



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 193-82

To adopt Amendment Number 5 to
the Official Plan of the City of
Brampton Planning Area.

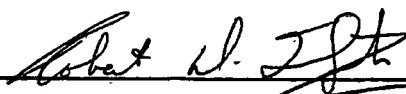
The Council of The Corporation of the City of Brampton, in accordance with the provisions of the Regional Municipality of Peel Act, and the Planning Act, hereby ENACTS as follows:

1. Amendment Number 5 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 5 to the Official Plan of the City of Brampton Planning Area.

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

this 27th day of September, 1982


F. ANDREWS - Acting Mayor.


R. D. TUFTS - Acting Clerk

21-OP-0031-5

AMENDMENT NUMBER 5

- 1

to the Official Plan of the
City of Brampton Planning Area

A N D

AMENDMENT NUMBER 5A

to the Consolidated Official Plan of the
City of Brampton Planning Area

Amendment No. 5A
to the
Consolidated Official Plan for the
City of Brampton Planning Area and
Amendment 5 to the Official Plan
for the City of Brampton Planning Area

I hereby approve, in accordance with Section 14(3) of the Planning Act, the further and final portions of Amendment 5 to the Official Plan for the City of Brampton Planning Area and Amendment 5A to the Consolidated Official Plan for the City of Brampton Planning Area:

1. Section 3(1), page 1, in its entirety.

Date *Jan. 30/84*

D. P. McHugh


D. P. McHUGH
Director
Plans Administration Branch
Central and Southwest
Ministry of Municipal Affairs and Housing

Amendment No. 5a
to the
Consolidated Official Plan for the
City of Brampton Planning Area and
Amendment No.5 to the Official Plan
for the City of Brampton Planning Area

This Amendment to the Consolidated Official Plan for the City of Brampton Planning Area and to the Official Plan for the City of Brampton Planning Area, which has been adopted by the Council of the Corporation of the City of Brampton, is hereby approved in accordance with section 17 of the Planning Act as Amendment No. 5a to the Consolidated Official Plan for the City of Brampton Planning Area and Amendment No. 5 to the Official Plan for the City of Brampton Planning Area, save and except the following, which will be deferred for further consideration pursuant to section 14(3) of the Planning Act:

1. Section 3 (1), page 1, in its entirety.

Date *Nov. 20/82*



D. P. McHugh, Director
Plans Administrative Branch
Central & Southwest



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

193-82

Number

To adopt Amendment No. 5 to the Official Plan of the City of Brampton Planning Area and to adopt Amendment No. 5A to the Consolidated 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, hereby ENACTS as follows:

1. Amendment No. 5 to the Official Plan of the City of Brampton Planning Area and Amendment No. 5A to the Consolidated Official Plan of the City of Brampton Planning Area, are 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 No. 5 to the Official Plan of the City of Brampton Planning Area and Amendment No. 5A to the Consolidated Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND and THIRD TIME and Passed in Open Council this 27th day of SEPTEMBER , 1982.


F. ANDREWS

ACTING MAYOR


R. D. TUFTS

ACTING CLERK

1. Purpose:

The purpose of this amendment is to change the land use designation of lands shown outlined on Schedule A attached hereto from Highway Commercial to Service Commercial and to provide a supplemental development principle for the development of the subject lands.

2. Location:

The lands subject to this amendment are located on the east side of Main Street North approximately 158 metres north of Vodden Street, being part of Lot 8, Concession 1, E.H.S., (former Town of Brampton, County of Peel) in the City of Brampton.

3. Amendment and Policies Relative Thereto:

(1) The Official Plan of the City of Brampton Planning Area is hereby amended by deleting the first paragraph of subsection 7.2.7.8 and substituting therefor the following:

"Subsection B2.2 of Chapter B1 of Section B of Part C, and Chapter C35 of Section C of Part C and Plates Numbers 2 and 5 of the Consolidated Official Plan of the City of Brampton Planning Area, as they apply to Secondary Plan Area Number 8, as amended by Amendment Numbers 22, 42, 54, 60, 71, 92 and by Amendment Number 5A to the Consolidated Official Plan, are combined, and shall constitute the Brampton North Secondary Plan."

