

# PLANNING JUSTIFICATION REPORT

Temporary Use - Zoning By-law Amendment  
Town of Milton  
11179 Derry Road

CLIENT:  
Century 21 Green Realty Inc.

PREPARED BY:

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## 1.0 BACKGROUND

Robert Russell Planning Consultants Inc. has been retained by Century 21 Green Realty Inc. to prepare a Planning Justification Report to permit Temporary Use through a Zoning By-law Amendment for a period of three years. The proposal is to temporarily permit the use of an existing residential dwelling for office uses, located at 11179 Derry Road, in the Town of Milton, in the Region of Halton.

The property was previously used as a residential dwelling in a historically agricultural area of the Town, however the property and surrounding area has since 2015 been designated for employment growth and designated as “Business Park Area” in Schedule A of the Official Plan and “Street Oriented Site” in Schedule C-9-B of the Derry Green Corporate Business Park Secondary Plan Area.

Due to the property’s Official Plan and Secondary Plan employment area designations, the property is destined for employment uses and is zoned as Future Development, only permitting legally existing uses of the property. The property will eventually need to be rezoned to one of the permitted uses found within the Employment Zone.

The property is located on Derry Road approximately 2.5 kilometres southeast of Highway 401 within the Derry Green Corporate Business Park. The property is generally rectangular in design with frontage on Derry Road. The property lot dimensions include approximately 45 metres of frontage, and side lot lines with lengths of approximately 80 metres, representing an area of approximately 3,500 sq.m.

The land is generally flat. It has a primary building previously used for residential purposes and an associated driveway for parking. See **Figure 1** below for general location within Milton.

**Figure 1 - Property Location within Milton**



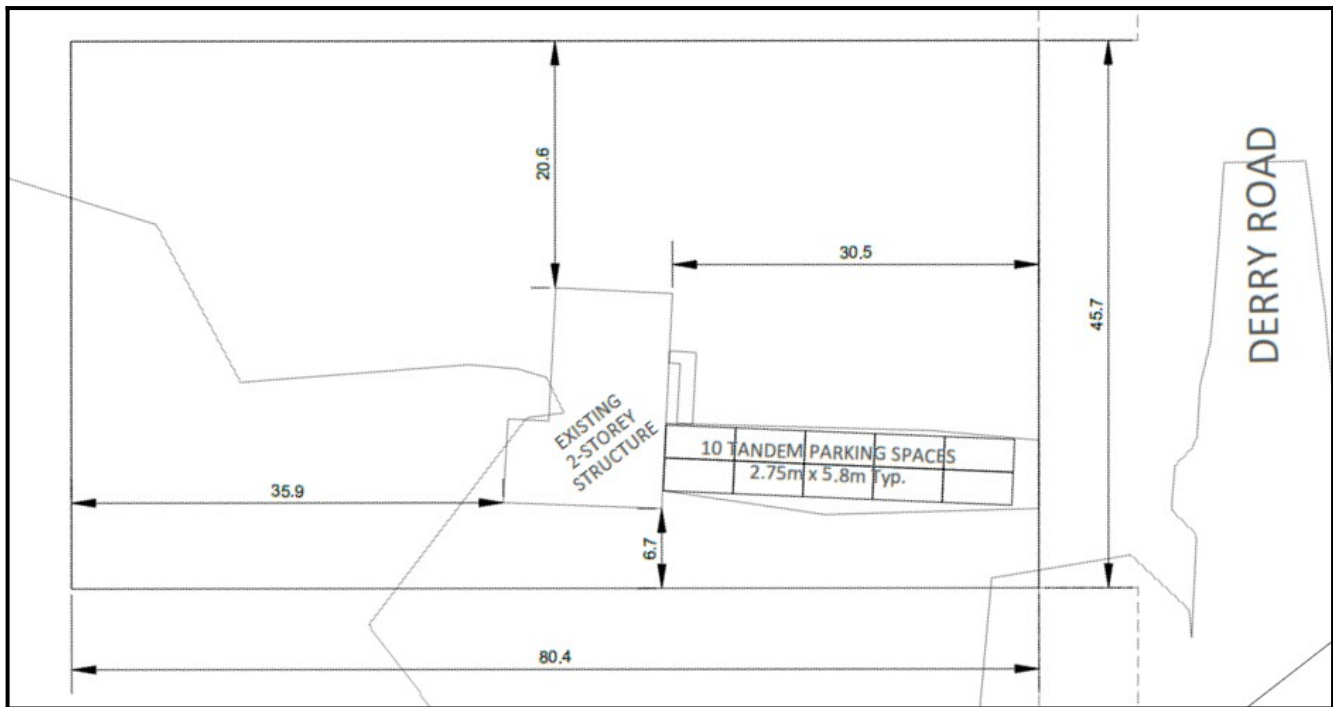
## 2.0 DEVELOPMENT CONCEPT

The property is currently zoned as Future Development (FD). The FD zone only permits uses that legally existed on the date the By-law came into effect, that being a residential dwelling.

The proposal for the property consists of converting the existing residential dwelling into an office building. To permit this a temporary use by-law is proposed to for a site-specific FD zone permitting the use of the existing residential building to be converted into a temporary office building and permit the parking as existing, allowing parking to be located between the building and street and in tandem.

