



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 324-83

To adopt Amendment Number 27
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 Regional Municipality of Peel Act, and the Planning Act, 1983, hereby ENACTS as follows:

1. Amendment Number 27 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 and Housing for approval of Amendment Number 27 to the Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND and THIRD TIME and Passed In Open Council,

This 12th day of December , 1983.

KENNETH G. WHILLANS - MAYOR

RALPH A. EVERETT - CLERK

ORIGINAL

By: K.W. 3-6-53

Amendment Number 27
to the Official Plan for
the City of Brampton Planning Area

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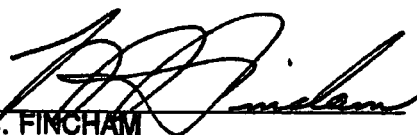
Amendment No. 27
to the
Official Plan for the
City of Brampton Planning Area

This amendment 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 modified under the provisions of Section 17 of
the Planning Act, as follows:

Delete Items (a), (b) and (c) of Section 2 and
replacing them with the attached Items (1), (2)
and (3) of Section 20.

As thus modified, this amendment is hereby approved
pursuant to Section 17 of the Planning Act, as
Amendment No. 27 to the Official Plan for the City of
Brampton Planning Area.

Date *7. March 6, 1985...*


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

AMENDMENT NUMBER 27
TO THE OFFICIAL PLAN
OF THE CITY OF BRAMPTON

1.0 Purpose

The purpose of this amendment is to add to the Official Plan policies relating to the use of holding provisions under 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 deleting section 7.5.2., and substituting therefor the following:

"7.5.2. Although it is intended that all lands in the City of Brampton will eventually be rezoned to conform with the land use designations in the Official Plan and Secondary Plans, Council may intentionally retain existing zoning for a lower order of use than designated in the Official Plan, until appropriate standards and adequate services can be assured."

- (2) by renumbering section 7.5.3. thereof, from 7.5.3 to 7.5.5.:

- (3) by adding thereto the following, as section 7.5.3.:

"7.5.3. Council, where it deems appropriate, will apply a holding provision of the Zoning By-law, pursuant to the Planning Act, to specify the ultimate use of those lands which are contemplated for eventual development or redevelopment. Such holding provisions shall assist Council in achieving its specific planning objectives, and ensure that development or redevelopment proceeds in accordance with the policies and criteria of this Plan. The holding provision will be identified by the symbol "H" in the zoning by-law, and used under one or more of the following circumstances:

- (i) when development or redevelopment is anticipated in accordance with the provisions of this Plan, but where the details of such development have not been determined;
 - (ii) when land assembly is required to permit orderly development or redevelopment;
 - (iii) if the level of physical or community services is not adequate to support the ultimate use, but such services are to be deployed in accordance with the relevant provisions of this Plan; and,
- * ?

(iv) where environmental constraints currently preclude development or redevelopment without appropriate mitigative measures.

(4) by adding thereto the following as section 7.5.4.:

"7.5.4. Holding provisions in a zoning by-law enacted by Council shall specify the interim land uses to be permitted, the conditions for removal of the holding provision, and any regulations applying to the lands during the time the holding provision is in place. Council may enact a by-law to remove the holding symbol when all the conditions set out in the holding provisions have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned."



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Number 324-83

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1. Amendment Number 27 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 and Housing for approval of Amendment Number 27 to the Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND and THIRD TIME and Passed In Open Council,

This 12th day of December, 1983.


KENNETH G. WHILLANS - MAYOR


RALPH A. EVERETT - CLERK

1. Purpose:

The purpose of this amendment is to add policies to the Official Plan relating to the use of holding provisions under section 35 of the Planning Act, 1983.