(2) The Consolidated Official Plan of the City of Brampton Planning Area, as it relates to the Brampton North Secondary Plan (being Subsection B2.2 of Chapter B1 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 of the City of Brampton Planning Area, as they apply to Secondary Plan Area Number 8, as amended by Official Plan Amendments Numbers 22, 42, 54, 60, 71 and 92) is hereby amended:

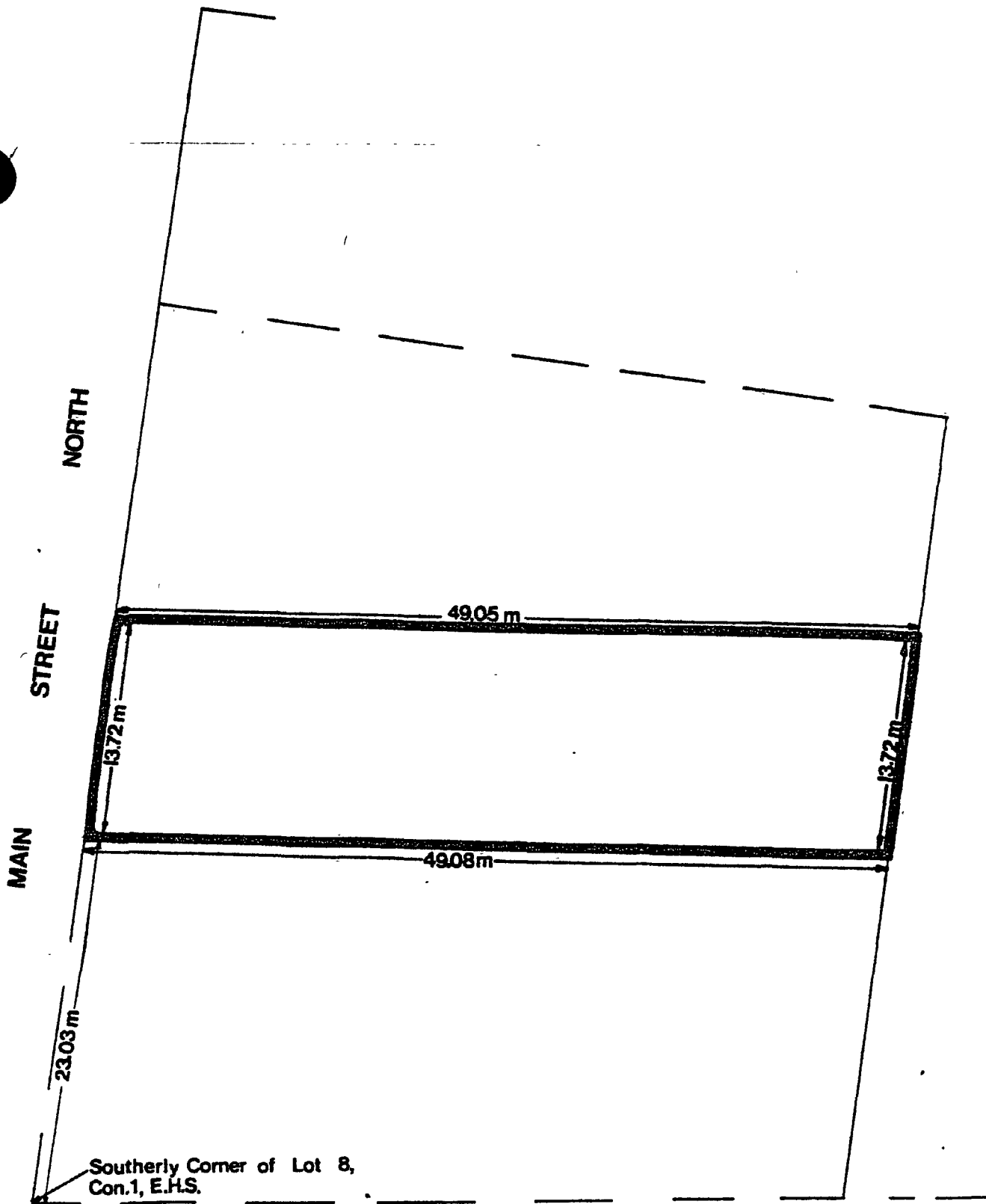
(A) by changing Plate Number 5, the land use designation of lands shown outlined on Schedule A attached hereto from Highway Commercial to Service Commercial.

