



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 240-2003

To amend By-law 151-88, as amended

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

1. By-law 151-88, as amended, is hereby further amended:

(1) by deleting therefrom SECTION 1039 and substituting therefore the following:

“1039 The lands designated M1A SECTION 1039 on Sheet 62D of Schedule A to this by-law:

1039.1 shall only be used for the following purposes:

## Industrial

- (1) the manufacturing, cleaning, packaging, processing, repairing or assembly of goods, foods or materials within an enclosed building, but excluding a motor vehicle repair shop and a motor vehicle body shop as a principle or accessory use;
- (2) a printing establishment;
- (3) a warehouse; and
- (4) a parking lot.

## Non Industrial

- (1) a radio or television broadcasting and transmission establishment;
- (2) a recreational facility or structure;
- (3) a home furnishings and improvement retail warehouse;
- (4) a community club;

- (5) an animal hospital;
- (6) a dining room restaurant, a takeout restaurant;
- (7) a personal service shop, not including a massage parlour;
- (8) a service shop;
- (9) an office;
- (10) a bank, trust company and finance company;
- (11) a copying establishment;
- (12) a custom workshop;
- (13) a convenience store;
- (14) a place of commercial recreation;
- (15) a commercial school;
- (16) a laundromat;
- (17) a dry cleaning and laundry distribution station.

Accessory

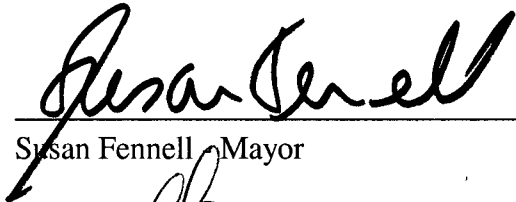
- (1) an associated educational use;
- (2) an associated office;
- (3) accessory retail sales; only one of the following shall be permitted:
  - i. the retail sale of food and food related goods, operated in connection with a particular purpose permitted by the Industrial uses outlined above, provided that the total gross commercial floor devoted to retailing is not more than 30% of the total gross industrial floor area of the particular industrial uses to a maximum of 703 square metres, whichever is less and provided the floor area devoted to retailing is physically separated from the primary industrial use;
  - or,
  - ii. the retail sale of non-food related goods, operated in connection with a particular purpose by the Industrial uses, provided that the total gross commercial floor devoted to retailing is not more than 45% of the total gross industrial floor area of the particular industrial use to a maximum of 703 square metres, whichever is less and provided the floor area devoted to retailing is physically separated from the primary industrial use;
- (4) purposes accessory to the other permitted purposes.


1039.2 shall be subject to the following requirements and restrictions:

- (1) The maximum gross floor area of all buildings and structures shall not exceed 5,525 square metres;
- (2) Minimum Lot Area: 1.1 hectares.
- (3) Minimum Front Yard Depth: 15 metres.
- (4) Minimum Interior Side Yard:
  - i. East Side Yard 7.6 metres.
  - ii. West Side Yard 12 metres.
- (5) Maximum Building Height: 2 storeys.
- (6) Minimum Landscaped Open Space:
  - i. Front Yard:  
  
A minimum 4.8 metre wide landscaped open space area, except at approved driveway locations, shall be provided in the front yard.
  - ii. Side Yard:  
  
None required
- (7) Minimum Parking Spaces: 165 spaces
- (8) Drive-through facilities shall not be permitted.
- (9) Restaurant uses shall be limited to a maximum gross floor area of 929 square metres.
- (10) Office uses shall be limited to a maximum gross floor area of 1190 square metres.
- (11) Adult entertainment establishments shall not be permitted.

1039.3 shall also be subject to requirements and restrictions relating to the M1A Zone, and all general provisions of this by-law, which are not in conflict with the ones set out in section 1039.2.”

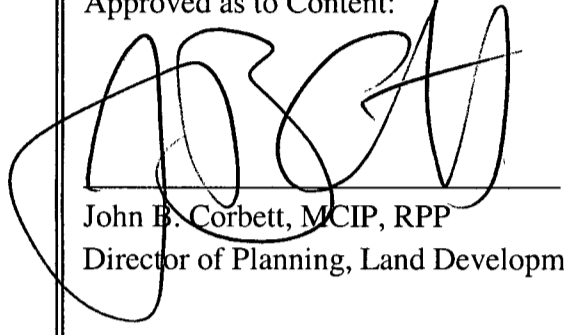
this 13<sup>th</sup> day of August 2003.

