

Amended as per
OMB Order #2884
dated Nov 5, 2007



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 256-2006

To amend Zoning By-law 270-2004, as amended,
to implement the Kennedy Road South Revitalization Study

The Council of the Corporation of the City of Brampton **ENACTS** as follows:

1. By-law 270-2004, as amended (the Zoning By-Law), is hereby further amended:
 - (1) by changing on Schedule A of the By-Law, the zoning designation of the lands shown outlined on Schedule A attached to this by-law from the zoning designation listed in the "from" column to the zoning designation listed in the "to" column of the following table:

from	to
INSTITUTIONAL ONE (I1)	INSTITUTIONAL TWO (I2)
HIGHWAY COMMERCIAL ONE (HC1), SERVICE COMMERCIAL (SC), INDUSTRIAL ONE (M1), INDUSTRIAL TWO (M2), SERVICE COMMERCIAL – SECTION 3082	SERVICE COMMERCIAL – SECTION 3442
SERVICE COMMERCIAL – SC, COMMERCIAL THREE – C3 – SECTION 3168, SERVICE COMMERCIAL – SC – SECTION 3200, SERVICE COMMERCIAL – SC – SECTION 3141 AND INDUSTRIAL ONE – M1 – SECTION 3152,	COMMERCIAL – C3- SECTION 3443
INDUSTRIAL TWO – M2	INDUSTRIAL ONE – M1 – SECTION 3444
SERVICE COMMERCIAL – SC, SERVICE COMMERCIAL – SC – SECTION 3133, SERVICE COMMERCIAL – SC – SECTION 3269, HIGHWAY COMMERCIAL ONE – HC1, INDUSTRIAL ONE – M1	INDUSTRIAL ONE – M1 – SECTION 3445
INDUSTRIAL TWO – M2	INDUSTRIAL TWO – M2 – SECTION 3447

- (2) by adding thereto the following clauses to Section 3161:

- "3161.2 (2) a maximum height limit of 8 storeys;
- (3) front yard: minimum 3 metres, maximum 8 metres.

(3) by adding thereto the following sections:

3442 The lands designated SC-3442 on Sheet 60D of Schedule A to this by-law:

3442.1 shall be used for all uses permitted in the SC zone except for motor vehicle repair, service, body shop or sales establishments;

3442.2 shall permit commercial schools so long as they are integrated into another building and not be permitted as a stand-alone building;

3442.3 shall be subject to the following requirements and restrictions:

1. front yard: minimum 3 metres, maximum 8 metres;
2. no outside storage or display areas shall be permitted;
3. a minimum 3 metre wide continuous landscaped open space strip shall be provided along all public roads except at permitted access locations.

3443 The lands designated C3-3443 on Sheet 61C of Schedule A to this by-law:

3443.2 shall only be used for the purposes permitted in the C3 zone except for:

1. motor vehicle repair; and/or;
2. motor vehicle or boat sales.

3443.4 shall be subject to the following requirements and restrictions:

1. for the purpose of applying zoning provisions, all areas (south of Clarence Street) designated as C3-3443 shall be deemed one lot;
2. a maximum floor space index of 3.0;
3. front yard: minimum 3 metres, maximum 8 metres;
4. parking shall be required at a rate of 1 space for every 19square metres of gross leasable area;
5. a maximum of 2 drive-thru facilities shall be permitted;
6. a drive-thru stacking lane shall not be located within 6 metres of Kennedy Road South or Clarence Street; and,
7. a minimum 3 metre wide continuous landscaped open space strip shall be provided along all public roads except at permitted access locations.

3444 The lands designated as M1- Section 3444 on Sheet 61 of Schedule A to this by-law:

3444.1 shall be used for the purposes:

1. Industrial

- a. Warehouse; and,
- b. The manufacturing, cleaning, packaging, processing, repairing or assembly of goods, foods or materials within an enclosed building.

2. Non-Industrial

- c. a radio or television broadcasting and transmission establishment;
- d. a building supplies sales establishment, with no outside storage;
- e. a recreational facility;
- f. a community club;
- g. an animal hospital;
- h. a business office, excluding offices for medical, dental or drugless practitioners, administrative offices of school boards and governments, and offices of accredited or licensed professionals, such as accountants, architects, engineers, financial advisors, insurance agents/brokers, landscape

architects, real estate agents/brokers/appraisers and urban planners;

- i. a bank, trust company or financial institution;
- j. a commercial, technical or recreational school;
- k. a banquet hall; and,
- l. a dining room restaurant or convenience restaurant.

3. Accessory

- a. an associated educational use;
- b. a retail outlet operated in connection with a particular purpose permitted by this by-law, provided that the total gross commercial floor area of the retail outlet is not more than 15 percent of the total gross industrial floor area of the particular industrial use;
- c. parking lots accessory to a principal use; and
- d. purposes accessory to the other permitted purposes.

3444.2 The following uses shall not be permitted:

- a. a motor vehicle repair shop and/or motor vehicle body shop as a principal or accessory use;
- b. a transport terminal,
- c. obnoxious industrial uses involving the manufacture and storage of goods and materials in the open and such uses as the storage, repair and rental of equipment;
- d. a salvage, junk, scrap or bulk storage yard;
- e. outdoor storage as a primary use;
- f. parking lot as a principal use; and,
- g. freight classification yard.

3444.3 No outdoor storage, or outdoor display or outdoor sales of goods and materials shall be permitted.

3444.4 50% of the total gross floor area of the building may be used for a single user, provided that the remaining gross floor area is divided into not less than four units, of not less than 745 square metres

3444.5 100% of the total gross floor area may be used for a single user, as provided for in 3444.1.a.b. of this by-law, provided that the number of loading doors is limited to ten.

3445. The lands designated as M1-3445 on Sheet 61c of Schedule A to this by-law:

3445.1 shall be used for the purposes permitted in the M1 zone but shall not permit:

- 1. warehousing; and,
- 2. parking lots as a principal use.

3445.2 shall allow uses permitted in the SC zone within 50 metres of the front lot line with the exception of the following use:

- 1. motor vehicle related uses, including sales, service and repair, and body work.

3445.3 shall allow a bakery as a permitted use within 50 metres of the front lot line;

3445.4 shall be subject to the following requirements and restrictions:

- 1. a minimum front yard setback of 3 metres from the property line and a maximum separation of 20 metres between the centre line of the road and building edge;
- 2. a maximum of 50% of the front yard may be used for parking; and,
- 3. a minimum 3.0 metre wide continuous landscaped open space strip shall be provided along all public roads except at permitted access locations.

3447 The lands designated as M2-3447 on Sheet 61c and 61E of Schedule A to this by-law:

3447.1 shall be used for the purposes permitted in the M2 zone but shall not permit the following industrial uses:

- 1. warehousing as a primary use;
- 2. parking lots as a principal use;
- 3. a freight classification yard;
- 4. obnoxious industrial uses involving the manufacture and storage of goods and materials in the open and such as the storage, repair and rental equipment, and a transport terminal; and,
- 5. a junk yard, salvage yard, wrecking yard, quarry or pit.

3447.2 shall be subject to the following requirements and restrictions;

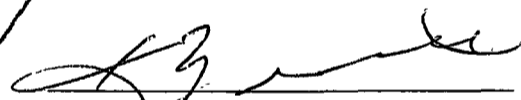
- 1. a minimum front yard setback of 3 metres from the property line and a maximum separation of 20 metres between the centre line of the road and building edge; and,
- 2. a maximum of 50% of the front yard may be used for parking.