This temporary use zoning by-law amendment represents a gradual transition to employment zoning. The property as it exists is shown in **Figure 2**, below.

**Figure 2 - Conceptual Site Plan**



## 3.0 PLANNING POLICY

### 3.1 PLANNING ACT, R.S.O. 1990, c. P.13

The Planning Act is the provincial legislation that provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use changes occur. The Act is designed to recognize the decision-making authority and accountability of municipal councils in planning.

The purposes of the Act as outlined in **Section 1.1** are (a) to promote sustainable economic development in a healthy natural environment, (b) to provide for a land use planning system led by provincial policy, (c) to integrate matters of provincial interest in provincial and municipal decisions, (d) to provide for planning processes that are fair, (e) to encourage co-operation and coordination among various interests, (f) to recognize the decision-making authority and accountability of municipal councils in planning.

These matters of Provincial Interest are outlined in **Section 2** of the Act. This application has regard to the following matters: e), f), h), k), l), n), p).

Additionally, the most recent version of the Planning Act defines an “area of employment” as:

*an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:*

1. *The uses consist of business and economic uses, other than uses referred to in paragraph 2 including any of the following:*
  - i. *Manufacturing uses.*
  - ii. *Uses related to research and development in connection with manufacturing anything.*
  - iii. *Warehousing uses, including uses related to the movement of goods.*
  - iv. *Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.*
  - v. *Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.*
  - vi. *Any other prescribed business and economic uses.*
2. *The uses are not any of the following uses:*
  - i. *Institutional uses.*
  - ii. *Commercial uses, including retail and office uses not referred to in subparagraph 1*

Although the proposed use of the lands and building for an office do not specifically align with the definition of “area of employment” as referenced above, Section 39(1) of the Planning Act provides for the following temporary use provision:

*The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law. R.S.O. 1990, c. P.13, s. 39 (1). (1.1), (1.2) Repealed: 2002, c. 17, Sched. B, s. 11 (1).*

The subject lands and surrounding area previously served as rural use. The land and surrounding area are now designated for employment purposes under the Regional and Town Official Plans. The Planning Act indicates that residential uses are not permitted in Areas of Employment and the proposed office use does not exactly align with the intended uses identified above either.

However, Section 39 of the Planning Act does permit the proposed temporary use as an office, subject to approval from the Town Council. This would make the best use of the land and the existing built form resource of the property on an interim basis, until such a time that the property can be developed for its intended use. This avoids the need for new construction or substantial site work and offers a subtle and gradual transition from a rural residential use to the intended future economic use.

This application has regard for the relevant sections of the Planning Act.

### **3.2 PROVINCIAL PLANNING STATEMENT 2024**

The Provincial Planning Statement (PPS) provides policy direction on matters relating to land use planning and development that are of provincial interest. The PPS set the policy foundation for regulating the development and use of land province-wide, to help achieve the provincial goal of meeting the needs of Ontarians while enhancing their quality of life. All while maintaining the vision to increase the supply and mix of housing options in the province, with a goal of getting at least 1.5 million homes built by 2031.

Applicable to this application, the PPS provides supporting policies in Chapter 2: Building Homes, Sustaining Strong and Competitive Communities.

The policies outlined below are found in the PPS and support the proposed development.

### **2.8 Employment**

**2.8.1.1** Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging *intensification* of employment uses and compatible, compact, mixed-use development to support the achievement of *complete communities*; and
- e) addressing land use compatibility adjacent to *employment areas* by providing an appropriate transition to *sensitive land uses*.

- 2.8.2.1** Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses, and ensure that the necessary *infrastructure* is provided to support current and projected needs.
- 2.8.2.2** Planning authorities shall protect *employment areas* that are located in proximity to *major goods movement facilities and corridors*, including facilities and corridors identified in provincial transportation plans, for the *employment area* uses that require those locations.
- 2.8.2.3** Planning authorities shall designate, protect and plan for all *employment areas* in *settlement areas* by:
- a) planning for *employment area* uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;
  - b) prohibiting residential uses, commercial uses, *public service facilities* and other institutional uses;
  - c) prohibiting retail and office uses that are not associated with the primary employment use;
  - d) prohibiting other *sensitive land uses* that are not ancillary to uses permitted in the *employment area*; and
  - e) including an appropriate transition to adjacent non-*employment areas* to ensure land use compatibility and economic viability.
- 2.8.2.4** Planning authorities shall assess and update *employment areas* identified in official plans to ensure that this designation is appropriate to the planned function of *employment areas*. In planning for *employment areas*, planning authorities shall maintain land use compatibility between *sensitive land uses* and *employment areas* in accordance with policy 3.5 to maintain the long-term operational and economic viability of the planned uses and function of these areas.

The PPS provides policies that instruct planning authorities to promote economic development and competitiveness. This includes providing for an appropriate mix and range of employment, institutional, and broader mixed uses, and to protect and preserve employment areas. The approval of the temporary use zoning by-law amendment by the planning authority brings the lands and uses of the property closer to conformity with the Regional and Town Official Plans, which recognize the property to be located within a designated employment area.