2. Amendment and Policies Relative Thereto:

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


~~(a) by deleting section 7.5.2, and substituting therefor the following:~~

~~"7.5.2 Although it is intended that the zoning of all lands in the City of Brampton will eventually be in conformity with the Investigation No. 17(10) Under Section 17(10) of the Planning Act, 1983 designations in this Plan and Secondary Plans. Existing designations may intentionally retain existing lower order of use than that designated in the Plan in certain areas to defer development for the designated use until appropriate standards and adequate services can be assured.";~~

(b) by renumbering section 7.5.3, from 7.5.3 to 7.5.4;

(c) by adding the following, as section 7.5.3:

"7.5.3 The City may, in any zoning by-law, use the holding symbol "H" in conjunction with the zoning classification of a particular property, to specify the purpose or purposes for which such lands, buildings or structures may be used at such time in the future as the holding symbol is removed by amendment to the by-law, in order to phase development in accordance with the availability of services and facilities, and in accordance with the policies and criteria of this Plan."

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON

DATE 8/27/83

1. Purpose:

The purpose of this amendment is to add policies to the Official Plan relating to the use of holding provisions under section 35 of the Planning Act, 1983.

2. Amendment and Policies Relative Thereto:

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

- (a) by deleting section 7.5.2, and substituting therefor the following:

"7.5.2 Although it is intended that all lands in the City of Brampton will eventually be rezoned to conform with the land use designations in the Official Plan and Secondary Plans, Council may intentionally retain existing zoning for a lower order of use than designated in the Official Plan, until appropriate standards and adequate services can be assured."

- (b) by renumbering section 7.5.3, from 7.5.3 to 7.5.5;

- (c) by adding the following, as section 7.5.3:

"7.5.3 Council, where it deems appropriate, will apply a holding provision of the Zoning By-law, pursuant to the Planning Act, to specify the ultimate use of those lands which are contemplated for eventual development or redevelopment. Such holding provisions shall assist Council in achieving its specific planning objectives, and ensure that development or redevelopment proceeds in accordance with the policies and criteria of this Plan. The holding provision will be identified by the symbol "H" in the zoning by-law, and used under one or more of the following circumstances:

(i) when development or redevelopment is anticipated in accordance with the provisions of this Plan, but where the details of such development have not been determined;

(ii) when land assembly is required to permit orderly development or redevelopment;

(iii) if the level of physical or community services is not adequate to support the ultimate use, but such services are to be deployed in accordance with the relevant provisions of this Plan; and,

(iv) where environmental constraints currently preclude development or redevelopment without appropriate mitigative measures.

(d) 7.5.4 Holding provisions in a zoning by-law enacted by Council shall specify the interim land uses to be permitted, the conditions for removal of the holding provision, and any regulations applying to the lands during the time the holding provision is in place. Council may enact a by-law to remove the holding symbol when all the conditions set out in the holding provisions have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned."

BACKGROUND MATERIAL TO AMENDMENT NUMBER ~~27~~

Attached is a copy of a report of the Commissioner of Planning and Development dated 1983 10 13, and a copy of the notes of a public meeting held on November 30, 1983.

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

October 13, 1983

TO: The Chairman and Members of Planning Committee
FROM: F.R. Dalzell - Commissioner of Planning and Development
RE: Official Plan Amendments re Public Meeting Procedures
and Holding Zones as Required by the New Planning Act
Our File Number P5

I PUBLIC MEETINGS

The new Planning Act places responsibility for land use planning directly with elected municipal councils. Part of this responsibility includes ensuring the holding of a public meeting before decisions are made on matters involving official plans and zoning by-laws. The new legislation provides for this public meeting to be held after at least 30 days notice given in the manner and to persons as set out in the regulations.

The Planning Act also makes it clear that the public is to have the opportunity to make representation in respect of the "proposed plan" or "proposed zoning by-laws". Therefore, the proposed official plan or zoning by-law amendment document should be available prior to the holding of the public meeting.

In the case of official plans, the regulation allows for the giving of notice by one of two methods: either (i) publication in a newspaper, or (ii) individual notices. Individual notices are to be given by personal service or prepaid first class mail to owners of land within the area to which the proposal applies and those within 120 metres. Individual notices are also given to persons and agencies who have made a written request for notice to the clerk.