(4) by deleting Sections 3082, 3168, 3200, 3141, 3133, 3269 and 3152 and Schedule C-3082, Schedule C-3200, Schedule C-3152 and Schedule C-3269;

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL, this **2** day of **August, 2006**

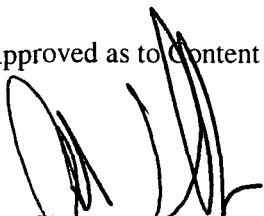


 SUSAN FENNELL - MAYOR



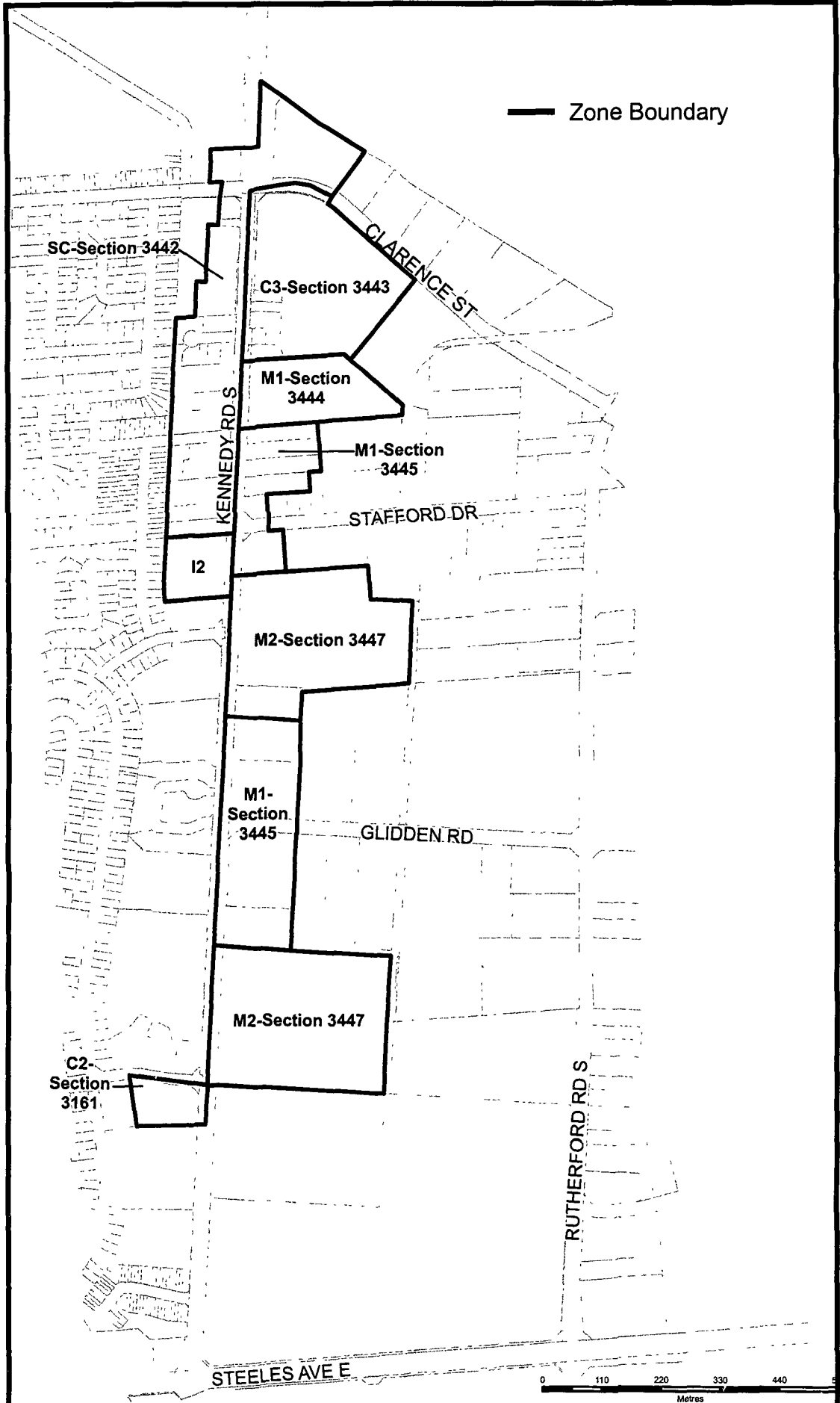
 KATHY ZAMMIT - CITY CLERK

Approved as to Content



 Adrian J. Smith, MCIP, RPP
 Director, Planning & Land Development

APPROVED AS TO FORM LAW DEPT BRAMPTON			
WCC			
DATE	06	08	06



Schedule A
 By-Law **258 - 2006**
 Part of Lots 1 to 4, Concessions 1E.H.S and 2E.H.S.



CITY OF BRAMPTON
 Planning, Design and Development
 Date July 28, 2006
 File No _____
 Drawn By SA

ISSUE DATE:

Nov. 05, 2007

DECISION/ORDER NO:

2884



Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL060849

RECEIVED
CLERK'S DEPT

NOV 06 2007

REG NO
FILE No

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Eldomar Investments Limited
Subject: Proposed Official Plan Amendment No.OP93-266
Municipality: City of Brampton
OMB Case No.: PL060849
OMB File No.: O060151

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Eldomar Investments Limited
Appellant: Rothmans Benson & Hedges
Subject: By-law No. 256-2006
Municipality: City of Brampton
OMB Case No.: PL060849
OMB File No.: R060207

APPEARANCES:

Parties

Eldomar Investments Limited

Rothmans Benson & Hedges

Greta Josephine Davies

City of Brampton

Counsel

Neil Davis

Jason Lakhan

John Keyser

Christopher Cooper

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON
OCTOBER 24, 2007 AND ORDER OF THE BOARD**

The City of Brampton intends to establish a new secondary plan known as the "Kennedy Road South Revitalization Area Secondary Plan" which will implement the recommendations of the June 2006 Kennedy Road South Revitalization Study. The corresponding By-law 256-2006 will implement the recommendations of the Kennedy Road South Revitalization Area, which includes the establishment of any new use or the

expansion of any existing use within the lands subject to By-law 256-2006 in accordance with the findings of the aforementioned Study and as of the date of the enactment of this By-law.

Counsel Neil Davis represented the Appellant Eldomar Investments Ltd. which appealed both the Official Plan Amendment and the Zoning By-law Amendment. Counsel Jason Lakhan represented the Appellant Rothmans Benson & Hedges which appealed only the Zoning By-law to recognize its warehousing operation as a primary use.

On consent, Greta Josephine Davies was made a party to these proceedings. Although not an Appellant, the property has an existing automotive business and a fence business. This Party wanted these businesses to continue to operate in their current form until the City's next revision to its Official Plan.

The Parties have reached a settlement in the case at hand. The proposed amendment to both the Official Plan and the Zoning By-law with attending Schedules are attached to this Order as Exhibit 1.

David Waters is the Manager, Land Use Policy for the City of Brampton. Mr. Waters was qualified to provide his planning evidence and opinion in these matters. He told the Board that an interim control by-law was established in the subject area in 2004 while the City undertook a comprehensive land use, urban design and transportation study. The study was received in June 2006 and recommended a new planned function for the Kennedy Road South area. In August 2006, Council adopted OPA 93-266 and Zoning By-law 256-2006. These were subsequently appealed by the Appellants.

Mr. Waters provided the Board with details of this settlement. An amendment has been proposed for Official Plan Amendment 93-266 that revises Schedule "C" by adding a new Special Policy Area 1 with several new clauses dealing with the Eldomar property that continues to recognize motor vehicle repairs as a legal non-conforming use (Section 5.3.6.6 – "Special Service Commercial Policy Area 1").

A new Special Policy for the Davies property ("Special Mixed Industrial/Commercial Policy Area 2" with two new clauses added to this Official Plan Amendment) permits the continuation of the operation of the Davies' property with open

storage use until the next review of the City's Official Plan (in at least five years or more).

