



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 114-90

To adopt Amendment Number 180
to the Official Plan of the City
of Brampton Planning Area

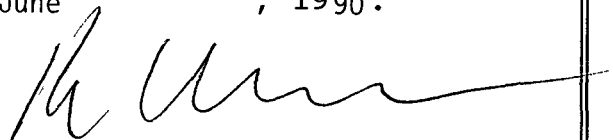
The Council of the Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, 1983, hereby ENACTS as follows:

1. Amendment Number 180 to the Official Plan of the City of Brampton Planning Area, is hereby adopted and made part of this By-law.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of Amendment Number 180 to the Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND AND THIRD TIME, and PASSED, in OPEN COUNCIL,

this 25th day of June, 1990.




KENNETH G. WHILLANS - MAYOR


LEONARD J. MIKULICH - CLERK

03/90/jo

18112

ORIGINAL

AMENDMENT NUMBER 180
TO THE OFFICIAL PLAN OF THE
CITY OF BRAMPTON PLANNING AREA

21-0P 0031-180-1

OB #	88	FOLIO #	139
ORDER ISSUE DATE			
JUL - 3 1991			
OB #	089-	FOLIO #	109



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

O 890153	Z 890196
O 900158	O 900159
R 900499	R 900500
M 890113	M 900059

IN THE MATTER OF Section 22(1) of the Planning Act, 1983

AND IN THE MATTER OF a referral to this Board by the Honourable Minister of Municipal Affairs on a request by Graywood Developments Ltd. for consideration of a proposed amendment to the Official Plan for the City of Brampton to redesignate the lands comprised of Block C, Plan 636, known municipally as 70 Bramalea Road, from Industrial to Commercial to permit a neighbourhood commercial plaza
Minister's File No. 21-OP-0031-A11
OMB File No. O 890153

IN THE MATTER OF Section 34(11) of the Planning Act, 1983

AND IN THE MATTER OF an appeal by Graywood Developments Limited for an order amending By-law 861 of the Corporation of the City of Brampton to rezone from "M5S" Industrial to "C5A" Commercial the lands comprising Block C, Plan 636, municipally known as 70 Bramalea Road to permit the construction of a neighbourhood shopping centre
OMB File No. Z 890196

IN THE MATTER OF Section 17(11) of the Planning Act, 1983

AND IN THE MATTER OF a referral to this Board by the Minister of Municipal Affairs, on a request by Graywood Developments Limited for consideration of ~~Amendment Nos. 179 and 179A~~ to the Official Plan for the City of Brampton
Minister's File No. 21-OP-0031-179
OMB File No. O 900158

IN THE MATTER OF Section 17(11) of the Planning Act, 1983

AND IN THE MATTER OF a referral to this Board by the Honourable Minister of Municipal Affairs, on a request by Graywood Developments Limited for consideration of Amendment No. 180 to the Official Plan for the City of Brampton
Minister's File No. 21-OP-0031-180
OMB File No. O 900159

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IN THE MATTER OF Section 34(18) of
the Planning Act, 1983

AND IN THE MATTER OF an appeal by
Graywood Developments Limited and
S. J. Pilat against Zoning By-law
112-90 of the Corporation of the
City of Brampton
OMB File No. R 900499

IN THE MATTER OF Section 34(18) of
the Planning Act, 1983

AND IN THE MATTER OF an appeal by
Graywood Developments Limited
against Zoning By-law 115-90 of the
Corporation of the City of Brampton
OMB File No. R 900500

IN THE MATTER OF Section 40(12) of
the Planning Act, 1983

AND IN THE MATTER OF an appeal by
Graywood Developments Ltd. to settle
the terms and conditions of a site
plan with respect to the development
of an automotive service centre on
lands composed of Block C, Plan 636,
known municipally as 70 Bramalea
Road, in the City of Brampton
OMB File No. M 890113

IN THE MATTER OF Section 40(12) of
the Planning Act, 1983

AND IN THE MATTER OF a referral by
Graywood Developments Ltd. to settle
and determine terms and conditions
of a site plan and agreement with
respect to the development of lands
comprising of Block C, Registered
Plan 636, known municipally as 70
Bramalea Road, in the City of
Brampton
OMB File No. M 900059

C O U N S E L :

R. R. MacDougall & J. A. Matera	- for	The Corporation of the City of Brampton
R. D. Cheeseman	- for	S. J. Pilat and Oshawa Group Limited
L. F. Longo & K. Yerxa	- for	Alliance Developments
L. Schwartz	- for	Anclase Holdings
M. H. Chusid	- for	Graywood Developments Limited

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MEMORANDUM OF ORAL DECISION delivered by R. W. RODMAN
on May 16, 1991 AND ORDER OF THE BOARD

This hearing relates to a number of matters for proposed neighbourhood shopping centres in the City of Brampton. The first application, by Graywood Developments Limited, relates to a proposed new shopping centre on the west side of Bramalea Road just south of Avondale Boulevard. The second application relates to an existing shopping centre located on the north side of Avondale Boulevard about 700 feet west of Bramalea Road. The third application is for the enlargement of an existing shopping centre known as the Southgate Shopping Centre, which centre is located at the northwest corner of two collector roads - Balmoral Drive and Eastbourne Drive.

The hearing commenced in October of 1990 and after six days of hearing it was determined that additional official plan documentation was necessary to allow the Graywood application to be heard. The hearing, therefore, was adjourned until May 13 of 1991 as a result of an earlier October 9, 1990 decision of this panel. At that time the Board was advised that an application was being made to City Council which might considerably shorten the hearing. As a result, the Board adjourned the proceedings and reconvened on May 16, 1991 to consider the various matters.

The application of Graywood involved official plan amendments to permit the proposed shopping centre, as well as a by-law amendment to implement the proposed official plan amendments. Two site plan matters also were before the Board. City Council had refused the Graywood applications and subsequently the matters were referred and/or appealed to the Board. In essence, four Board files dealt with this application.

The Avondale Plaza application is, in the words of the City's planner, Mr. Corbett, "a housekeeping matter to more properly depict the existing Avondale Plaza." That matter originally was appealed by Graywood. The Avondale application included two files; one relating to Official Plan Amendment 180 and the second relating to proposed By-law 115-90.

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The third shopping centre, the Southgate Plaza, relates to a proposed extension and enlargement of an existing shopping centre. Official Plan Amendments 179 and 179A, as well as the proposed implementing By-law 112-90, would implement the proposal for this area. That shopping centre also was under appeal by Graywood. }

The latter two shopping plaza matters are supported by the City of Brampton.

When the Board reconvened on May 16, 1991, we were advised of considerable changes to the positions originally taken. Graywood Developments has submitted a new application to City Council for a mixed use development involving 360 apartment dwelling units and a single story retail component of 30,000 square feet of gross floor area, excluding any supermarket use.

Graywood's new proposal was considered by City Council on May 13, 1991. A draft official plan amendment and implementing zoning by-law was approved unanimously by Council. On the basis of Council's action, there are revised positions with respect to the matters before this Board.

Firstly, Mr. Chusid representing Graywood Developments has abandoned his original application for a neighbourhood shopping plaza and consented to an order dismissing his four applications. He also withdrew any appeals or objections to the Avondale and Southgate shopping centre proposals.

Mr. Cheeseman, (on behalf of the Oshawa Group Limited and S. J. Pilat) originally opposed to the Southgate Plaza by-law as well as the Graywood Plaza matters, withdrew his appeals to these matters and indicated his clients will not oppose the aforementioned most recent application of Mr. Chusid's clients, subject to minor changes being made to the draft by-law which was considered by Council. Mr. Chusid advised the Board that his client agrees to the requested minor changes. The same position was taken by Mr. Vickery and Mr. Longo as it relates to their concerns with respect to the Graywood application and any concerns they may have had with respect to any competing plazas.

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The Board hastens to note that we are making no decision with respect to the new proposal by Graywood, in that the process required by the Planning Act obviously will follow. The Board does note, however, the revised positions of the various parties with respect to the matters under consideration. In that regard, the Board heard evidence from the City's planner on the various matters. The Board's decision relating to the various matters is as follows:

1. Since the Graywood applications (Board File Nos. O 890153, Z 890196, M 890113, and M 90059) have been withdrawn, the Board rejects Graywood Developments Limited's proposed official plan amendment and dismisses Graywood's appeal for an order amending By-law 861. The Board allows the appeals of the other parties with respect to Graywood's proposed official plan amendment and proposed by-law. As such, the Board rejects the Official Plan Amendment and refuses the proposed by-law. In addition, the Board dismisses the appeals for consideration of the Site Plan Agreement matters as proposed by Graywood Developments Limited. The Board so orders.
2. The Southgate Shopping Plaza proposal - Official Plan Amendments 179 and 179 A (Board File No. O 900158) and proposed By-law 112-90 (Board File No. R 900499) - involves the demolition of part of an existing shopping centre of some 29,271 square feet. The intention is to rebuild the plaza to a total of 57,369 square feet, including a 24,000 square foot supermarket. The proposal also will include a partial second storey development for office uses.

The site is located on 4.59 acres of a basically rectangular parcel of land, with 261 feet of frontage on Balmoral Drive and 620 feet flankage on Eastbourne Drive. The proposal is located in the Southgate Secondary Plan which extends southerly from Highway 7 to Steeles Avenue and is located between Bramalea Road and Torbram Road. Both flanking roadways are four lane collector roadways.

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Mr. Corbett went into some detail in explaining to the Board his professional opinion that the application is appropriate. He made particular reference to Table 2 of the Official Plan under Section 2.2. That table describes various requirements for the hierarchy of shopping centres in the City of Brampton - the hierarchy being regional, district, neighbourhood and convenience shopping centres. He considers that the application is appropriate for a neighbourhood shopping centre.

Schedule A of the Official Plan now designates the Southgate Plaza as Commercial and no change is necessary to that designation. The Official Plan Schedule F, however, designates the subject as convenience commercial and the proposal is for a neighbourhood commercial designation. With respect to the Secondary Plan aspect of the City's plan, Chapter C10 and Plate 16 of the Consolidated Official Plan designates the subject as a local shopping centre and Mr. Corbett feels the designation should be Neighbourhood Commercial.

At the present time, the City's Comprehensive Zoning By-law 151-88 zones the subject as Commercial One (C1 on sheet 64c of Schedule A). The proposal is for a Commercial Two, Section 505 (C2 - Section 505) to allow the proposed neighbourhood shopping centre. Exhibit 9 is the proposed site plan. It shows the footprint of the existing shopping centre, part of which is to be demolished to allow the proposal now under consideration, as well as the proposal.

Mr. Corbett reviewed his planning criteria relating to site characteristics and feels that the site is already zoned Commercial and the site is appropriate to serve the Southgate Secondary Plan area. Consequently he feels it more appropriate that the area be served by a neighbourhood shopping centre at the location under consideration. He feels the application is compatible with the mixed uses in this area which include apartments,

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recreation services and other facilities immediately adjacent and/or near the subject. It is his opinion that the development capacity of the site is underused at this time and the site use should be expanded to the limits now under consideration. In consultation with his traffic experts, he advised the Board that there is no concern with respect to traffic on the collector roads which type of roadway is a requirement for neighbourhood shopping centres under Table 2. He feels the proposal is good planning for the municipality and that Official Plan Amendments 179 and 179A as well as the proposed by-law amendment (By-law 112-90) are appropriate.

There is no evidence to contradict the planner's position on this matter with the new positions being taken by the various parties. Based on the only evidence now before the Board, that of the City planner, the Board agrees that the proposal is appropriate. In view of the above, the Board approves Official Plan Amendments 179 and 179A as proposed by the City. In addition, the Board dismisses any appeals with respect to the proposed Southgate Shopping Centre By-law 112-90. The Board so orders.

3. The Avondale Shopping Centre - Official Plan Amendment 180 (Board File No. O 900159) and proposed By-law 115-90 (Board File R 900500) is on a local collector roadway known as Avondale Boulevard. At the present time the gross floor area of commercial use is 43,300 square feet, with a full range of retail units including an I.G.A. supermarket of about 11,500 square feet. The other major tenant in the existing complex is a Shopper's Drug Mart having a gross floor area of about 6,400 square feet. It is Mr. Corbett's opinion that the shopping centre is appropriate for use as a neighbourhood commercial shopping centre in terms of the City's shopping centre hierarchy. He feels that the proposed official plan matters, as well as the proposed by-law, are basically housekeeping matters to more properly characterize the existing shopping centre. Table 2 is his main guidance in determining the

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most appropriate designation and use for the Avondale Shopping Centre.

At the present time, the Schedule A official plan designation is commercial and that designation is not to be changed. Schedule F, however, designates the site as Convenience Commercial and Official Plan Amendment 180 would designate the subject as neighbourhood commercial.

The Secondary Plan (Plate 14, Chapter C40 of the Consolidated Official Plan) designates the subject as Community Commercial and it is his evidence that there is no definition for a Community Commercial designation. It is Mr. Corbett's opinion that there is no need to change that Community Commercial designation, as it properly characterizes the existing Avondale Shopping Centre.


The Board is satisfied, on Mr. Corbett's evidence, that the proper designation for the subject is Neighbourhood Commercial. It meets the tests of Table 2 other than for the site size requirement. Table 2 indicates a need of 4 to 8 acres, whereas the subject is 3.62 acres in size. The next lower shopping centre category on Table 2 is the convenience shopping centre which requires a 1 to 2 acre size. Obviously there is a missing link between the two. It is Mr. Corbett's evidence that the policies of the official plan are not inflexible. It is his opinion that the flexibility would allow the Avondale Shopping Centre to be placed in the Neighbourhood Shopping Centre designation. The Board agrees.

The City's Comprehensive Zoning By-law 151-88, Schedule A, being Sheet 63F, zones the subject as Commercial One (C1). The proposal is for a zoning of C1 Special Section 502. It is Mr. Corbett's opinion that it is good planning for the Municipality to more appropriately designate and zone the proposal to more accurately reflect the use which now exists. The Board agrees that the proposed zoning is appropriate and is, in fact, more of a housekeeping matter.

The Board approves Official Plan Amendment 180 as proposed by the City. In addition, the Board dismisses any appeals with respect

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to the proposed Avondale Shopping Centre By-law 115-90. The Board
so orders.



R. W. RODMAN
MEMBER

"J. A. Fraser"

J. A. FRASER
MEMBER



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 114-90

To adopt Amendment Number 180
to the Official Plan of the City
of Brampton Planning Area

The Council of the Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, 1983, hereby ENACTS as follows:

1. Amendment Number 180 to the Official Plan of the City of Brampton Planning Area, is hereby adopted and made part of this By-law.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of Amendment Number 180 to the Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND AND THIRD TIME, and PASSED, in OPEN COUNCIL,

this 25th day of June, 1990.



KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

03/90/jo

(8114)

CERTIFIED A TRUE COPY

City Clerk
City of Brampton
July 6th 19 90

AMENDMENT NUMBER 180
TO THE OFFICIAL PLAN OF THE CITY
OF BRAMPTON OFFICIAL PLAN

1.0 Purpose:

This official plan amendment has been initiated as a housekeeping measure to clarify the land use disposition of two separate land holdings within the City.

One property, located generally north of Steeles Avenue between Creditview and Mississauga Roads, is currently being developed as a golf course. The development of this property has been approved on the basis of an "Agricultural" zoning designation, applied by By-law 861 (former Township of Chinguacousy Zoning By-law). In 1988 the City enacted By-law 151-88 which forms a new comprehensive zoning by-law for the former Township of Chinguacousy. This by-law:

- deleted golf courses as a permitted use in the "Agricultural Zone"; and,
- permitted the development of the subject property for golf course purposes under a Recreational Commercial (RC) zoning category.

To establish conformity with the official plan, a corresponding amendment is required to redesignate the golf course property from "Agricultural" to "Private Commercial Recreation". This amendment is pursuant to a decision of the Ontario Municipal Board (attached as background information to this amendment) concerning an appeal against the enactment of Comprehensive Zoning By-law 151-88.

The second housekeeping matter relates to an existing commercial plaza located on the north side of Avondale Boulevard, to the east of Bramalea Road. This shopping centre is currently designated for "Convenience Commercial" purposes on Schedule 'F' (Commercial) to the Brampton Official Plan.

As a result of a review of the commercial land use structure in this locality, it was determined that:

- the site development and functional characteristics of this shopping centre are actually consistent with criteria for "Neighbourhood Commercial" development set out in the official plan; and,
- an official plan amendment is required to rectify the status of this shopping centre.

2.0 Location

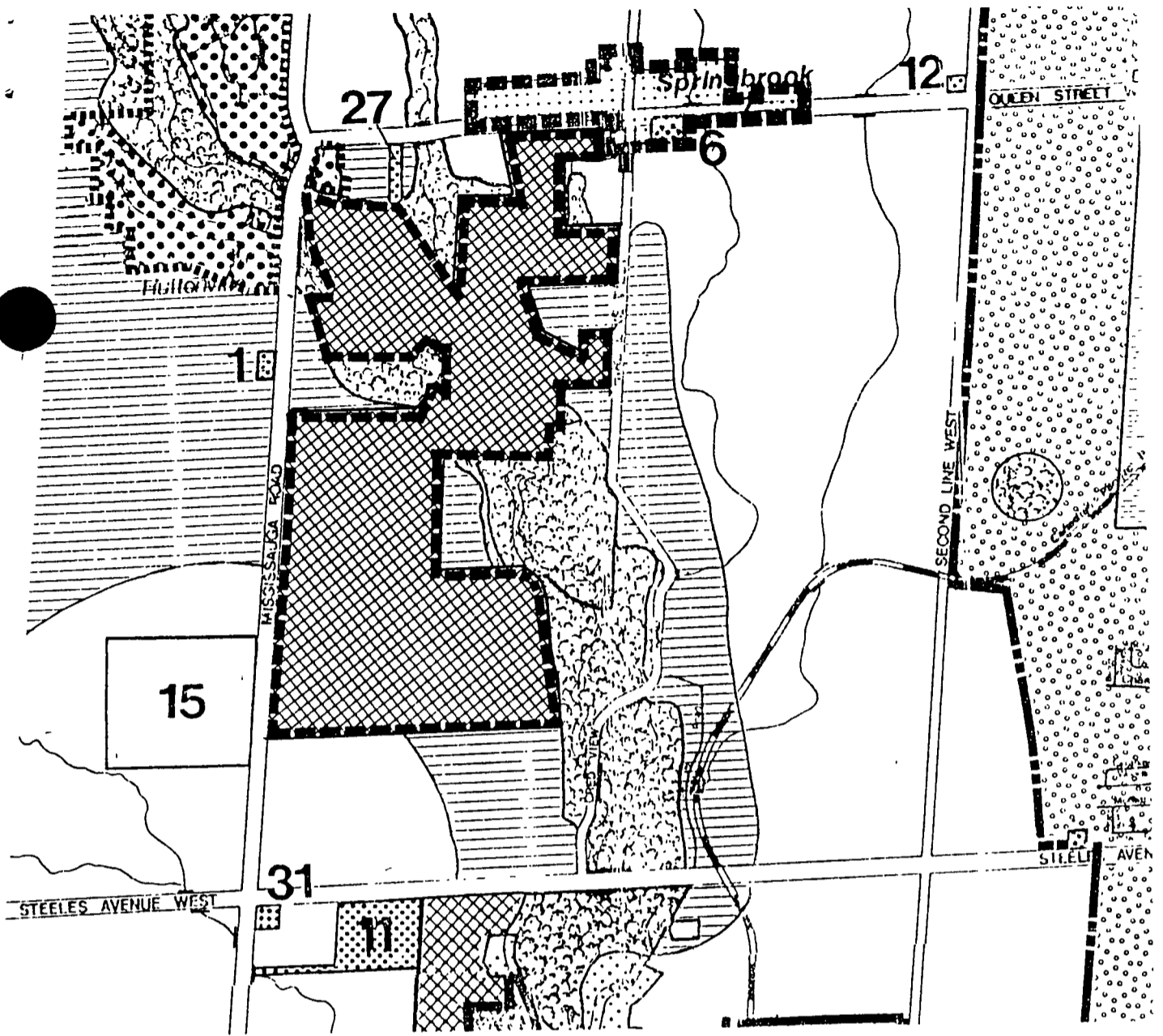
The lands subject to the golf course development are located in the area generally north of Steeles Avenue between Creditview Road and Mississauga Road. More particularly the lands are described as part of Lots 2, 3, 4 and 5, Concession 4, W.H.S.