(B) by adding to Part C, Section B, Chapter B1, Section B2.0, Sub-section B2.2, Paragraph 4.0, the following:

"4.6 The Service Commercial designation of lands on the east side of Main Street North approximately 158 metres north of Vodden Street is intended to permit a limited range of commercial uses and one residential dwelling unit that would be compatible with each other and in recognition of the size and shape of the subject lands and the land use designation of the abutting lands."

DELETED

UNDER SECTION 149(1) OF
THE PLANNING ACT



OFFICIAL PLAN AMENDMENT
 No. 5 A SCHEDULE A



1:360

CITY OF BRAMPTON
 Planning and Development

Date: 82 07 05 Drawn by: RB
 File no. C1E8.8 Map no. 43-45F

BACKGROUND MATERIAL TO AMENDMENT NUMBER 5

Attached is a copy of a report of the Director, Planning and Development Services, dated May 12, 1982 and a copy of a report from the Director, Planning and Development Services, dated June 7, 1982, forwarding notes of a public meeting held on June 2, 1982.

INTER-OFFICE MEMORANDUM

*Sent to P.C.
May 13.*

Office of the Commissioner of Planning and Development

1982 05 12

TO: Chairman and Members of the Planning Committee

FROM: Director, Planning and Development

RE: Application to Amend the Restricted Area Zoning By-law
Part of Lot 8, Concession 1, E.H.S.
358 Main Street North
Ward No. 1
Mrs. Margaret V. Tribe
Our File No. C1E8.8

1.0

Background:

An application to amend the Restricted Area Zoning By-law has been filed with the Clerk's Department.

2.0

Site Description:

The subject site is a rectangular shaped parcel approximately 0.07 hectares (0.16 acres) in size, located on the east side of Main Street North, approximately 158 metres (492 feet) north of Vodden Street. It has a frontage of 13.7 metres (45 feet) and an average depth of 48.8 metres (160 feet).

The site is presently occupied by a 1-1/2 storey, stucco, detached dwelling of approximately 115.4 square metres (1242 square feet). A free standing frame garage exists in the rear yard of the site and access to the garage is obtained via a 3 metre (9.85 feet) gravel driveway. The existing dwelling appears to be in need of some repair as does the garage.

A number of mature trees exist on the site which are worthy of preservation.

Surrounding the site are the following uses:

- to the north, lands are currently vacant. Abutting the site is a former residential lot fronting on Main Street, while further north the lands are part of a proposal for a shopping mall.
- to the east, lands are currently vacant but are also part of the shopping mall proposal.
- to the south, on the abutting property is a small cemetery.
- to the west, across Main Street North, lands are occupied by a mixture of commercial and highway commercial uses.

3.0

Official Plan and Zoning Status:

The Consolidated Official Plan, as amended by Official Plan Amendment No. 42, designates the subject site Highway Commercial. The new Official Plan designates the site Commercial and further defines this designation through Section 2.2 as Highway and Service Commercial.

By-law 25-79 zones the site Highway Commercial One (HC1). The proposed use is not permitted by the Highway Commercial One (HC1) zoning of By-law 25-79 nor does the proposed use fall within the definition of Highway Commercial uses contained in the Consolidated Official Plan.

4.0

Proposal:

The applicant is proposing that the Restricted Area Zoning By-law be amended to permit the use of the existing dwelling on the site for both a residence and a children's book store. It is proposed that the book store will occupy a total of 42 square metres (452 square feet) of the existing dwelling while the

remaining 790 square feet will remain as a residential dwelling unit, to be occupied by the applicant.

