

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

21-90

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|--------|--------|---------|----|----------|
| amend | By-law | 200-82, | as | amended, |

To amend By-law 200-82, as amended, (Part of Lot 8, Concession 2, W.H.S., geographic Township of Chinguacousy)

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

- 1. By-law 200-82, as amended, is hereby further amended by:
 - (1) by changing, on Sheet 2 of Schedule A thereto, the zoning designation of the lands shown outlined on Schedule A to this by-law from INDUSTRIAL TWO (M2), INDUSTRIAL THREE (M3) and INDUSTRIAL FOUR (M4) to INDUSTRIAL ONE - SECTION 329 (M1 - SECTION 329), such lands being part of Lot 8, Concession 2, West of Hurontario Street, in the geographic Township of Chinguacousy.
 - (2) by adding thereto the following section:
 - "329 The lands designated M1 Section 329 on Sheet 2 of Schedule A to this by-law:
 - 329.1 shall only be used for those purposes permitted in the M1 zone by section 31.1.1. but the following permitted purposes shall not be included:
 - (1) a motor vehicle repair shop
 - (2) a bingo hall
 - (3) a dance hall
 - (4) a roller skating rink
 - (5) a bowling alley
 - 329.2 shall also be subject to the requirements and restrictions relating to the M1 zone and all the general provisions of this by-law.

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL, this 12th day of February 1989.

KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

ASPROVED AS TO LORM LAW DIFF. BRAME.

24/89/icl/dr

IN THE MATTER OF the Planning Act, 1983, section 34;

AND IN THE MATTER OF the City of Brampton By-law 21-90.

DECLARATION

I, LEONARD J. MIKULICH, of the City of Brampton, in the Region of Peel, DO SOLEMNLY DECLARE THAT:

- 1. I am the Clerk of The Corporation of the City of Brampton and as such have knowledge of the matters herein declared.
- 2. By-law 21-90 was passed by the Council of the Corporation of the City of Brampton at its meeting held on February 12th, 1990.
- 3. Written notice of By-law 21-90 as required by section 34 (17) of the <u>Planning Act, 1983</u> was given on February 20th, 1990, in the manner and in the form and to the persons and agencies prescribed by the <u>Planning Act, 1983</u>.
- No notice of appeal under section 34 (18) of the <u>Planning Act, 1983</u> has been filed with me to the date of this declaration.

Mhuluh

DECLARED before me at the

City of Brampton in the

Region of Peel this 14th

day of March 1999

A Commissioner, etc.

ROBERT TUFTS, a Commissioner, etc., Judicial District of Peel, for The Corporation of the City of Brampton. Expires May 25th, 1991.

The subject property is currently occupied by a one storey single family detached dwelling in good condition, with an attached two-car garage, also in good condition. With respect to the layout of the residence and garage, the garage is located at the southern extremity of the structure below street level, with a portion of the main floor living area of the residence located above the garage. The driveway which leads to the garage slopes downward from the street and is bounded on both sides by a stone retaining wall. The subject property itself also slopes from front to rear, exposing the basement at the rear of the house.

Access to the subject property is provided by a "U-shaped" driveway located in the approximate centre of the frontage. The southerly leg of the driveway is about 7.6 metres (25 feet) in width and the northerly leg is about 3.8 metres (12.5 feet) in width. Including the aforementioned two-car garage, the parking area currently provided on the site could accommodate 4 or 5 cars.

The subject property is bounded along most of the north, east and south limits by a cedar hedge approximately 3.65 metres (12 feet) in height. Approximately 25 to 30 deciduous and coniferous trees and bushes are also located on the subject property.

Surrounding land uses are as follows:

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- NORTH abutting the subject property to the north is the entrance to Tara Park, while further north, lands are developed for single family detached dwellings fronting on Main Street North.
- EAST to the east of the subject property, lands are developed as landscaped open space consisting of Tara Park and Calvert Park.

F1-6

SOUTH - abutting the subject property to the south are a number of condominium townhouses fronting on Tara Park Crescent and Tara Park Court.

<u>WEST</u> - to the west of the subject property on the opposite side of Main Street North is a dining room restaurant fronting on Main Street North. Surrounding the restaurant are a number of single family detached dwellings fronting on Greenleaf Crescent and Slater Circle.