The existing shopping centre, which is also subject to this amendment is located on the north side of Avondale Boulevard, approximately 122 metres (400 feet) east of Bramalea Road.

3.0 Amendment and Policies Relative Thereto:

The document known as the Official Plan of the City of Brampton Planning Area is hereby amended:

- (1) by changing on Schedule 'A', General Land Use Designations, thereto, the land use designation of the lands shown outlined on Schedule 'A' to this amendment from "Agricultural" to "Private Commercial Recreation", as shown on Schedule 'A' to this amendment; and,
- (2) by changing on Schedule 'F', Commercial thereto, the land use designation of the lands shown outlined on Schedule 'B' to this amendment from "Convenience Commercial" to "Neighbourhood Commercial", as shown on Schedule 'B' to this amendment.



GENERAL LAND USE DESIGNATIONS SCHEDULE 'A'

- | | |
|---|---|
| <ul style="list-style-type: none"> URBAN BOUNDARY RESIDENTIAL OPEN SPACE COMMERCIAL INDUSTRIAL INSTITUTIONAL PRIVATE COMMERCIAL RECREATION AGRICULTURAL RURAL SETTLEMENTS (EXPANSION) RURAL SETTLEMENTS (INFILLING) | <ul style="list-style-type: none"> SUBJECT LANDS TO BE DESIGNATED
"PRIVATE COMMERCIAL RECREATIONAL" RURAL SETTLEMENTS (MAINTENANCE) PARKWAY BELT WEST PROVINCIAL FREEWAY (HWY. 410) RURAL ESTATE RURAL ESTATE EXPANSION RURAL-COMMERCIAL OPEN SPACE - CEMETERIES SPECIAL STUDY AREA SPECIALTY AGRICULTURAL |
|---|---|

MAY 1987

SCHEDULE A
OFFICIAL PLAN AMENDMENT
NUMBER 180



CITY OF BRAMPTON
Planning and Development

Date:
File no.

Drawn by:
Map no.

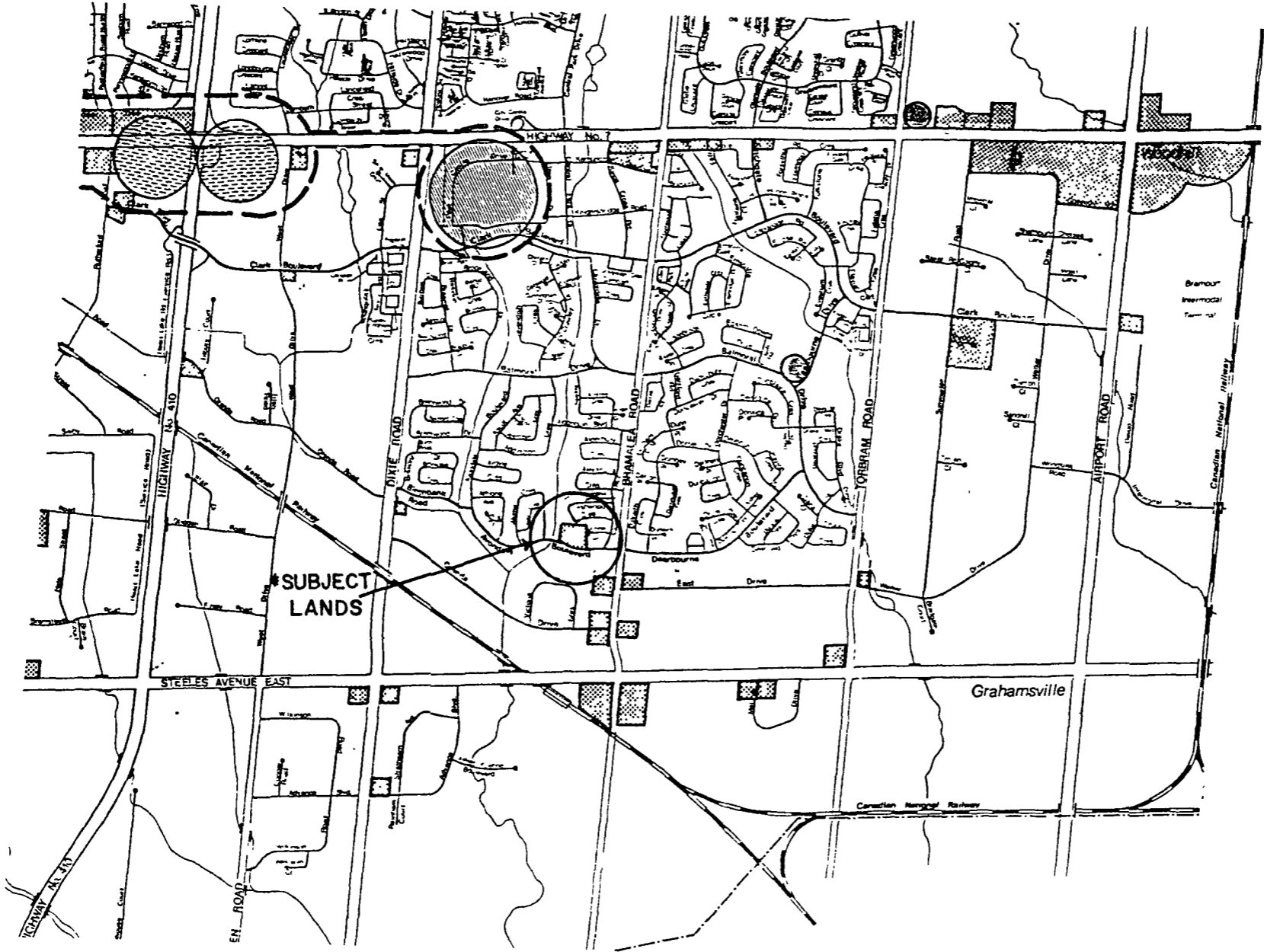
**SCHEDULE B
OFFICIAL PLAN AMENDMENT
NUMBER 180**

1-31250



CITY OF BRAMPTON
Planning and Development

Date:
File no.
Drawn by:
Map no.



* SUBJECT LANDS TO BE DESIGNATED "NEIGHBOURHOOD COMMERCIAL"

COMMERCIAL*
SCHEDULE 'F'

- CENTRAL COMMERCIAL CORRIDOR
- FOUR CORNERS COMMERCIAL
- SPECIALTY OFFICE SERVICE COMMERCIAL
- REGIONAL COMMERCIAL
- DISTRICT COMMERCIAL
- NEIGHBOURHOOD COMMERCIAL
- CONVENIENCE COMMERCIAL
- HIGHWAY & SERVICE COMMERCIAL
- SITE SPECIFIC DESIGNATIONS
- RURAL COMMERCIAL

BACKGROUND MATERIAL TO
OFFICIAL PLAN AMENDMENT

NUMBER 180

1. A report from the Office of the Commissioner of Planning and Development dated April 5, 1990 to the Chairman and Members of Planning Committee.
2. A report from the Office of the Commissioner of Planning and Development dated May 16, 1990 forwarding the notes of the public meeting, held on May 2, 1990, to Planning Committee.
3. A copy of Ontario Municipal Board Decision concerning certain appeals against By-law 151-88 (former Township of Chinguacousy Comprehensive Zoning By-law) dated October 27, 1989.

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INTER-OFFICE MEMORANDUM

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Office of the Commissioner of Planning & Development

April 5, 1990

TO: THE CHAIRMAN AND MEMBERS OF PLANNING COMMITTEE

FROM: PLANNING AND DEVELOPMENT DEPARTMENT

**RE: OMNIBUS (HOUSEKEEPING) OFFICIAL PLAN AND ZONING BY-LAW
AMENDMENTS
OUR FILE: B6.5**

EXECUTIVE SUMMARY:

This report outlines a number of routine housekeeping measures to By-law 151-88 (former Township of Chinguacousy Comprehensive Zoning By-law) to:

- implement a recent decision of the Ontario Municipal Board concerning certain appeals against By-law 151-88; and,
- rectify a number of minor technical errors and omissions.

ORIGIN:

In July of 1988 City Council enacted By-law 151-88 being a comprehensive zoning by-law for the former Township of Chinguacousy. An Ontario Municipal Board hearing was convened in October of 1989 concerning certain appeals which were filed against the enactment of By-law 151-88. These appeals pertained to the deletion of specific uses from the agricultural zones. The Board has issued a decision in favour of the City's position on this matter. However, as a result of this decision, there are certain housekeeping amendments which are required to secure an order from the Ontario Municipal Board approving the By-law. This report sets out the details concerning the requisite housekeeping measures.

In addition, a number of minor technical errors and omissions have been identified since the enactment of By-law 151-88. These should also be rectified as part of this housekeeping procedure.

ONTARIO MUNICIPAL BOARD DECISION: BY-LAW 151-88

The Ontario Municipal Board dealt principally with an appeal by Beacon Hall Limited, Urand Trading and Munden Acres Limited. The lands subject to these appeals are all zoned "Agricultural (A)" by By-law 151-88. The appellants objected to the deletion of certain uses from the agricultural zone including:

- educational uses;
- churches;
- public or private hospitals or clinics;
- nursing homes; and,
- golf courses.

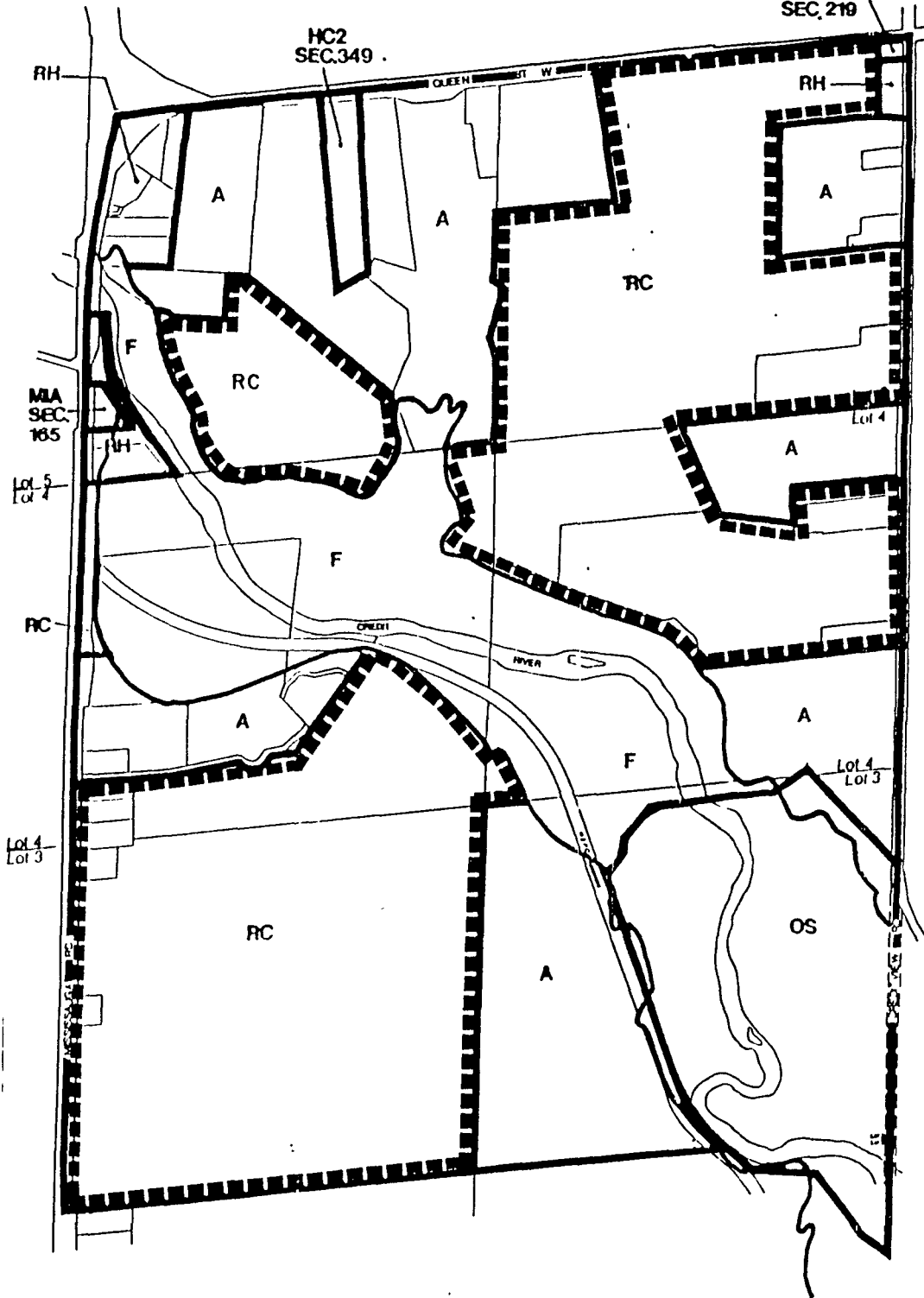
The City's submission was that it was necessary to restrict these uses since they did not conform to the land use provisions for agricultural areas set out in the Brampton Official Plan. The Board accepted this evidence, and did not allow the appeals as they affected the agricultural zone provisions of By-law 151-88. However, other evidence submitted at the hearing revealed that lands currently being developed or used for golf course uses were not appropriately designated in the official plan. These lands are located (Maps 1 and 2) in:

- part of Lots 2, 3, 4 and 5 Concession 4 W.H.S (Kaneff Lionshead Golf Course); and,
- part of Lot 2, Concession 4 W.H.S. (Top-of-the-Tee Golf Centre).

These lands were approved for golf course purposes under the agricultural zone provisions of By-law 861 (former zoning by-law for the Chinguacousy area preceding By-law 151-88). Consequently, to accommodate the development rights established under previously approved zoning, these lands were zoned Recreation Commercial (RC) in By-law 151-88. It was intended to incorporate these lands in the corresponding Private Commercial Recreation designation in the official plan as a housekeeping measure at a later date.

The Board determined however, that the City should amend the Official Plan prior to establishing the Recreation Commercial zoning on the subject lands. Thus, the Board repealed those parts of By-law 151-88 affecting the Kaneff Lionshead and the Top-of-the-Tee Golf Courses. The City must now:

- adopt an Official Plan Amendment to redesignate the subject lands from "Agricultural" to "Recreation Commercial" and,



SUBJECT LANDS 
 ZONE BOUNDARY 

MAP I
LIONSHEAD
GOLF COURSE



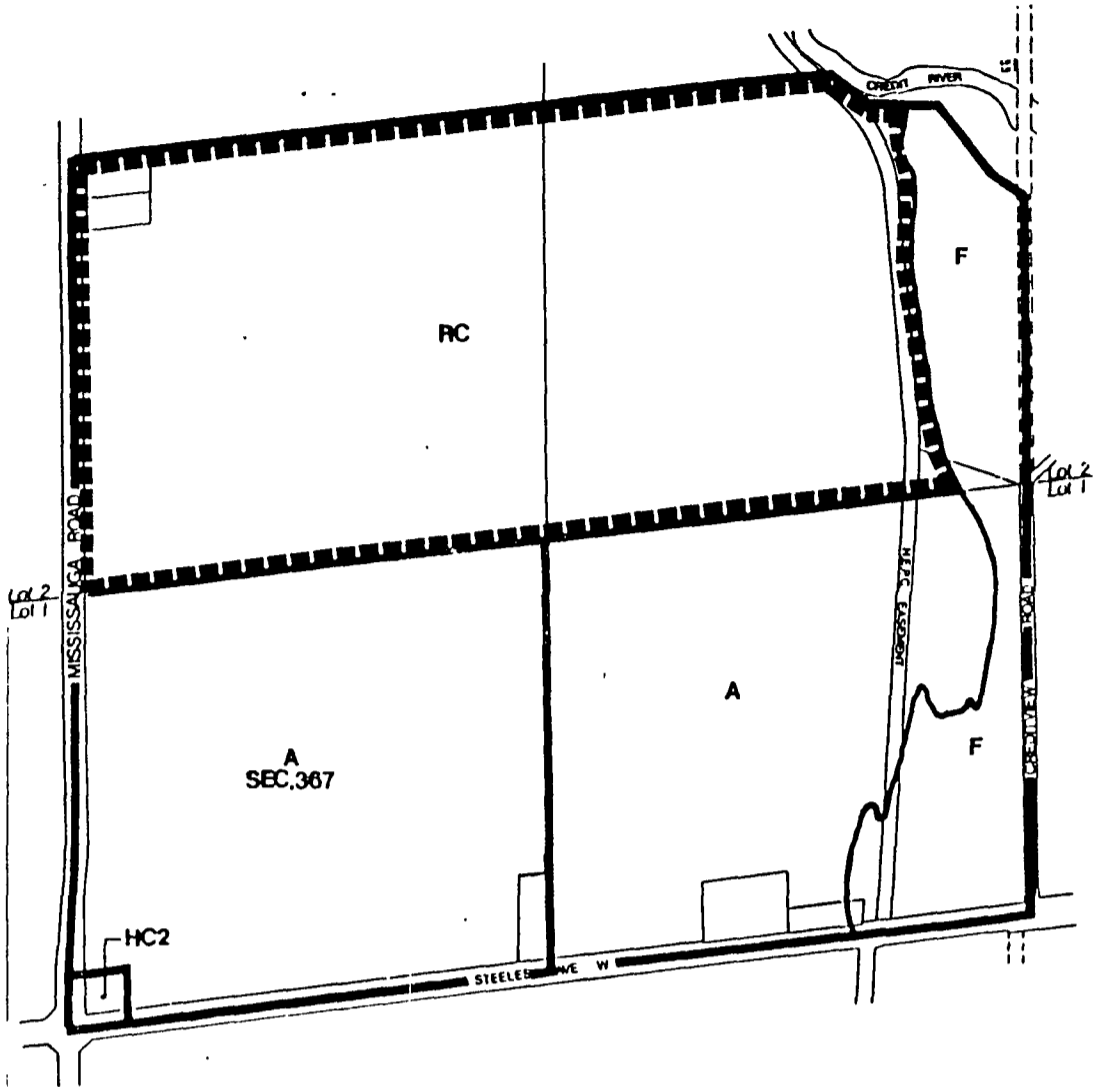
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CITY OF BRAMPTON
 Planning and Development

Date: 90 04 04 Drawn by: JRB
 File no. B6.5 Map no. 56-4A

64-4

CON. 4 W.H.S.