In respect of the amendment to Zoning By-law 270-2004, a settlement was reached with the three Parties. As it relates to the Appellant Rothmans Benson & Hedges, the prohibition of warehousing as a primary use is removed from the proposed Zoning By-law Amendment and the Appellant's warehouse operation is now recognized as a primary use with the limited number of loading doors for this operation being set at 14 (Section 3447.3). Also, Section 3447.2 permits the operation of a business office on the Appellant's lands with appropriate restrictions acceptable to the Appellant.

As the settlement relates to the Appellant Eldomar Investments Limited, motor vehicle sales will be permitted for a period not to exceed five years and limited to no more than three vehicles for sale at any time (Section 3444.2).

As the settlement relates to the Davies property, Section 3445.5 permits limited outdoor storage with a fencing business and the automotive use will continue as a legal non-conforming use under the By-law.

Mr. Waters opined that the settlement is consistent with the recommendations of the City-sponsored study of the Kennedy Road South Revitalization Area; it reflects the spirit and intent of City Council's intent to see this Road revitalized; and it will not hinder the City's long-term vision for the area. Further, he opined that the amendments represent good planning; they are in the public interest; and they should be approved.

With all Parties in agreement and with no contradictory evidence to that provided by the City's Manager, Land Use Policy, the Board accepts the settlement as reflective of the Parties' positions and allows the appeals by amending Official Plan Amendment 93-2006 with the Official Plan Amendment and Schedule attached to this Order as Attachment "1", and the Board amends Zoning By-law 256-2006 with the Zoning By-law Amendment and Schedule attached to this Order as Attachment "2". The Minutes of Settlement for Eldomar Investments Limited (Exhibit 3) are attached to the Order as Attachment "3"; the Minutes of Settlement for Great Josephine Davies (Exhibit 4) are attached to the Order as Attachment "4".

So Orders the Board.

"R. Rossi"

R. ROSSI
MEMBER

ATTACHMENT "1"

AMENDMENT NUMBER OP 93- _____ TO THE OFFICIAL PLAN

OF THE CITY OF BRAMPTON PLANNING AREA

1.0 Purpose

The purpose of this amendment is:

- To establish a new secondary plan known as the "Kennedy Road South Revitalization Area Secondary Plan" which will implement the recommendations of the Kennedy Road South Revitalization Study (June 2006) and which will be established in accordance with Section 5.4 of Part I of the City of Brampton Official Plan, identified as Secondary Plan Number 54 on Schedule "G" of Part I (the General Plan) of the Official Plan; and,
- To amend the existing land use schedules and policies of Secondary Plan Area 17 (The Brampton East Secondary Plan) and Secondary Plan Area 18 (The Brampton East Industrial Secondary Plan) as they apply to the "Kennedy Road South Revitalization Area Secondary Plan".

2.0 Location

The lands subject to this amendment are generally described as the lands on either side of Kennedy Road South, north of Steeles Avenue and south of the CN tracks. The lands include all properties fronting onto Kennedy Road except for the northeast quadrant of Steeles Avenue and Kennedy Road South (former AMC Plant). The lands are identified as Secondary Plan Area 54 on Schedule "G" to the Official Plan for the City of Brampton Planning Area.

The lands subject to this amendment constitute the entire area of land shown on Schedule A – SP 54 (A) attached to this amendment.

3.0 Amendment and Policies Relative Thereto:

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

- (i) by changing on Schedule "A", GENERAL LAND USE DESIGNATIONS thereto, the designation of "INDUSTRIAL" to "BUSINESS INDUSTRIAL" as shown on Schedule A to this amendment;
- (ii) by revising Schedule "G" (Secondary Planning Areas) of the Official Plan, to identify the new secondary plan boundaries for "Secondary Plan Area 54" identified as the "lands subject to this Amendment" on Schedule "B" and the revised boundaries of Secondary Plan Areas 17 and 18;
- (iii) by revising the boundaries of Plate 8 to Secondary Plan Area 17 and Plate 9 to Secondary Plan Area 18 in order to remove the lands subject to Secondary Plan Area 54;
- (iv) by amending the Section 1.1 General Description of Section B2.5 of Secondary Plan Area 17 and 18 by adding the following:

"While the Brampton East and Brampton East Industrial District Secondary Plan policies are not applicable to the Kennedy Road South Revitalization Area lands, the general policies in Section 1.1 and 3.3 shall apply to the Kennedy Road South Revitalization Area Secondary Plan 54 for the purpose of calculating land area, developed area, population and medium and high density residential areas";

- (v) by deleting Section 4.3 and 4.4, of Section 4.0 Commercial Areas in both Secondary Plan Areas 17 and 18;
- (vi) by deleting Section 4.8 and 4.13 from Section 4.0 Commercial Areas in Secondary Plan Area 18;
- (vii) by adding thereto, under Part II: SECONDARY PLANS, "Area 54 Kennedy Road South Revitalization Area" and the following:

"Chapter 54 of Part II of the Official Plan, as it applies to Secondary Plan Area 54 shall constitute the Kennedy Road South Revitalization Area Secondary Plan";
- (viii) by adding to Part II Chapter 54 thereof, as Schedules "SP54(A)"; and,
- (ix) by adding the following text to Part II – Secondary Plans, as Chapter 54.

**CITY OF BRAMPTON OFFICIAL PLAN
PART II
CHAPTER 54
KENNEDY ROAD SOUTH REVITALIZATION AREA
SECONDARY PLAN AREA 54**

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¹ This Table of Contents is provided for convenience only and is not to be considered an official part of Chapter 38, Part II of the Official Plan

1.0 PURPOSE

The purpose of this chapter, together with Schedules SP54(A) is to establish, in accordance with Section 5.4 of the Official Plan for the City of Brampton Planning Area, detailed planning policies for the lands on either side of Kennedy Road South, north of Steeles Avenue and south of the CN tracks. The lands include all properties fronting onto Kennedy Road except for the northeast quadrant of Steeles Avenue and Kennedy Road South (former AMC Plant) and total 71.25 hectares in area (176 acres).

This Secondary Plan sets out the detailed land use and policy framework for the area known as the Kennedy Road South Revitalization Area. This Chapter identifies Secondary Plan Area Number 54 by three well defined areas (residential, industrial and commercial) fronting a major arterial road. The intent of the Secondary Plan is to provide a controlled land use planning framework which also allows a series of initiatives to improve the functionality and appearance of street frontages and a clearer definition of the three land use areas. The Secondary Plan also provides for a set of urban design and sustainability guidelines to be used in the area.

This Chapter specifies the desired pattern of land use and the transportation network, and provides a set of urban design and sustainability guidelines to achieve high quality, efficient and orderly urban development within the Kennedy Road South Revitalization Area Secondary Plan Area.

The general policies of Secondary Plan Areas 17 and 18 with respect to the overall development area, population and facilities shall continue to apply. The policies of Secondary Plan Areas 17 and 18 with respect to areas designated for medium and high density development shall also continue to apply to the Kennedy Road South Revitalization Area.

2.0 LOCATION

The lands subject to the policies of this amendment are:

- comprised of a total area of approximately 71.25 hectares (176 acres);
- generally described as lands on either side of Kennedy Road South, north of Steeles Avenue and south of the CN tracks; and,
- shown as the lands subject to this amendment on each of the schedules attached hereto.

3.0 EFFECT OF THIS CHAPTER AND ITS RELATIONSHIP TO THE OFFICIAL PLAN

Lands subject to Secondary Plan Number 54 outlined on Schedule SP54(A) shall be developed in accordance with the policies of this chapter (Chapter 54 of Part II) and with Schedule SP54(A) attached thereto, and also in accordance with all other relevant policies and schedules of the City of Brampton Official Plan.

Accordingly, this Kennedy Road South Revitalization Area Secondary Plan shall not be interpreted as a free standing Official Plan document. The policies herein are designed to supplement those of the Official Plan, not to replace or repeat them. An accurate understanding of all the policies pertaining to the Secondary Plan Number 54 Area can only be achieved by reading the overall Official Plan together with Chapter 54.