3.0 Official Plan and Zoning By-law Status

The property subject to this application is designated in the Official Plan as "Residential". The secondary plan for the area, the Brampton North Secondary Plan which consists of Chapter Bl of Section B of Part C, and Chapter C35 of Section C of Part C, and Plate Numbers 2 and 5 of the Consolidated Official Plan, designates the subject property "Residential Medium Density".

By-law 200-82, as amended, zones the subject property "Residential Holding (RH)".

4.0 Proposal

The applicant is proposing that the zoning by-law be amended to permit the use of an existing single family detached dwelling for the purpose of general offices excluding a doctor, dentist or drugless practitioner. The gross floor area of the dwelling totals 448.15 square metres (4824 square feet).

In support of the application, a preliminary site plan has been submitted illustrating the location of the existing dwelling and attached garage. The applicant proposes to utilize 198.6 square metres (2138 square feet) of the first floor of the structure, and 82.9 square metres (892.6 square feet) in the basement for the purposes of general offices. The applicant has also advised that

the remaining 166.6 square metres (1793.4 square feet) of the total gross floor area of the dwelling is to be occupied by the stairs, utility room, furnace room, cold room and garage. No portion of the dwelling is proposed to be utilized as storage space.

No exterior changes are proposed to the dwelling, though the plan does indicate many proposed changes to property. In this respect, the existing rear yard of the dwelling is proposed to be used for a parking area which will accommodate 5 cars. Access to this parking area is proposed to be provided by a 6.1 metre (20 feet) wide laneway extending along the northerly site limit of the subject property.

The preliminary site plan also indicates that the front yard of the property is proposed to accommodate parking for 5 cars; 2 of which are proposed to be located on the existing driveway, and 3 of which are proposed to be located in front of the dwelling to the north of the existing driveway. To facilitate ingress and egress to and from the aforementioned parking areas and laneway, the applicant proposes to widen the existing "U-shaped" driveway on the property. In this respect, the southerly leg is proposed to be widened to approximately 12.2 metres (40 feet), and the northerly leg is proposed to be widened to approximately 6.1 metres (20 feet).

5.0 Comments from Other Departments and Agencies

The Region of Peel Public Works Department has advised that sanitary sewers and water facilities are available on Main Street North and Regional roads are not directly affected. The Department also advises that the watermain easement as illustrated on the site plan is not required at this location, and further, that they have not been able to determine if it has been quit claimed. If the easement has not been quit claimed, the Department have no objection to doing so with all costs being borne by the applicant.

The <u>Planning and Development Community Design Section</u> note the following:

- existing trees shall be retained;
- the applicant shall provide a 1.52 metre (5 feet) landscape area to retain the existing cedar hedge;
- parking should be moved from the front yard to the rear in order to retain the residential character of the property;
- the applicant shall provide a pre-cast concrete wall along the south property limit adjacent to the townhouses, and
- the applicant shall provide a 1.2 metre (4 feet) high black vinyl chain link fence along north and east property lines.

The <u>Planning Policy and Research Division</u> note that this application pertains to an isolated property and therefore the proposed use is acceptable subject to an acceptable site plan being submitted and access issue being resolved. The Division further notes that the site plan submitted in support of this application is abysmal.

Zoning and By-law Enforcement Division have advised that the proposal will require a minimum of 10 car parking spaces which should be located on the site and be easily accessible.

The <u>Development and Engineering Services Division</u> has advised that it is the Division's belief that the plan is feasible from an engineering point of view. Further to this the Division requires a site plan showing existing and proposed elevations and the proposed storm water drainage system. The Development and Engineering Services Division also requires the relocation of the existing sidewalk to the standard location 1.0 metre from the new property line on Main Street North. In order to facilitate these

requirements, a site plan agreement, prior to site plan approval is also required, which deals with grading, drainage, access and sidewalk relocation.

The Community Services Department

Parks

We do not feel this application is appropriate for this area.

Two of the proposed parking spaces appear to overlap the driveway.

The proposed driveway and parking lot have a detrimental affect on the existing cedar trees.

Transit

No comments.

Fire

No comments.

The Metropolitan Toronto and Region Conservation Authority have reviewed the site plan submitted in support of the application and the Authority notes no objections to the proposed amendment, however, they do note that the rear portion of the site is situated within an area regulated by the Authority with respect to the placement of fill. In accordance with Ontario Regulation 293/86, a permit will be required from this Authority to place fill in the rear portion of the property.