SUBJECT LANDS 
 ZONE BOUNDARY 

MAP 2
LIONSHEAD & TOP-OF-THE-TEE GOLF CENTRES



1:10800

CITY OF BRAMPTON
 Planning and Development

Date: 90 04 04 Drawn by: JRB
 File no. B6.5 Map no. 56-4B

- enact a zoning by-law amendment to reinstate the Recreation Commercial (RC) zoning for the subject lands in By-law 151-88.

Attached for the consideration of Planning Committee are the requisite official plan and zoning by-law amendments. A public meeting will be required to expedite this matter in accordance with City Council policy.

OTHER HOUSEKEEPING MATTERS:

Other housekeeping matters which have been identified subsequent to the enactment of By-law 151-88 include:

- minor drafting or text errors; and,
- enhancements to certain zoning provisions which will improve the clarity or interpretation of the by-law.

The following is a brief description of each housekeeping item, the specific property or zoning provision affected, and a recommended course of action.

ITEM 1: Avondale Plaza: North Side of Avondale Boulevard, East of Bramalea Road (Map 3):

Avondale Plaza is an existing shopping plaza which is currently designated for "Convenience Commercial" purposes in the Brampton Official Plan. In a recent report to Planning Committee (Avondale/Southgate Secondary Plan Areas Commercial Structure Review-dated February 28, 1990) it was identified that the Avondale Plaza actually has the site characteristics and market draw of a neighbourhood commercial plaza. It was concluded that the current official plan designation is in error with respect to the designation of the plaza and should be amended accordingly. The attached draft official plan amendment proposes the redesignation of the Avondale Plaza from "Convenience Commercial" to "Neighbourhood Commercial" on Schedule "F" (Commercial) to the official plan. It should be noted that the proposed official plan amendment will not result in any additional development potential on the subject lands.

In addition, By-law 151-88 establishes a "Commercial One (C1)" zoning category for the Avondale Plaza. This permits a limited range of commercial uses including a convenience store with a maximum gross floor area of 600 square metres (6,458 square feet). The existing IGA food store in the Avondale Plaza, has a gross floor area of approximately 1068 square metres (11,500 square feet).

Accordingly, the current provisions of By-law 151-88 create a legal non-conforming status for Avondale Plaza related to the maximum allowable size of a food store use. Accordingly, an amendment to the zoning by-law is required to permit a supermarket use which has a gross floor area in excess of 600 square metres. This would also be consistent with the proposed Neighbourhood Commercial designation in the official plan which permits supermarkets.

ITEM 2: Chrysler Canada Motor Vehicle Assembly Plant-Part of Lots 8 and 9 Concession 6, E.H.S.

By-law 151-88 omits special parking requirements that were established on a site specific basis for the Chrysler plant on Williams Parkway (approved by By-law 234-84). These parking requirements are for:

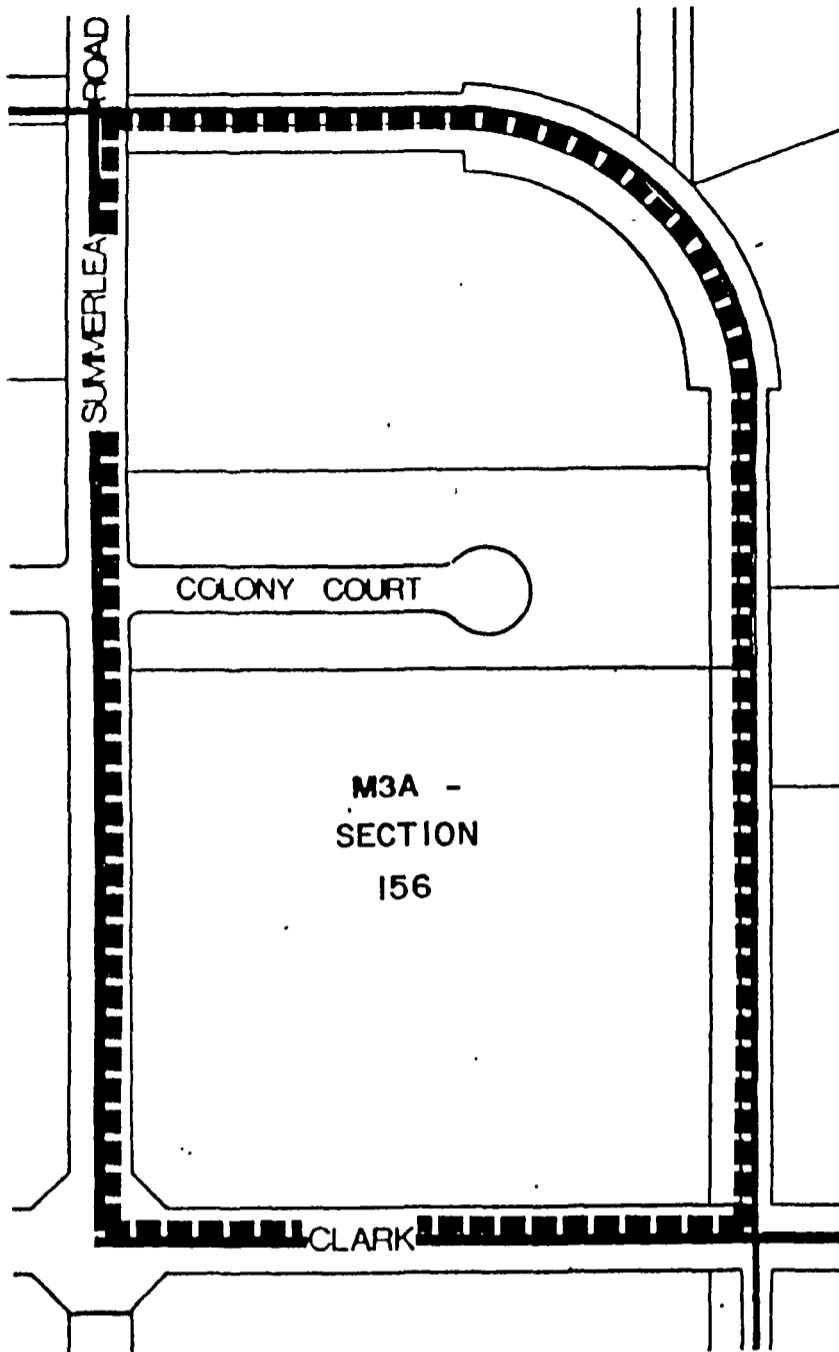
- Exhibition, conference or auditorium facilities
1 parking space for every 6 fixed seats or 3 metres of open bench space, or portion thereof
- Motor Vehicle Assembly Plant:
1 parking space for each 93 square metres of gross floor area, plus 1 parking space for each 31 square metres of gross floor area devoted to accessory offices retail, or educational uses.

Although the Chrysler plant was developed in accordance with these provisions, it is necessary that they be re-established in By-law 151-88 as a housekeeping measure.

ITEM 3: Bramalea Ltd - North-East Corner of Clark Boulevard and Summerlea Boulevard (Map 4):

The lands in the vicinity of the north-east corner of Clark Boulevard and Summerlea Boulevard were originally zoned for industrial purposes in By-law 861, with special provisions permitting office uses. It was intended to carry this zoning over into By-law 151-88, however the special section number permitting office uses was erased during the reproduction of the by-law. The housekeeping amendment proposes an Industrial Three A (M3A)-Section 156 zone which specifically permits the industrial and office uses.

64-8



ZONE BOUNDARY 

SUBJECT LANDS 

MAP 4
ITEM 3 -
BRAMALEA LTD



1:3350

CITY OF BRAMPTON
Planning and Development

Date: 90 04 04
File no. B6.5

Drawn by: JRB
Map no. 65-11A

ITEM 4: Part of Lot 17, Concession 1, E.H.S. (South of Mayfield Road, West of Kennedy Road - Map 5):

The lands identified on Map 5 are part of the Inder Estates plan of subdivision, and were reserved as the westerly half of a school/park campus. The balance of the school and park lands are to be provided on the abutting undeveloped property to the east.

The school/park block was originally zoned by By-law 216-85. However, By-law 151-88 inadvertently omitted the zoning for the school block in the Inder Estates subdivision. The housekeeping amendment proposes to rectify this situation by zoning the campus site as "Institutional One (I1)" which permits both the school and park uses.

ITEM 5: Part of Lot 17, Concession 1, E.H.S. (South-East Corner Mayfield Road and Inder Heights Drive - Map 6):

During the latter stages of the approval process for By-law 151-88, City Council directed staff to delete the Residential Estate Zones from the document. This strategy was intended to remove the necessity of zoning by-law amendments as a condition of land severance approval for residential purposes in agricultural areas of the city. As a result, lands originally proposed to be zoned for Residential Estate purposes are now zoned Agricultural (A).

Subsequent to the enactment of By-law 151-88 it was revealed that:

- section 3.0 which lists the various zoning categories contained in the By-law 151-88 was not modified to delete the Residential Estate Zones; and,
- a small parcel of land at the south-east corner of Mayfield Road and Inder Heights Road, as shown on Map 6, remained to be zoned Residential Estate One (RE1).

This situation may be rectified by:

- by deleting all references to the Residential Estate zones in Section 3.0 of By-law 151-88; and,
- rezoning the aforementioned lands from Residential Estate One (RE1) to Agricultural (A).

G4-10

CON. I E.H.S.

HC1
SEC.234

RIB (1)
SEC.343

MAYFIELD ROAD

RE1

A

RIA
SEC.441

OS

A
SEC.344

RIA
SEC.440

RIA (3)
SEC. 342

RIA
SEC.438

RIA
SEC. 439

OS

RIA
SEC.428

RIA
SEC.
437

RIB (1)
SEC.343

RIA
SEC.
436

Lot 17
Lot 16
A

A

RIA
SEC.427

I1

SUBJECT LANDS



ZONE BOUNDARY



HC2
SEC.292

CONSERVATION DRIVE

MAP 5

ITEM 4 - SCHOOL / PARK CAMPUS



1:7700

CITY OF BRAMPTON

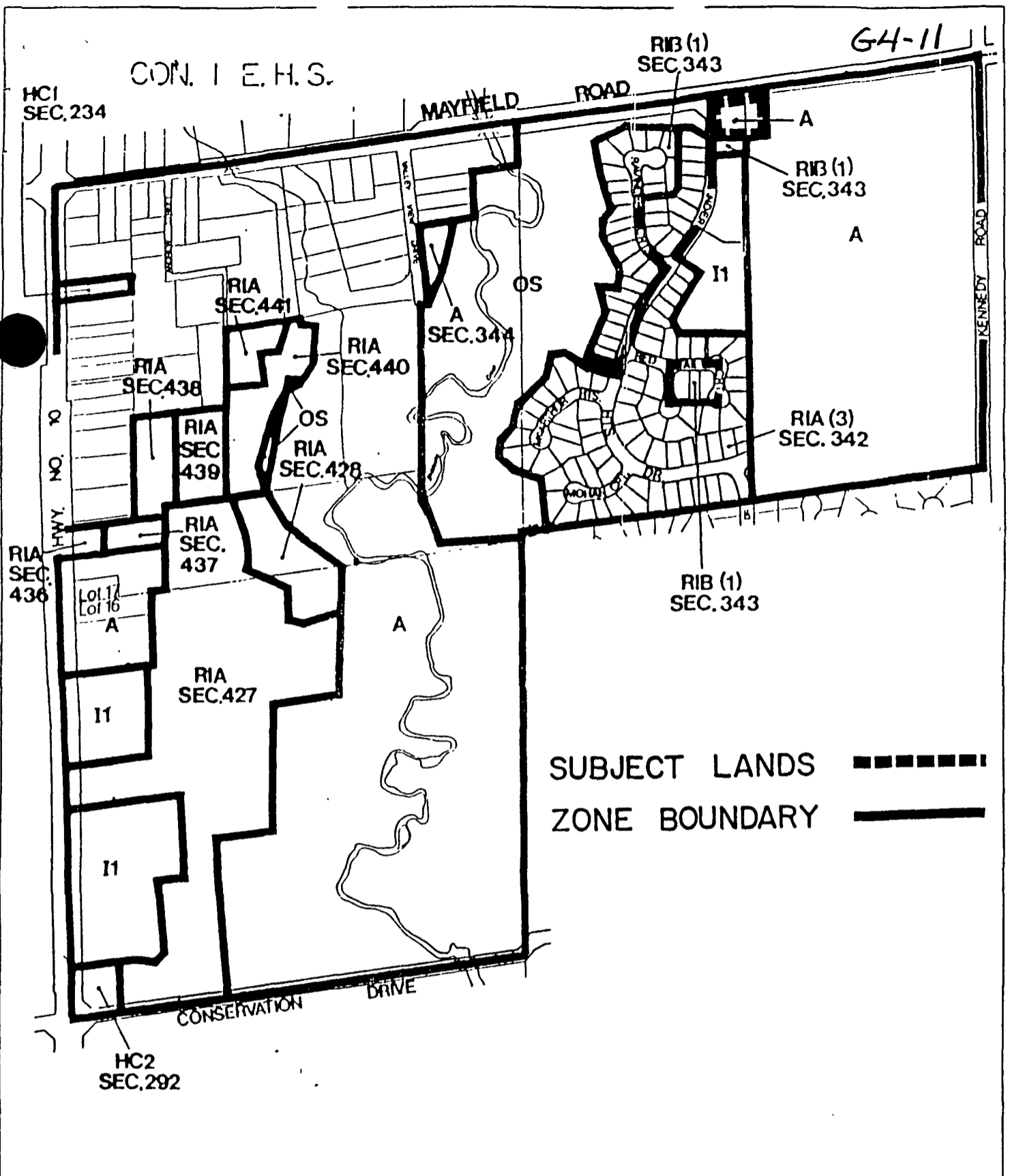
Planning and Development

Date: 90 04 04

Drawn by: JRB

File no. B6.5

Map no. 7-25A



MAP 6

ITEM 5 - CHANGE FROM "RESIDENTIAL ESTATE ONE (REI)" TO "AGRICULTURAL (A)"



1:7700

CITY OF BRAMPTON

Planning and Development

Date: 900404

Drawn by: JRB

File no. B6.5

Map no. 7-25B

ITEM 6: Part of Lots 6, 7 and 8 E.H.S. - Lands on the West Side of Airport Road between Highway Number 7 and Williams Parkway - Map 7:

The Bramalea Industrial 9 subdivision was originally zoned by By-law 197-86, which included professional offices as permitted uses along the Airport Road frontage. By-law 151-88 updated the zoning standards within the Industrial 9 area, but inadvertently omitted the office uses for lands abutting Airport Road.

The proposed housekeeping amendment proposes to re-establish the office uses in this locality through the application of a site specific zoning category.

ITEM 7: Part of Lot 15, Concession 2, E.H.S. - Map 8):

The lands located on the south side of Conservation Drive, abutting the Heart Lake Conservation Area were zoned for "Conservation and Greenbelt (G)" purposes in By-law 861. However, these lands have actually been used on a long standing basis for residential purposes. This locality is characterized by large estate type residential lots.

By-law 151-88 zoned the subject properties Open Space (OS) to reflect previously approved zoning in By-law 861. To reflect the residential use of these properties, it is proposed to rezone these lands as Residential Single Family A(1)-R1A(1), as part of the housekeeping amendment to By-law 151-88. This zoning category permits single family detached dwellings with:

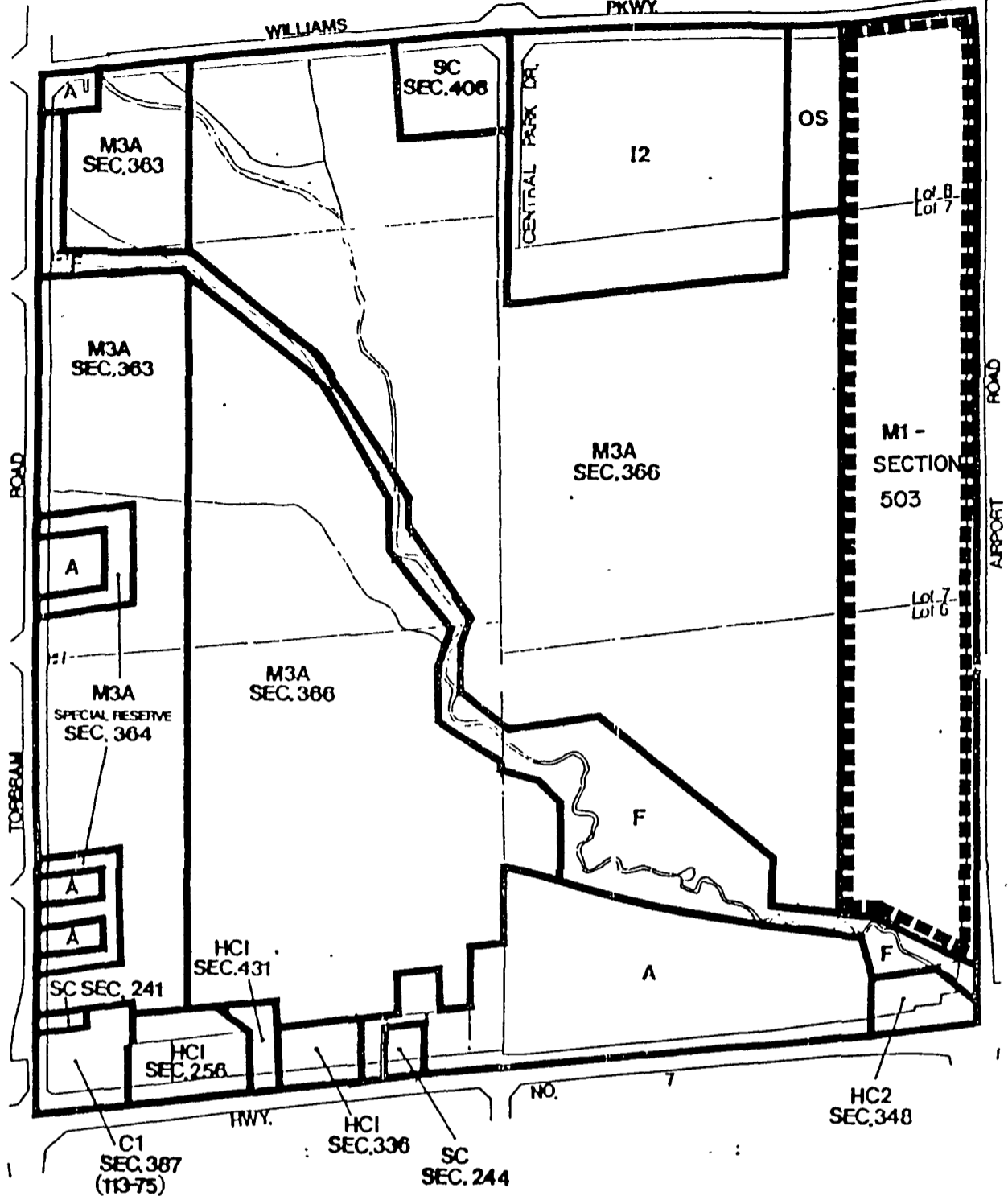
- a minimum lot width of 30.0 metres (100 feet); and,
- a minimum lot area of 1,096 square metres (12,000 square feet).

