

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW NUMBER 113-75

A By-law to prohibit or regulate the use of land and the erection, use bulk, height and location of a building situated on part of the west half of Lot 6, Concession 5, E.H.S. in the City of Brampton, and more particularly located on the north-east corner of the intersection of Highway Number 7 and Torbram Road.

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

1. By-law 861 as amended by By-law Number 877 as amended is hereby further amended by adding to Section 3, Sub-section 2 and 3, zone classifications known as Commercial Class 1 Special 1 C1S1.
2. No person shall, within the Commercial Class 1 Special 1 zone erect or use any building or structure or use any land, in whole or in part for any purpose other than in accordance with the requirements of the General Provisions for Commercial Zones and the requirements of this by-law.
3. No person shall, erect or use any building or structure or use any land, in whole or in part, for any purpose other than one or more of the following:
 - (1) Service stores, including not more than one each of the following: barber, beauty parlour or hairdressing establishment, dry cleaning collection depot or dry cleaning plant (where synthetic cleaning only is carried on), laundromat, shoe repair shop, tailor or dressmaker.
 - (2) One bank or financial institution.
 - (3) Business or professional offices each not exceeding 1,000 square feet gross floor area.
 - (4) One medical and/or one dental office each not exceeding 1,000 square feet gross area.
 - (5) One Restaurant, and/or not more than two stores selling prepared food for consumption off the premises.
 - (6) One drug store.

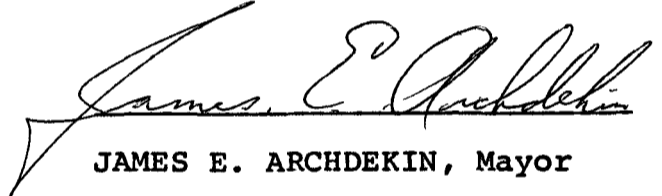
- (7) Food stores and/or dairy products store.
- (8) Bakery Shop.
- (9) Delicatessen and/or meat store.
- (10) Fruit and vegetable store.
- (11) Furniture and/or appliance store, radio and record store.
- (12) Men's, women's and children's clothing and/or footwear stores.
- (13) Sporting goods store.
- (14) Hardware store.
- (15) Paint and wallpaper store.
- (16) Pet shop.
- (17) Music store.
- (18) Variety, tobacco and gift shop.
- (19) Candy shop.
- (20) Book store.
- (21) Leather goods store.
- (22) Jewellery and watch repairs.
- (23) Wine, liquor or beer outlet.

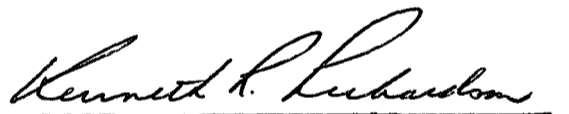
4. No person shall, erect or use any building or structure or use any land, in whole or in part, for any purpose other than in conformity with the following standards:

- (1) Lot width, depth and area is shown on Schedule "A" attached hereto.
- (2) Front yard, side yard and rear yard as shown on Schedule "A" attached hereto.
- (3) Parking area as shown on Schedule "A" attached hereto.
- (4) Building area as shown on Schedule "A" attached hereto.
- (5) Landscaped open space as shown on Schedule "A" attached hereto.
- (6) No single use or group of uses as permitted by any sub-clause of Clause 3 of this by-law shall exceed a gross floor area of 5,000 square feet.
- (7) No outside storage shall be permitted.