The Authority, therefore, requests the opportunity to review site and grading plans prior to site plan approval or the issuance of a building permit.

The following department and agencies have advised that they have no comments: the Chief Building Official and the Law Department.

6.0 Discussion

As noted earlier, the applicant is proposing to amend the Official Plan and zoning by-law in order to permit the use of the subject property for the purposes of general offices, excluding a doctor, dentist or drugless practitioner. More specifically, the applicant has advised that the offices would be used for the purposes of an accounting firm, an architectural office, or a law firm.

In the opinion of staff, the most appropriate Official Plan designation on Schedule 'F' would be "Highway and Service Commercial", and the most appropriate designation in the secondary plan for the area would be "Service Commercial". In view of this, Policy 2.2.4.9 of the Official Plan defines "Service Commercial" as follows:

"Service Commercial uses include small scale retail, service and office uses which are moderately space-intensive and are moderate generators of vehicular traffic, such as personal services, convenience retail, medical and specialized services catering to a City-wide area, restaurants and small offices."

It is noted that the subject proposal satisfies the above definition in that it is moderately space intensive, catering to a City-wide area. However, it should also be noted that the proposal does not satisfy General Policy 2.2.2.2 of the Official Plan which states:

"Local office and service development shall be encouraged to locate in planned commercial centres."

In this respect, the surrounding area is utilized for residential and open space purposes, and not as a planned commercial centre.

Further to this, staff are of the opinion that this proposal does not fulfill Objective 2.2.4 of the Official Plan to develop "well-planned commercial areas to accommodate highway and service commercial uses". In view of the foregoing, staff can not support this application.

Staff also note that similar applications for the conversion of existing residential properties along Main Street North to an alternative land use have been endorsed by Council in the past. However, these applications, for the most part, were subject to properties located south of Vodden Street, and as such were subject to the policies of the Brampton Central Secondary Plan which is generally supportive of this type of development. The property subject to this application is located approximately 650 metres north of Vodden Street, and as a result, is located within the Brampton North Secondary Plan Area. Since the Brampton North Secondary Plan is not generally supportive of this type of redevelopment, planning staff can not support this application.

Staff are also concerned that approval of this application will set an undesirable precedent of continued strip commercial or office development along Main Street North.

With regards to the details of the site plan, the applicant proposes to provide parking facilities for 10 vehicles; 5 spaces are proposed to be located in the rear yard and 5 spaces are proposed to be located in the front yard. Staff also note that 2 of the proposed parking spaces in the front yard are to be located in the driveway which leads into the existing garage. This type of parking arrangement poses a number of problems from a planning standpoint.

First, the proposal to provide parking for 5 cars in the front yard reduces the quantity of front yard landscaped open space significantly. Furthermore, planning staff are concerned that the residential character of the property will be deleteriously affected if as many as 5 cars are permitted to park in front of the existing structure on the property.

The Community Services Department has noted a second problem with this parking arrangement which stems from the proposal to permit parking in front of the garage on the site. If this is to occur, access to the parking area within the garage can not be provided.

It is noted that the Planning Community Design Section has advised that all parking for this proposal should be located within the rear yard of the property, and that existing trees shall be retained. Planning staff note that if the applicant were to provide all of the parking facilities for this property within the rear yard, it would be necessary to remove approximately 15 to 18 trees and shrubs which are maturing and in excellent condition, in order to provide access to the parking area and to facilitate circulation within the parking area. Staff are of the opinion that the removal of mature trees to facilitate this proposal is in conflict with attempts to retain the predominantly residential character of the surrounding properties.

As with any proposal to amend the Official Plan and zoning by-law, the impacts that the proposed uses would have on abutting properties should be evaluated. As noted earlier the subject property abuts the northerly limit of a condominium townhouse development. It is staff's opinion that the proposed intensified commercial uses, and the associated noise generated by the moving and parking of cars, will have direct negative impacts on the amenity space of the abutting townhouse development.

It is noted that the Community Services Department has raised great concerns that the proposed laneway and rear yard parking area will detrimentally affect the existing cedar hedge which presently screens the subject property from the abutting parkland. In this respect, staff share the concerns of the Department and note that the applicants have proposed minimal landscaped area between the proposed laneway and parking area and the existing cedar hedge.

Further to this, staff note that the applicant has made no reference either on the submitted application, or on the materials submitted in support of the application, with respect to refuse storage, signage and on-site lighting. In view of this, staff are not in a position to evaluate the impacts that these aspects of the proposal will have on abutting properties.