This zoning is compatible with surrounding residential properties.

CONCLUSIONS AND RECOMMENDATIONS:

The housekeeping measures described in this report are necessary to:

- secure an Ontario Municipal Board order for the final approval of By-law 151-88; and,
- rectify a number of technical errors and omissions.



SUBJECT LANDS 
 ZONE BOUNDARY 

MAP 7

ITEM 6 - BRAMALEA INDUSTRIAL "9"



1:9625

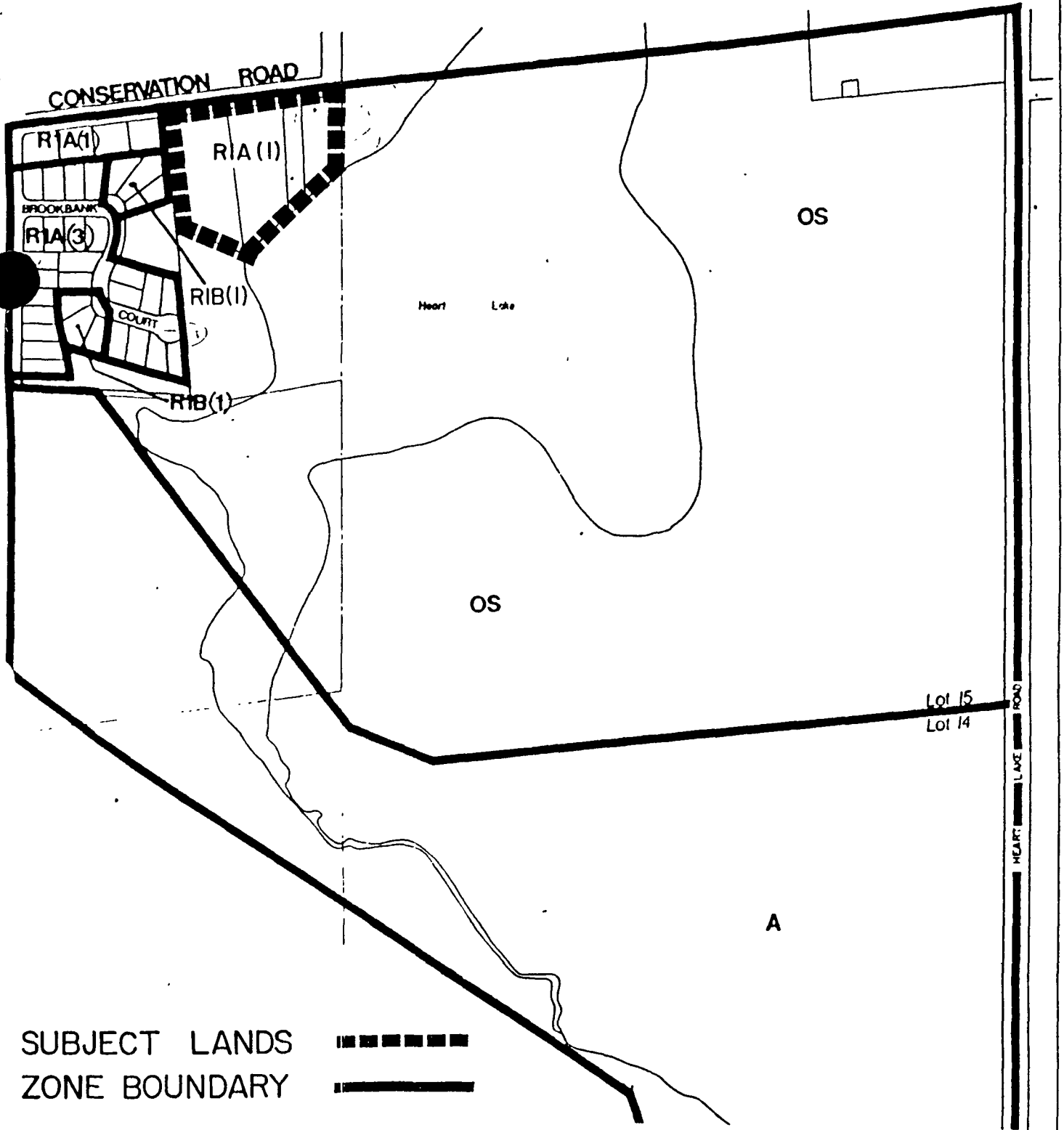
CITY OF BRAMPTON
Planning and Development

Date: 90 04 04
File no. B6.5

Drawn by: JRB
Map no. 48-23A

G4-14

CON. 2 E.H.S.



MAP 8

ITEM 7 - CHANGE FROM OPEN SPACE (OS) TO RESIDENTIAL SINGLE FAMILY (RIA(I))



1:5670

CITY OF BRAMPTON

Planning and Development

Date: 90 04 04

Drawn by: JRB

File no. B6.5

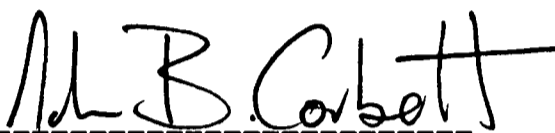
Map no. 8-8A

To expedite the requisite zoning by-law and official plan amendments a public meeting will be necessary in accordance with Council's procedures.

Accordingly, it is recommended:

1. That the staff report dated April 5, 1990 entitled "Omnibus (Housekeeping) Official Plan and Zoning By-law Amendments" be received;
2. That a public meeting be convened with respect to the proposed housekeeping amendments to the official plan and zoning by-law as set out in this report; and,
3. That subject to the results of the public meeting the housekeeping official plan and zoning by-law amendments be submitted to City Council for enactment.

Respectfully submitted,



JOHN B. CORBETT, M.C.I.P.
POLICY PLANNER

AGREED:



JOHN MARSHALL, M.C.I.P.
COMMISSIONER OF PLANNING
AND DEVELOPMENT



W. WINTERHALT, M.C.I.P.
DIRECTOR OF POLICY PLANNING
AND RESEARCH

G4-16

AMENDMENT NUMBER _____
TO THE OFFICIAL PLAN OF THE
CITY OF BRAMPTON PLANNING AREA



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____

To adopt Amendment Number _____
to the Official Plan of the City
of Brampton Planning Area

The Council of the Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, 1983, hereby ENACTS as follows:

1. Amendment Number _____ to the Official Plan of the City of Brampton Planning Area, is hereby adopted and made part of this By-law.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of Amendment Number _____ to the Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND AND THIRD TIME, and PASSED, in OPEN COUNCIL,

this _____ day of _____, 19 .

KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

03/90/jo

G4-1.8

AMENDMENT NUMBER _____
TO THE OFFICIAL PLAN OF THE CITY
OF BRAMPTON OFFICIAL PLAN

1.0 Purpose:

This official plan amendment has been initiated as a housekeeping measure to clarify the land use disposition of two separate land holdings within the City.

One property, located generally north of Steeles Avenue between Creditview and Mississauga Roads, is currently being developed as a golf course. The development of this property has been approved on the basis of an "Agricultural" zoning designation, applied by By-law 861 (former Township of Chinguacousy Zoning By-law). In 1988 the City enacted By-law 151-88 which forms a new comprehensive zoning by-law for the former Township of Chinguacousy. This by-law:

- deleted golf courses as a permitted use in the "Agricultural Zone"; and,
- permitted the development of the subject property for golf course purposes under a Recreational Commercial (RC) zoning category.

To establish conformity with the official plan, a corresponding amendment is required to redesignate the golf course property from "Agricultural" to "Private Commercial Recreation". This amendment is pursuant to a decision of the Ontario Municipal Board (attached as background information to this amendment) concerning an appeal against the enactment of Comprehensive Zoning By-law 151-88.

The second housekeeping matter relates to an existing commercial plaza located on the north side of Avondale Boulevard, to the east of Bramalea Road. This shopping centre is currently designated for "Convenience Commercial" purposes on Schedule 'F' (Commercial) to the Brampton Official Plan.

As a result of a review of the commercial land use structure in this locality, it was determined that:

- the site development and functional characteristics of this shopping centre are actually consistent with criteria for "Neighbourhood Commercial" development set out in the official plan; and,
- an official plan amendment is required to rectify the status of this shopping centre.

2.0 Location

The lands subject to the golf course development are located in the area generally north of Steeles Avenue between Creditview Road and Mississauga Road. More particularly the lands are described as part of Lots 2, 3, 4 and 5, Concession 4, W.H.S.

The existing shopping centre, which is also subject to this amendment is located on the north side of Avondale Boulevard, approximately 122 metres (400 feet) east of Bramalea Road.

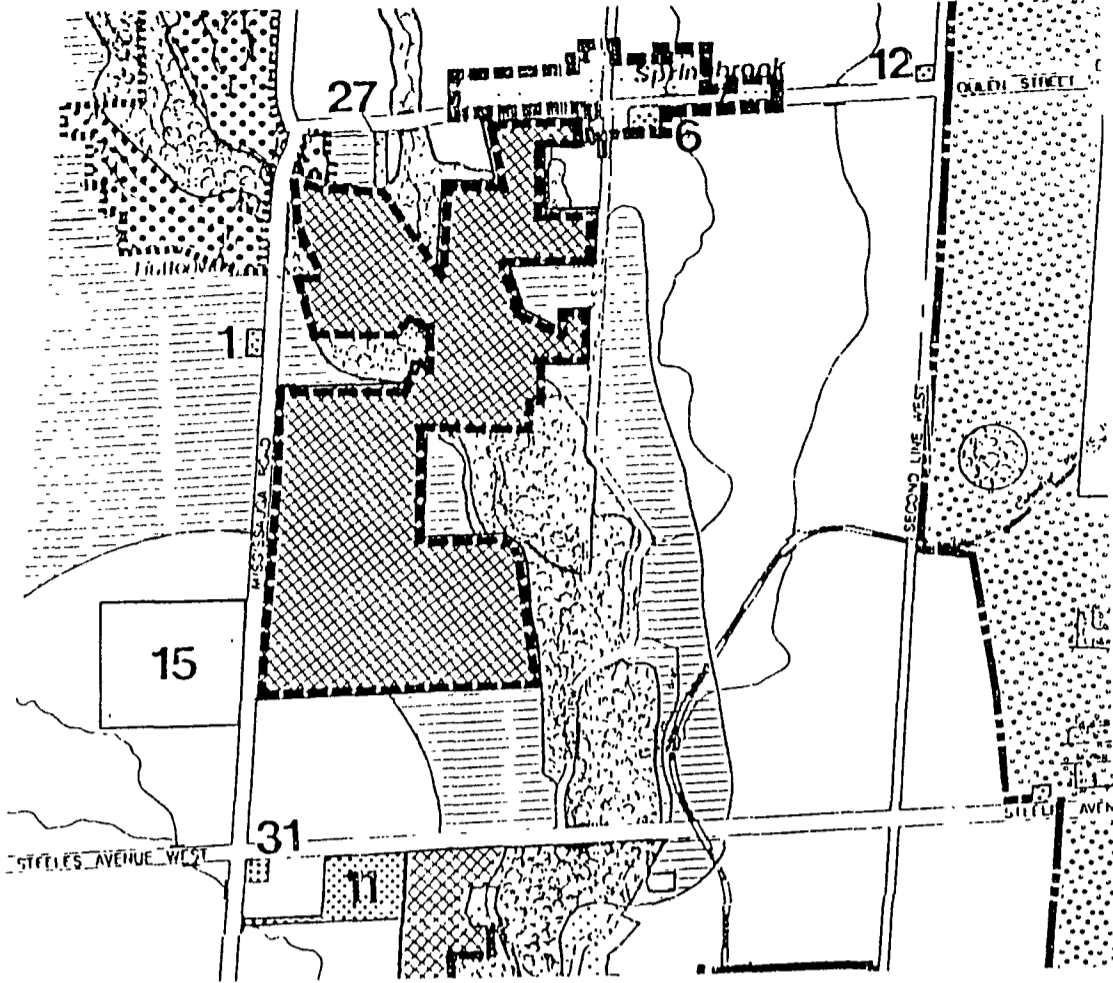
3.0 Amendment and Policies Relative Thereto:

The document known as the Official Plan of the City of Brampton Planning Area is hereby amended:

- (1) by changing on Schedule 'A', General Land Use Designations, thereto, the land use designation of the lands shown outlined on Schedule 'A' to this amendment from "Agricultural" to "Private Commercial Recreation", as shown on Schedule 'A' to this amendment; and,
- (2) by changing on Schedule 'F', Commercial thereto, the land use designation of the lands shown outlined on Schedule 'B' to this amendment from "Convenience Commercial" to "Neighbourhood Commercial", as shown on Schedule 'B' to this amendment.

03/90/jo

64-20.



GENERAL LAND USE DESIGNATIONS

SCHEDULE 'A'

- | | |
|---|---|
| <ul style="list-style-type: none"> URBAN BOUNDARY RESIDENTIAL OPEN SPACE COMMERCIAL INDUSTRIAL INSTITUTIONAL PRIVATE COMMERCIAL RECREATION AGRICULTURAL RURAL SETTLEMENTS (EXPANSION) RURAL SETTLEMENTS (INFILLING) | <p style="text-align: center;"> SUBJECT LANDS TO BE DESIGNATED
"PRIVATE COMMERCIAL RECREATIONAL"</p> <ul style="list-style-type: none"> RURAL SETTLEMENTS (MAINTENANCE) PARKWAY DELT WEST PROVINCIAL FREEWAY (HWY. 410) RURAL ESTATE RURAL ESTATE EXPANSION RURAL-COMMERCIAL OPEN SPACE - CEMETERIES SPECIAL STUDY AREA SPECIALTY AGRICULTURAL |
|---|---|

MAY 1987

SCHEDULE A
OFFICIAL PLAN AMENDMENT
NUMBER _____



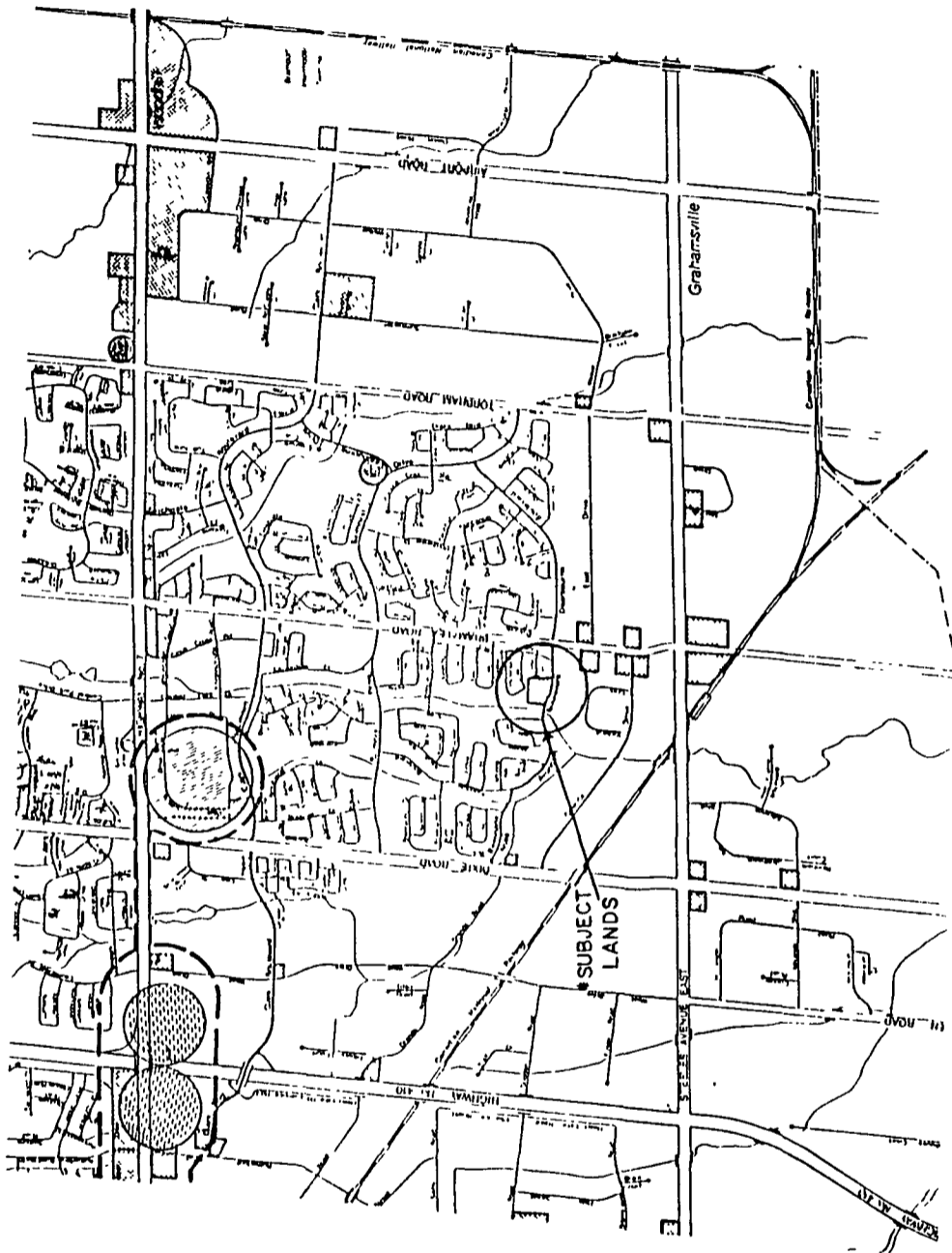
CITY OF BRAMPTON
Planning and Development

Date: _____ Drawn by: _____
File no. _____ Map no. _____

COMMERCIAL*

SCHEDULE F

- CENTRAL COMMERCIAL CORRIDOR
- FOUR CORNERS COMMERCIAL
- SPECIALTY OFFICE SERVICE COMMERCIAL
- REGIONAL COMMERCIAL
- DISTRICT COMMERCIAL
- NEIGHBOURHOOD COMMERCIAL
- CONVENIENCE COMMERCIAL
- HIGHWAY & SERVICE COMMERCIAL
- SITE SPECIFIC DESIGNATIONS
- RURAL COMMERCIAL



* SUBJECT LANDS TO BE DESIGNATED "NEIGHBOURHOOD COMMERCIAL"

SCHEDULE B
OFFICIAL PLAN AMENDMENT
NUMBER _____



CITY OF BRAMPTON
 Planning and Development

1-31250

Date:
 File no.