The proposed temporary use zoning by-law amendment is consistent with the Provincial Planning Statement.

### **3.5 OFFICIAL PLAN OF THE REGION OF HALTON**

The Halton Regional Plan (HROP) was initially adopted by Halton Region Council in June 2022 and was approved with modification by the Province November 4, 2022. Additionally in November 2022, *Bill 23, More Homes Built Faster Act, 2022*, was introduced by the Province. The legislation identified Halton Region as an “upper-tier municipality without planning responsibilities”.

In accordance with *Bill 185, Cutting Red Tape to Build More Homes Act, 2024*, this change to the Region's role came into effect on July 1, 2024 which had the impact of the Halton Region Official Plan no longer being a Regional Plan, and is now a Local Plan of the four local municipalities (Burlington, Halton Hills, Milton and Oakville). As of July 1, 2024, the Regional Official Plan remains in effect as an official plan in each Local Municipality until it is revoked or amended by the respective municipality.

**Map 1 – Regional Structure** of the HROP designates the community of Milton as an urban area, and thus the Urban Area policies of the HROP apply. Additionally, **Map 1h - Regional Urban Structure** designates the property to be within an Employment Area, as such the Employment Area policies of the HROP applies, they are as follows:

### Employment Areas

**83.2** It is the *policy* of the *Region* to:

(1) Plan for Employment Areas by:

- a) prohibiting residential uses;
- b) prohibiting major retail uses;
- c) permitting a range of employment uses including but not limited to industrial, manufacturing, warehousing, and office uses;
- d) permitting a range of ancillary uses that are associated with an employment use or supportive of the overall Employment Area, as identified in Local Official Plans in accordance with Section 83.2(6)b) of this Plan;
- e) limiting sensitive land uses, including institutional uses, by only permitting such uses where they:
  - [i] are an ancillary use that is associated with an employment use or that is supportive of the overall Employment Area;
  - [ii] are located at the periphery of the Employment Area and/or identified within an appropriate Local Official Plan designation;
  - [iii] address land use compatibility considerations in accordance with Section 143(12) of this Plan;
  - [iv] support achieving the employment forecast in Table 1 and the density target for Employment Areas in Table 2 of this Plan; and,
  - [v] do not contain a residential component or function where individuals reside on a temporary or permanent basis, such as long-term care facilities, retirement homes, or boarding schools;
- f) recognizing existing uses.

(2) Plan for, protect and preserve the *Employment Areas* for current and future use. Development in proximity to major facilities are required to meet the Provincial Policy Statement, 2020 requirements for land use compatibility.

(3) Ensure the necessary *infrastructure* is provided to support the *development* of the *Employment Areas* in accordance with *policies* of this Plan.

(4) Prohibit the conversion of lands within the *Employment Areas* to non-employment uses including *major retail* uses unless through a *municipal comprehensive review* where it has been demonstrated that:

- a) there is a need for the conversion;
- b) the conversion will not compromise the *Region's* or Local Municipality's ability to meet the employment forecast in Table 1 and Table 2a;
- c) the conversion will not adversely affect the overall viability of the *Employment Area*, and achievement of the *intensification* and density targets of Table 2 and other *policies* of this Plan;
- d) there are existing or planned *infrastructure* and *public service facilities* to accommodate the proposed conversion;
- e) the lands are not required for employment purposes over the long term;
- f) cross-jurisdictional issues have been considered; and
- g) all Regional *policies* and requirements, financial or otherwise, have been met.

(5) Require development within the *Employment Areas* to support achieving the density target identified in Table 2 of this Plan.

(6) Require Local Municipalities to plan for *Employment Areas* by:

- a) delineating and protecting the *Employment Areas* as identified on Map 1H of this Plan;
- b) developing policies and land use designations for lands within the *Employment Areas* that:
  - [i] support accommodating forecast employment growth as identified in Table 1 and achieving the *Employment Area* density targets identified in Table 2 of this Plan;
  - [ii] identify a range of employment uses, *ancillary uses*, and *sensitive land uses*, as appropriate for the planned function of the specific land use designations and their role within the Regional Urban Structure and *Local Urban Structures*;
  - [iii] require land use compatibility studies for *sensitive land uses* in accordance with Section 143(12) of this Plan; and
  - [iv] ensure an appropriate interface is provided between the *Employment Areas* and adjacent non-employment areas and between specific employment designations in the Local Official Plan to maintain land use compatibility.
- c) promoting *intensification* and increased densities in both new and existing *Employment Areas* by facilitating compact, transit-supportive built form, development of *active transportation* networks, and minimizing surface parking.

### **Urban Area and the Regional Urban Structure**

**72.** The goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters *complete communities*, enhances mobility across *Halton*, addresses climate change, and improves housing affordability, sustainability and economic prosperity.

**72.1** The objectives of the Urban Area are:

1) To accommodate growth in accordance with the *Region's* desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable *natural environment*, and preserve certain landscapes permanently.

(6) To identify a Regional Urban Structure that directs growth to *Strategic Growth Areas* and protects Regional *Employment Areas*.

(7) To plan and invest for a balance of jobs and housing in communities across the *Region* to reduce the need for long distance commuting and to increase the modal share for transit and *active transportation*.