7.0 Recommendation

In view of the foregoing, it is recommended that Planning Committee recommend to City Council that the application to permit an existing residential property to be used for the purposes of general offices not be approved.

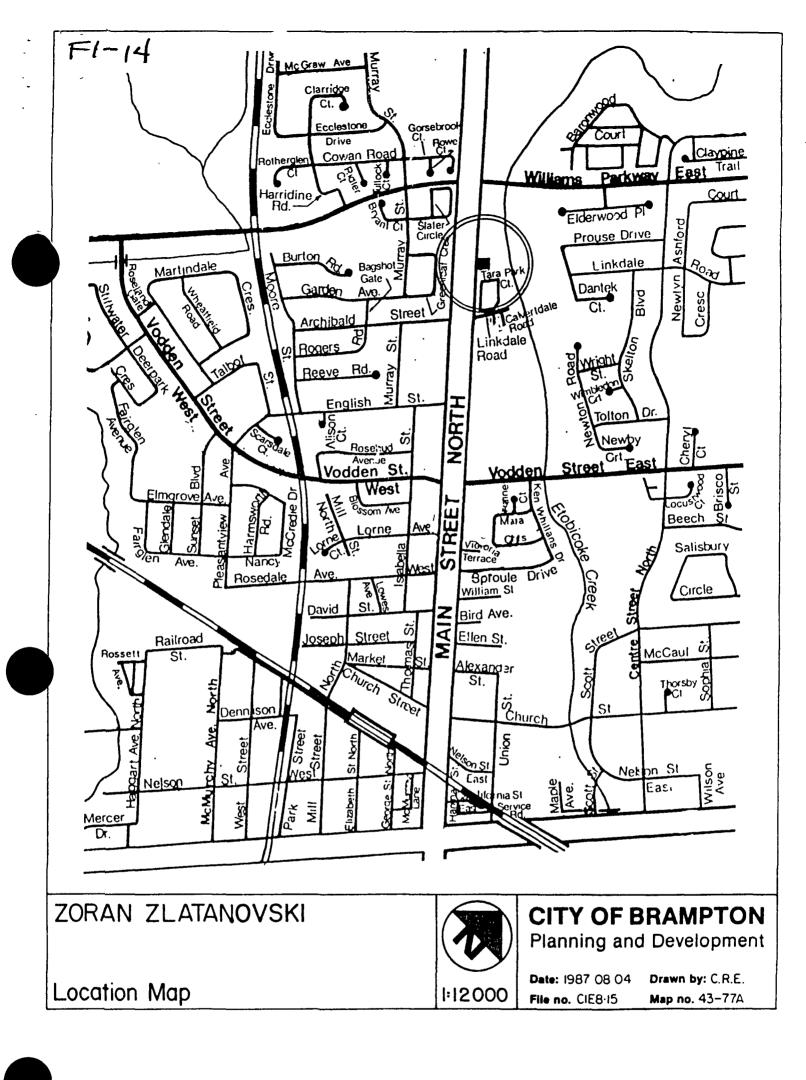
Respectfully submitted,

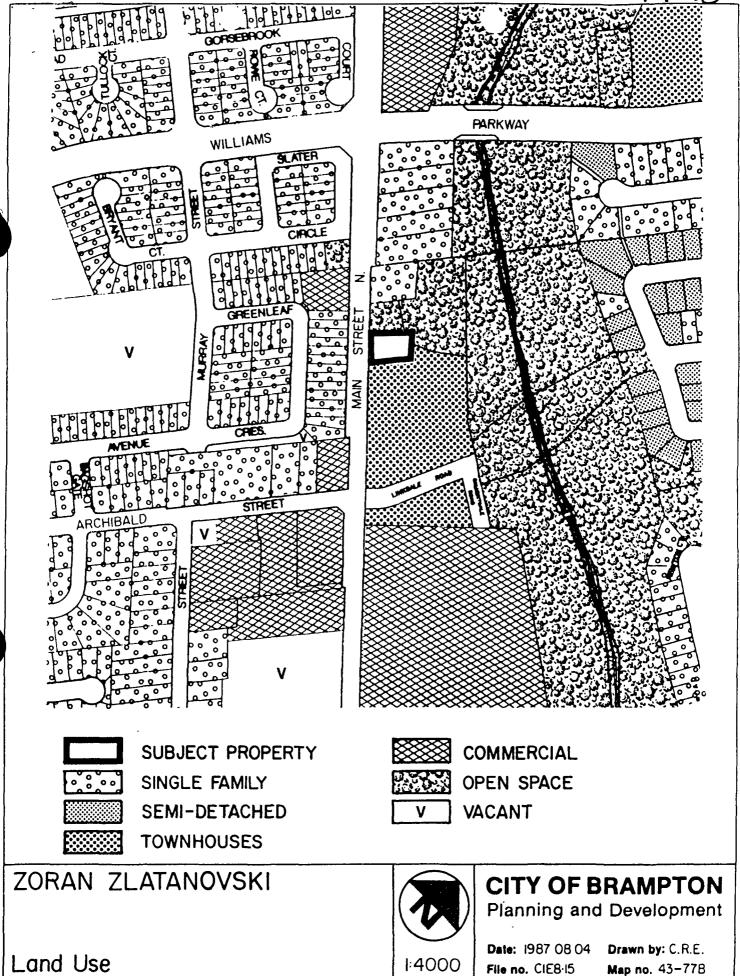
L. W. H. Laine, Director, Planning and Development Services Division

AGREED:

F. R. Dalzell, Commissioner of Planning and Development

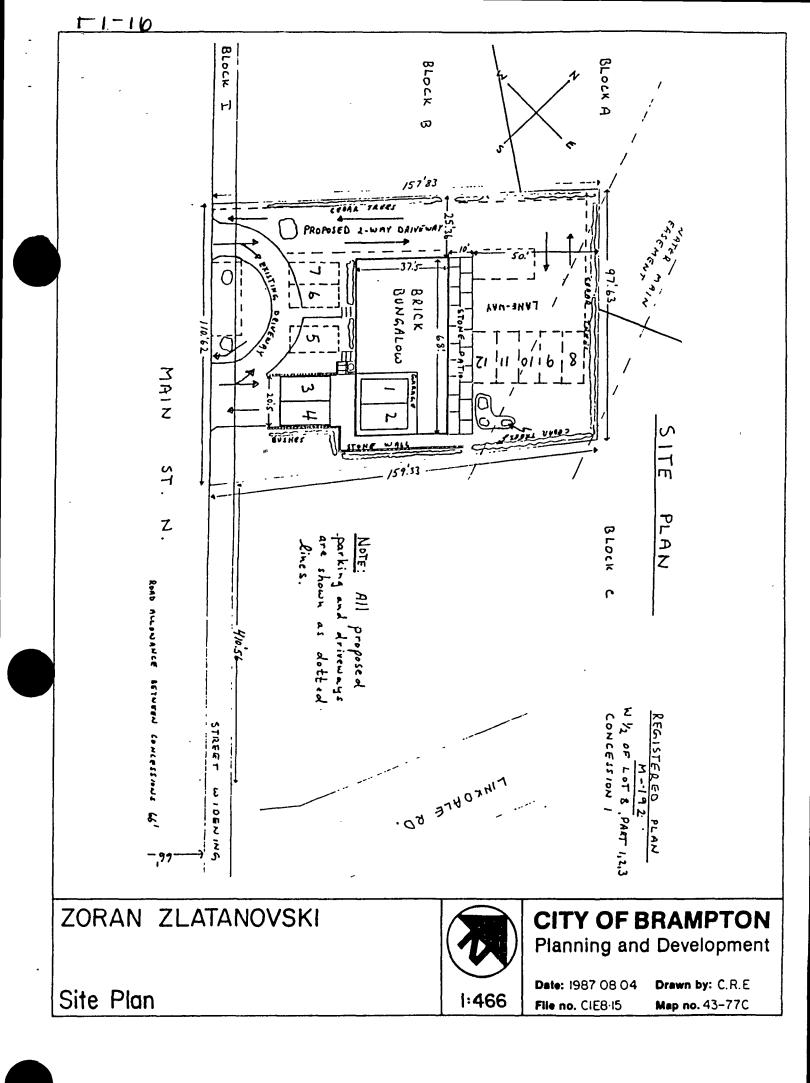
LWHL/JA/am/2



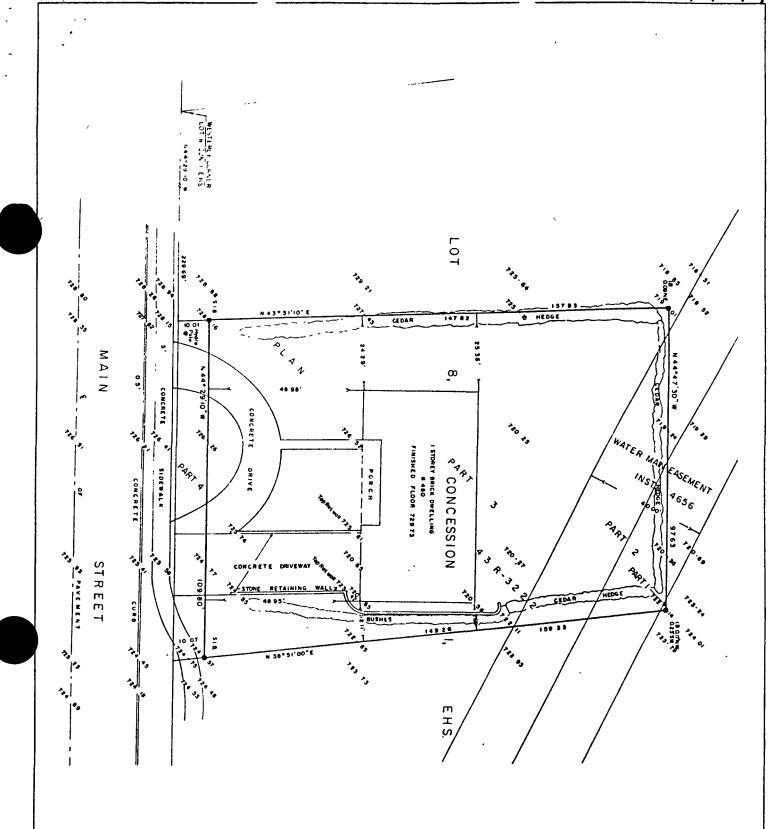


File no. CIE8·I5

Map no. 43-778







ZORAN ZLATANOVSKI

Site Plan



CITY OF BRAMPTON

Planning and Development

Date: 1987 10 16

Drawn by: C.R.E. Map no. 43-77D

File no. CIE8·15

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

December 4, 1987

TO: Chairman and Member of Planning Committee

FROM: Planning and Development Department

RE: Application to Amend the Official Plan

and Zoning By-law

Part of Lot 8, Concession 1, E.H.S.

Main Street North Ward Number 1

ZORAN, ZLATAN AND TEODORA ZLATANOVSKI

Our File Number: C1E8.15

1.0 Background

An application to amend the Official Plan and zoning by-law to permit the use of an existing single family detached dwelling for the purposes of general offices, excluding a doctor, dentist or drugless practitioner, on the above-noted property was filed with referred to staff for City Clerk and a report recommendation. Subsequently, a staff report dated October 27, 1987 which recommended refusal of the subject application was submitted to Planning Committee for their meeting dated November 16, 1987. During this meeting Planning Committee recommended that the report be referred back to staff.

As a result of the referral, a meeting was held amongst staff, the applicant and the Ward Alderman, Lorna Bissell in order to determine if an acceptable re-development proposal could be achieved. During this subsequent meeting, Alderman Bissell suggested that a revised concept site plan could be achieved by applying the Main Street North Policies to the subject property.

The following report deals with the preliminary revised concept site plan.

2.0 Discussion

The applicant has advised that he wishes to amend both the Official Plan and zoning by-law in order to convert an existing residence to professional office purposes. More specifically, the applicant has advised that the offices would be used for the purposes of an accounting firm, an architectural office, or a law firm.

Staff note that the applicant currently utilizes the residence for residential purposes as well as a home occupation. It is also noted that the property is isolated from other residential properties to the north and somewhat isolated from residential properties on the east. In addition, Main Street North is a busy four lane major artery at this location. As a result, the applicant no longer wishes to remain as a resident in this location and would prefer to be able to lease or sell the property to a professional office user.

While there may be specific views sympathetic to the applicants' proposal, staff still feel that the Official Plan and Zoning By-law do not support a conversion from residential uses to professional offices in this location.

Attached for the information of Planning Committee is the previous referred report on the subject application.

In view of the foregoing, staff should be directed as to the direction Planning Committee wishes to pursue.