Drawn by:
 Map no.



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____

To amend By-law 151-88
(Former Township of Chinguacousy
Comprehensive Zoning By-law)

The council of The Corporation of the City of Brampton
ENACTS as follows:

1. By-law 151-88, as amended, is hereby further amended:
 - (1) by including on Schedule 'A', Sheet 56A and 56B, thereto, the zoning designation of Recreation Commercial (RC) applicable to the lands shown outlined as the subject lands on Schedule 'A' and 'B' to this by-law, being part of Lots 2, 3, 4 and 5, Concession 4, W.H.S.;
 - (2) by changing on Schedule 'A', Sheet 63F thereto, the zoning designation of the lands shown outlined as the subject lands on Schedule 'C' to this by-law from Commercial One (C1) to Commercial One - Section 502 (C1-Section 502), such lands comprising Block A, Registered Plan 613;
 - (3) by adding thereto the following as section 502:

"502. The lands designated C1 - SECTION 502 on Schedule 'A' to this by-law:

502.1 shall only be used for the following purposes:

 - (a) Commercial
 - (1) a retail establishment having no outside storage;
 - (2) a supermarket;
 - (3) a service shop;

- (4) a personal service shop;
- (5) a bank, trust company, finance company;
- (6) an office;
- (7) a dry cleaning and laundry distribution station;
- (8) a laundromat;
- (9) a parking lot; and,
- (10) a dining room restaurant; a standard restaurant; a take-out restaurant.

(b) Accessory

- (1) purposes accessory to the other permitted purposes

(c) Non-Commercial

- (1) a religious institution, including an associated place of public assembly; and,
- (2) a library.

502.2 shall also be subject to the requirements and restrictions relating to the C1 Zone, and all the general provisions of this by-law.

(4) by adding thereto, the following as section 305.2(g):

"305.2(g) Parking shall be provided and maintained in accordance with the requirements set out in section 30.3 and section 40.5 to this by-law, and the following:

Exhibition, conference hall or auditorium

1 parking space for every 6 fixed seats or 3 metres of open bench space, or portion thereof

Motor Vehicle Assembly Plant

1 parking space for each 93 square metres of gross floor area, plus 1 parking space for each 31 square metres of gross floor area devoted to accessory office, retail, or educational uses."

(5) by changing on Schedule 'A', Sheet 65B thereto, the zoning designation of the lands shown outlined as the subject lands on Schedule 'D' to this by-law from Industrial Three A (M3A) to Industrial Three A - Section 156 (M3A - Section 156), such lands being part of Lot 4, Concession 6, E.H.S.;

(6) by adding on Schedule A, sheet 7B thereto, the zoning designation of Institutional One (I1) applicable to the lands outlined as the subject lands on Schedule 'E' to this by-law, such lands being part of Lot 17, Concession 1, E.H.S.;

(7) by changing on Schedule 'A', Sheet 7B thereto, the zoning designation of the lands shown outlined as the subject lands on Schedule 'F' to this by-law from Residential Estate One (RE1) to Agricultural (A), such lands being part of Lot 17, Concession 1, E.H.S.;

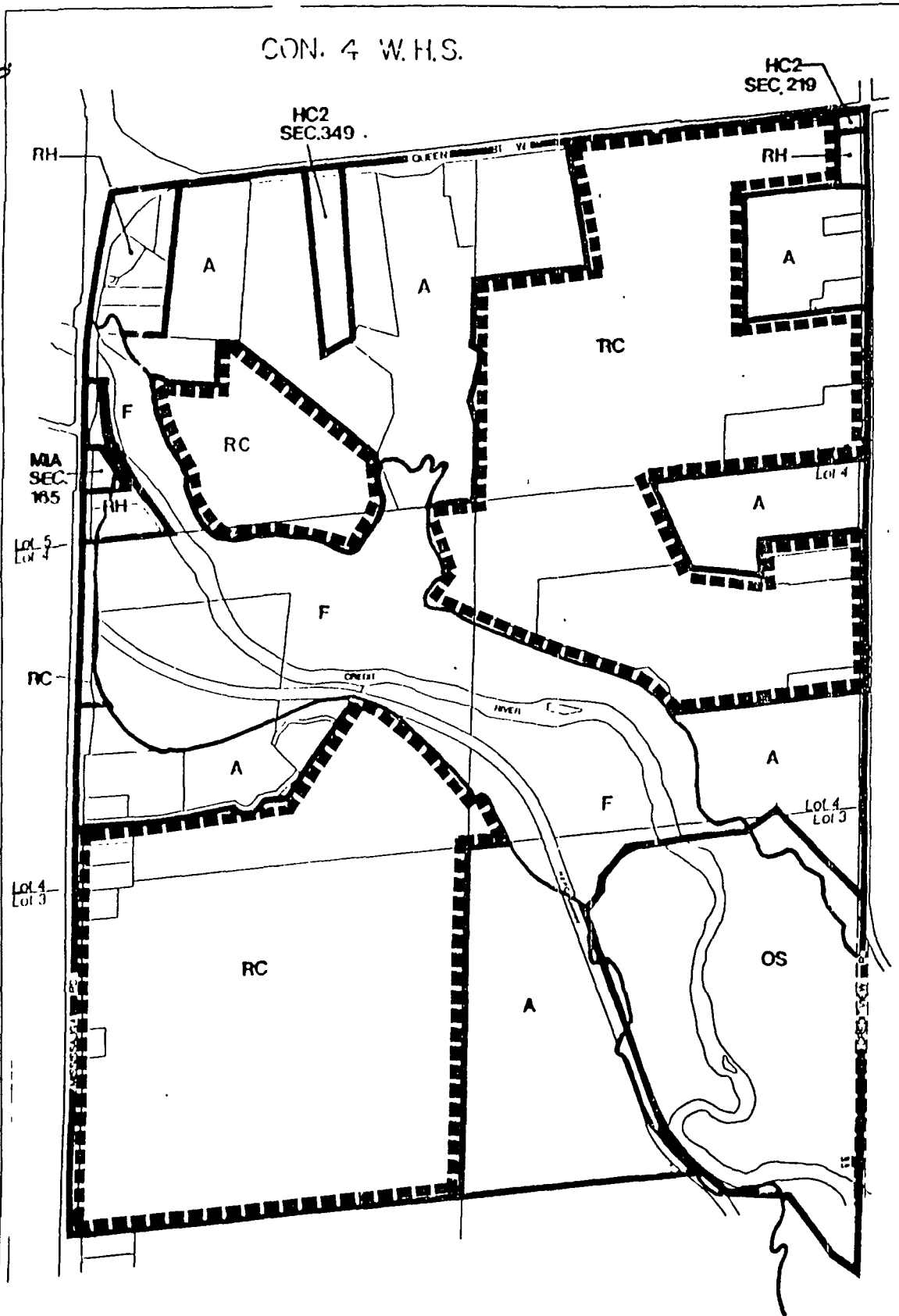
(8) by deleting therefrom the following zoning categories from section 3.1.1

3.1.1

<u>CLASS</u>	<u>RESIDENTIAL</u>	<u>SYMBOL</u>
Residential	Residential Estate One	RE1
	Residential Estate Two	RE2

G4-26

CON. 4 W.H.S.



SUBJECT LANDS 
 ZONE BOUNDARY 

Part of Lots 3, 4 & 5 Con 4 WHS (CHING.)
 BY-LAW 151-88 SCHEDULE A SHEET 56A

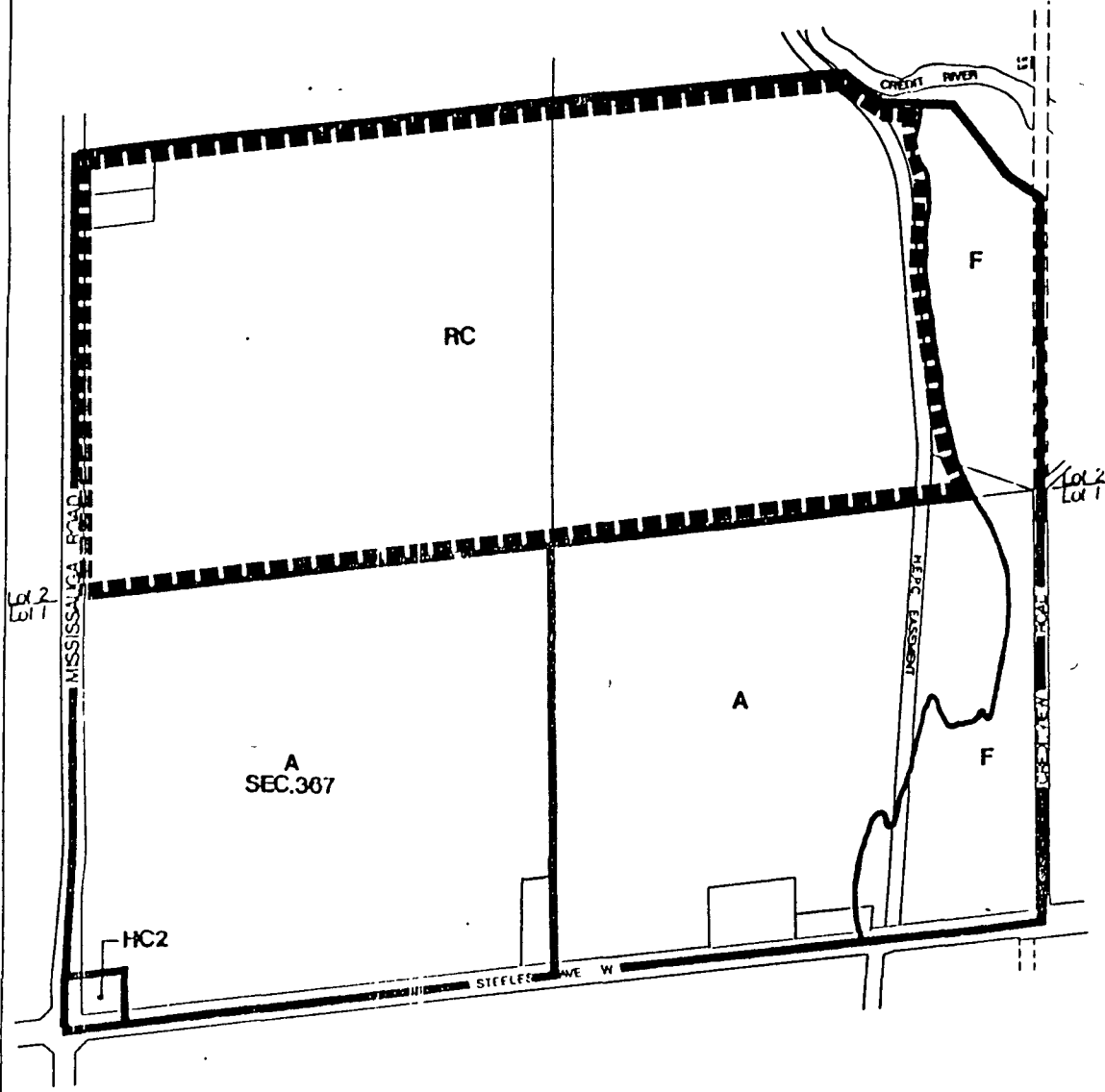



CITY OF BRAMPTON
 Planning and Development

BY-LAW _____ SCHEDULE A

1:8000

CON. 4 W.H.S.



SUBJECT LANDS 

ZONE BOUNDARY 

Part of Lot 2 Con 4 WHS (CHING.)
 BY-LAW 151-88 SCHEDULE A SHEET 56B



CITY OF BRAMPTON
 Planning and Development

BY-LAW _____ SCHEDULE B

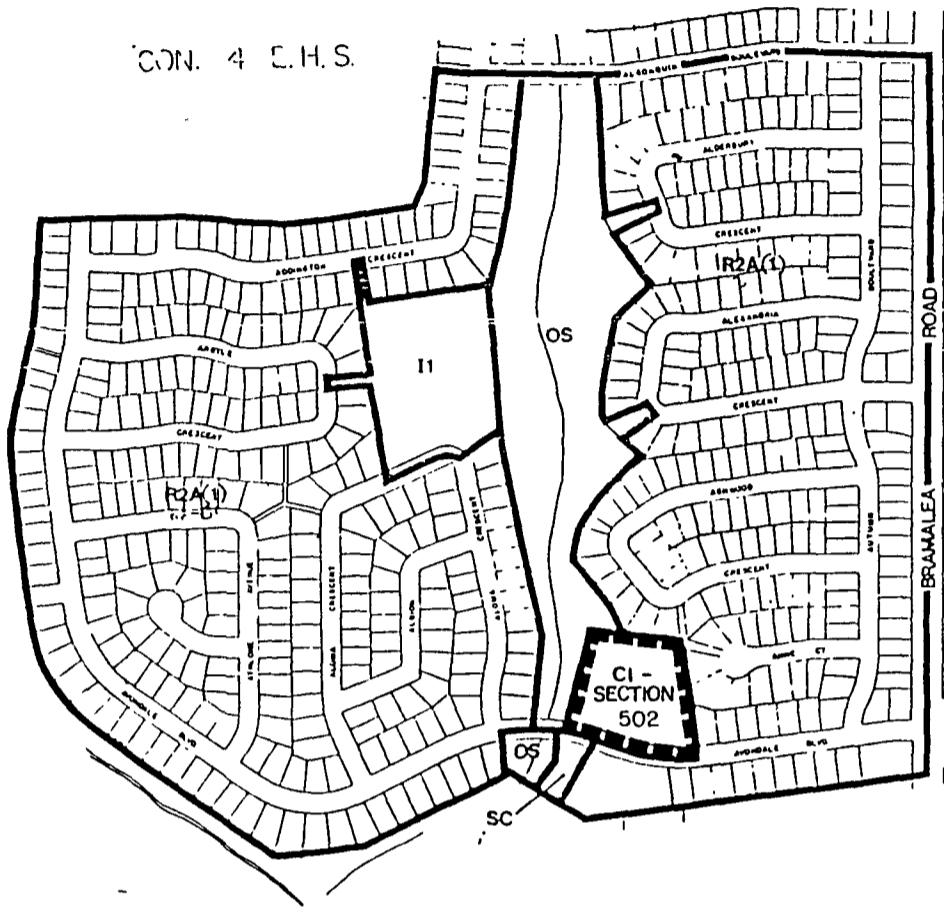
1:8000

Date:
 File no.

Drawn by:
 Map no.

64-08

CON. 4 C.H.S.



SUBJECT LANDS 

ZONE BOUNDARY 

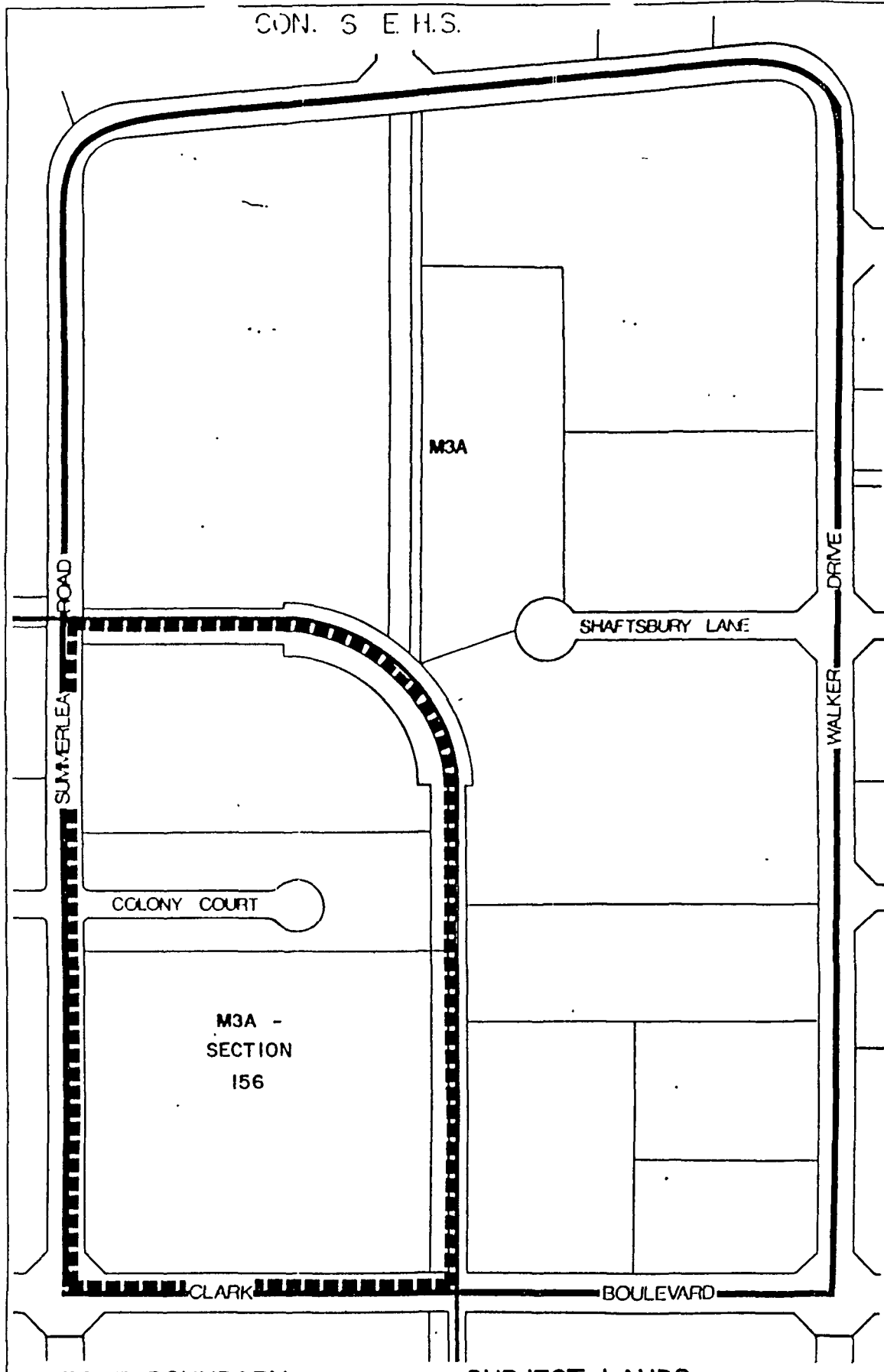
BLOCK A, REG. PLAN 613 (CHING.)
BY-LAW 151-88 SCHEDULE A SHEET 63F