The applicant has advised that the book store will be of a quality nature catering to children from pre-school age to approximately twelve years of age. Appropriate renovations to the structure are proposed by the applicant, including fencing to delineate the property.

The applicant has submitted a sketch site plan (attached to this report) which illustrates the location of the existing dwelling on the site and demonstrates that at least 5 parking spaces can be accommodated in the rear yard, with access being obtained via the existing driveway along the southerly property boundary. In order to accommodate the proposed parking, the applicant is proposing that the existing frame garage be removed.

5.0

Comments from Other Agencies and Departments:

Metropolitan Toronto Region Conservation Authority: have advised that the subject site is within the Regional Floodline of the Etobicoke Creek and therefore, in accordance with Ontario Regulation 170/80, a permit would be required from the Authority to construct a building or structure or permit any building or structure to be constructed. However, since no additional buildings or structures are proposed for the site, the Authority has advised that they have no objection to the subject proposal.

Public Works Department: advises that a 3 metre (10 feet) road widening is required along Main Street where abutting this property. They also express their concern regarding commercializing along Main Street which may eventually require the construction of an additional lane of pavement and the subsequent removal of most of the trees along this artery.

Fire Department: has advised they have no objections to the subject proposal.

Region of Peel: has advised they have no objections to the subject proposal.

6.0

Discussion:

Staff are of the opinion that the proposed children's book store in conjunction with an existing dwelling unit is service oriented in nature with a low traffic generation and as such is more in keeping with the Service Commercial designation of the Consolidated Official Plan not the Highway Commercial designation which exists on the site. In view of this, an amendment to both the Official Plan and the Restricted Area Zoning By-law is required.

With respect to the proposed uses, it is noted that both the Consolidated and the new Official Plan envisage the re-development of the subject site for an alternative use. Ideally such re-development should take place on a comprehensive basis and involve the abutting vacant lot to the north. However, after discussions with the owners of this lot, it was discovered that this abutting property is under the same ownership as the lands to the north and east and will be developed in conjunction with these lands as part of the shopping mall project. As a result development of the subject site, in conjunction with this lot, will not be possible and the subject site will become a isolated parcel between a cemetery to the south and a shopping mall to the north and east. In view of this it is staff's opinion that the subject application can be re-developed independently.

We note, however, that the size of the site and the location of the existing structure will mean that a number of the current zoning requirements cannot be achieved. The site will be

- - -

deficient in lot width by 64%, in the front yard by 22% and in the side yard by as much as 86%. Although the adequate number of parking spaces, that is 2 for the dwelling unit and 3 for the book store, can be provided in the rear yard by the removal of the existing garage, it is noted that By-law 25-79 requires a minimum driveway width of 6 metres (19.68 feet) for two-way traffic flow. The existing driveway, however, is no more than half this requirement and the provision of the adequate number of parking spaces in the rear yard will necessitate the removal of a number of the existing trees on the site.

It is recognized that in many cases with the conversion of an existing dwelling there is little that can be accomplished with respect to conforming to current zoning requirements, especially with respect to lot size and setback requirements. For the subject application, however, poor accessibility to the parking area and the necessity to remove existing trees are of concern. Ideally the driveway should be of adequate size (i.e. 6 metres) to accommodate two way traffic movements to the parking area or conversely a 3 metres (10 feet) wide continuous, one way, on-site circulation system should be provided. As a result, the obstruction of the traffic function of Main Street North would be reduced as much as possible.

7.0

Conclusion:

Although there is no basic objection to the proposed use of the existing dwelling for a children's book store and a residence concern must be noted regarding the deficiency of satisfactory access. Due to the size of the site and the location of the existing structure little if anything can be done to improve the current access situation.