The Kennedy Road South Revitalization Area Secondary Plan is intended to replace portions of the Brampton East Secondary Plan (Number 17) and the Brampton East Industrial Secondary Plan (Number 18), as amended.

4.0 GENERAL OBJECTIVES AND CRITERIA

In addition to the goals enunciated in the General Plan (Part I), the following general objectives/criteria constitute the basis for the formulation of the Kennedy Road South Revitalization Area Secondary Plan in that it:

- continues to function as an area with Kennedy Road South as a major arterial road which serves three distinct land use areas: commercial to the north, residential and institutional to the southwest and industrial to the southeast. The areas are not expected to significantly change in terms of land use in the foreseeable future.
- is expected to continue to provide flexible and affordable commercial space for a variety of businesses;
- continues to maintain a healthy, stable industrial area on the east side of Kennedy Road;
- promotes the redevelopment and improvement of the lands through the designation of clearly defined residential, commercial and industrial areas along Kennedy Road South;
- provides a response to the concerns and issues associated with the area by proposing a framework in which initiatives to improve the area can be easily implemented;
- provides a detailed level of urban design to improve the public and private realms including pedestrian networks;
- is sensitive to a wide range of land use considerations to ensure that redevelopment occurs in an orderly and efficient manner;
- promotes the consolidation of driveways along Kennedy Road South to alleviate fragmentation;
- considers the need to study the future collector road network to the east of the Secondary Plan Area;
- recognizes, protects and ensures the continuation and appropriate expansion of existing industrial operations; and,
- promotes increased ridership on public transit by improvements to bus shelters and access to bus stop locations.

The primary objective for the existing residential area in the Kennedy Road South Revitalization Area is to create a more positive street frontage along Kennedy Road and improve the pedestrian realm.

The primary objective for the commercial areas is to provide for a more cohesive commercial corridor with improved design and accessibility. It is also a primary objective to provide an opportunity for the redevelopment of the consolidated parcels immediately south of Clarence Street on the east side of Kennedy Road which clearly prohibits incompatible uses such as motor vehicle repair, service, body shop or sales establishments.

The primary objective for the industrial areas on the east side of Kennedy Road is to maintain and strengthen the existing employment uses and allow for expansion.

5.0 LAND USE PRINCIPLES

As a result of a comprehensive land use planning and transportation study known as the Kennedy Road South Revitalization Study completed by Brook McIlroy (June 2006), several recommendations were made to revitalize the Kennedy Road South Revitalization Area and provide for a planning framework in which to implement land use and transportation related changes in both the short and long term planning horizon.

All development proposals shall comply with the urban design and sustainability guidelines for the Kennedy Road South Revitalization Area as provided in Appendix A.

The following policies shall be considered in conjunction with all development applications in the Kennedy Road South Revitalization Area:

5.1 Residential

5.1.1 The residential lands which front onto Kennedy Road South provide for a range of multiple housing types including townhouses and high-rise apartments. The primary objective in the residential areas is to improve the pedestrian realm, the interconnection of open space and pedestrian movement.

5.1.2 Medium and high density residential uses shall continue to be permitted within the residential areas in accordance with the policies of the Official Plan.

5.1.3 Future consideration for limited live-work uses in the residential designations shall be subject to appropriate urban design and traffic studies. Implementation of live-work uses shall require an amendment to the Official Plan and the Zoning By-law.

5.2 Institutional

5.2.1 The Kennedy Road South Revitalization Area contains a community soccer recreational centre and a public elementary school. There is also an existing long term care facility. It is intended that these uses are expected to continue in the foreseeable future.

5.2.2 Expansions to the existing institutional uses shall be permitted and implemented through the Zoning By-law and be subject to land use and traffic studies.

5.3 Commercial

5.3.1 The commercial areas in the Kennedy Road South Revitalization Area are comprised of a range of commercial uses and include a convenience commercial centre, a neighbourhood commercial centre and a highway commercial use. There is also a mix of service commercial and industrial commercial uses which front onto Kennedy Road South. There is an older shopping centre on the east side of Kennedy Road South just south of Clarence Street and a mix of retail and service commercial uses scattered along the east side of Kennedy Road South. It is intended that the area continue to permit a range of

community serving commercial uses. Redevelopment in the commercial areas shall aim to improve urban design and accessibility and create more cohesive commercial centres.

5.3.2 Convenience Commercial

5.3.2.1 The existing convenience commercial centre located at the northwest corner of Kennedy Road South and Steeles Avenue is designated as Convenience Commercial and shall continue to serve the day to day needs of the surrounding community and employment area.

5.3.3 Neighbourhood Commercial

5.3.3.1 In the long term, redevelopment of the existing commercial plaza designated Neighbourhood Commercial at Kennedy Road South and Rambler Drive shall be encouraged to provide for a mixed-use form of development, including offices on the second floor and continue to be compatible with the existing residential area. Redevelopment of these lands shall promote development closer to the street and promote superior urban design.

5.3.4 Highway Commercial

5.3.4.1 The existing service station located at the northwest corner Kennedy Road South and Rambler Drive is designated Highway Commercial. It will continue to serve the surrounding community and any redevelopment shall be compatible with the existing residential community and incorporate superior urban design.

5.3.4.2 No motor vehicle repair, service, body shop or sales establishments shall be permitted.

5.3.5 District Commercial

5.3.5.1 The lands located south of Clarence Street on the east side of Kennedy Road South are designated District Commercial. The uses permitted shall be in accordance with the District Commercial policies of the Official Plan.

5.3.5.2 Redevelopment shall proceed where possible on the basis of consolidation of all of the lands to provide for a new commercial centre. There shall be limitations on the number and location of drive-thru facilities which shall be implemented through the Zoning By-law.

5.3.5.3 Redevelopment of the lands shall be undertaken in accordance with a comprehensive site plan which provides for shared parking, access, signage and landscaping. A new ring road shall be encouraged to service the new development and development shall be encouraged to move closer to the street.

5.3.6 Service Commercial

5.3.6.1 The lands located on the west side of Kennedy Road South, south of Clarence Street and north of the existing long term care facility are designated Service Commercial and shall be encouraged to develop as a commercial corridor.

5.3.6.2 A range of service commercial uses shall be permitted including service and office uses, accessory retail and restaurants. Commercial schools shall be permitted. While existing auto-related service commercial

uses shall be permitted to continue, no new motor vehicle repair, service, body shop or sales establishments shall be allowed.

5.3.6.3 New infill development and redevelopment shall proceed with the consolidation of existing vehicular access driveways. Access to and from Kennedy Road South shall continue to be restricted. Parking shall be directed away from the street edge towards the rear of buildings.

5.3.6.4 The lands immediately north of the existing long term care facility shall be carefully considered for redevelopment and provide for service commercial uses which are compatible with the adjacent institutional use.

5.3.6.5 No outdoor storage of goods or materials may be permitted.

5.3.6.6 Special Service Commercial Policy Area 1

Special Policy Area 1, as shown on Schedule SP54(A), permits a range of uses as provided for in the Official Plan, and in addition recognizes the continuation of motor vehicle repairs as a legal non-conforming use and in conjunction with such use the ancillary use of the lands for motor vehicle sales shall be permitted in accordance with the following development principles :

- (i) motor vehicle sales shall be permitted on the lands for a period not to exceed five years, commencing on the date of approval of this amendment by the Ontario Municipal Board, subject to the display for sale of no more than three motor vehicles at any given time, and;
- (ii) the signage in respect of the motor vehicle sales shall be subordinate to and less predominant than any signage in respect of the principal use.

5.4 Mixed Industrial/Commercial

5.4.1 The areas located on the west side of Kennedy Road South, north of Clarence Street and along the east side of Kennedy Road South are designated Mixed Industrial/Commercial.