CITY OF BRAMPTON
Planning and Development

BY-LAW _____ SCHEDULE C

1:5800



ZONE BOUNDARY  SUBJECT LANDS 

Part of Lot 4 Con 6 EHS (CHING.)
BY-LAW 151-88 SCHEDULE A SHEET 65B



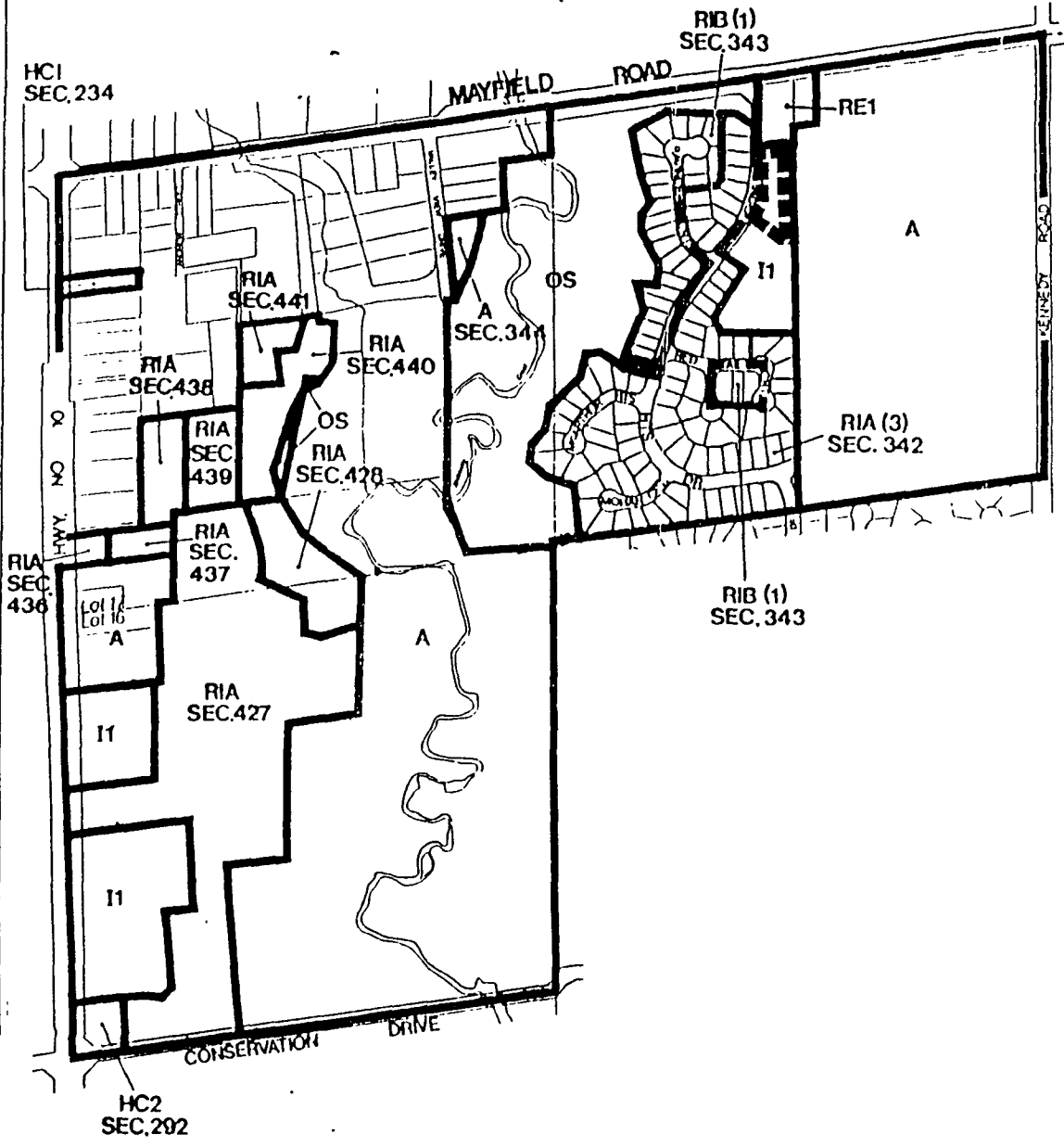
CITY OF BRAMPTON
Planning and Development

BY-LAW _____ SCHEDULE D

1:3350

64-30

CON. I E.H.S.



SUBJECT LANDS - - - - -
 ZONE BOUNDARY —————

Part of Lot 17 ConI EHS (CHING)
 BY-LAW 151-88 SCHEDULE A SHEET 7B

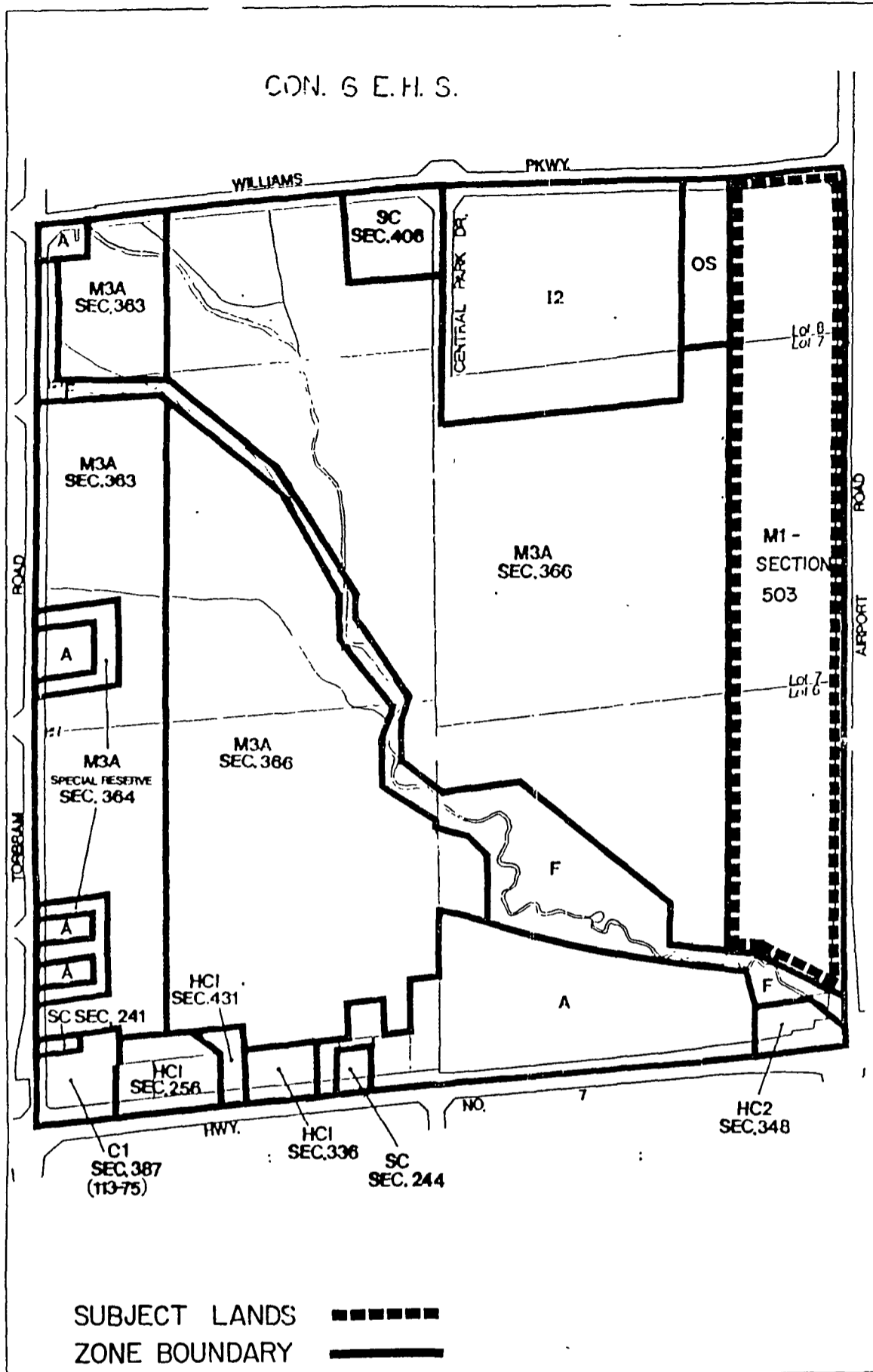


CITY OF BRAMPTON
 Planning and Development

BY-LAW _____ SCHEDULE E 17700

64-32

CON. 6 E.H.S.



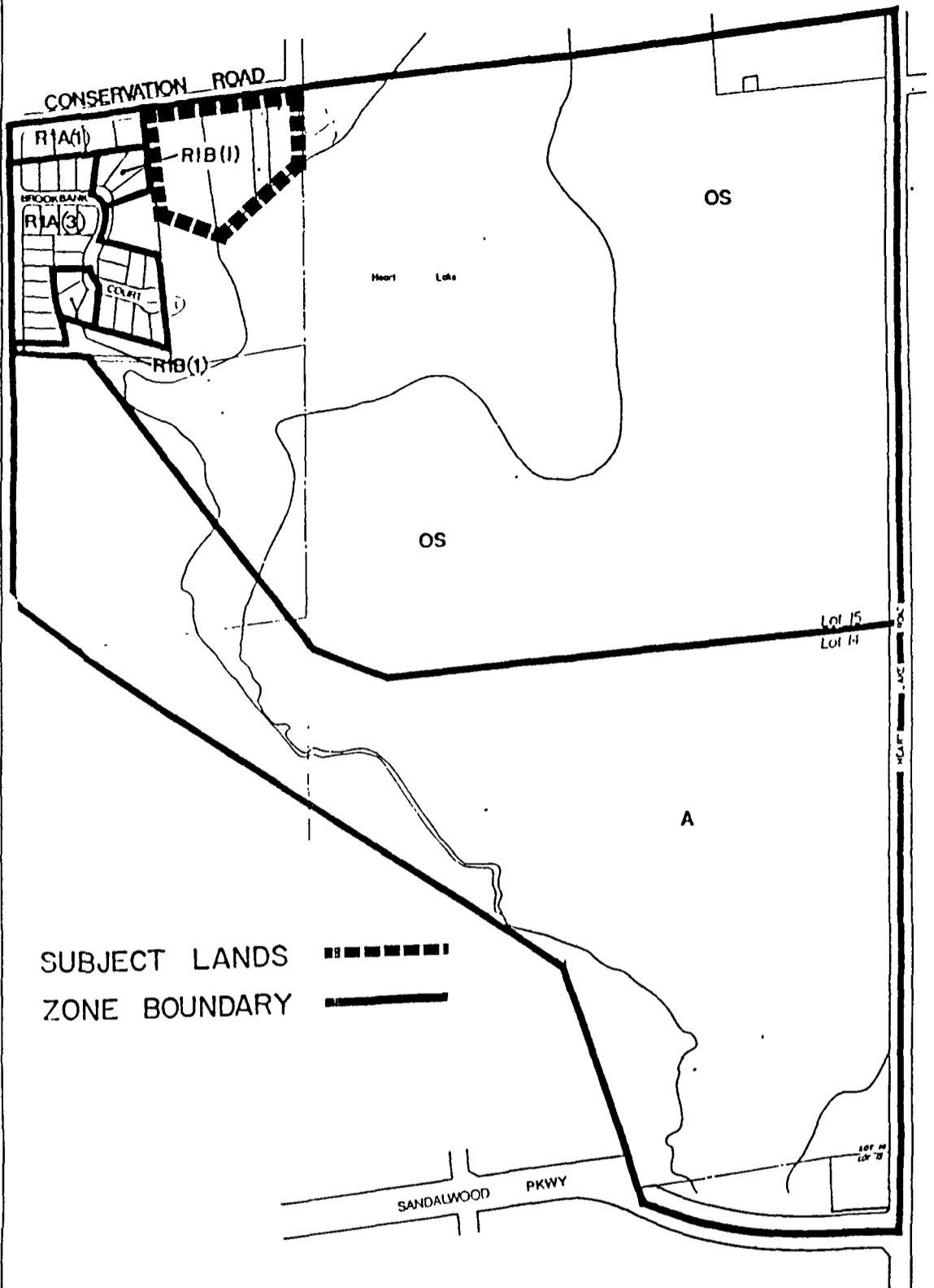
Part of Lots 6, 7 & 8 Con 6 EHS (CHING.)
BY-LAW 151-88 SCHEDULE A SHEET 48B



CITY OF BRAMPTON
Planning and Development

BY-LAW _____ **SCHEDULE G**

17700



Part of Lot 15, Con 2 EHS (CHING.)
 BY-LAW 151-88 SCHEDULE A SHEET 26B



CITY OF BRAMPTON
 Planning and Development

BY-LAW _____ **SCHEDULE H**

1:5670

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

May 16, 1990

TO: THE CHAIRMAN AND MEMBERS OF PLANNING COMMITTEE
FROM: PLANNING AND DEVELOPMENT DEPARTMENT
RE: OMNIBUS (HOUSEKEEPING) OFFICIAL PLAN AND ZONING
BY-LAW AMENDMENTS:
PUBLIC MEETING NOTES
OUR FILE: B6.5

BACKGROUND:

On April 17, 1990, Planning Committee considered a report detailing a number of routine housekeeping measures to By-law 151-88 (former Township of Chinguacousy Comprehensive Zoning By-law), and the Brampton Official Plan. The housekeeping measures were required to:

- implement a recent decision of the Ontario Municipal Board concerning certain appeals against By-law 151-88; and,
- rectify a number of minor technical errors and omissions.

Eight (8) separate amendments are proposed affecting various properties across the City. A public meeting was held with respect to this matter on Wednesday May 2, 1990. The notes of the public meeting are attached to this report for the information of Planning Committee.

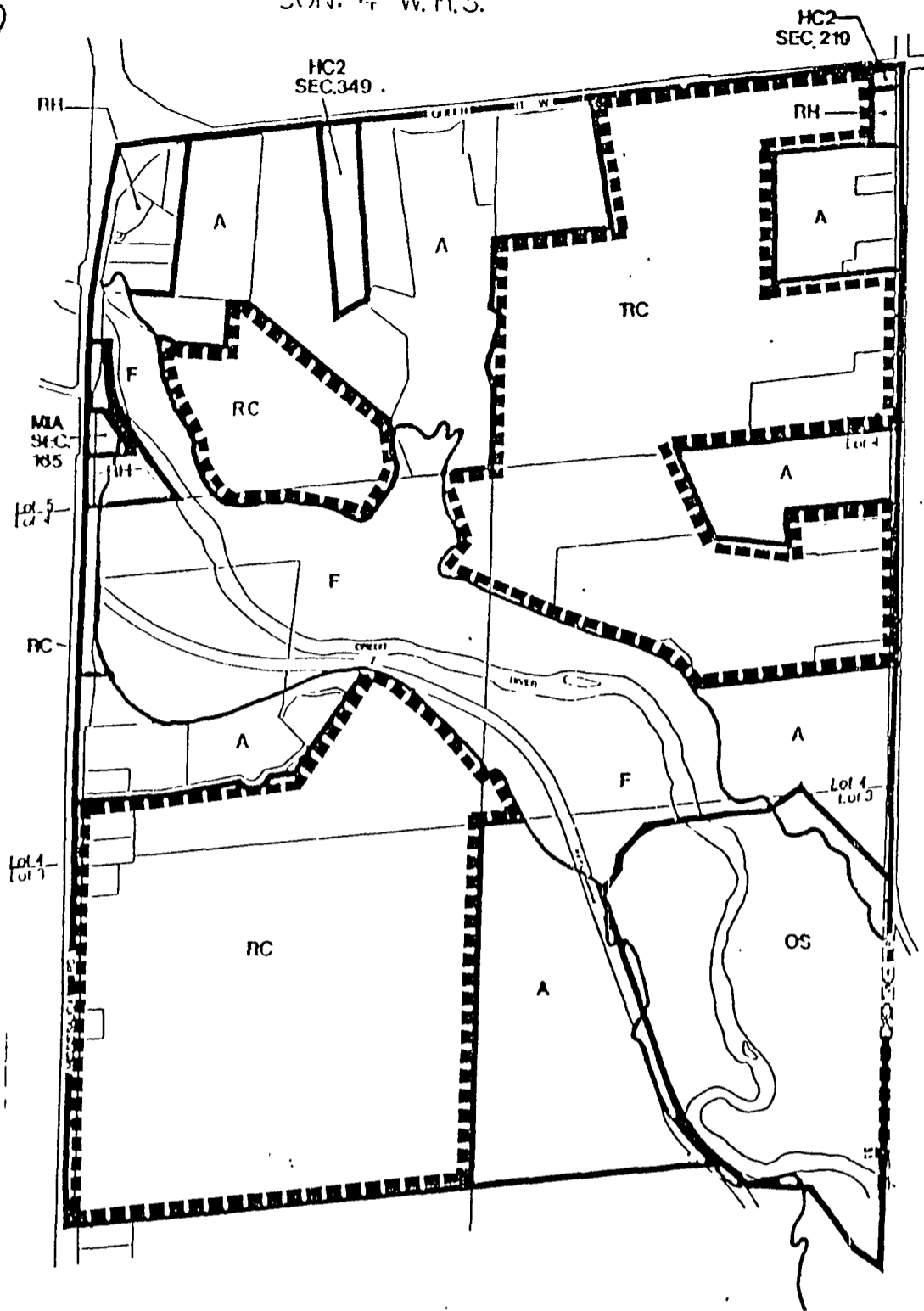
RESULTS OF THE PUBLIC MEETING:

At the public meeting, interest was expressed with respect to only one of the eight housekeeping matters. This pertained to the redesignation of the Kaneff Lionshead and Top-of-the-Tee golf courses for "Private Commercial Recreation" and "Recreation Commercial" purposes in the official plan and zoning by-law respectively. The lands affected include (Maps 1 and 2):

- part of Lots 2, 3, 4 and 5 Concession 4, W.H.S. (Kaneff Lionshead Golf Course); and,
- part of Lot 2, Concession 4 W.H.S. (Top-of-the-Tee Golf Centre).

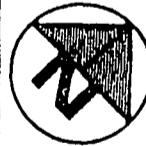
F7-2

CON. 4 W.H.S.