Staff is of the opinion that the proposed uses are acceptable and that the substandard access could be tolerated in this instance due to the low intensity of the proposed uses. In view

of this it is recommended that a Public Meeting be held in accordance with City Council's procedures. Subject to the results of the public meeting the following conditions should be imposed:

1. The applicant revise the application to include an amendment to the Official Plan and pay the necessary fee involved in such a revision.
2. The zoning by-law amendment contain a provision that the site shall only be used for a children's book store and one dwelling unit and the maximum amount of gross floor area devoted to the children's book store shall not exceed 42 square metres (452 square feet).
3. Development of the site shall be subject to site and landscape plan approval and a development agreement.
4. The existing frame garage be removed.
5. The development agreement contain a provision that as many of the existing trees as possible will be preserved.
6. A minimum of 2 parking spaces exclusively for the use of the dwelling unit be provided.
7. A minimum of 3 parking spaces exclusively for the use of the children's book store with access to an aisle 6 metres (20 feet) wide be provided.
8. The landscaping plan contain the provision for a 1.2 metres (4 feet) high black vinyl chain link fence abutting the cemetery to the south, and in appropriate locations along the north and east property boundaries.

9. The landscape plan contain the provision of guards for all existing trees to be retained and future fencing which may be subseptible to damage from vehicular traffic---
10. A 3 metre (10 feet) road widening shall be conveyed to the City for highway purposes.

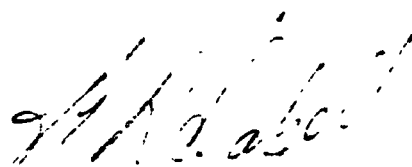
AGREED:



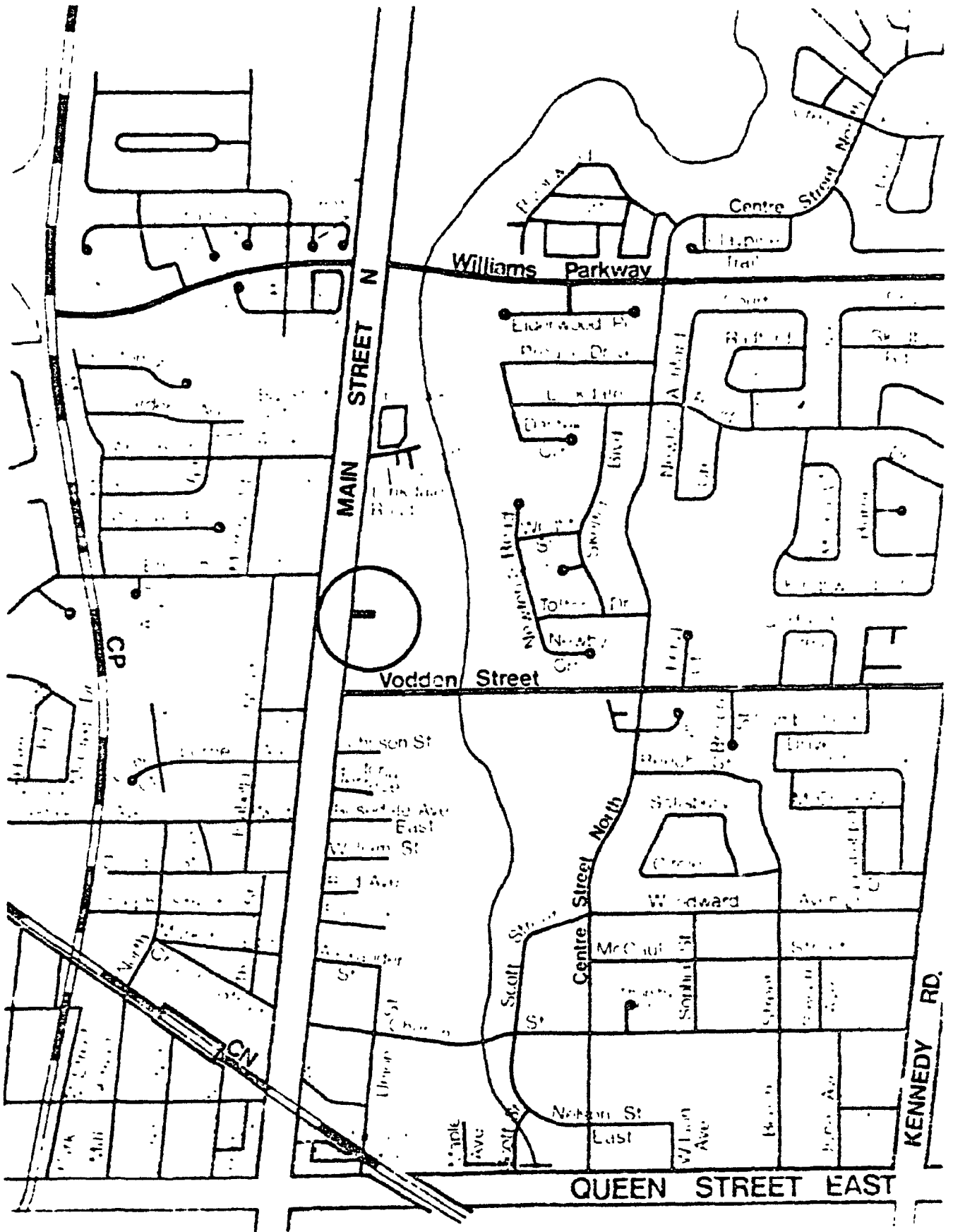
L.W.H. Laine
Director, Planning and
and Development Services