Respectfully submitted,

Laine, Director, Planning and Development Services Division

AGREED:

R. Dalzell, Commissioner of Planning and Development

LWHL/am/hg/2

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

January 12, 1988

TO: Chairman and Members of Planning Committee

FROM: Planning and Development Department

RE: Application to Amend the Official Plan

and Zoning By-law

Part of Lot 8, Concession 1, E.H.S.

Main Street North Ward Number 1

ZORAN, ZLATAN AND TEODORA ZLATANOVSKI

Our File Number: C1E8.15

The notes of the Public Meeting held on Wednesday, January 6, 1988 with respect to the above note application are attached for the information of Planning Committee.

No members of the public were present and no letters of objection or comments have been received.

It is noted that the original staff report dated October 27, 1987 recommended refusal of the subject application. However, a City Council resolution dated November 25, 1987 referred the aforementioned report back to staff. A subsequent staff report, dated December 4, 1987, which sought Planning Committee's direction was submitted for the consideration of Planning Committee at their meeting of December 7, 1987. Planning Committee recommended to City Council (resolved December 4, 1987) that the subsequent report be received and that a public meeting be held.

Staff still feel that the Official Plan and Zoning By-law do not support a conversion from residential uses to professional office uses in this location. However, should Planning Committee find merit in the subject application, staff recommend that the following conditions be imposed:

(1) The applicant shall agree to arrange to have prepared, in accordance with site plan requirements, a professionally drafted revised site plan acceptable to the Commissioner of Planning and Development, incorporating the following:

- 2 -

- (a) the provisions to be undertaken in order to preserve the residential character of the property;
- (b) a rear yard parking area which shall consist of a minimum of 8 parking spaces;
- of the property for the residential component of the structure;
 - (d) the location and orientation of the laneway to the rear yard parking area;
 - (e) identification of existing trees which are to be preserved;
 - (f) the proposed method of ensuring the cedar hedge, which exists along the north, east and south property limits, is preserved;
 - (g) the proposed drainage patterns, and
 - (h) the location of all proposed retaining walls.
- (2) the zoning by-law shall contain the following provisions;
 - (a) the site shall only be used for the following purposes:
 - either a single family detached residence with a home occupation, or

- ii) general offices, excluding real estate offices and offices for a doctor, dentist or drugless practitioner.
- (b) the site shall not be used for personal service uses;
- (c) the building envelope, landscaped open space and parking areas consistent with the revised concept site plan shall be identified on the by-law schedule;
- (d) all garbage and refuse storage containers shall be located within the existing structure on the site;
- (e) no floodlighting shall be permitted on the site;
- (f) one non-illuminated sign shall be permitted provided it is attached to the wall of the existing structure which faces a public road allowance and it has a sign area of no more than 0.25 square metres;
- (g) parking spaces shall be provided and maintained in accordance with the provisions of By-law 200-82;
- (h) the maximum gross commercial floor area to be used for general offices excluding a real estate office or an office for a doctor, dentist or drugless practitioner shall not exceed 282 square metres;
- (3) prior to the enactment of the zoning by-law, a revised site plan, a landscape plan, grading and drainage plans and elevation cross-section drawings shall be aproved by the Commissioner of Public Works and Building, the Commissioner of Planning and Development and the Metropolitan Toronto and Region Conservation Authority;

D7-4

- (4) Development of the subject lands shall be subject to a development agreement and the development agreement shall contain the following provisions:
 - (a) the applicant shall agree that no floodlighting be erected on the property;
 - (b) the applicant shall agree to support an amendment to the Official Plan and zoning by-law;
 - (c) the applicant shall agree to pay City levies in accordance with the Capital Contribution Policy prior to the enactment of the zoning by-law;
 - (d) the applicant shall agree to relocate the sidewalk along the Main Street frontage to the standard location 1.0 metres from the west property limit;
 - (e) the applicant shall agree to obtain a permit from the Metropolitan Toronto and Region Conservation Authority prior to placing fill in the rear yard of the property, in accordance with Ontario Regulation 293/86, and
 - (f) the applicant shall agree that, provided the former Town of Brampton watermain easement is no longer required, the easement be quit-claimed with all costs borne by the applicant.