The property is located in Milton which is designated as an urban area; and falls within a designated employment area within Halton Region, as such the Urban Area and Employment Area policies of the HROP apply.

The temporary use zoning by-law amendment will begin a gradual transition of the property use from a residential use to an employment uses as a business office consistent with uses application to the designation of employment area. The proposed rezoning will protect and preserve the existing employment area for current and future employment use, and it will be able to utilize existing infrastructure. The temporary use zoning by-law amendment will provide an interim employment use until future development plans for the property are available, or until the expiration of the temporary uses by-law provisions.

Given the above examples, and a review of the remaining policies, goals, and objectives within the above-mentioned Sections of the Halton Region Official Plan we are of the opinion that the proposed development is consistent with the policies applicable to this development.

### **3.5 TOWN OF MILTON OFFICIAL PLAN (Consolidated 2026)**

Milton's Official Plan (MOP) sets long-term goals and objectives for our community, guides our by-laws and informs Council on land-use decisions and how to manage change.

Effective July 1, 2024, amendments to the *Planning Act* have classified the Region of Halton as an "upper-tier municipality without planning responsibilities." This change means the Regional Official Plan is no longer recognized as the official plan for the Regional Municipality of Halton. The plan is now considered the official plan of each lower-tier municipality within Halton (Town of Milton, City of Burlington, Town of Halton Hills, and Town of Oakville), until it is revoked or amended by the respective municipality. As a result, two Official Plans currently apply to the Town of Milton: the Halton Regional Official Plan, 1995, and the Town of Milton Official Plan, 1996.

Schedule 3 of the MOP identifies the property being within the Urban Area and Schedule 4 indicates it within the Employment Area of the Town; and more specifically Schedule 2 shows the lands within the Derry Green Corporate Business Park. The MOP policies applicable to proposal are found below.

## **2.2 Municipal Structure**

### **2.2.1 The Urban Area**

The Urban Area is where development is to be concentrated. This is where the majority of population and employment growth will be accommodated. The Urban Area will have a concentration of existing

and future development, in a range of densities and mix of uses, in accordance with the policies of this Plan.

2.3.1.1 Identify an Urban Structure that is comprised of the following major structural components and systems that are critical to the health and sustainability of the Urban Area, identified on Schedule 4 – Urban Structure of this Plan:

e. Employment Areas

2.3.1.2 Encourage intensification and redevelopment to support the achievement of complete communities.

2.3.1.3 Create a land use pattern with a range of land uses, densities and built forms.

2.3.1.5 Use land and resources efficiently through compact built forms and standards and promoting co-location of facilities.

2.3.1.8 Ensuring development is well served by existing and planned infrastructure and public service facilities.

2.3.1.24 Identify Employment Areas and protect them for long-term employment use.

2.3.1.25 Maintain an adequate supply of zoned and serviced Employment Areas in various locations to meet the town's projected employment growth forecast and to promote economic development and competitiveness.

2.3.1.26 Minimize land use conflicts between certain types of employment uses and sensitive land uses.

### **2.3.6 Employment Areas**

2.3.6.1 Identify and protect Employment Areas for long-term employment use.

2.3.6.2 Ensure the availability of sufficient land to accommodate the forecasted employment growth established in Table 3 to support Milton's economic competitiveness.

2.3.6.3 Plan Employment Areas at development density targets that contribute towards achieving the job targets established in Table 3b, optimizing land use and infrastructure.

2.3.6.4 Maintain a range of Employment Areas to support a wide range of economic activities to meet the current and future needs of businesses.

2.3.6.5 Plan and design Employment Areas to be easily accessible by a range of transportation modes, including active transportation, transit, and the automobile.

2.3.6.6 Ensure the necessary infrastructure is provided to support the development of the Employment Areas in accordance with policies of this Plan.

2.3.6.7 Promote the sustainable development of Employment Areas for long-term viability.

2.3.6.8 Encourage sustainable practices including low impact development, district energy and water conservation measures in Employment Areas.

2.3.6.11 Monitor Employment Areas for their ability to accommodate employment.

3.6.1.2 Recognize the current and future diversity of economic activities when identifying and protecting lands for employment uses.

3.6.1.3 Maintain suitable sites to accommodate a range of existing and future economic activities and ancillary uses for a minimum of 15 years.

3.6.1.5 Provide flexible land use permission to accommodate evolving business needs.

3.6.1.7 Enable mixed land uses to create a diverse range of lands that can contribute to the long-term employment base throughout the community.

3.6.1.11 Support opportunities for shared location including intensification of employment uses, such as office and retail, in compact, mixed-use developments.

3.6.1.16 Ensure employment uses are accessible by transit and active transportation infrastructure.

## 8.7 Employment

8.7.1.1 *Employment areas* are intended to provide industrial, business and economic activities, which will be the major source of employment opportunities within the Town. The *Employment Areas* permit a wide range of business and economic activities that include, but not limited to, the following:

- a. manufacturing uses;
- b. uses related to research and development in connection with manufacturing;
- c. warehousing uses, including uses related to the movement of goods;
- d. retail and *offices uses* associated with manufacturing and warehousing;
- e. facilities that are ancillary to manufacturing and warehousing; and
- f. any other business and economic uses prescribed by provincial legislation.