SUBJECT LANDS 
 ZONE BOUNDARY 

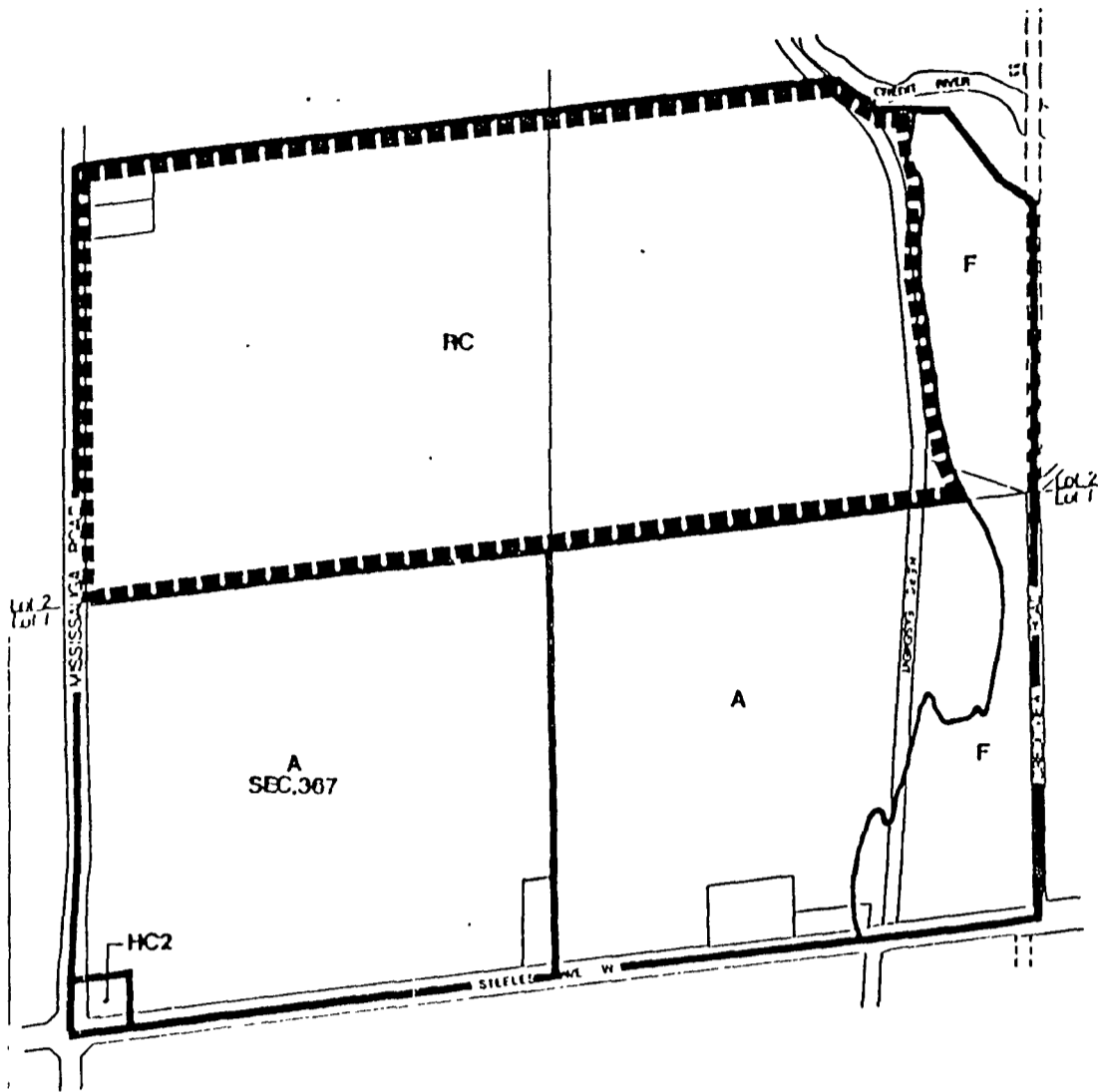
MAP I
LIONSHEAD
GOLF COURSE



1:10800

CITY OF BRAMPTON
 Planning and Development

Date: 90 04 04 Drawn by: JRB
 File no. B6.5 Map no. 56-4A



SUBJECT LANDS 
 ZONE BOUNDARY 

MAP 2
LIONSHEAD & TOP-OF-THE-TEE GOLF CENTRES



1:10800

CITY OF BRAMPTON
 Planning and Development

Date: 90 04 04
 File no. B6.5

Drawn by: JRB
 Map no. 56-4B

Also, correspondence has been received from Mr. Ron Webb on behalf of Nancy Webb (copy attached) who is a landowner adjacent to the subject lands.

The subject lands were approved for golf course purposes under the agricultural zone provisions of By-law 861 (former zoning by-law for the Chinguacousy area preceding the recently approved By-law 151-88). Consequently, to accommodate the development rights established under previously approved zoning, these lands were zoned "Recreation Commercial (RC)" in By-law 151-88. It was intended to incorporate these lands in the corresponding "Private Commercial Recreation" designation in the official plan as a housekeeping measure at a later date.

In the Ontario Municipal Board decision concerning objections to the enactment of By-law 151-88, it was concluded that the City should amend the Official Plan prior to establishing the Recreation Commercial zoning on the subject lands. Thus, the Board repealed those parts of By-law 151-88 affecting the Kaneff Lionshead and the Top-of-the-Tee Golf Courses. The City must now:

- adopt an official plan amendment to redesignate the subject lands from "Agricultural" to "Private Commercial Recreation"; and,
- enact a zoning by-law amendment to reinstate the Recreation Commercial (RC) zoning for the subject lands in By-law 151-88.

Representations made at the public meeting concerned objections to the range and location of permitted uses within the Recreation Commercial (RC) Zone; which includes:

- a golf course;
- a driving range;
- a fish or game farm;
- tent or trailer camping facilities;
- a swimming pool;
- a skating rink;

- a curling rink;
- racquet or handball court;
- lawn bowling greens;
- a residential unit for a caretaker employed on the lot; and,
- purposes accessory to the other permitted uses.

A specific concern was expressed with respect to the potential location of a driving range (with attendant flood lighting) on Lot 5, Concession 4, W.H.S. (Kaneff Lionshead Golf Course lands). It was submitted that the operation of a driving range at this location would be disruptive to the existing residential properties in the locality. It should be noted that a driving range was proposed for Lot 5 in the preliminary plans for the Lionshead Golf Course. However, this facility was relocated to the interior of the golf course to avoid the anticipated impacts.

Kaneff Properties have agreed, through negotiations with staff, to remove the driving range as a permitted purpose in the zoning of Lot 5. In addition, it has also been agreed to delete the following uses as permitted activities for the entire Lionshead Golf Course lands:

- a fish or game farm or club; and,
- tent or trailer camping facilities.

Further, it has been agreed that the following uses should only be permitted as accessory activities to the operation of the golf course:

- a swimming pool;
- a skating rink;
- a curling rink;
- a racquet or handball court; and,
- lawn bowling greens.

This provision would prohibit the development of these uses as freestanding commercial ventures unassociated with the golf course operation. It should also be noted that the development of these accessory uses would be subject to site plan control. Through this process, the City would have additional control over the site design of these accessory activities, if/when they are proposed.

It is believed that these zoning modifications will provide some certainty regarding the long term compatibility of the golf course operation, with residential properties in the locality.

The submission made on behalf of Nancy Webb also requested a minimum setback of:

- 150 metres (492 feet) between the golf course club house and her property line; and,
- 100 metres (328 feet) between the previously noted accessory uses (e.g. swimming pool, skating rink, curling rink, etc.) and her property line.

It should be noted that the requested setback from the golf course club house has been reflected in the recently approved site plan agreement for the construction of this facility.

If the setbacks for the accessory uses were to be imposed, it would only be appropriate and equitable if they were to apply to all abutting lots containing a residential use. Under these circumstances, the setback would appear to unreasonably constrain the usage of the subject lands. It should also be noted that the Recreation Commercial (RC) zone requires a 15.0 metre (50 foot) minimum front yard depth, interior side yard width, and exterior side yard width abutting a residential use. This is considered a satisfactory setback for the uses permitted in the Recreation Commercial Zone.

There was also some concern regarding on-going grading activities on the golf course lands. Specifically, there was speculation that aggregate extraction was taking place without the necessary approvals. Staff have investigated this situation, and have found that this activity involves only the relocation of top soil to other areas of the golf course. The landowner intends to regrade the area and seed it with rye or other suitable grass in the near future.

CONCLUSIONS AND RECOMMENDATIONS:

Based on the results of the public meeting, the omnibus official plan and zoning by-law amendments can be submitted to City Council for enactment, incorporating the proposed modifications to the zoning of the Lionshead Golf Course lands. Accordingly, it is recommended that:

1. The notes of the public meeting held on Wednesday May 2, 1990 with respect to the Omnibus (Housekeeping) Official Plan and Zoning By-law Amendments be received;
2. That a driving range be deleted as a permitted use from the Recreation Commercial (RC) Zone applicable to Lot 5, Concession 4, W.H.S. on the Kaneff Lionshead Golf Course lands.
3. That the following uses be deleted from the Recreation Commercial (RC) Zone applicable to the Lionshead Golf Course Lands in Lots 2, 3, 4, and 5 Concession 4, W.H.S:
 - (i) a fish or game farm or club; and,
 - (ii) tent or trailer camping facilities.
4. That the following uses be permitted only as accessory purposes in the Recreational Commercial (RC) Zone applicable to the Lionshead Golf Course lands in Lots 2, 3, 4 and 5, W.H.S:
 - (i) a swimming pool;
 - (ii) a skating rink;
 - (iii) a curling rink;
 - (iv) racquet or handball court; and,
 - (v) a lawn bowling green.
5. That staff be directed to submit the implementing official plan and zoning by-law amendments to City Council for enactment.

Respectfully submitted,

John B. Corbett

 JOHN B. CORBETT, M.C.I.P.
 POLICY PLANNER

AGREED:

W. Winterhalt for

 JOHN A. MARSHALL, M.C.I.P.
 COMMISSIONER OF PLANNING
 AND DEVELOPMENT

W. Winterhalt

 W. WINTERHALT, M.C.I.P.
 DIRECTOR OF POLICY PLANNING AND
 RESEARCH

F7-8

DAVIS, WEBB & SCHULZE
BARRISTERS & SOLICITORS

RONALD K. WEBB, Q.C.
CHRISTIAN G. SCHULZE, Q.C.
NEIL G. DAVIS, B.A., LL.B.
SHAWN R. DOUGLAS, B.A., LL.B.
ANDRÉ P. LEVESQUE, B.B.A., LL.B.

41 GEORGE STREET SOUTH
BRAMPTON, ONTARIO
L6Y 2E1

TELEPHONE (416) 451-6714
FAX (416) 454-1876

A GRENVILLE DAVIS, Q.C.
(1916-1973)

FILE NO.

May 16, 1990.

Mr. John Corbett,
City of Brampton,
150 Central Park Drive,
Brampton, Ontario.
L6T 2V1

Mr. Andrew Orr,
Glen Schnarr & Associates,
Suite 700,
10 Kingsbridge Garden Circle,
Mississauga, Ontario.
L5R 3K6

Dear Sirs:

Re: Application to amend Official Plan
and Zoning By-law 151-88.

Further to our telephone conversation this morning, this is written to outline Nancy Webb's request.

The following uses are to be deleted:
c, d.

The other uses such as driving range, swimming pool, skating rink, curling rink, racquet ball or handball court and lawn bowling greens are to be uses accessory to the golf course use which is the primary use. Our concern is that there not be commercial operations of those uses on the property.

We also request that all buildings and parking areas and swimming pool, skating rink, curling rink, racquet or handball court and lawn bowling greens be set back from our property line a minimum of 100 metres, although the golf course club house is to be set back at least 150 metres.

MAY 16 '90 11:20

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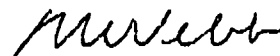
As I mentioned on the telephone, Mr. Kaneff has been most co-operative to date. When we asked him to move the club house in a southerly direction, he readily agreed to move it to its present proposed location. In addition, he had proposed lighted tennis courts adjacent to our property line and when we asked him to move them southerly, he readily agreed to that as well. We appreciate his co-operation.

If you require anything further, please let us know.

John, I would appreciate it if you would fax a copy of your report as it will be submitted to Planning Committee on May 22, as soon as it is available, so that I may peruse it in advance of that committee meeting.

Yours truly,

DAVIS, WEBB & SCHULZE,



Ronald K. Webb, Q.C.

RKW:ht

A Special Meeting of Planning Committee was held on Wednesday, May 2, 1990, in the Municipal Council Chambers, 3rd Floor, 150 Central Park Drive, Brampton, Ontario, commencing at 8:10 p.m., with respect to OMNIBUS (HOUSEKEEPING) OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS RELATED TO BY-LAW 151-88 (File: B-6) to implement a recent decision of the Ontario Municipal Board concerning certain objections to By-law 151-88 and to rectify a number of minor technical errors and omissions.

Members Present: Councillor E. Carter - Chairman
Alderman S. DiMarco
Councillor F. Andrews
Alderman J. Sprovieri
Councillor P. Robertson
Alderman J. Hutton
Alderman E. Ludlow

Staff Present: J. A. Marshall, Commissioner of Planning
and Development
L.W.H. Laine, Director, Planning and
Development Services
W. Winterhalt, Director of Planning Policy
and Research
J. Armstrong, Development Planner
J. Corbett, Policy Planner
A. Rezoski, Development Planner
E. Coulson, Secretary

Approximately 6 interested members of the public were present.

The Chairman inquired if notification of the public meeting was given.

Mr. Marshall said that some notification was given by mail and notification of the meeting was placed in the local newspapers.

Mr. Corbett outlined the proposed amendments and explained the purpose. After the conclusion of the presentation, the Chairman invited questions and comments from members of the public.

- cont'd. -

Interest was expressed only in the Proposal relating to the Lionhead Golf Course and Top-of-the Tee Golf Centre: South of Queen Street, between Mississauga Road and Creditview Road.

Jack Wily, 8892 Credit View Road said he has no opposition to the original golf course proposal. His concerns relate to a golf driving range requiring flood lights, and the establishment of a wayside pit, due to the stripping of land presently in progress.

Mention was made regarding staff looking into the exclusion in the proposed amending by-law of a driving range as a permitted use.

Wayne Higgins of Mississauga Road, asked to see the plans for the golf course and was invited to visit the Planning Department. He asked Mr. Corbett to define the "RC" Zoning.

Mr. Corbett responded that the "RC" Zoning reflects and is limited to recreational uses generally for commercial profit.

There were no further questions or comments and the meeting adjourned at 8:25 p.m.

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BRAMPTON
LAW DEPARTMENT R. 880489

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF Section 34 of the
Planning Act, 1983

AND IN THE MATTER OF appeals by Jean
Micallef and George Gauchi on behalf
of the Carmena Gauchi Estate, Henry
Daykin, and others against Zoning By-
law 151-88 of the Corporation of the
City of Brampton

C O U N S E L:

- J. Atwood-Petkovsky - for the City of Brampton
- M.E. Weir, Q.C. - for Beacon Hall Limited,
Munden Acres Limited, and
Urund Trading Inc.
- R.R. MacDougall - for the City of Brampton
Re: Graywood Appeal only
- Allan D.J. Dick - for Graywood Developments Limited
(70 Bramalea Road)
- R.I. Smith - for S.J. Pelat Limited
Re: Graywood Developments only
- L.F. Longo - for Alliance Developments
Re: Graywood Developments only
- R.K. Webb - for J. Hutton
(C 890113 & V 890108)
- P.R. O'Connor - for ~~The~~ Regional Municipality
of Peel
(C 890113 & V 890108)

MEMORANDUM OF ORAL DECISION delivered by M. E. Johnson
October 27, 1989

This hearing is concerned with City of Brampton Zoning By-law
No. 151-88 which affects a substantial portion of lands in the
municipality. Formerly, these lands made up the Township of
Chinguacousy now part of the City of Brampton.

A number of parties appealed the adoption of By-law 151-88. At the outset of the hearing, the Board was advised by the City and furnished with evidence to the effect that various appeals had been withdrawn or otherwise satisfied.

Counsel for Graywood Developments Limited, one of the appellants, advised that its appeal filed under Section 34(18) of the Planning Act, 1983, was withdrawn on the understanding that such action would not prejudice an ongoing appeal pursuant to Section 34(11) of the Act.

Mr. and Mrs. Roch, representing Mrs. Jean Micallef and others on behalf of the Carmena Gauchi Estate, appeared at the hearing's commencement. The Board was advised by the City that the concern of this group of appellants is with a proposed Secondary Plan concerning the Sandringham/Wellington Community now with the Minister for Municipal Affairs, and not with By-law 151-88. Mr. and Mrs. Roch were invited by the Board to continue attendance at the hearing should they deem that necessary after discussions with City staff during a recess. Mr. and Mrs. Roch did not attend further at the hearing and the Board is satisfied from the advice of counsel for the City and the evidence of the City's planning witness that this matter has now been clarified with the appellants. Further, from Exhibit 3, a letter to Mr. and Mrs. Roch from Mr. Corbett dated October 20, 1989, the Board understands that information as to the means of involvement with the Ministry of Municipal Affairs regarding the proposed Secondary Plan has been provided to both Mr. and Mrs. Roch and Mrs. Micallef. Evidence adduced later in the hearing from the City's planning witness was to the effect that By-law 151-88 does not

alter the rights of these appellants; the zoning of the lands to which their appeal relates remains unaltered.

Another appellant, Mr. Henry Daykin, did not attend the hearing. Exhibit 1, the Statutory Declaration of Service of Notice of the hearing, shows Mr. Daykin as a person so notified. Exhibit 2 is a further Statutory Declaration by a member of the City staff to the effect that further attempts to contact Mr. Daykin have been unsuccessful.

Six appellants concerned with four parcels of land were represented at the hearing by their counsel, Mr. Michael Weir. These appellants were Munden Acres Limited; Janko Herak In Trust; and Drago Vuchovic In Trust, as to a parcel of land located on Mississauga Road containing approximately 50 acres; Beacon Hall Limited, as to a parcel of land on Queen Street West containing 56 acres; and R. B. Humeniuk and Urand Trading Inc. as to two parcels of land on Heritage Road containing 94 and 98 acres respectively. The total area of these four parcels is some 300 acres. The locations of these properties are shown on Exhibit 10. For purposes of convenience, these appellants will be referred to in the text of the decision as "the appellants".

Counsel for the City called John Corbett as a witness. Mr. Corbett is an experienced planner in the employment of the City of Brampton. Among Mr. Corbett's responsibilities is the providing of interpretative advice regarding the Official Plan of the City of Brampton, the preparation of amendments to the Plan, and the ongoing review of the Official Plan and the preparation of Secondary Plans. Mr. Corbett is also responsible for the preparation and general administration of the comprehensive Zoning By-laws of the municipality, including Zoning By-law No. 151-88.

The Board understands from Mr. Corbett's evidence that the City of Brampton was incorporated in 1974 through the bringing together of all or Part of two Townships (Toronto-Gore and Chinguacousy), and two Towns (Mississauga and Brampton). Each of these municipalities had its own Zoning By-law. These by-laws were of some age.

In 1982 the City adopted the present Official Plan and embarked on a coherent review of the 4 comprehensive Zoning By-laws to ensure that all were updated to reflect municipal policies as reflected in the Official Plan as well as being consistent one with another so that in the future a consolidation of all four by-laws may occur.

Three of the comprehensive Zoning by-laws are now in effect. By-law 151-88, adopted by Council on July 18, 1988, and now before the Board, is the final such by-law to be prepared and enacted. By-law 151-88 replaces By-law 861 which was adopted by the Township of Chinguacousy in 1958 and has been amended on over 400 occasions. Mr. Corbett explained the evolution of By-law 861 as having occurred on almost a site by site basis. From Exhibits 6, 7 and 9, it is obvious the by-law is applicable to a very considerable land area in the municipality and that a wide variety of land use designations and classifications exist. Exhibit 14, a by-law tree showing the development of Zoning By-law 151-88, prepared by Mr. Thompson, the appellant's planning witness, was of great assistance to the Board in understanding the zoning history.