Respectfully submitted,

L.W.H. Laine, Director, Planning and Development Services Division

AGREED:

F.R. Dalzell, Commissioner, Planning and Development

LWHL/JA/am/3

A Special Meeting of Planning Committee was held on Wednesday, January 6, 1988, in the Municipal Council Chambers, 3rd Floor, 150 Central Park Drive. Brampton, Ontario, commencing at 8:11 p.m., with respect to an application by ZORAN ZLATAN AND TEODORA ZLATANOVSKI (File: C1E8.15 - Ward 1) to amend both the Official Plan and Zoning By-law to permit the use of the existing single family detached dwelling for the purpose of general office excluding a doctor, dentist or drugless practitioner.

Alderman S. DiMarco - Chairman Members Present:

> Alderman H. Chadwick Alderman E. Carter Alderman A. Gibson

Councillor N. Porteous Alderman L. Bissell Councillor F. Andrews

Staff Present.

F. R. Dalzell, Commissioner of Planning

and Development

J. A. Marshall, Director of Planning Policy

and Research

J. Corbett, Policy Planner

D. Ross, Development Planner

G. Speirs, Development Planner

J. Anderson, Development Planner

E. Coulson, Secretary

The Chairman inquired if notices to 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 8:12 p.m.



the metropolitan toronto and region conservation authority 5 shoreham drive, downsview, ontario, m3n 1s4 (416) 661-6600

1987.08.20

City of Brampton PLANNING DEPT. AUG 2 5 1987 Rec'd. Řile No. CIE8.15

City of Brampton Planning & Development Dept. 150 Central Park Drive Brampton, Ont. L6T 2T9

John Armstrong

Development Planning Intern

Dear Sir:

Re:

Application to Amend the Official Plan

and Zoning By-Law
Pt. Lot 8, Con. 1, EHS
(ZORAN, ZLATAN & TEODORA ZLATANOVSKI)

Authority staff has reviewed the site plan submitted with your letter dated July 24, 1987 concerning the above-noted application.

Although we have no objections to the proposed amendment, we do note that the rear portion of the site is situated within an area regulated by this Authority with respect to the placement of fill. In accordance with Ontario Regulation 293/86, a permit will be required from this Authority to place fill in the rear portion of the property.

We, therefore, request the opportunity to review site and grading plans prior to site plan approval or the issuance of a building permit.

If there are any questions, please do not hesitate to contact this office.

Yours truly,

Craig Piper, Plans Analyst Plan Review Section

Water Resource Division

CP:L

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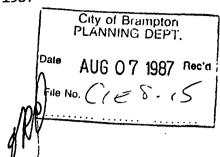




August 5, 1987

City of Brampton Planning and Development Department 150 Central Park Drive Brampton, Ontario L6T 2T9

Attention: Mr. John Armstrong
Planning Intern



Re: Application to amend the Official Plan and Zoining Bylaw (Z., Z. and T. Zlatanovski) Part of lot 8, Concession 1, E.H.S. (Main Street North) City of Brampton Your file No. C1E8.15 Our file No. R421E63B

Dear Sir:

In reply to your letter of July 24, 1987 concerning the above noted application, please be advised that our Public Works Department has examined the proposal and offers the following comments:

Sanitary and water facilities are available on Main Street North.

Regional Roads are not directly affected.

We trust that this information is of assistance.

Yours truly,

D R. Billett

Director of

Development Control

IAP/rme

870807

10 Peel Centre Drive, Brampton, Ontario L6T 4B9 – (416) 791-9400

The Regional Municipality of Peel

Department of Public Works



September 2, 1987 File: B-22

City of Brampton 150 Central Park Drive Brampton, Ontario

Attention: J. Armstrong

City of Brampton PLANNING DEPT.

Dale SEP - 8 1987 Rec'd.

File No.

CIE8.15

Re: Application to amend the

Official Plan and Zoning By-law

Part of Lot 8, Conc. 1, E.H.S.

480 Main Street North

Ward No.1 Zoran, Zlatan & Teodora Zlatanovski

Your File: C1E8.15

Further to your letter of August 26, 1987 in regard to the above Official Plan Amendment and Zoning By-law, please be advised that the watermain easement is not required at this location. I have not been able to determine if it has been quit claimed. If not, we have no objection to doing so with all costs being borne by the applicant.

Should you have any questions, please do not hesitate to contact me.

Yours truly

M.D. Zamoic, P.Eng.

Planning & Development Engineer

Engineering &

Construction Division

MDZ/tc

870908

10 Peel Centre Drive, Brampton, Ontario L6T 4B9 - (416) 791-9400