  
Susan Fennell, Mayor

  
Leonard J. Mikulich - City Clerk

APPROVED  
AS TO FORM  
LAW DEPT  
BRAMPTON  
  
DATE 8/13/03

Approved as to Content:

  
John B. Corbett, MCIP, RPP  
Director of Planning, Land Development Services

ISSUE DATE:  
**March 18, 2004**  
DECISION/ORDER NO:  
**0594**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

CC John Corbett  
Janice Atwood Petkovski

L-7.

PL030955

RECEIVED  
CLERK'S DEPT.

MAR 22 2004

Mike Schmidt Holdings Ltd. and Ben Elgner Holdings Ltd. of ABC Group Properties have appealed to the Ontario Municipal Board under Section 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Brampton to approve Official Plan Amendment No. OP93-221 to the Bramalea West Industrial Secondary Plan of the Official Plan for the City of Brampton to allow an expansion in the range of permitted uses for lands composed of part of Lot 2, Concession 3, E.H.S., Ward 8, municipally known as 284 Orenda Road

OMB File No. O030362

Mike Schmidt Holdings Ltd. and Ben Elgner Holdings Ltd. of ABC Group Properties have appealed to the Ontario Municipal Board under Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 240-2003

OMB File No. R030213

**APPEARANCES:**

**Parties**

**Counsel**

City of Brampton

J. Atwood-Petkovski

Dixie Orenda Plaza  
728836 Ontario Limited

R. Jarvis

ABC Group Properties

B. Illison

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. R. MILLS  
ON MARCH 12, 2004 AND ORDER OF THE BOARD**

At the first prehearing conference for the two appeals before it on February 16, 2004 the Board Ordered the parties to meet to try to settle their differences on March 4, 2004.

The Board was advised by the parties that its suggestion worked and they requested a teleconference hearing as they had signed Minutes of Settlement and an amended by-law for its approval to present to the Board.

The Board held that teleconference hearing today. All counsel and the Board agreed that the minor modifications to the by-law did not require planning evidence to support them. The executed Minutes of Settlement (Exhibit 2) are appended as

Attachment 1 to this decision. The Board will therefore dismiss the appeal against OPA No. OP93-221 and it is therefore approved.

The Board will allow the appeal against Zoning By-law 240-2003 in part and amend same in the form of Exhibit 3 appended to this decision as Attachment 2. The prehearing scheduled for March 31, 2004 should be cancelled.

The Board so Orders.

"J. R. Mills"

J. R. MILLS  
MEMBER

ATTACHMENT 1

**ROBERT E. JARVIS Q.C.**  
Barrister and Solicitor

105 Confederation Way  
Thornton, Ontario  
Canada, L3T 5R4  
Phone : (905) 763-5998  
Mobile : (416) 970-5998  
Fax : (905) 763-1439

File 3-007

Minutes of Settlement

Between: Mike Schmidt Holdings Ltd. and Ben Elgner Holdings Ltd.  
of ABC Group Properties (ABC Group)  
and  
728836 Ontario Limited (Dixie Orenda Plaza)  
and  
The City of Brampton (The City)

**Re: Appeals to the Ontario Municipal Board (The Board)  
by the ABC Group with respect to Applications by  
Dixie Orenda Plaza for Official Plan and Zoning By-law  
Amendments. O.M.B. Case No. PL030955**

Whereas the Board held a Pre-hearing Conference with respect to the above noted matter on February 16<sup>th</sup>, 2004 and the Board ordered the "three parties are to meet to try and settle their differences on March 4<sup>th</sup>, 2004....".

And whereas the Parties met on March 4<sup>th</sup>, 2004 as directed and were able to settle the differences between them on the basis that the Non Industrial land uses as set out in By-law 240-2003, Section (1)(1), the Zoning By-law before the Board, would be modified and the number of restaurants permitted within the maximum Gross Floor Area of 929 square metres fixed for restaurants would be capped all as set out herein.

And whereas it is anticipated, provided the Board is satisfied that the proposed modifications to the proposed By-law 240-2003 are in order, that the Board will issue an Order approving both Official Plan Amendment Number OP93-221 to the City Official Plan and Zoning By-law Number 240-2003 as revised herein.