Mr. Corbett outlined a very complete by-law review process which included mailed notices to all property owners (some 35,000) of public meetings and open houses concerning the proposed by-law, the holding of these meetings, together with the holding of a public meeting pursuant to the requirements of the Planning Act. The Board

is satisfied that the municipality carried out a responsible public participation programme as to the preparation and enactment of By-law 151-88 and adhered to all requirements of the Act.

Mr. Corbett explained the organization of the text of By-law 151-88, the seven general land use classifications and subclassifications employed, and the general and specific requirements. This Zoning By-law applies to the largest zoning district in the municipality which also contains the largest portion of the City's industrial base and rural areas. Mr. Corbett noted that there is an urgent need to replace By-law 861 with a new comprehensive by-law which parallels other zoning provisions elsewhere in the municipality. The Board understands this concern.

The remaining appeals before the Board concern the land uses now permitted by By-law 151-88 in the Agricultural Zone. The Board understands from the evidence of Mr. Corbett that Section 56.1 of By-law 151-88 sets out provisions for an Agricultural Zone. These provisions are in a like mould to the provisions of the other three comprehensive by-laws.

Section 56.1 of the by-law permits only agricultural uses as defined in Section 5.0, together with certain non-agricultural uses, namely, a single detached dwelling; a group home, a cemetery; a home occupation; an animal hospital; a kennel; and accessory purposes.

Section 5, the Definition Section of the By-law, defines an Agricultural Use to mean:

"the use of land, structures or buildings for the purpose of general farming and without limiting the generality of the foregoing, includes forestry, field crops, fruit farming, market gardening, dairying, pasturage, animal husbandry and the sale of produce grown on the farm from which the sale is made."

Previously Section 20A of By-law 861, as amended by By-law 37-61, provided an agricultural land use classification and requirements. However, staff determined that a number of the uses set out in Section 20A were institutional, rather than agricultural uses, and should be directed to areas so designated and zoned. It was recommended that an interim control by-law prohibiting educational uses, churches, public or private hospitals or clinics and nursing homes, in the Agricultural Zone be enacted. By-law 341-85 came into effect in November, 1985 for a period of one year.

Mr. Corbett noted in evidence that staff was of the opinion that the uses seen as institutional and included in the interim control by-law should not be in an agricultural zone because there would be land use conflicts, a generation of traffic impacts and potential hazards, and the possibility of a lack of needed public services. Further, the people oriented nature of these particular uses indicated an urban, rather than a rural, setting was the more appropriate location.

The interim control by-law did not however prohibit a number of other uses then permitted in the Agricultural Zone, such as golf courses, feed stores, grain mills and seed stores. Subsequently, By-law 151-88 eliminated these uses, together with those earlier identified in the interim control by-law, from the Agricultural Zone.

By-law 151-88 also contains a Recreation Commercial Zone, (Section 35), and a Commercial Agricultural Zone (Section 36) within the Commercial Zone classifications. Golf courses, driving ranges, swimming pools, skating and curling rinks and other similar uses are

permitted in the Recreation Commercial Zone, while the Commercial Agricultural Zone permits Garden Centre sales establishments and farm produce stands. A place of commercial recreation is also permitted in a Commercial Three Zone. Garden Centre sales establishments are also permitted in some of the other commercial zones.

A place of commercial recreation is not defined; however, a definition of a recreational area is provided. There is no specific provision in the by-law for feed stores, grain mills or the like. However, retail sales establishments without outside storage are permitted in four of the commercial zones.

Schools, religious institutions, rest homes, group homes and nursing homes are permitted in certain of the residential and institutional zones, but not in the Agricultural Zone.

Mr. Corbett also directed the Board to various portions of the Official Plan which is the long range planning policy tool of the municipality. The Plan provides for both urban and rural settlement and development. Brampton anticipates a considerable population increase to occur in its urban areas. The long term intent for lands designated as Agricultural is that they will remain available for agricultural and related uses. Section 2.8. of the Plan sets out objectives and policies in this regard. A very small population increase in rural areas is anticipated.

It was explained by Mr. Corbett that the Definition Section at the commencement of each Land Use Section of the Plan clearly spells out permitted uses and is not intended to be construed in a permissive manner. The Definition Section for Agricultural Lands, Section 2.8.1, states in part:

"The Agricultural designation as shown on Schedule "A" includes all agricultural activities and other low density, low intensity uses associated with conservation management, outdoor sports, natural resource education and non-commercial recreation. Farm residences, limited non-farm related residences, Transfer Stations associated with waste management operations, and mineral extraction operations will also be permitted....."

Thus, the non-inclusion of institutional uses such as schools, churches and hospitals, golf courses or commercial uses related to agriculture is not an oversight but is a deliberate measure to clearly indicate the only uses that are permitted on lands designated Agricultural. Mr. Corbett views "outdoor sports" as it occurs in Section 2.8.1 as meaning very passive activities and as relating to and consistent with the group of uses in which it has been placed.

Similar Definition Sections subject to the same strict interpretation provide direction for the other land use categories. Mr. Corbett testified that all of the land uses questioned by the appellants are clearly provided for elsewhere through the Definition Sections in other land use designations. The Objective and Policy Sections in Sections 2.8.2 and 2.8.3 further elaborate goals and their means of achievement as to agricultural lands and uses.

In response to a question from the Board, Mr. Corbett explained that a considerable amount of growth assessment and determination of needs for services and institutions has been carried out through the municipality through the preparation and updating of the Official Plan and preparation of Secondary Plans. Groups such as the Interchurch Regional Planning Association are consulted as to future land use needs and expectations. The Zoning By-laws are seen as the means of implementation of the policies previously determined and clearly set out in the Plan.

This witness also advised that the issues staff raised at the time of recommending the adoption of an Interim Control By-law continue to be valid concerns. The municipality is very concerned about potential pressures upon roads and services through unstructured development of non-agricultural uses on lands designated as Agricultural. There is also concern about the creation of instability and uncertainty in the farm community through the introduction of conflicting uses and the loss of valuable farming lands.

Mr. Corbett noted that although one of the properties subject of the appeal, Beacon Hall, is located at the interface of urban and rural areas, the boundary is considered most important and the introduction of new uses which might require urban services on these rural lands amounts to an implicit movement of the boundary without amending the Plan and without necessary studies. Such an action would be premature. In particular, the Second Line Road which marks the boundary in this instance is also the present limit of the sanitary sewer system. Mr Corbett noted other concerns as to non-agricultural development of the other three parcels subject of the appeals. Some of the roads designated as arterial and collector roads in the Plan Schedules are not developed to those levels; present roads may not be capable of carrying more than the usual burden of traffic anticipated in a rural community. Mr. Corbett is concerned that if the present appeals are allowed, the integrity of both the Plan and the Zoning By-law will be severely damaged.

The Board also heard evidence from Mr. Hugh Thompson, a planning consultant retained on behalf of the appellants. Mr. Thompson's interpretation of the documents before the Board differs somewhat from that of Mr. Corbett.

Mr. Thompson advised the Board that he understands from research carried out that the four parcels of land which are presently farmed were acquired by the appellants in the middle 1970's long before either the Official Plan or the Zoning By-law review were considered by Council. The appellants had an expectation that the uses permitted by Section 20A of By-law 861 would continue and only wish to preserve the right to develop the lands with those uses. Mr. Thompson was not aware of any specific development plans for these parcels and further advised the Board that he understands efforts to meet with City officials to discuss the effect of Zoning By-law 151-88 upon the properties were unsuccessful.

Mr. Thompson discussed a number of specific uses that are deleted from the Agricultural Zone by By-law 151-88; churches, schools, golf courses, nursing homes, feed and seed stores and grain mills. In his opinion, all of these uses are very appropriate in agricultural areas and Section 2.8 of the Official Plan permits an interpretation to recognize their occurrence. Accordingly, Section 56.1 of the Zoning By-law should be amended to restore these uses previously permitted by By-law 861 as amended by By-law 37-61.

Mr. Thompson sees Section 2.8.1 of the Plan as a permissive section which does not provide an all inclusive or exhaustive list of uses. Rather, it "sets an atmosphere" as to the uses to be expected. Sections 2.8.2 and 2.8.3 of the Plan should also be read with a permissive connotation.

Mr. Thompson advised the Board that golf courses are a type of outdoor sport. As noted, Section 2.8.1 permits "low intensity uses associated with conservation management, outdoor sports, natural resource education and non-commercial recreation". Their presence on lands designated Agricultural is thus recognized. Mr. Thompson

interpreted "outdoor sports" as standing by itself rather than being related in nature to, or necessarily consistent with, the other three uses mentioned. Alternately, they might be considered as agricultural activities.

This witness also views golf courses, feed stores, grain mills and fertilizer and seed stores as compatible with and/or directly related to agriculture uses.

Sections 2.8.2 and 2.8.3 of the Plan provide Objectives for the municipality's Agricultural lands.

" 2.8.2 OBJECTIVE: The availability of lands for agriculture and related uses on a long term basis."

"2.8.3 OBJECTIVE: Within areas having long term resource capabilities for agriculture, only agricultural uses, uses compatible with agriculture, and uses directly related to agriculture and necessary in close proximity to agriculture."

Mr. Thompson is of the opinion that Section 2.8.3 supports the existence of certain agriculture related uses on the agricultural lands. In particular, feed and seed stores and grain mills are immediate to the needs of farmers and should be provided for in the Zoning By-law. In this regard, the definition provided by Section 5.0 of the Zoning By-law was seen as too narrow.

Further, drawing on the above, uses such as churches, schools and nursing homes are traditionally part of the rural environment and should be permitted. Again, an interpretation of Section 2.8 in a permissive, rather than a strict sense would permit the existence of these uses. Mr. Thompson noted the precedent of two churches permitted on agricultural lands.

Mr. Thompson did not agree with the reasons advanced for the exclusion of institutional uses from Section 56.1. In his opinion, Section 40 of the Planning Act, (the site plan control provision) and the requirements of other agencies and bodies such as the Medical Health Officer provide ample safeguards to ensure development only occurs when proper services and roads are available. Mr. Thompson was of the opinion that traffic conflicts could be resolved in part through the use of Section 40 of the Act. Further, he viewed the present proximity of arterial and collector roads to the subject properties as indicative that traffic and access would not be difficulties. Conflicts between land uses could be contained and kept to a minimum. Further, there should be room for a mix of uses in a rural community. Such diversity is desirable and part of the rural fabric. Mr. Thompson saw many of the uses under discussion as small in size, thus capable of being accommodated on large acreage without an adverse impact. Thus, a private school or a regional church might be placed on a large parcel of land but only utilize a small part of it, while the rest of the property could remain in farm production.

Mr. Thompson also referred to two instances in By-law 151-88 where Council had rezoned lands designated Agricultural in the Official Plan to a Recreation Commercial zoning to recognize existing uses. However, the Official Plan was not amended to either change the land use designation or otherwise recognize the zoning being accorded to the properties. One of these properties which the Board understands is developed with a golf course is owned or controlled by Kaneff Properties Limited. The other property is known as the Top of the Tee Driving Range. Mr. Corbett advised the Board it is intended the Official Plan designations of these two properties will be dealt with in an upcoming review of the Official Plan. The Board

will return to the status of these two properties later in the decision.

Counsel for the appellants also called Eric Mares as a witness. Mr. Mares is an experienced appraiser. He stated that the zoning of vacant land is a major factor in determining its value. In his opinion the removal of the permitted uses in question from the subject lands, by stripping away any commercial and recreational potential, negatively affects the desirability of these lands for any person involved in those activities. Further, the seeking of the necessary amendments to the Plan and By-law would be time consuming, costly and subject to a risk that the requested relief might not be granted. In Mr. Mares' opinion, a diminished demand for the properties would result from the change in zoning. A correspondingly lower land value of the properties would be the outcome of the rezoning.

By-law 151-88 effectively downzones properties zoned agricultural in the earlier by-law through the removal of certain non-agricultural uses. The Board has now examined the several Exhibits and reviewed the evidence. Mr. Thompson and Mr. Corbett, two experienced planners, do not agree as to the intent of various sections of the Official Plan or as to the various possible effects of permitting certain institutional and other uses to be carried on in the Agricultural Zone. Nor do they agree as to the efficacy of other control measures available to the municipality to ensure that development permitted on an as of right basis does not produce conflicts between uses and can be accommodated as to services and road networks.

Mr. Corbett's evidence is based on his experience with the planning documents of Brampton and his perception of the physical,

social and economic characteristics of the municipality. Mr. Thompson has taken a more philosophical planning approach to many of the issues. The Board finds that on the whole it prefers the evidence of Mr. Corbett as to the matters to be determined.

This Official Plan, upon examination, reveals itself as a specific rather than a general planning document, particularly in the matter of permitted land uses and their direction.

The matter of returning golf courses and driving ranges to the list of permitted uses in the Zoning By-law was discussed by both witnesses in the context of Section 2.8 of the Plan. Mr. Corbett's interpretation is that the Plan does not permit this use on lands designated for Agricultural purposes. Mr. Thompson suggested several possible interpretations that could be placed on words in that section to support this use. Thus, Section 2.8.3 speaks of uses compatible with agriculture. A golf course would be compatible or not in conflict with agriculture and therefore permitted. Alternately, Section 2.8.1 speaks of "all agricultural activities". The Board can not accept that a golf course would fall within the intent of those words, particularly when the section as a whole is considered.

Much opinion evidence also was provided as to interpretation to be placed on the phrase "all agricultural activities and other low density, low intensity uses associated with conservation management, outdoor sports, natural resource education and non-commercial recreation" as it appears in Section 2.8.1 of the Plan. The Board after some thought has concluded that the best logical, if not the best grammatical, construction is that "outdoor sports" must be meant to stand in a close, or consistent, relation to the other three

stated permitted uses in this group:- "conservation management," "natural resource education" and non-commercial recreation."

A commercial golf course, by its nature is not consistent with this group of uses. Further, golf courses and driving ranges are specifically permitted in another land use designation: Private Commercial Recreation. The Zoning By-law before the Board recognizes this designation by providing for golf courses and driving ranges in the Recreation Commercial Zone.

Sections 2.8.2 and 2.8.3 of the Plan, when viewed in their entirety set out objectives and policies as to the agricultural land base of the City of Brampton in the clearest language. The statements are not permissive, they direct or proscribe action. It is only to be expected that Section 2.8.1 would carry the same import. Mr. Corbett's description of the intended application of the definition sections is entirely consistent with this approach. The Board is satisfied that import is a clear municipal direction as to the conservation of farm lands and the protection and sustainment of the farming industry.

It may well be that all or some of the uses under discussion could be easily accommodated on the properties subject of the appeal without danger of loss of valuable farm lands, disruption of adjacent or nearby uses or the potential servicing or transportation difficulties outlined by Mr. Corbett. The Board, in the abstract, also views these uses as does Mr. Thompson; churches, schools, hospitals, clinics and farm industry associated stores and mills, are a part of the rural community contributing directly or indirectly to a better agricultural economy and lifestyle. Nevertheless, the protection of existing, viable agricultural lands and the provision of future services and roads for all residents (and the capital cost

of same) are of great concern to municipal governments. Both placement of uses and the provision of services must be planned. In particular, the timing of provision of services and corresponding introduction of uses must be planned. The Official Plan document is the core of plans in a municipality. The insertion of new uses not provided for in a designated land use area of the Plan should only occur after study of a specific proposal and amendment of the Plan and By-law through the process provided by the Planning Act. It is then, in that context, after matters of use and density have been determined, that a specific proposal can be effectively reviewed pursuant to Section 40 of the Planning Act.

The Board considered very seriously the amending of Section 5.0 together with Section 56.1 of the Zoning By-law in order to permit feed stores and grain mills. As noted by Mr. Thompson, these uses represent services important to the agricultural producer. However, the potential scale and traffic generation capacity of such operations today, renders their placement in the community a matter for assessment on an individual basis. Specific regulations for control would have to be carefully devised. Further, the Plan makes no mention of commercial uses in the Agricultural area. Accordingly, the Board will not make the amendment. Again, the presentation of specific proposals for uses of this type through the processing of site specific Official Plan and By-law amendments provides the municipality an opportunity for review, the proponent an opportunity to revise, as necessary, and the public an opportunity to participate.

Finally, the Board is concerned that two properties subject of the By-law have been zoned in a manner that is inconsistent with the Official Plan land use designation. The Board refers to the lands identified by witnesses as the Kaneff Properties Golf Course and the

Top of the Tee Golf Course and Driving Range. As the Board understands the matter, the lands comprising these properties were developed with golf courses, driving ranges and related facilities pursuant to Section 20A of By-law 861. Accordingly, they are existing legal uses pursuant to By-law 861. The lands are designated Agricultural in the Official Plan.

As discussed above, golf courses and driving ranges are not recognized in the list of uses permitted by Section 2.8.1 of the Plan. In recognition of the existing uses, the lands have now been zoned Recreation Commercial in By-law 151-88. However, as yet, no corresponding amendment to the Official Plan in regard to these properties has been undertaken. Mr. Corbett advised the Board that this "housekeeping" step would occur in the course of the Plan review.

Mindful of Section 24(1) of the Planning Act, the Board has sought to find support in the Official Plan for the course of action intended regarding the two properties. Section 7.3 is the Interpretation section of the Plan. The Board does not view Section 7.11.5 as providing assistance. Further, Section 7.3.2 states:

"It is intended that deviations from the policies and land use designations of this Plan other than those specifically permitted by the policies of this subsection will require an Official Plan amendment."

The Board will not interfere with the substance of the zoning of these two properties. They are, as noted above, legal uses and should so remain. The City has no intent to affect the zoning of these properties in a deleterious manner through the rezoning effected by By-law 151-88. Indeed, the placing of the two parcels in a Recreation Commercial Zone is to the opposite effect. Nevertheless, the Board is of the opinion that the City should seek

the appropriate Official Plan amendments before the RC zoning classification comes into effect on these two parcels.

The Board will repeal those parts of By-law 151-88 affecting the Kaneff Properties Limited Golf Course and the Top of the Tee Golf Course and Driving Range and will further amend Section 1.2 of By-law 151-88, as needed, to ensure that By-law 861, as amended from time to time, remains in effect as to these two parcels.

The appeals are allowed in part. The Board will repeal and amend By-law 151-88 as necessary to remove from its present effect lands identified as the Top of the Tee Golf Course and Driving Range on the east side of Mississauga Road and the Kaneff Properties Limited Golf Course and to ensure that By-law 861, as amended, remains in effect concerning these lands. In all other respects, the appeals fail.

Counsel for the City of Brampton is to provide the Board with appropriate clauses suitable for insertion in the Board's order to carry out the intent of the above decision as to the two properties.

"M. E. Johnson"

M.E. JOHNSON
MEMBER