Enclosure(3)

LWHL/DR/th



F.R. Dalzell
Commissioner of Planning
Development



LOCATION MAP

MARGARET TRIBE



1:12000

CITY OF BRAMPTON
 Planning and Development

Date: 82.04 30 Drawn by: J.K.

File no. CIE8.8 Map no. 43-45A

H/C
V
ENGLISH ST.

V
(FUTURE SHOPPING MALL)

H/C H/C

V

V

ISABELLA ST.

N
ST.
MAIN

U/C
U/C
V V

VODDEN ST.

BEING DEMOLISHED

DALE AVE.

V

JOHNSTON ST.

V

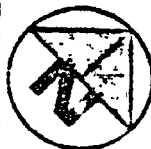
LAND USE

MARGARET TRIBE

HIGHWAY COMM.
RESIDENTIAL
INSTITUTIONAL
SUBJECT PROPERTY

LEGEND
[Symbol] LEGEND
[Symbol]
[Symbol]
[Symbol]

VACANT
COMMERCIAL
INDUSTRIAL
UNDER CONSTRUCTION



1:2000

CITY OF BRAMPTON
Planning and Development

Date: 82. 04 30 Drawn by: J. K.

File no. CIE88 Map no. 43-45B

25 S. Phin St.,
Brampton, Ontario
June 3, 1962

Mr. Fred Dalzell
Commissioner of Planning
150 Central Park Drive
Brampton, Ontario

C.I.E.S. 8

Dear Mr. Dalzell,

This letter is to indicate to you the fact that I have no basic objections to the staff report regarding my application for re-zoning 358 Main Street North except the following:

At the present time, there is an existing chicken wire fence, in very poor condition, to the south of the property between 358 Main Street North and the old cemetery. A similar fence is located on the north side of the cemetery as well. Both of these fences belong to the City of Brampton and are on the property of the cemetery. It would be unreasonable that the applicant should be required to replace the fence of Brampton's fencing. The applicant suggests that the northern fence of the cemetery be replaced by the City of Brampton. The City of Brampton, as a District Council, and I am sure the Board of Health, have both assured me that the fence is located on the property of the City of Brampton.

If the zoning by-law which contains a provision that the site shall only be used for a children's playground and a dwelling unit, I feel that such a by-law would severely limit the ability to sell the site. It would also seem that any prospective purchaser would have to go through the same costly and time-consuming process of going through in the event that they were to sell the site. I suggest that the by-law be amended to allow the site to be used for a low density residential use as a duplex, semi-detached, or a row of three, four, or five units, etc. I am sure that the Board of Health and the City of Brampton would be satisfied with such a change.

I trust that these concerns may be resolved to our mutual satisfaction as soon as possible.

Yours sincerely,

F. J. Lube

Verma Lube