Now therefore the Parties herein agree as follow:

1. The revisions to Section (1)(1), Non Industrial, of Zoning By-law 240-2003

## Page 2 of 3

are to be as follows:

- a) Par. (10) 'a bank, trust company and finance company;' is to be eliminated as a permitted use.
  - b) Par. (12) 'a custom workshop;' is to be eliminated as a permitted use.
  - c) Par. (15) 'a commercial school;' is to be modified by adding the words 'provided that commercial school uses shall be limited to a maximum Gross Floor Area of 150 square metres.'
  - d) Par. (16) 'a laundromat;' is to be eliminated as a permitted use.
2. Paragraph (9) under the heading Accessory of proposed By-law 240-2003 is to be modified by adding the words, 'provided that the number of restaurants shall be limited to not more than six'.
  3. These Minutes of Settlement are to be filed with the Board following execution by all Parties and such filing shall constitute confirmation that all Parties are requesting the Board to dismiss, without costs, the Appeals now before the Board and to issue an Order approving City of Brampton O.P.A.93-221 and By-law 240-2003 as revised herein.
  4. The Parties hereby confirm that the Pre-Hearing Conference tentatively scheduled by the Board for March 31<sup>st</sup>, 2004 is to be cancelled and, provided the Board is satisfied with and approves By-law 240-2003 as revised herein, no further Hearing will be required and the Boards file may be closed.

Dated at Brampton this 10<sup>th</sup> day of March, 2004.

Mike Schmidt Holdings Ltd. and Ben  
Elgner Holdings Ltd. of ABC Group  
Properties by its Solicitor

The City of Brampton by its  
Solicitor



Brian Illion

Janice Atwood-Petkovski



are to be as follows:

- a) Par. (10) 'a bank, trust company and finance company,' is to be eliminated as a permitted use.
- b) Par. (12) 'a custom workshop;' is to be eliminated as a permitted use.
- c) Par. (15) 'a commercial school;' is to be modified by adding the words 'provided that commercial school uses shall be limited to a maximum Gross Floor Area of 150 square metres.'
- d) Par. (16) 'a laundromat;' is to be eliminated as a permitted use.

- 2. Paragraph (9) under the heading Accessory of proposed By-law 240-2003 is to be modified by adding the words, 'provided that the number of restaurants shall be limited to not more than six'.
- 3. These Minutes of Settlement are to be filed with the Board following execution by all Parties and such filing shall constitute confirmation that all Parties are requesting the Board to dismiss, without costs, the Appeals now before the Board and to issue an Order approving City of Brampton O.P.A.93-221 and By-law 240-2003 as revised herein.
- 4. The Parties hereby confirm that the Pre-Hearing Conference tentatively scheduled by the Board for March 31<sup>st</sup>, 2004 is to be cancelled and, provided the Board is satisfied with and approves By-law 240-2003 as revised herein, no further Hearing will be required and the Boards file may be closed.

Dated at Brampton this 10<sup>th</sup> day of March, 2004.

Mike Schmidt Holdings Ltd. and Ben Elgner Holdings Ltd. of ABC Group Properties by its Solicitor

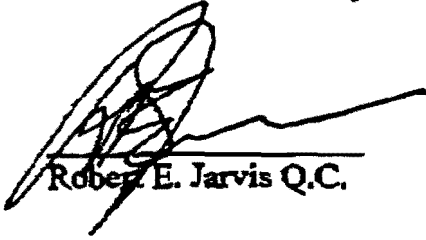
The City of Brampton by its Solicitor

\_\_\_\_\_  
Brian Illion

  
Janice Arwood-Petkovski

Page 3 of 3

728836 Ontario Limited  
Dixie Orenda Plaza by its Solicitor



Robert E. Jarvis Q.C.

**ATTACHMENT 2****By-law****Number 240-2003**

To amend By-law 151-88, as amended

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

1. By-law 151-88, as amended, is hereby further amended:

- (1) by deleting there from SECTION 1039 and substituting therefore the following:

“1039 The lands designated M1A SECTION 1039 on Sheet 62D of Schedule A to this by-law:

1039.1 shall only be used for the following purposes:

**Industrial**

- (1) the manufacturing, cleaning, packaging, processing, repairing or assembly of goods, foods or materials within an enclosed building, but excluding a motor vehicle repair shop and a motor vehicle body shop as a principle or accessory use;
- (2) a printing establishment;
- (3) a warehouse; and
- (4) a parking lot.