*Employment areas* are defined by two specific employment land use designations: Business Park, and Industrial Area, which provide for *compatible* employment uses in appropriate locations with a variety of form, scale, and intensity of *development*.

8.7.2.1 It is the objective of this Plan to:

- a. ensure that sufficient designated lands are available within the Urban Area for the creation of diverse employment opportunities at appropriate strategic locations, particularly in the vicinity of existing major highway interchanges and rail yards;
- b. ensure that the *Town* is positioned to accommodate new and expanded business activities that provide jobs to local residents;
- c. ensure that new industrial *development* occurs in an orderly manner; and d. encourage and promote *compact development* that accommodates a mix of employment uses and supporting uses to facilitate the efficient use of urban land and *infrastructure*

### 8.7.3 General Employment Policies

8.7.3.2 *Development* within the employment designations within the Urban Area on Schedule "A" or within an approved secondary plan, shall be permitted subject to:

- a. the provisions of the applicable Secondary Plan in Part C of this Plan;
- b. the submission of a *Development Plan* which demonstrates to the satisfaction of the *Town* that the proposed *development* can be integrated with existing and proposed uses of adjacent lands, including lands outside the employment designation;

- c. the proposed *development* complies with the Communitywide policies of Section 2.0 of this Plan;
- d. applicants can demonstrate that there is adequate water and wastewater treatment capacity to accommodate the proposed use;
- e. a high quality of landscaped site development, particularly adjacent to Provincial Freeways, Highways, Major Arterial, Minor Arterial or Multi -Purpose Arterial roads; and,
- f. the provision of any other study that the *Town* may require.

8.7.3.3 *Intensification* and increased densities in both new and existing *Employment Areas* shall be promoted by facilitating compact, *transit-supportive built* -form and minimizing surface parking.

8.7.3.4 All new *development* requiring a *Planning Act* approval shall conform to Section 3.2 (Urban Design) of this Plan as appropriate.

8.7.3.5 In addition to the above, the Zoning By -law shall contain provisions relating to building siting, location and massing to implement these same urban design policies.

#### **8.7.4 Business Park - Permitted Uses \*D1(viii)**

8.7.4.3 The Business Park Area designation on Schedule "A" means that the main permitted uses shall be *light industrial uses*.

8.7.4.4 In addition to the main permitted uses within the Business Park Area designation, the following uses shall also be permitted:

- a. ancillary retail and *office uses* directly related to the *light industrial use* and located within the industrial building;
- b. research and development uses, excluding uses which produce biomedical waste;
- c. *Cannabis Production and Processing Facility*; and
- d. any other business and economic uses prescribed by provincial regulation.

8.7.4.6 In addition to the uses permitted in Sections 3.8.2.1 and 3.8.2.2 [sic], the following uses shall also be permitted on lands designated Business Park on Schedule B outside the Employment Area designation on Schedule N:

- a. *office uses*;
- b. restaurants that are part of and are located wholly within a light industrial or office building, other than an industrial mall; and
- c. *institutional uses*.

#### **Business Park Area Policies \*D1(viii)**

8.7.4.7 *Development* within areas designated "Business Park Area", shall be permitted subject to:

- a. the provisions of the Secondary Plan as outlined within Part C of this Plan, where applicable;
- b. the submission of a *Development Plan* which demonstrates that the proposed *development* can be physically integrated with existing and proposed uses of adjacent lands, including lands outside the Business Park Area designation;
- c. no outdoor storage being allowed;

- d. a high quality of landscaped site development particularly adjacent to Provincial Freeways, Highways, Major Arterial, Minor Arterial or Multi -Purpose Arterial roads;
- e. the proposed *development* complies with the Community-wide policies of Section 2.0 of this Plan; and,
- f. applicants can demonstrate that there is adequate wastewater and water treatment capacity to accommodate the proposed use.

### 11.3 Official Plan Management

OP 11.3.7.2. Delegation of authority to pass by -laws under section 34 of the *Planning Act* shall be limited to:

- b. a by-law to authorize the temporary use of land, buildings or structures;

### 11.5 Zoning By-law

Following adoption of this Plan, it is intended that the Comprehensive Zoning By-law existing at the date of adoption of the Plan be amended, or repealed and replaced, in order to establish development standards and control growth in the Town in conformity with the policies of this Plan.

#### Temporary Use By -Laws

11.5.3.6 Temporary use bylaws shall only be passed if they conform to the policies of this 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 fulfils 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.

11.5.3.7 Council may pass subsequent by-laws to a temporary use by-law granting extensions of up to three years; however, once the subsequent by-law has lapsed, the use permitted by the by-law must cease and if the use continues it will be viewed as an illegal use in regard to the implementing Zoning By-law.

## Section 9 Derry Green Secondary Plan

### C.9.1.1 Purpose

The purpose of the Derry Green Corporate Business Park Secondary Plan is to establish a more detailed planning framework for the Derry Green Corporate Business Park Planning District in support of the general policy framework provided by the Official Plan.