In the case of zoning by-laws, the regulation allows notice to be given in one of three ways:

- . by newspaper; or
- . by individual notice to owners of land as shown on the assessment roll within the area to which the proposal applies and those within 120 metres. In such instances, a sign also must be posted on each property or at a nearby location chosen by the clerk; or
- . by individual notice to those persons shown on the assessment roll who are within the area to which the proposal applies and those within 120 metres.

As well, individual notices are given to persons and agencies who have made a written request for notice to the clerk.

The 30-day notice requirement under the new Planning Act has extended the time period for processing applications and does not allow for the continuity previously practiced by Committee or Council in consideration of an application. Sections 17(4), 28(4) and 34(14) of the Act give municipalities the choice of using their own procedures for public notice instead of the Act and regulations. The details of these alternative procedures, however, must be established in the municipality's official plan.

Staff are recommending a procedure, that would in essence, be the same as was in use prior to August 1, 1983. The difference being in that a proposed Official Plan amendment and/or Draft Zoning By-law would be available for perusal of the Planning Committee and public prior to and at the public meeting. Council has delegated the responsibility for conducting public meetings to the Planning Committee.

PROCEDURES:

Alternative #1

Would apply to all Official Plan amendments or Zoning Amendments.

In this procedure, the application will be received by Council and referred to staff to report to Planning Committee.

Planning staff, with the required input from other departments and agencies, will prepare a report for review by the Development Team. Following the review, staff will prepare a draft Official Plan Amendment and/or Zoning By-law.

The report will be submitted to Planning Committee who will either approve with or without changes and direct a public meeting be held or refuse the application.

Notice of the meeting would be given by individual notice to those persons specified in the regulations and by newspapers, not less than 12 days prior to the meeting.

Staff will prepare the required documentation (Official Plan Amendment and/or Zoning By-law) in draft form to be available at least 7 days prior to the public meeting date for review by any interested party.

Subsequent to the Public Meeting, Planning Committee will adopt and approve a report which will be forwarded to Council for a final decision.

Alternative #2

This procedure would be applied in the case of official plan amendments and zoning by-laws involving policies of general application that apply to the entire municipality or a large section thereof e.g. a secondary plan, comprehensive zoning by-laws, and zoning by-law provisions that apply to the entire municipality or major use categories e.g. parking standards.

The procedure provides for one public meeting at which the proposed official plan amendments, secondary plan, comprehensive zoning by-law or zoning by-law amendment having broad application would be available. Alternative means of notification would be carried out as set out in the

attached detailed procedure. Because of the significance and broad application of these documents, Council may consider extending the notification period.

Minor Amendments Not Affecting Substance

In certain cases, amendments are necessary to the official plan or zoning by-law to correct format, wording or reference errors, and do not affect the substance of a by-law. In such cases, it is recommended that no public meeting be required.

CONCLUSIONS:

If the above proposed procedures are acceptable, the official plan should be amended to provide for alternative procedures to those set out in the new Planning Act. The only issues that must be addressed for the official plan amendment are:

1. the specification of a 12 day notification period for public meetings dealing with proposed official plan or zoning by-law amendments rather than the 30 day period required by the new Planning Act,
2. not requiring a public meeting for amendments to the official plan or zoning by-law in cases where such amendments do not affect the substance of the official plan or zoning by-law and involve only changes or wording or format for purposes of clarification or to correct errors.

RECOMMENDATIONS:

1. That staff be directed to prepare an amendment to the official plan that sets out the following procedures for informing and securing the views of persons in respect of proposed official plan or zoning by-law amendments as alternatives to those set out in the new Planning Act:

- (a) that a public meeting for the purpose of informing and securing the views of the public in respect of a proposed official plan amendment or zoning by-law amendment be held not sooner than 12 days after the requirements for giving notice have been complied with; and
 - (b) that the requirements of the Planning Act for public meetings in respect of proposed official plan amendments or zoning by-law amendments not apply to proposed amendments that do not alter the substance of an official plan or zoning by-law, and are for the purposes of wording or format changes only.
2. That the Planning Committee be delegated the responsibility for holding public meetings and reporting the notes of the meeting to City Council.

