



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW


Number 142-86

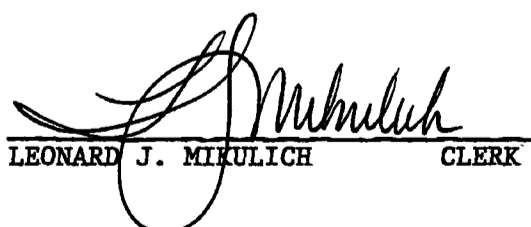
To adopt Amendment Number 89
to the Official Plan of the City
of Brampton Planning Area.

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 89 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 89 to the Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL,
this 9th day of June, 1986.


KENNETH G. WHILLANS MAYOR


LEONARD J. MIKULICH CLERK

ORIGINAL

By. HW 142-86


Amendment Number 89
to the Official Plan of the
City of Brampton Planning Area

21' OP 0031-089

Amendment No. 89
to the
Official Plan for the
City of Brampton Planning Area

This Amendment No. 89 to the Official Plan for the City of Brampton Planning Area, which has been adopted by the Council of the Corporation of the City of Brampton, is hereby approved in accordance with Section 17 of the Planning Act, as Amendment No. 89 to the Official Plan for the City of Brampton.

Date *Aug. 18, 1986*.....



L. J. FINCHAM
Director
Plans Administration Branch
Central and Southwest
Ministry of Municipal Affairs



THE CORPORATION OF THE CITY OF BRAMPTON

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this 9th day of June, 1986.


KENNETH G. WHILLANS MAYOR


LEONARD J. MIKULICH CLERK

OFFICIAL PLAN AMENDMENT
NUMBER 89
TO THE OFFICIAL PLAN
OF THE CITY OF BRAMPTON

1. Purpose:

The purpose of this amendment is to add to the Official Plan policies related to the enactment of temporary use by-laws pursuant to the Planning Act, 1983.

2. Location:

This amendment applies to the entire City of Brampton Planning Area.

3. Amendment and Policies Relative Thereto:

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

(1) by adding thereto the following, as sections 7.5.6., 7.5.7., and 7.5.8:

"7.5.6 Council may enact temporary use by-laws for renewable periods of not more than 3 years, permitting the use of land, buildings or structures on a temporary basis. The provisions of the Planning Act regarding the enactment and subsequent extensions to such by-laws shall apply."

"7.5.7 In considering the enactment of a temporary use by-law Council shall be satisfied that:

(i) The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;

(ii) The use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;

(iii) The use does not interfere with development of adjacent areas that are developing in accordance with this Plan; and,

(iv) Adequate provision will be made for off-street parking and loading facilities."

"7.5.8 Upon the expiry of the time period(s) authorized by a temporary use by-law, the use of land, buildings or structures that were permitted under such a by-law shall cease to exist and shall not be considered as non-conforming uses."

BACKGROUND MATERIAL TO
AMENDMENT NUMBER 89

Attached is a report of the Commissioner of Planning and Development dated February 20, 1986, and the notes of the public meeting convened on Wednesday, April 9, 1986.

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

February 20, 1986

TO: The Chairman and Members of the Planning Committee
FROM: John A. Marshall - Director of Planning Policy and Research
RE: Official Plan Amendment Regarding
Temporary Use By-laws Pursuant
to the Planning Act, 1983
Our File Number P5

1.0 Introduction

City Council has frequently utilized temporary use by-laws to achieve specific planning objectives. In enacting temporary use by-laws, Council must concurrently adopt an enabling official plan amendment. However, the Planning Act, 1983 contains provisions to eliminate this procedure through the incorporation of a general policy statement in the Official Plan. This report explores the feasibility of establishing such a policy statement in the Brampton Official Plan.

2.0 Analysis

The Planning Act, 1983, provides for the enactment of temporary use by-laws, when it has been determined that a specific use of land, buildings or structures is appropriate in the short term, notwithstanding the prevailing provisions of the zoning by-law. The legislation authorizes the enactment of such by-laws for renewable periods of up to 3 years. Temporary use by-laws can be extended indefinitely, provided that each extension is achieved by an appropriately enacted by-law. In this regard, each temporary use by-law, and subsequent extensions thereto, must be enacted in accordance with the full provisions of Section 34 of the Planning

Act, including the requirements for public meetings.

Upon the expiry of the time period(s) authorized by the by-law, the uses that were permitted cannot be continued as legal non-conforming uses. Rather, the temporary uses must cease.

It should be noted that such by-laws must be in conformity with the City's Official Plan. If it is intended to permit temporary uses which do not conform to the Official Plan, the City may avail itself of two options; namely:

- adopt site specific Official Plan amendments each time a non-conforming temporary use by-law is contemplated; or,
- establish a general policy statement within the Official Plan authorizing the enactment of temporary use by-laws when specific criteria are satisfied.