### C.9.5.1.2 Permitted Uses

The following uses shall be the only uses permitted on lands designated "Business Park Area" on Schedule "C.9.B", immediately adjacent to James Snow Parkway, Derry Road, and Main Street East; and in the "Natural Heritage Oriented Area" overlay designation, subject to the applicable policies of Sections C.9.5.1.3 and C.9.5.1.4 and the submission of a *development* plan which illustrate how the policies of this Plan and the Urban Design Guidelines will be addressed:

a. *light industrial uses*;

b. ancillary retail and office uses directly related to the *light industrial use* and located within the industrial building; and

c. research and development uses, excluding uses which produce biomedical waste.

C.9.2.1.1.b ensuring that development fronting on major roads, and the road allowances, achieves high urban design standards to reinforce the Town's image and provide an attractive entrance to the community;

c. providing the flexibility to accommodate a broad range of potential uses in the Corporate Business Park as a whole, while at the same time, establishing appropriate controls on development to ensure that high quality and prestige uses locate at key locations such the areas fronting on Highway 401, Derry Road and James Snow Parkway, and to minimize potential conflicts between uses, including conflicts which relate to the *character* of specific areas of the Corporate Business Park and the relationship to residential development on the west side of James Snow Parkway;

#### **C.9.5.1.5 Street Oriented Design**

*Development* applications on lands designated "Business Park Area" immediately adjacent to James Snow Parkway, Derry Road and Main Street East shall be reviewed by the Town in accordance with the Urban Design Guidelines. In particular, *development* shall be designed with street-oriented sites and buildings, including a continuous frontage of buildings, contributing to the pedestrian orientation of the street, wherever feasible; have a minimum height of 6 metres; and be encouraged to exceed one storey in height. The relationship of any *development* to the Natural Heritage System designation, including any crossings, shall be evaluated in conformity with the policies of the Natural Heritage System designation of this Plan, and the Subwatershed Update Study.

#### **C.9.6.2 Zoning By-Law**

C.9.6.2.1 This Secondary Plan shall be implemented by an appropriate amendment(s) to the *Town's* comprehensive Zoning By-law in accordance with the policies of this Secondary Plan and Section B.5.5 of this Plan.

Additionally, Section 12 – C9 further general direction for the Derry Green Corporate Business Park Secondary Plan. **Section C.9.1** provides general criteria, establishing the purpose of the Secondary Plan and location. **Section C.9.2** provides direction on quality, character, and design. But since no further development is anticipated these items are not applicable. **Section C.9.3** provides the Goals and Objectives of the Milton 401 Industrial/Business Park Secondary Plan. **Section C.9.4** provides Strategic Policies that are applicable to the Derry Green Corporate Business Park Secondary Plan.

Nonetheless, a review of these sections indicates it provides policy for transportation, trails, watershed, urban design, open space, escarpment views, connectivity/accessibility, 401 landscape corridor, landmarks, and gateways. In review of the OP sections and the Record of Pre-Consultation we are of the opinion that the proposed development is consistent with the policies applicable to the zoning by-law amendment.

The proposed temporary office use conforms to the Official Plan by supporting employment growth within the Urban Area and within a designated Employment Area, which the Plan identifies to be protected and optimized for long-term economic competitiveness. It also conforms to the Temporary Use By-Laws criteria as established in the Official Plan. They are:

<b><u>Temporary Use By -Laws</u></b> <b><u>11.5.3.6 Criteria</u></b>	<b><u>Planning Consultant Response</u></b>
a. That the proposal fulfils reasonable planning standards;	<p>The proposal provides an appropriate transition from a previous rural use to a future employment use by utilizing the existing built form representing an efficient use of the lands as the area transitions. The proposed temporary use zoning will protect and preserve the existing employment area for current and future employment use, and it will be able to utilize existing infrastructure.</p> <p>The temporary use zoning by-law amendment will provide an interim employment use until future development plans for the property are available, or until the expiration of the temporary uses by-law provisions which provides the Town assurances that the land uses will not interfere with future employment area uses.</p>
b. That the proposed use will be compatible with adjacent uses;	<p>The proposed use as a real estate office is compatible and beneficial as the location will benefit the marketing and sales of the surrounding undeveloped employment area lands, which may help support the surrounding employment uses and their growth and accelerate the implementation of the Derry Green Business Park.</p>
c. That the size of the parcel of land or building to be used is appropriate for that proposed use;	<p>The size of the parcel is existing and its size is 0.37 hectares. This size is inadequate for the minimum lot size under three of the four applicable Employment Zones, which would require a minimum of 0.8 hectares. However, the EMP-1 zone, which is for Prestige Office, does not have a minimum lot size and also permits Office Buildings and Office Uses.</p> <p>Additionally, the building is formerly a detached 2-storey dwelling which could accommodate the maximum number of staff of 10 people.</p> <p>Both the size of the parcel and building are appropriate for the proposed use.</p>
d. That services such as water, sewage disposal and roads, are sufficient.	<p>As demonstrated in the Functional Servicing Brief and the Sanitary Sewer Assessment prepared by Crozier and included with this application, the daily water demand and sewer flow for the proposed temporary real estate office will be less than that</p>

	for the building as a residential use. As such, the existing private well will be sufficient. However, it appears that the current septic tank was constructed prior to 1997 and does not meet the newer minimum size requirement. The Crozier report has confirmed that the subject property has sufficient size to accommodate a larger system if required. This will need to be discussed further as part of the change of use permit under the Ontario Building Code.
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The proposal is or can be supported by adequate servicing, and can be integrated with surrounding uses through appropriate site planning and urban design. The Temporary Use By-law is appropriate as the proposal meets the Plan's tests by representing reasonable planning for a time-limited permission, maintaining compatibility with adjacent uses, being accommodated on a parcel/building of suitable size, and being supported by sufficient servicing and road access.