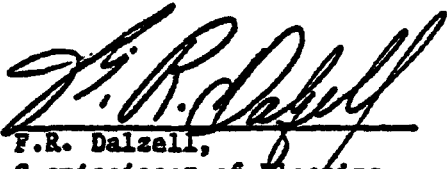
II HOLDING ZONES

Section 35 of the new Planning Act allows Council to pass a by-law under section 34 of the Act, (Land Use Control), to provide for a holding symbol "H". This symbol will be used in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.

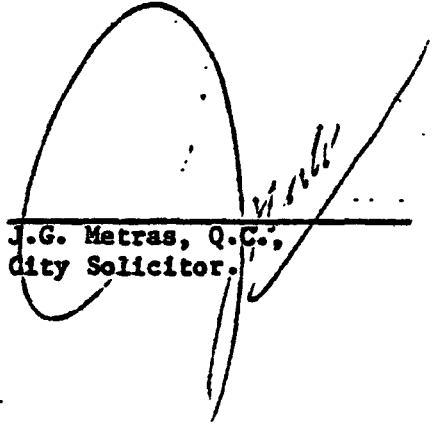
RECOMMENDATIONS:

1. That staff be instructed to prepare a O.P. Amendment to allow for the provisions of Holding Zones as set out in section 35 of the Planning Act, and
2. That a public meeting be held in respect of items I & II as per Council procedure.

CONCUR



F.R. Dalzell,
Commissioner of Planning
and Development.



J.G. Metras, Q.C.,
City Solicitor.

CONCUR



R.A. Everett,
City Clerk.

Attachment - 1

FRD/JAM/thk

ALTERNATIVE PROCEDURE FOR COMPREHENSIVE OFFICIAL PLAN AMENDMENTS, SECONDARY PLANS AND COMPREHENSIVE ZONING BY-LAWS

This procedure would be used in the case of official plan amendments, secondary plans (which constitute official plan amendments), zoning by-law amendments having broad application (e.g. parking standards), and comprehensive zoning by-laws. Such by-laws and/or amendments are usually very lengthy and affect a large number of land owners, therefore the 12-day period for circulation may not be reasonable. Council may extend the period at their discretion to a suitable date beyond the 12-day period.

The proposed procedure is as follows:

- (1) Council or staff initiates the consideration of a major issue, official plan review, secondary plan or comprehensive zoning by-law review and staff reports to Council regarding a proposed comprehensive amendment to the official plan or zoning by-law or a secondary plan
- (2) Council gives staff direction to prepare a comprehensive amendment or secondary plan
- (3) City departments and outside agencies are consulted where necessary
- (4) Staff prepares the comprehensive amendment or secondary plan and presents to Planning Committee for approval to hold a public meeting(s) and/or open house
- (5) The proposed amendment is presented to a public meeting of Planning Committee

Notice of each meeting or open house is given at least 12 days prior to the meeting as follows:

- A. In the case of a comprehensive official plan amendment or amendment to zoning provisions having broad application (e.g. parking standards), notice would be given by:

- (a) publication in the local newspaper(s), and
- (b) personal service or prepaid first class mail to every person and agency who has given the Clerk a written request for such notice and provided his address.

The notice would contain a reasonably detailed explanation of the purpose and effect of the amendment.

B. In the case of a secondary plan, notice would be given by:

- (a) personal service or prepaid first class mail to every owner of land as shown on the assessment roll,
 - (i) in the area to which the secondary plan applies, and
 - (ii) within 120 metres of the area to which the secondary plan applies.
- (b) the publication in the local newspaper(s),
- (c) by personal service or prepaid first class mail to every person and agency that has given the Clerk a written request for notice of the passing of the by-law and have provided their address

The notice would contain a map and a reasonably detailed explanation of the purpose and effect of the amendment.