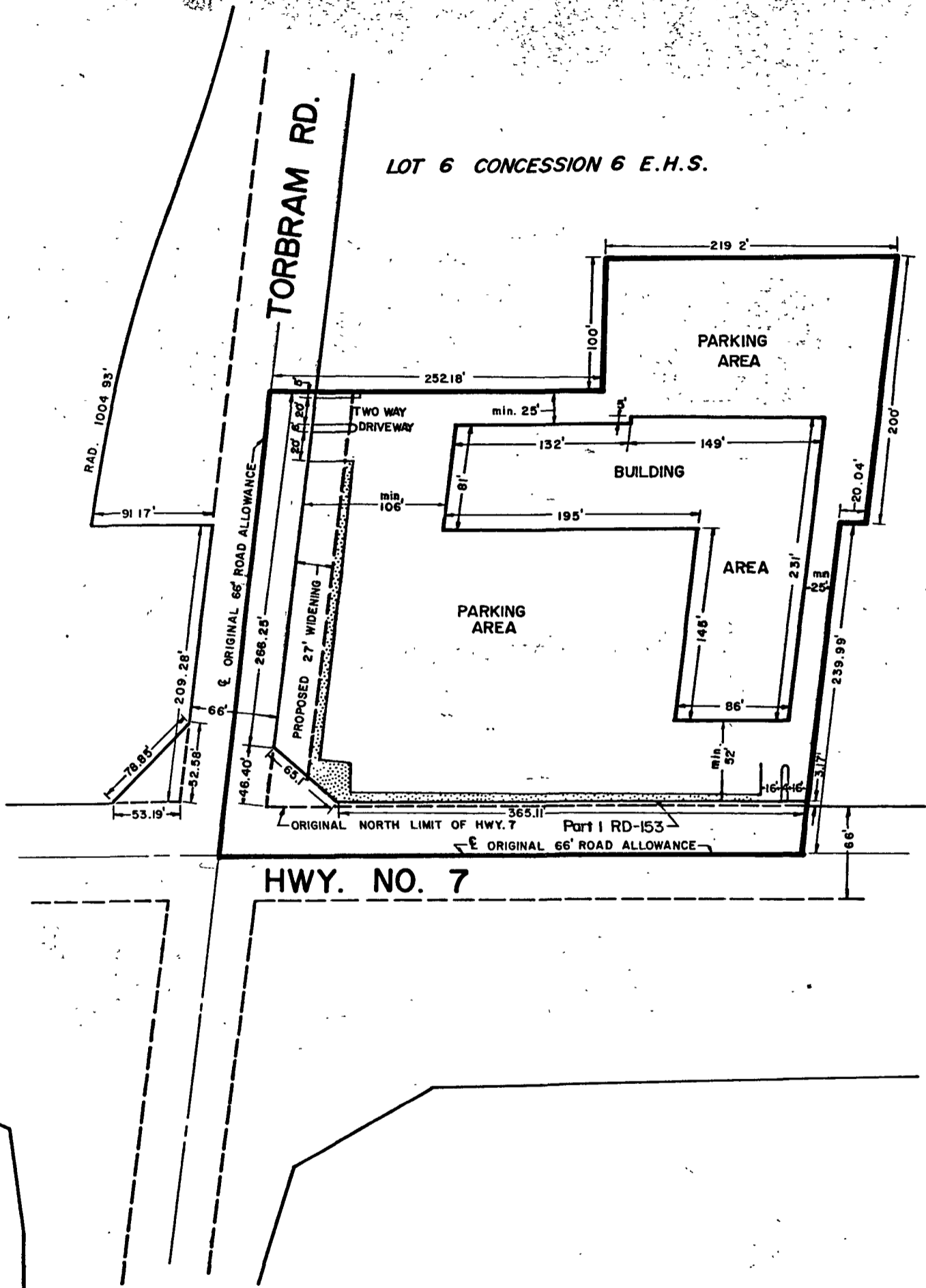
5. Schedule "A" being the zoning map attached to By-law 861 as amended by By-law 877 as amended, is further amended by changing the zone designation and boundaries thereof shown on Schedule "A" to said By-law 861 as amended by By-law 877 as amended from the designation Commercial Special - Auto Repairs and the sale of new and/or used cars to Commercial Class 1 Special 1.
6. Schedule "A" attached hereto forms part of this By-law.
7. This By-law shall come into force upon approval by the Ontario Municipal Board and takes effect on the date thereof.

Passed by the Council of the Corporation of the City of Brampton
this 23rd day of June , 1975.


JAMES E. ARCHDEKIN, Mayor


KENNETH R. RICHARDSON, Clerk

LOT 6 CONCESSION 6 E.H.S.



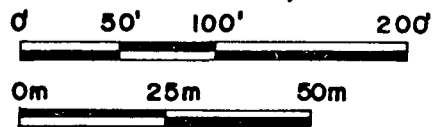
Legend

 LANDSCAPED OPEN SPACE

Date: April 24th, 1975

Drawn: m.o.