As it relates to being transit-supportive, although there are currently no transit lines that service the area, it is important to note that this is in transition and is currently being built up. The property is on Derry Road which is a major arterial road within the Town, and it is reasonable to assume that site may in the future be accessible by transit subject to Town support and approvals.

While a stand-alone office is not listed as a permitted use on the Derry Road frontage under Policy C.9.5.1.2, the Secondary Plan also establishes that lands fronting Derry Road are intended to accommodate high-quality, development and that the Corporate Business Park is to have flexibility to accommodate a broad range of uses (Policy C.9.2.1.1(c)), with controls to minimize land use conflicts.

The proposal accommodated through a site-specific temporary use zoning by-law amendment is consistent with the Plan's implementation approach (Policy C.9.6.2.1), provided it satisfies the Plan's emphasis on strong urban design and a street-oriented built form along Derry Road (Policy C.9.5.1.5). In this context, approval of a temporary use zoning by-law amendment is an appropriate mechanism to permit a stand-alone office use supporting real estate services on Derry Road while maintaining the Secondary Plan's objectives for character, compatibility, and a high-quality gateway image. Although the built form design will not change, only the permitted use, the temporary use zoning by-law will ensure the Town that there is a time limitation to its use, at which time it will need to either extend the permission or have the site re-developed with the appropriate design for its designation.

Given the above examples, and a review of the remaining policies, goals, and objectives within the above-mentioned Sections of the Town of Milton Official Plan, we are of the opinion that the proposed development is consistent with the policies applicable to this development.

### **3.6 TOWN OF MILTON ZONING BY-LAW 016-2014**

The Milton Zoning By-law 061-2014, consolidated September 2025, enforces the land use policies outlined in the Town of Milton Official Plan. While the Official Plan sets out general guidelines for land use, the Zoning By-law provides specific regulations for property development.

The proposal is seeking to amend the zoning by-law, whereas the existing zoning of the property is Future Development (FD), which only permits legally existing uses of the property, the amendment

would rezone the property to Site-Specific Future Development to permit a business office, and permit special provisions for parking. The table below outlines the developments standards for the FD zone, as it relates to the existing built-form of the property. Shaded cells are the site-specific requests.

**Table 1 - Zoning Conformity (Section 12 Future Development Zone)**

Regulations		Existing	Proposed
<b>Future Development Zone</b>			
<b>Permitted Uses</b>		Only legally existing uses (residential dwelling)	A business office, with up to a maximum of 10 employees.
<b>Lot Frontage (minimum)</b>		As existing	As existing
<b>Lot area (minimum)</b>		As existing	As existing
Setbacks (minimum )	<b>Front yard</b>	4.0 m	Approximately 30 m
	<b>Interior side yard</b>	1.2 m	Approximately 7 m & 20 m
	<b>Rear yard</b>	7.5 m	Approximately 40 m
<b>Building Height (maximum)</b>		2 storeys	2 storeys
<b>Parking Requirements</b>		<b>Required</b>	<b>Proposed</b>
<b>Table 5E Residential (as existing)</b>		2 parking spaces per dwelling unit	10 parking spaces, 1 per employee
<b>5.6.2.i) Driveway Access to a Residential Dwelling</b>		As existing	As existing

**Table 2 - Site-specific Zoning Relief Requests**

Zoning By-law Section:	Parameter	Required	Proposed
<b>12.1 Permitted Uses</b>	Only uses that legally existed on the date this By-law came into effect are permitted.	Existing uses	A business office

**Comments:**

The FD zone identifies lands which have no immediate development potential, however the lands indicated by this *zone* will ultimately be rezoned to permit some form of urban development in the future consistent with the property Official and Secondary Plan designations, which permits employment uses.

The area is now in transition from rural/agricultural purposes to employment lands with many surrounding properties being developed with employment zoning. The proposed temporary use by-law permitting the building to be used as an office will permit the property to be utilized to a higher potential that is consistent with its Official and Secondary Plan employment land designations for a period of three years.

This allows time for planning for the future urban development of the site and offers a gradual transition from the previous rural residential use to the intended uses permitted in the Official and Secondary Plan designations. The proposal will utilize the existing building and the use of it as an office building will mitigate any compatibility issues if the property were to continue to be utilized for its existing use which is considered a sensitive use in comparison to any employment use.

The impacts of the requested permission are negligible as the proposed office use are representative of the intended employment uses of the lands.

