The capacity of the septic system as well as the quality of water and capacity of the existing well will be reviewed and confirmed through the permit review process to ensure that there is adequate capacity to support the intended use. All Ontario Building Code requirements will apply.

## Public Consultation

Notice for the statutory public meeting was provided pursuant to the requirements of the Planning Act on August 1, 2024. The statutory Public Meeting was held on September 9, 2024. Council asked questions about the number of people anticipated to use the place of worship and the applicant's agent confirmed that the place of worship is expected to accommodate 100 people. No public comments were provided during the statutory Public Meeting.

Staff received two letters in response to the proposed application. The first letter was from a member of the public expressing support for the proposed use. The second letter was from an adjacent landowner expressing concerns about potential spillover of parking from the subject lands and the potential impact on the active agricultural operation. The adjacent property is also within the Town's Urban Area and the draft Britannia Secondary Plan, and will be developed as part of a broader complete community. As mentioned previously in this Report, the proposed site plan includes a 1.8-metre privacy fence to address potential light trespass as well as to contain parking on the subject lands. The proposed grading of the parking areas also directs stormwater to the front of the subject lands rather than onto abutting lands. Staff are satisfied that the implementation of the above-noted measures will address the concerns of the adjacent landowner.

## Agency Circulation

The initial application was circulated to internal and external agencies on July 29, 2024 with a subsequent resubmission on November 4, 2024.

## Halton Region

As of July 1, 2024, the Halton Region's role in land use planning and development has been scoped to only deal with certain Regional matters. Given that this application was submitted during the period of transitioning previous Regional responsibilities to the Town, Town staff requested transitional support on the review of the hydrogeological assessment. As a result, it was recommended that the Town require the applicant have the existing well disinfected,



## **Discussion**

inspected and resampled to ensure adequate drinking water is available for the proposed place of worship. It was also recommended that the applicant be required to confirm that they have entered into an agreement with a septic system maintenance contractor to collect annual samples of nitrate concentrations in sewage effluent to ensure the system is running optimally. These recommendations will be implemented through the future site plan approval and building permit review processes. Halton Region staff offers no objections to the approval of the proposed application.

### Town of Milton - Engineering Services

The Town's Development Engineering staff has reviewed the application and offers no objection to the approval of the proposed temporary use zoning by-law amendment. Development Engineering staff will continue to work with the applicant to ensure that the technical requirements are satisfied through a future site plan approval process.

The Town's Transportation staff has reviewed the submitted Traffic Impact Study and offers no objection to the approval of the proposed temporary use zoning by-law amendment. Transportation staff will also continue to work with the applicant to ensure that the technical requirements for access and site circulation are satisfied through a future site plan approval process.

### Town of Milton - Fire Department

The Town's Fire Department staff has reviewed the application and offers no objection to the approval of the proposal. Fire Department staff will require additional information regarding the water storage tank. This will be reviewed through a future site plan approval process.

### Town of Milton - Building

The Town's Building staff has reviewed the application and offers no objection to the approval of the temporary use zoning by-law amendment, however staff will continue to work with the applicant to ensure that the technical requirements under the Ontario Building Code are satisfied through the future site plan approval and building permit processes.

## **Issues of Concern**

### Parking and the Local Road Network

In order to support the application, the applicant submitted a Transportation Impact Study (TIS) that assessed transportation requirements (access, parking and site circulation) to facilitate the proposed place of worship. The TIS evaluated peak AM (7:30 am to 8:30 am), midday (2:00 pm to 3:00 pm) and PM (3:15 pm to 4:15 pm) hours on Fridays to align with the main worship service. The TIS indicates that the proposed place of worship is projected to

## Discussion

generate 2 vehicle trips (1 in and 1 out) during the Friday AM peak hour, 90 vehicle trips (49 in and 41 out) during the midday peak hour and 10 vehicle trips (3 in and 7 out) during the PM peak hour. The TIS states that the intersection of Britannia Road and Thompson Road South is forecast to operate at an acceptable level of service during the peak hours.

The TIS also includes a parking assessment to demonstrate that the parking rate proposed in the zoning by-law amendment will adequately serve the requirements of the proposed use. The TIS surveyed a proxy site at 100 Mountainview Road South in Georgetown, Ontario, that includes a place of worship of approximately the same size as the one proposed on the subject lands (400 m<sup>2</sup> vs. 449 m<sup>2</sup>) and similar number of people attending (150 people vs. 100 people). The parking assessment recommended that 52 parking spaces be provided and the proposed site plan includes 58 parking spaces.

The applicant also submitted a room usage plan that identified the proposed rooms and uses for each room. Town's zoning staff also reviewed this document when calculating parking requirements for the proposed place of worship use.

The Town's Transportation staff are satisfied with the proposed access, site circulation and parking requirements as detailed in the TIS and will continue to work with the applicant to ensure that the requirements are implemented in a future Site Plan Approval process.

## Servicing

Given that municipal services are not yet available in the area, private services (well and septic) are proposed to service the place of worship. As part of the submission materials for temporary use zoning by-law amendment application, the applicant provided septic system details to service the proposed place of worship as well as a Hydrogeological Report to confirm adequate groundwater supply for potable use as well as a nitrate loading assessment for private subsurface sewage disposal. The above-noted materials were reviewed through the zoning by-law amendment application process, however they are also subject to Ontario Building Code requirements that will be applied during the building permit review process. As part of a future building permit review process, the Owner will be required to demonstrate, to the satisfaction of the Chief Building Official, that there is adequate capacity in the septic system and that the private well water is adequate and meets the applicable requirements for water quantity, quality and structural capacity.

1. Water Quantity: A hydrogeological assessment or well yield test, completed by a qualified professional, confirming that the well can consistently provide an adequate supply of water in accordance with the requirements of the Ontario Building Code and any applicable municipal standards.

## Discussion

2. **Water Quality:** Laboratory testing of the well water, conducted by a licensed laboratory, confirming compliance with the Ontario Drinking Water Quality Standards (ODWQS), including testing for parameters such as bacterial contamination and other relevant indicators.
3. **Structural Capacity:** An inspection and assessment, completed by a qualified professional, to confirm the structural integrity of the well and its compliance with applicable standards. This includes verifying that the well casing, well cap, and surrounding structures are in good condition and capable of supporting long-term operation without risk of contamination or structural failure.

In addition to the above, a water storage tank will also be required to ensure that firefighting water capacity is available in the event that there is a fire event. This will also be reviewed through the building permit review process and all Ontario Building Code requirements must be met to the satisfaction of the Chief Building Official.

## Financial Impact

None arising from this Report.

Respectfully submitted,

Jill Hogan  
Commissioner, Development Services

For questions, please contact:      Jessica Tijanic, MSc., MCIP,      Phone: Ext. 2221  
RPP, Senior Planner  
Development Review

## Attachments

Figure 1 - Location Map

Figure 2 - Proposed Site Plan and Elevations

Figure 3 - Proposed Floor Plans

Appendix 1 - Proposed Zoning By-law Amendment and Schedule A



# The Corporation of the Town of Milton

Report #:  
DS-005-25  
Page 12 of 12

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.