- C. In the case of a comprehensive zoning by-law covering a major area of the City, notice would be given by:
- (a) personal service or prepaid first class mail to every owner of land as shown on the assessment roll,

(i) in the area to which the secondary plan applies, and

(ii) within 120 metres of the area to which the secondary plan applies.

(b) by personal service or prepaid first class mail to every person and agency that has given the Clerk a written request for notice of the passing of the by-law and have provided their address

(c) by publication in local newspaper(s)

The notice to be sent by personal service or prepaid first class mail would contain a detailed summary of the by-law, and schedules attached thereto. The newspaper notice would contain a general explanation of the purpose and effect of the by-law.

The Planning staff ensure that comments are noted and/or there is a systematic means for receiving submissions (particularly in the case of an open house)

(6) Planning Committee considers the proposed official plan amendment, secondary plan or zoning by-law amendment along with the notes of the public meeting(s) and public submissions and makes a recommendation to Council.

(There will likely be an interim step where Council directs staff to prepare a report on comments and objections)

(7) Council approves/not approves/defers

(8) If Council approves, the Clerk gives notice of the passing of the official plan amendment or zoning by-law amendment as follows:

A. In the case of official plan amendments, including secondary plans:

- . by personal service or prepaid first class mail within 15 days to every person and agency that has given the Clerk a written request for notice of the passing of the amendment and have provided their address
- B. In the case of zoning by-law amendments having broad application:
- . by publication of the entire zoning by-law amendment in the local newspaper(s) within 15 days
- C. In the case of comprehensive zoning by-laws covering a major area of the City, in accordance with sections 2(1)(b) and 2(2) of Regulation 404/83 which specifies notice by personal service or prepaid first class mail within 15 days (if feasible)
- (a) to every owner of land as shown on the assessment roll,
 - (i) in the area to which the by-law applies, and
 - (ii) within 120 metres of the area to which the by-law applies
 - (b) to every person and agency that has given the Clerk a written request for notice of the passing of the by-law, and have provided their address
 - (c) those agencies listed in section 2(2) of Regulation 404/83

D5

PUBLIC MEETING

A Special Meeting of Planning Committee was held on Wednesday, November 30, 1983, in the Municipal Council Chambers, 3rd Floor 150 Central Park Drive, Brampton, Ontario, commencing at 7:35 p.m., with respect to proposed amendments to the Official Plan that would set out policies relating to Public Meeting procedures and the use of holding zones.

- . One proposed amendment will reduce the Public Meeting notification period to 12 days from the 30 days required by The Planning Act:
- . The other proposed amendment will set out the general purpose for the use of holding zones.

Members Present: Councillor Dianne Sutter - Chairman
Alderman Harry Chadwick

Staff Present: F.R. Dalzell, Commissioner of Planning
and Development
J.A. Marshall, Director of Planning,
Policy and Research

One member of the public was present.

The Chairman enquired if notification of the Public Meeting had been circulated, and was informed that this had been done in one general application through a newspaper notice.

Mr. Marshall outlined the background and purpose of the proposed amendments.

Mrs. O'Connor of Therese Road indicated that she did not receive notice that a play lot was to be built behind her house.

Mr. Marshall indicated that the public meeting procedures being discussed do not deal with such matters.


There were no further questions or comments and the meeting adjourned at 7:45 p.m.

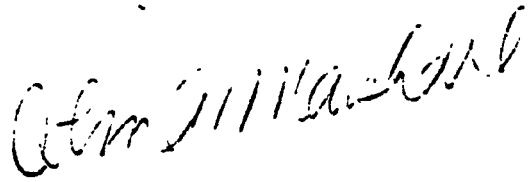
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RECOMMENDATION:

"THAT Official Plan Amendments dealing with Public Meeting notification and holding zones be presented to Council for approval."

AGREED


F. R. Dalzell.
Commissioner of Planning
and Development


J. A. Marshall.
Director of Planning
Policy and Research

JAM/ec