**Non Industrial**

- (5) a radio or television broadcasting and transmission establishment;
- (6) a recreational facility or structure;
- (7) a home furnishings and improvement retail warehouse;
- (8) a community club,

- (9) an animal hospital;
- (10) a dining room restaurant, a takeout restaurant,
- (11) a personal service shop, not including a massage parlour;
- (12) a service shop;
- (13) an office,
- (14) a copying establishment,
- (15) a convenience store;
- (16) a place of commercial recreation;
- (17) a commercial school; and,
- (18) a dry cleaning and laundry distribution station.

Accessory

- (19) an associated educational use;
- (20) an associated office;
- (21) accessory retail sales; only one of the following shall be permitted:
  - i. the retail sale of food and food related goods, operated in connection with a particular purpose permitted by the Industrial uses outlined above, provided that the total gross commercial floor devoted to retailing is not more than 30% of the total gross industrial floor area of the particular industrial uses to a maximum of 703 square metres, whichever is less and provided the floor area devoted to retailing is physically separated from the primary industrial use;
  - or,
  - ii the retail sale of non-food related goods, operated in connection with a particular purpose by the Industrial uses, provided that the total gross commercial floor devoted to retailing is not more than 45% of the total gross industrial floor area of the particular industrial use to a maximum of 703 square metres, whichever is less and provided the floor area devoted to retailing is physically separated from the primary industrial use;
- (22) purposes accessory to the other permitted purposes.

- (1) The maximum gross floor area of all buildings and structures shall not exceed 5,525 square metres;
- (2) Minimum Lot Area: 1.1 hectares.
- (3) Minimum Front Yard Depth: 15 metres.
- (4) Minimum Interior Side Yard:
  - i. East Side Yard 7.6 metres.
  - ii. West Side Yard 12 metres.
- (5) Maximum Building Height: 2 storeys.
- (6) Minimum Landscaped Open Space:
  - i. Front Yard:

A minimum 4.8 metre wide landscaped open space area, except at approved driveway locations, shall be provided in the front yard.
  - ii. Side Yard:

None required
- (7) Minimum Parking Spaces: 165 spaces
- (8) Drive-through facilities shall not be permitted.
- (9) Restaurant uses shall be limited to a maximum gross floor area of 929 square metres.
- (10) Office uses shall be limited to a maximum gross floor area of 1190 square metres.
- (11) A maximum of one (1) convenience store shall be permitted.
- (12) Adult entertainment establishments shall not be permitted.
- (13) commercial school uses shall be limited to a maximum floor area of 150 square metres.
- (14) The maximum number of restaurants shall not exceed six.

1039.3

shall also be subject to requirements and restrictions relating to the MIA Zone, and all general provisions of this by-law, which are not in conflict with the ones set out in section 1039.2.”

IN THE MATTER OF the *Planning Act*, R.S.O. 1990, as amended, sections 17 and 34:

AND IN THE MATTER OF the City of Brampton Official Plan Amendment and Zoning By-law to amend Comprehensive Zoning By-law 151-88 as amended (728836 Ontario Limited - File C3E2.6)

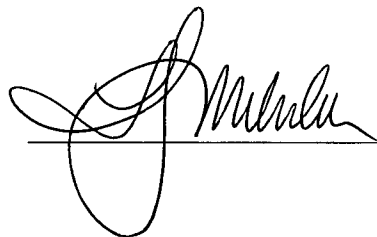
DECLARATION

I, LEONARD JOSEPH MIKULICH, of the Town of Shelburne, in the County of Dufferin, DO SOLEMNLY DECLARE THAT:

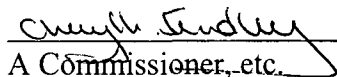
1. I am the Clerk of The Corporation of the City of Brampton and as such have knowledge of the matters herein declared.
2. One notice of appeal was filed under section 17(24) and one was filed under section 34(19) of the *Planning Act*. The Ontario Municipal Board in its Decision/Order No. 0594 dated March 18, 2004 orders that the appeal on the Official Plan Amendment be dismissed. By-law 151-88 is amended in the manner set out in "Attachment 2" of the Board Order, attached hereto.
3. Official Plan Amendment OP93-221 and Zoning By-law 240-2003 are deemed to have come into effect on the March 18, 2004 as per the Board Order No. 0594.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the )  
City of Brampton in the )  
Region of Peel this )  
29<sup>th</sup> day of March, 2004. )



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A Commissioner, etc.

Cheryl Lyn Fendley, a Commissioner etc.,  
Regional Municipality of Peel, for  
The Corporation of the City of Brampton  
Expires October 18, 2005.