5.4.2 A range of service commercial and light industrial uses shall be permitted including service and office uses, accessory retail and restaurants. No new motor vehicle repair, service, body shop or sales establishments shall be permitted. No warehouse distribution centres shall be permitted.

5.4.3 No outdoor storage of goods or materials may be permitted.

5.4.4 Special Mixed Industrial/Commercial Policy Area 2

The lands designated Special Policy Area 2 on Schedule SP54(A) shall be used for limited outdoor storage in conjunction with a fencing business until the matter of outdoor storage is resolved through the next Official Plan review. The following development principals shall apply:

- (i) open storage is restricted to the present area and no expansions or additions shall be permitted on the subject property; and,
- (ii) appropriate screening shall continue to be provided on the subject site to minimize adverse impacts on surrounding

properties and to minimize visual impacts from Kennedy Road South.

This Special Policy Area shall not be regarded as setting precedent for the approval of similar outdoor storage permissions for lands within the Kennedy Road South Secondary Plan Area that are not permitted by the implementing official plan amendment or zoning by-law.

5.5 Industrial

5.5.1 The existing industrial areas located on the east side of Kennedy Road South shall continue to be designated as Industrial and shall continue to permit a wide range of industrial uses including manufacturing, processing, repair and servicing, and warehousing.

5.5.2 While the existing retail and service commercial uses will be permitted to continue, new retail and service commercial uses shall be limited and implemented through the Zoning By-law. Such uses shall be restricted to locations at the front of the industrial buildings. No distribution centres shall be permitted.

5.5.3 No outdoor storage, or outdoor display or sale of goods and materials shall be permitted.

5.5.4 Notwithstanding Section 5.5.3 above, existing outside storage areas within the Industrial designation shall continue to be recognized, although expansion of same or the development of new open storage areas shall not be permitted.

5.5.5 Special Industrial Policy Area 3

5.5.5.1 Permitted industrial uses on the lands designated Special Policy Area 3 on SP54(A) shall include warehousing, manufacturing, cleaning, packaging, processing, repairing or assembling of goods, foods or material within an enclosed building. Non-Industrial uses permitted shall include limited retail and service commercial uses which shall be defined by the zoning by-law.

6.0 URBAN DESIGN AND SUSTAINABILITY GUIDELINES

The following are general principles for urban design to be applied to all lands within the Kennedy Road South Revitalization Secondary Plan Area. All development proposals shall comply with the Urban Design and Sustainability Guidelines found in Appendix A. Sites that redevelop shall be subject to the Urban Design and Sustainability Guidelines.

The following key principles of urban design shall be addressed to improve the public and private realms:

- Improvements to landscaping and open space interconnections and integration;
- Improvements to the streetscape through the provision of street-oriented building design, lighting, street furniture, changes to surface parking areas and improved signage; and,
- Improvements to pedestrian connections and the creation of mid-block pathways, where appropriate.

7.0 TRANSPORTATION NETWORK

7.1 General Provisions

7.1.1 The general intent of this chapter is to ensure the development and maintenance of an efficient transportation network that will:

- (i) maximize accessibility to and within the Secondary Plan Area with no new access driveways to be permitted on Kennedy Road South;
- (ii) to promote the consolidation of driveways along Kennedy Road South to alleviate fragmentation;
- (iii) consider the need to study a future collector road network to the east of the Secondary Plan Area;
- (iv) accommodate the scope of redevelopment prescribed by the Secondary Plan, commensurate with the capacity of the local road network;
- (v) promote increased ridership on public transit through improvements to bus shelters and access to bus stop locations;
- (vi) encourage adequate and safe rail facilities; and,
- (vii) provide new pedestrian and cycling connections as part of redevelopment applications and where applicable, improvements to existing pedestrian and cycling pathways.

7.2 Road Network

7.2.1 Consideration shall be given to the creation of new East-West and North-South roads on the east side of Kennedy Road South outside of the Secondary Plan Area as provided in the urban design and sustainability guidelines (Appendix A). These potential roads shall be the subject of a further land use and transportation study to be undertaken by the City.

7.3 Railway Corridor

7.3.1 All proposed development will be required to undertake noise and vibration studies, to the satisfaction of the City of Brampton and the Ministry of the Environment and Energy in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse noise and vibration that have been identified.

7.3.2 Development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the City in consultation with the appropriate railway authority.

8.0 WATER SERVICING AND SANITARY SEWER

8.1 New development within the Secondary Plan Area shall be subject to the capacity of existing piped municipal sanitary sewers and any necessary capacity reinforcements.

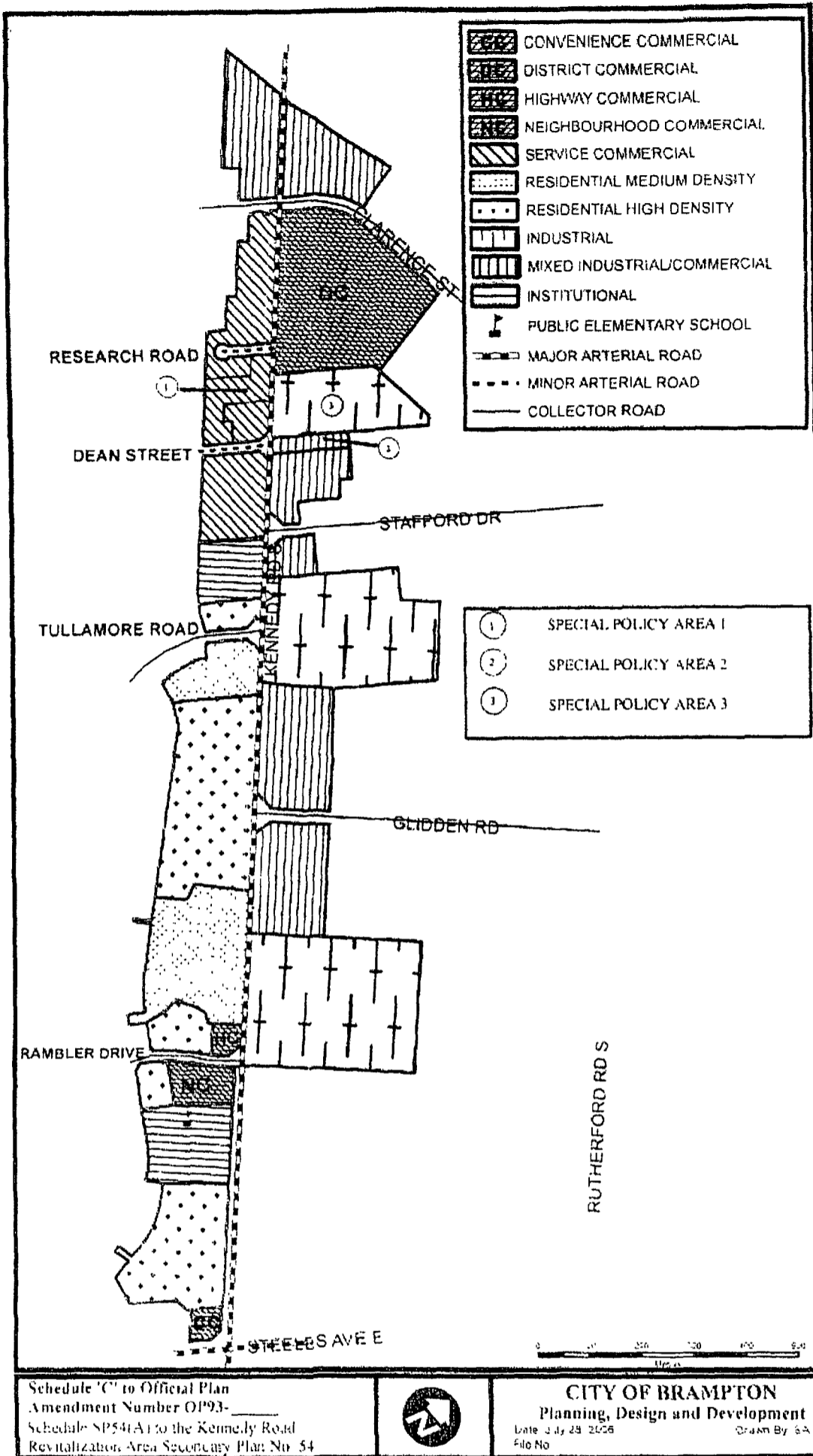
9.0 IMPLEMENTATION

9.1 The provisions of Section 5.0 of the Brampton Official Plan shall apply to the implementation and interpretation of this Chapter.