CITY OF BRAMPTON BY-LAW NO. 113-75
 SCHEDULE 'A'





R 752568

Ontario Municipal Board

IN THE MATTER OF Section 35 of
The Planning Act (R.S.O. 1970,
c. 349),

- and -

IN THE MATTER OF an application
by The Corporation of the City
of Brampton for approval of its
Restricted Area By-law 113-75

C O U N S E L :

- J. E. Hendy - for City of Brampton
- D. M. Morrell - for William Preston and Henry Baker
- R. J. Swayze - for Bramalea Consolidated Developments Limited
- M. A. Brown, Q.C. - for Cloverlawn Investments Limited

DECISION OF THE BOARD delivered by M. CORBETT

This is an application by the City of Brampton for approval of its Restricted Area By-law 113-75 which proposes to zone about 150,000 square feet of land at the north-east corner of Highway No. 7 and Torbram Road from Commercial Special to Commercial Class 1, Special 1 (CISI) to permit the establishment of a shopping centre.

The subject lands are located to the east of the built-up Bramalea communities of Northgate and Southgate. To the south of the site is an industrial area, one-third having been developed for industrial purposes. To the north are largely undeveloped lands proposed to be industrial. The site is located about 1½ miles from City Centre, a regional shopping centre developed by Bramalea Consolidated Developments Limited (hereinafter referred to as Bramalea), which contains 127 stores with a leasable floor area of 835,000 square feet.

The proposed development is subject to site plan controls and full urban services are available. The development agreement is marked as Exhibit 5.

The subject by-law implements Official Plan Amendment No. 67, which re-designates the site commercial to allow the use of a neighbourhood plaza which is defined therein as "a convenience centre providing for the sale of such goods as food, drugs and sundries, and such personal services as dry cleaning, laundry, and barbering for day-to-day living needs of the immediate neighbourhood."

All witnesses agreed that there is a need for neighbourhood commercial services in the area, particularly to serve the existing Northgate Community of about 10,000 persons. Bramalea, the sole objector to the by-law at the hearing, takes the position that the subject by-law is premature on the grounds that Bramalea is developing commercial uses within the Northgate Community and that Brampton is over-supplied with commercial floor space, and such a peripheral centre will affect the overall concept of planning for the Bramalea communities.

The Northgate Community is one of several comprehensively planned communities accommodating four "neighbourhoods" with a total population of 9,000 to 12,000 persons, the highest densities being located the centre rather than on peripheral arterials. Local commercial and institutional facilities would also be located at the centre so that the outside edges are "the backs of things". Each of the four neighbourhoods has a public school in Northgate. Philip Weinstein, Bramalea's Planner, testified that the proposed commercial centre creates traffic problems in that it is bounded by two major arterials and, therefore, not conducive to pedestrian access and that this "happenstance" use would be detrimental to the overall planning of these communities.

He also testified using a rule of thumb of 15 square feet of all commercial space per person that Brampton is over-supplied with commercial space.

Leonard Laine, the Planning Director of the City of Brampton, testified in support of the application although not originally in favour of the development, he previously expressed concern about access, the planned commercial development in the area and the desirability of an in-neighbourhood location for a convenience centre. After consultation with Ministry officials and the City Engineer, Mr. Laine satisfied himself concerning anticipated traffic problems. Although existing areas could be developed for commercial uses, no such development has taken place in Northgate. Mr. Laine testified that the Northgate Community has a pressing need for neighbourhood commercial services and the developing industrial areas would require such services. The development agreement requires sidewalks along the site frontages.

Conroy Dowson, a planner, testified upon behalf of the owners of the property that the proposed development is desirable and feasible. He stated that there is a need for such uses and that the application is in no way premature except perhaps for sidewalks. He stated that internal shopping centres are very difficult to develop and a centre at this site is unqualifiedly good planning.

The Board finds that the proposed development is desirable, necessary and in the public interest. Residents in the area desire such a facility. The Board does not find the by-law to be premature. Bramalea had ample time to develop neighbourhood commercial facilities in accordance with Mr. Weinstein's Master Plan and chose not to do so. With impending multiple family development in Northgate, the Board is satisfied that sufficient need will exist for

the additional neighbourhood commercial development in
Central Northgate.

Bramalea took issue with the broad range of commercial uses permitted in the subject by-law on the grounds that many are specialized or comparison shopping uses not within the Official Plan definition of a convenience centre. The Board has considered the evidence of the planning witnesses in this regard, and finds sufficient control is exercised by the 5000 square feet limitation per use and the market.

Accordingly, By-law 113-75 is hereby approved.

DATED at Toronto this 14th day of July, 1976.

W. T. SHRIVES
MEMBER

M. CORBETT
MEMBER