Zoning By-law Section:	Parameter	Required	Proposed
5.8.1 Residential Parking Requirements Table 5E	Dwellings with individual driveway access from a public street	2 parking spaces	10 parking spaces. 10 outdoor tandem

**Comments:**

The parking spaces referenced are existing from the previous residential use, which requires a minimum of 2 parking spaces for a residential dwelling. Given that the proposed maximum number of employees of the proposed office is 10, we anticipate that 10 parking spaces, in tandem, would be suitable. 10 spaces can also be accommodated on site given the size of the property and front yard; and that real estate sales are often conducted off site at the sellers lands. Additionally, the calculation as indicated on the Site Plan is shown as:

$$1 \text{ space per } 30 \text{ m}^2 \text{ of GFA} = 6.7 \text{ spaces (rounded to 7)}$$

The size of the lands also provides ample amount of space for parking for the proposed temporary use; acknowledging that the future development of the site would need to be compliant with any future proposed zoning that the site is developed for.

Given the proposed temporary use, and associated time limitation of three years the impacts of the requested permission are negligible as the proposed office use is representative of the intended employment uses of the lands. And the fact that the lands will need to be rezoned again in the future to accommodate whatever the site will be developed for ensures that the permission will not exist any longer than the temporary use.

Zoning By-law Section:	Parameter	Required	Proposed
<b>5.6.2.i) Driveway Access to a Residential Dwelling</b>	<b>The minimum size of a required parking space on a Residential Driveway shall be 2.75m wide by 5.5m in length;</b>	<b>2.75 m wide  5.5 m length</b>	<b>As existing</b>

**Comments:**

The property previously was a rural residential dwelling with a driveway area that is approximately 5.5 m wide with a length of approximately 30 m.

These lands have since been rezoned to Future Development when the lands were brought into the Derry Green Corporate Business Park. This zone permits only existing uses, with the intention for the lands to be rezoned to an employment zone in the future when development plans are proposed.

This property will eventually be rezoned to fit within the employment land designations; however this temporary use zoning by-law amendment proposes to utilize the existing building to function as an office building for the temporary allotted time of three years, representative of its future employment zoning.

The proposal for the property to be used temporarily as an office would see the existing driveway being utilized to access the building and serve as the parking area, with tandem parking permitted, until the property is redeveloped with its future zoning. It is acknowledged, that parking is not to be permitted the front yard in an employment designation. However, it is reasonable to permit this for the duration of the temporary use by-law, to allow for a detailed site plan to occur compliant with the future proposed zoning.

Given the proposed temporary use, and associated time limitation of three years the impacts of the requested permission are negligible as the proposed office use is representative of the intended employment uses of the lands. And the fact that the lands will need to be rezoned again in the future to accommodate whatever the site will be developed for ensures that the permission will not exist any longer than the temporary use.

The subject lands are zoned Future Development (FD), which is intended for properties with an undetermined development potential that are expected to be rezoned in the future consistent with the Official Plan and Secondary Plan employment designations. As the surrounding area transitions from rural/agricultural uses to employment development, the requested temporary use by-law would allow the existing building to operate as a business office for three years, enabling an interim use that aligns with the planned employment function of the area.

The temporary permission supports a gradual transition from the former rural residential use, improves land use compatibility by replacing a sensitive residential use with a low-impact office use, and is expected to result in negligible impacts. Parking would be accommodated using the existing driveway/front yard area with tandem parking, which is acknowledged as not typically permitted for employment uses; however, it is considered reasonable on a temporary basis while the site remains interim and future redevelopment proceeds. Any long-term development will require future rezoning and site plan approvals, where full compliance (including parking design and location) will be addressed

Given the rationale for the site-specific zoning amendments, we are of the opinion that the proposed development will be in conformance with Zoning By-law 016-2014 upon implementation of the proposed Zoning By-law Amendment. Furthermore, the proposed Zoning By-law Amendment complies with the Region of Halton's Official Plan, supports the implementation of the Town of Milton Official Plan and will facilitate a use representative and permitted in the /employment area on a temporary basis.

## 4.0 SUMMARY

The proposed site-specific Temporary Use By-law represents reasonable and appropriate planning for the subject lands, which are designated for employment purposes under the Regional and Town Official Plans. The temporary permission would facilitate a gradual transition from a former residential use to the intended economic uses by providing a low-impact business office use, utilizing existing built form resource as an interim use that is compatible with the evolving employment area context and supports the protection and optimization of employment lands for long-term economic competitiveness.

The compatibility of a real estate business office proposed use is supported by the beneficial location as the area will benefit from the marketing and sales of the surrounding undeveloped employment area lands, which may help support the surrounding areas growth and accelerate the implementation of the Derry Green Business Park.

The temporary use permission (three years), together with the reuse of an existing building and limited scale of operations, is expected to result in negligible land use impacts. While certain site characteristics (including the use of existing front-yard/tandem parking) are not intended as a permanent condition for employment development, they are reasonable on a temporary basis and will be addressed comprehensively through future rezoning and site plan approvals to implement the ultimate employment development vision for the property.

It is my opinion that the proposed Temporary Use Zoning By-law Amendment represents good and sound planning and is appropriate for this property.

### ROBERT RUSSELL PLANNING CONSULTANTS INC.



Rob Russell, MCIP, RPP  
President