9.2 The various terms used in the policies of this Secondary Plan shall be interpreted in accordance with the definitions in the Official Plan, or in accordance with any supplementary definitions in this Chapter, or if they are

not specifically defined in either, in accordance with conventional planning or general usage.

APPENDIX A
KENNEDY ROAD SOUTH REVITALIZATION AREA SECONDARY PLAN
URBAN DESIGN AND SUSTAINABILITY GUIDELINES



ATTACHMENT "2"

To amend Zoning By-law 270-2004, as amended,
to implement the Kennedy Road South Revitalization Study

The Council of the Corporation of the City of Brampton **ENACTS** as follows:

1. By-law 270-2004, as amended (the Zoning By-Law), is hereby further amended:
 - (1) by changing on Schedule A of the By-Law, the zoning designation of the lands shown outlined on Schedule A attached to this by-law from the zoning designation listed in the "from" column to the zoning designation listed in the "to" column of the following table:

from	to
INSTITUTIONAL ONE (I1)	INSTITUTIONAL TWO (I2)
HIGHWAY COMMERCIAL ONE (HC1), SERVICE COMMERCIAL (SC), INDUSTRIAL ONE (M1), INDUSTRIAL TWO (M2), SERVICE COMMERCIAL – SECTION 3082	SERVICE COMMERCIAL – SECTION 3442
SERVICE COMMERCIAL – SC, COMMERCIAL THREE – C3 – SECTION 3168, SERVICE COMMERCIAL – SC – SECTION 3200, SERVICE COMMERCIAL – SC – SECTION 3141 AND INDUSTRIAL ONE – M1 – SECTION 3152,	COMMERCIAL – C3- SECTION 3443
INDUSTRIAL TWO – M2	INDUSTRIAL ONE – M1 – SECTION 3444
SERVICE COMMERCIAL – SC, SERVICE COMMERCIAL – SC – SECTION 3133, SERVICE COMMERCIAL – SC – SECTION 3269, HIGHWAY COMMERCIAL ONE – HC1, INDUSTRIAL ONE – M1	INDUSTRIAL ONE – M1 – SECTION 3445

(2) by adding thereto the following clauses to Section 3161:

- "3161.2 (2) a maximum height limit of 8 storeys;
(3) front yard: minimum 3 metres, maximum 8 metres.

(3) by adding thereto the following sections:

3442 The lands designated SC-3442 on Sheet 60D of Schedule A to this by-law:

3442.1 shall be used for all uses permitted in the SC zone except for motor vehicle repair, service, body shop or sales establishments;

3442.2 shall permit commercial schools so long as they are integrated into another building and not be permitted as a stand-alone building;

3442.3 shall be subject to the following requirements and restrictions:

1. front yard: minimum 3 metres, maximum 8 metres;
2. no outside storage or display areas shall be permitted;
3. a minimum 3 metre wide continuous landscaped open space strip shall be provided along all public roads except at permitted access locations.

3442.4 The lands known as 95 Kennedy Road South shall permit motor vehicle sales for a period not to exceed five years, commencing on the date of approval of Zoning By-Law 256-2006 by the Ontario Municipal Board, subject to the display for sale of no more than three motor vehicles at any given time.

3443 The lands designated C3-3443 on Sheet 61C of Schedule A to this by-law:

3443.1 shall only be used for the purposes permitted in the C3 zone except for:

1. motor vehicle repair; and/or;
2. motor vehicle or boat sales.

3443.2 shall be subject to the following requirements and restrictions:

1. for the purpose of applying zoning provisions, all areas (south of Clarence Street) designated as C3-3443 shall be deemed one lot;
2. a maximum floor space index of 3.0;
3. front yard: minimum 3 metres, maximum 8 metres;
4. parking shall be required at a rate of 1 space for every 19 square metres of gross leasable area;
5. a maximum of 2 drive-thru facilities shall be permitted;

6. a drive-thru stacking lane shall not be located within 6 metres of Kennedy Road South or Clarence Street; and,
7. a minimum 3 metre wide continuous landscaped open space strip shall be provided along all public roads except at permitted access locations.

3444 The lands designated as M1- Section 3444 on Sheet 61 of Schedule A to this by-law:

3444.1 shall be used for the purposes:

1. Industrial

- a. Warehouse; and,
- b. The manufacturing, cleaning, packaging, processing, repairing or assembly of goods, foods or materials within an enclosed building.

2. Non-Industrial

- a. a radio or television broadcasting and transmission establishment;
- b. a building supplies sales establishment, with no outside storage;
- c. a recreational facility;
- d. a community club;
- e. an animal hospital;
- f. a business office, excluding offices for medical, dental or drugless practitioners, administrative offices of school boards and governments, and offices of accredited or licensed professionals, such as accountants, architects, engineers, financial advisors, insurance agents/brokers, landscape architects, real estate agents/brokers/appraisers and urban planners;
- g. a bank, trust company or financial institution;
- h. a commercial, technical or recreational school;
- i. a banquet hall; and,
- j. a dining room restaurant or convenience restaurant.

3. Accessory

- a. an associated educational use;
- b. a retail outlet operated in connection with a particular purpose permitted by this by-law, provided that the total gross commercial floor area of the retail outlet is not more than 15 percent of the total gross industrial floor area of the particular industrial use;
- c. parking lots accessory to a principal use; and
- d. purposes accessory to the other permitted purposes.

3444.2 The following uses shall not be permitted:

- a. a motor vehicle repair shop and/or motor vehicle body shop as a principal or accessory use;
- b. a transport terminal;

- c. obnoxious industrial uses involving the manufacture and storage of goods and materials in the open and such uses as the storage, repair and rental of equipment;
- d. a salvage, junk, scrap or bulk storage yard;
- e. outdoor storage as a primary use;
- f. parking lot as a principal use; and,
- g. freight classification yard.

- 3444.3 No outdoor storage, or outdoor display or outdoor sales of goods and materials shall be permitted.
- 3444.4 50% of the total gross floor area of the building may be used for a single user, provided that the remaining gross floor area is divided into not less than four units, of not less than 745 square metres.
- 3444.5 100% of the total gross floor area may be used for a single user, as provided for in 3444.1.a.b. of this by-law, provided that the number of loading doors is limited to ten.
- 3445 The lands designated as M1-3445 on Sheet 61c of Schedule A to this by-law:
- 3445.1 shall be used for the purposes permitted in the M1 zone but shall not permit:
- 1. warehousing; and,
 - 2. parking lots as a principal use.
- 3445.2 shall allow uses permitted in the SC zone within 50 metres of the front lot line with the exception of the following use:
- 1. motor vehicle related uses, including sales, service and repair, and body work.
- 3445.3 shall allow a bakery as a permitted use within 50 metres of the front lot line;
- 3445.4 shall be subject to the following requirements and restrictions:
- 1. a minimum front yard setback of 3 metres from the property line and a maximum separation of 20 metres between the centre line of the road and building edge;
 - 2. a maximum of 50% of the front yard may be used for parking;
 - 3. a minimum 3.0 metre wide continuous landscaped open space strip shall be provided along all public roads except at permitted access locations; and,
 - 4. no outdoor storage of goods or materials is permitted.
- 3445.5 The lands known as 110 Kennedy Road South shall permit limited outdoor storage in conjunction with a fencing business until such time as Council determines the need to revise the Official Plan pursuant to Section 26(1) of the Planning Act.