It is the City's current practice to adopt site specific official plan amendments. However, in evaluating the merits of this procedure, it is evident that:

- it is administratively redundant in that an amendment must be processed each time a temporary use is contemplated; and,
- it unduly extends approval periods since Ministerial approval must be secured for each amendment.

Accordingly, it would be appropriate to establish a general policy statement in the Official Plan authorizing Council to enact temporary use by-laws. Such a policy must incorporate specific criteria to ensure that temporary uses:

- do not create or aggravate land use incompatibilities;

- do not frustrate the orderly development of adjacent lands in accordance with the Official Plan;
- are provided with adequate on-site parking and related amenities; and,
- do not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation.


Attached, for the consideration of Planning Committee is a draft temporary use policy, which may be incorporated, by amendment, into the Official Plan.

3.0 Recommendation


It is recommended that Planning Committee recommend to City Council that:


1. A public meeting be convened in accordance with City Council's procedures; and,
2. Staff be directed to prepare an official plan amendment authorizing Council to enact temporary use by-laws pursuant to the Planning Act.

Respectfully submitted,


 John B. Corbett
 Policy Planner

AGREED:


 J. R. Dalzell
 Commissioner of Planning
 and Development


 John A. Marshall
 Director, Planning Policy
 and Research

JC/thk/5

DRAFT OFFICIAL PLAN AMENDMENT
- Temporary Use Provisions -

1.0 Purpose

The purpose of this amendment is to add to the Official Plan policies relating to the enactment of temporary use by-laws pursuant to the Planning Act, 1983.

2.0 Amendment and Policies Relative Thereto

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

- (1) by adding thereto the following, as sections 7.5.6., 7.5.7., and 7.5.8:

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- (i) The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;
- (ii) The use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;

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(iv) Adequate provision will be made for off-street parking and loading facilities."

"7.5.8 Upon the expiry of the time period(s) authorized by a temporary use by-law, the use of land, buildings or structures that were permitted under such a by-law shall cease to exist and shall not be considered as non-conforming uses."

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

April 11, 1986

TO: The Chairman and Members of Planning Committee
FROM: Planning and Development Department
RE: Official Plan Amendment Regarding
TEMPORARY USE BY-LAWS Pursuant to
the Planning Act
Our File: P5

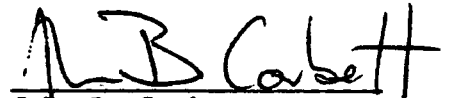
The notes of the public meeting held on Wednesday, April 9, 1986, are attached for the information of Planning Committee.

No members of the public appeared at the meeting to express concerns or comments. In addition, no communications have been received with respect to the amendment.


It is recommended that Planning Committee recommend to City Council that:

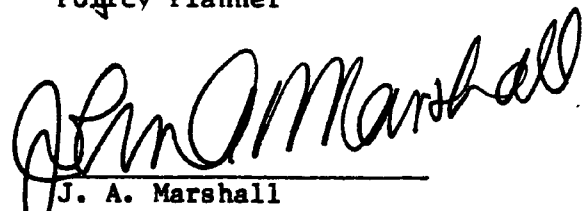
- (i) the notes of the public meeting be received;
- (ii) the Official Plan Amendment be approved; and,
- (iii) staff be directed to present the Official Plan Amendment to Council.

Respectfully submitted,


John B. Corbett
Policy Planner

AGREED:


F. R. Dalzell
Commissioner of Planning
and Development


J. A. Marshall
Director of Planning
and Policy

JBC/jp/0

EB-2

PUBLIC MEETING

A Special Meeting of Planning Committee was held on Wednesday, April 9, 1986, in the Municipal Council Chambers, 3rd Floor, 150 Central park Drive, Brampton, Ontario, commencing at 8:59 p.m. with respect to TEMPORARY USE BY-LAWS (File: P-5) to amend the Official Plan to permit the Council of the City of Brampton to enact Temporary Use By-laws pursuant to the Planning Act, 1983.

Members Present: Councillor F. Russell - Chairman
Councillor N. Porteous
Alderman J. Hutton
Alderman H. Chadwick
Alderman A. Gibson
Alderman J. Shadrach
Alderman L. Bissell
Alderman S. DiMarco

Staff Present: F. R. Dalzell, Commissioner of Planning and Development
L.W.H. Laine, Director, Planning and Development Services
J. Robinson, Development Planner
D. Ross, Development Planner
J. Corbett, Policy Planner
C. Brawley, Development Planner
E. Coulson, Secretary

The Chairman enquired if notices to the property owners within 120 metres of the subject site were sent and whether notification of the public meeting was placed in the local newspapers.

Mr. Dalzell replied in the affirmative.

There were no interested members of the public in attendance and the meeting adjourned at 9:00 p.m.

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- Staff Present:
- F. R. Dalzell, Commissioner of Planning and Development
 - L.W.H. Laine, Director, Planning and Development Services
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