3447 The lands designated as M2-3447 on Sheet 61c and 61E of Schedule A to this by-law:

3447.1 shall be used for the purposes permitted in the M2 zone but shall not permit the following industrial uses:

1. motor vehicle repair shop or motor vehicle body shop;
2. parking lots as a principal use;
3. a freight classification yard;
4. obnoxious industrial uses involving the manufacture and storage of goods and materials in the open and such as the storage, repair and rental equipment, and a transport terminal; and,
5. a junk yard, salvage yard, wrecking yard, quarry or pit.

3447.2 shall also allow a business office, excluding offices for medical, dental or drugless practitioners, administrative offices of school boards and governments, and offices of accredited or licensed professionals, such as accountants, architects, engineers, financial advisors, insurance agents/brokers, landscape architects, real estate agents/brokers/appraisers and urban planners.

3447.3 shall be subject to the following requirements and restrictions;

1. a minimum front yard setback of 3 metres from the property line and a maximum separation of 20 metres between the centre line of the road and building edge;
2. a maximum of 50% of the front yard may be used for parking;
3. 100% of the total gross floor area may be used for a warehouse use provided that the number of loading doors is limited to fourteen.

(4) by deleting Sections 3082, 3168, 3200, 3141, 3133, 3269 and 3152 and Schedule C-3082, Schedule C-3200, Schedule C-3152 and Schedule C-3269;

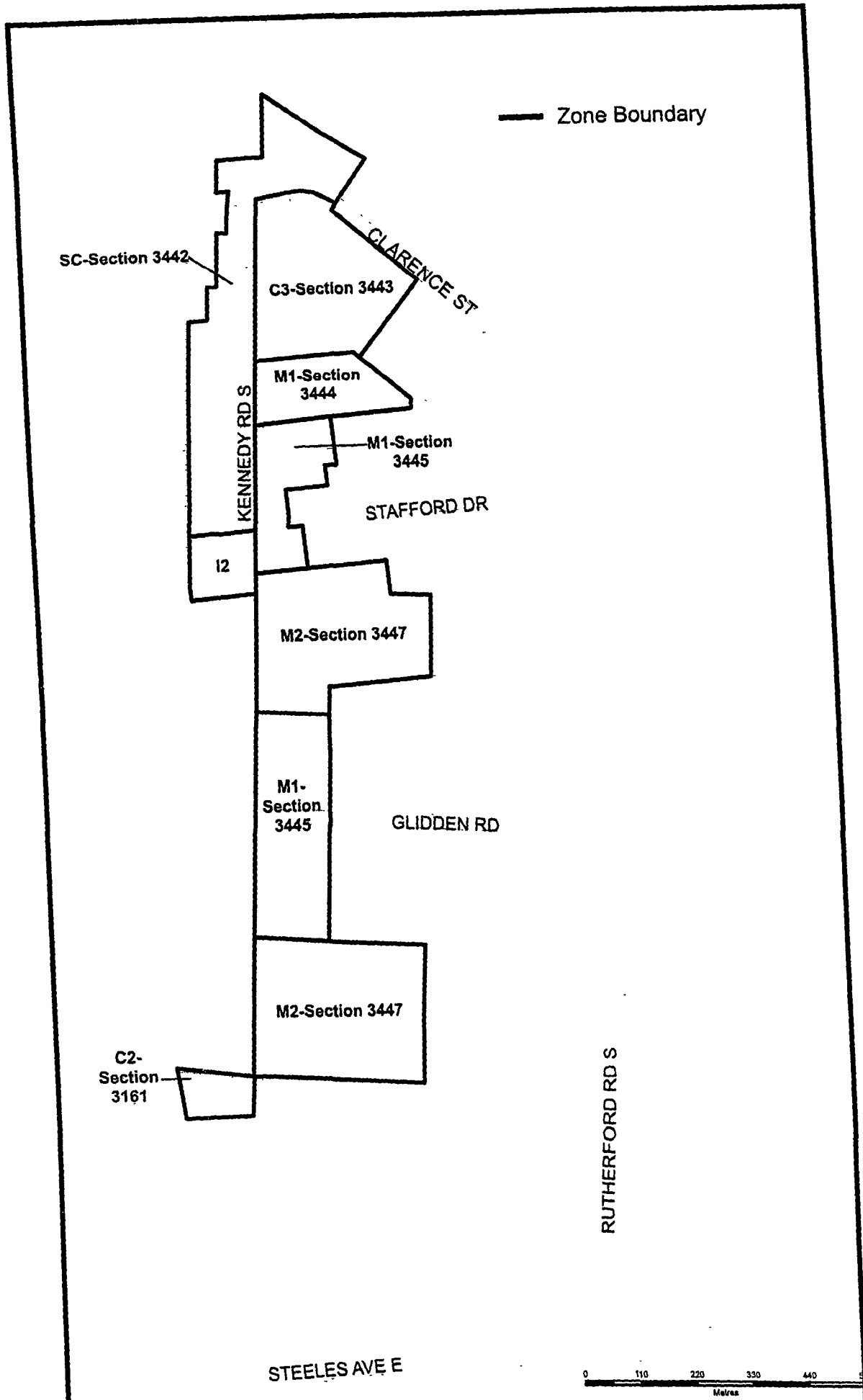
READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL, this day of 2007.

SUSAN FENNELL - MAYOR

KATHY ZAMMIT- CITY CLERK

Approved as to Content

Adrian J. Smith, MCIP, RPP
Director, Planning & Land Development



Schedule A
 By-Law **258 - 2006**
 Part of Lots 1 to 4, Concessions 1E.H.S and 2E.H.S.



CITY OF BRAMPTON
 Planning, Design and Development
 Date: July 28, 2006
 File No. Drawn By: SA

ATTACHMENT "3"

PL060849

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

Eldomar Investments Limited has appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Act*") in respect of proposed Official Plan Amendment No. OP93-266, and subsection 34(19) of the *Act* in respect of By-law 256-2006 of The Corporation of the City of Brampton, as the said Official Plan Amendment and By-law pertain to the property municipally known as 95 Kennedy Road South, Brampton

OMB File Nos. O060151 and R060207

MINUTES OF SETTLEMENT

BETWEEN:

ELDOMAR INVESTMENTS LIMITED

- and -

THE CORPORATION OF THE CITY OF BRAMPTON

WHEREAS Eldomar Investments Limited is the appellant and The Corporation of the City of Brampton (the "City") is the respondent in the above-captioned matters (the "Appeals"):

AND WHEREAS Eldomar Investments Limited (the "Appellant") is the owner of 95 Kennedy Road South, City of Brampton, Regional Municipality of Peel, legally described as Lot 6, Plan 569 (the "Property" or the "Lands");

AND WHEREAS on August 2, 2006, City Council passed By-law 255-2006 to adopt Official Plan Amendment No. OP93-266 and By-law 256-2006 to amend Zoning By-law 270-2004, in order to implement the findings and recommendations of the Kennedy Road Revitalization Study, which sets out the City's long-term direction for land use, transportation and urban design to improve the overall image of Kennedy Road South by attracting higher order uses and creating a more pedestrian-friendly environment;

AND WHEREAS on August 30, 2006, the Appellant gave notice of its appeals under subsection 17(24) of the *Act* in respect of proposed Official Plan Amendment No. OP93-266, and subsection 34(19) of the *Act* in respect of By-law 256-2006 of The

Corporation of the City of Brampton, as the said Official Plan Amendment and By-law pertain to the Property;

AND WHEREAS the free-standing building on the Property was designed and built in the 1960s specifically for automotive use and has housed automotive commercial tenants since that time;

AND WHEREAS pursuant to discussions between themselves, the Appellant and the City (the "Parties") have expressed their desire to resolve the matter pertaining to the Property in a mutually advantageous manner that recognizes their respective interests.

NOW THEREFORE in consideration of the mutual covenants and agreements contained in these Minutes of Settlement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties hereby confirm their agreement to resolve this matter in accordance with the following terms and conditions:

1. The City shall provide the Board with a professional planning opinion in support of the addition of a special policy area designation and related policies for the Property, which designation is appended hereto as Schedule "A" and forming a part of these Minutes of Settlement, and which, in addition, modifies the proposed Official Plan Amendment No. OP93-266 by adding motor vehicle sales as a permitted use, but on a temporary basis for a period not to exceed five (5) years in duration, subject to the display for sale of no more than three (3) motor vehicles at any given time.
2. The Parties acknowledge that the Property is presently used for and may continue to be used for motor vehicle repair as a legal non-conforming use.
3. These Minutes of Settlement contain all the representations and the entire agreement between the Parties with respect to the subject matter hereof.
4. These Minutes of Settlement and the covenants, provisions and conditions contained herein shall enure to the benefit of and be binding upon the Parties and each of their respective successors, heirs and assigns.
5. These Minutes of Settlement may be executed by facsimile transmission and in multiple counterparts, each of which shall be deemed to be an original agreement, and all of which shall constitute one agreement.
6. The Parties each acknowledge and affirm that they have authorized their respective representatives to execute these Minutes of Settlement.

DATED this day of October, 2007

ELDOMAR INVESTMENTS LIMITED

Witness

Jeffrey C. Rice
Authorized Signing Officer

(I have authority to bind the corporation)

DATED this day of October, 2007

**THE CORPORATION OF THE CITY
OF BRAMPTON**

Name: Susan Fennell
Title: Mayor

Name: K. Zammit
Title: City Clerk

Document Execution
Authorized by
City of Brampton
Confirming By-law

Approved as to
Form and Content

/ /2007

ELDOMAR INVESTMENTS LIMITED

- and -

THE CORPORATION OF THE CITY OF BRAMPTON

Appellant

Respondent

ONTARIO MUNICIPAL BOARD

PROCEEDINGS COMMENCED AT BRAMPTON

MINUTES OF SETTLEMENT

The Corporation of the City of Brampton
Legal Services Department
2 Wellington Street West, 6th Floor
Brampton, ON L6Y 4R2

Christopher C. Cooper
LSUC # 39402D
Tel.: (905) 874-2626
Fax: (905) 874-2699

Solicitor for the Respondent,
The Corporation of the City of Brampton

ATTACHMENT "4"

PL060849

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

Greta Josephine Davies applied for and was granted party status to join the appeals to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Act*") in respect of proposed Official Plan Amendment No. OP93-266, and subsection 34(19) of the *Act* in respect of By-law 256-2006 of The Corporation of the City of Brampton, as the said Official Plan Amendment and By-law pertain to the property municipally known as 110 Kennedy Road South, Brampton

OMB File Nos. O060151 and R060207

MINUTES OF SETTLEMENT

BETWEEN:

GRETA JOSEPHINE DAVIES

- and -

THE CORPORATION OF THE CITY OF BRAMPTON

WHEREAS Greta Josephine Davies is the appellant and The Corporation of the City of Brampton (the "City") is the respondent in the above-captioned matters (the "Appeals"):

AND WHEREAS Greta Josephine Davies (the "Appellant") is the owner of 110 Kennedy Road South, City of Brampton, Regional Municipality of Peel (the "Property" or the "Site");

AND WHEREAS on August 2, 2006, City Council passed By-law 255-2006 to adopt Official Plan Amendment No. OP93-266 and By-law 256-2006 to amend Zoning By-law 270-2004, in order to implement the findings and recommendations of the Kennedy Road Revitalization Study, which sets out the City's long-term direction for land use, transportation and urban design to improve the overall image of Kennedy Road South by attracting higher order uses and creating a more pedestrian-friendly environment;

AND WHEREAS on October 24, 2007, the Ontario Municipal Board granted the Appellant's request for party status in order for her to join the within Appeals under subsection 17(24) of the *Act* in respect of proposed Official Plan Amendment No. OP93-266, and subsection 34(19) of the *Act* in respect of By-law 256-2006 of The Corporation

of the City of Brampton, as the said Official Plan Amendment and By-law pertain to the Property;

AND WHEREAS on part of the Property, one tenant, Peel Fence Company, retains in an open storage manner the material that is required in order to carry out fencing contracts;

AND WHEREAS pursuant to discussions between themselves, the Appellant and the City (the "Parties") have expressed their desire to resolve the matter pertaining to the Property in a mutually advantageous manner that recognizes their respective interests.

NOW THEREFORE in consideration of the mutual covenants and agreements contained in these Minutes of Settlement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties hereby confirm their agreement to resolve this matter in accordance with the following terms and conditions:

1. The City shall provide the Board with a professional planning opinion in support of the addition of a special policy area designation and related policies for the Property, which designation is appended hereto as Schedule "A" and forming a part of these Minutes of Settlement, and which, in addition, modifies the proposed Official Plan Amendment No. OP93-266 in order to recognize and allow the open storage area on the Property to be used in its present form until the next City of Brampton Official Plan Review, which is expected to occur within the next five (5) years, and such permission may not be further extended.
2. These Minutes of Settlement contain all the representations and the entire agreement between the Parties with respect to the subject matter hereof.
3. These Minutes of Settlement and the covenants, provisions and conditions contained herein shall enure to the benefit of and be binding upon the Parties and each of their respective successors, heirs and assigns.
4. These Minutes of Settlement may be executed by facsimile transmission and in multiple counterparts, each of which shall be deemed to be an original agreement, and all of which shall constitute one agreement.
5. The Parties each acknowledge and affirm that they have authorized their respective representatives to execute these Minutes of Settlement.

DATED this day of October, 2007

Witness

Greta Josephine Davies

DATED this day of October, 2007

**THE CORPORATION OF THE CITY
OF BRAMPTON**

Name: Susan Fennell
Title: Mayor

Name: K. Zammit
Title: City Clerk

Document Execution
Authorized by
City of Brampton
Confirming By-law

Approved as to
Form and Content

 / /2007
:
:

SCHEDULE "A"

110 Kennedy Road South

Special Policy Area Number 2

Lands shown on Schedule SP54(a) as "Special Policy Area Number 2" shall be used for limited outdoor storage in conjunction with a fencing business until the matter of the outdoor storage is resolved through the next Official Plan review. The following development principles shall apply:

- (i) open storage is restricted to the present area and no expansions or additions shall be permitted on the subject property; and
- (ii) appropriate screening shall continue to be provided on the subject site to minimize adverse impacts on surrounding properties and to minimize visual impacts from Kennedy Road South.

This Special Policy Area shall not be regarded as setting a precedent for the approval of similar outdoor storage permissions for lands within the Kennedy Road South Secondary Plan Area that are not permitted by the implementing official plan amendment or zoning by-law.

GRETA JOSEPHINE DAVIES

- and -

THE CORPORATION OF THE CITY OF BRAMPTON

Appellant

Respondent

ONTARIO MUNICIPAL BOARD

PROCEEDINGS COMMENCED AT BRAMPTON

MINUTES OF SETTLEMENT

The Corporation of the City of Brampton
Legal Services Department
2 Wellington Street West, 6th Floor
Brampton, ON L6Y 4R2

Christopher C. Cooper
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Tel.: (905) 874-2626
Fax: (905) 874-2699

Solicitor for the Respondent,
The Corporation of the City of Brampton