



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 298-2005

To amend By-law 270-2004, as amended

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

1. By-law 270-2004, as amended, is hereby further amended:

(1) by changing on Sheet 7A of Schedule A thereto, the zoning designation of the lands shown outlined on Schedule A to this by-law:

FROM	TO
AGRICULTURAL (A)	Service Commercial Section 1890 (SC Section 1890) and Service Commercial Holding Section 1891 (SC (H) Section 1891).

(2) by adding thereto, the following sections:

1890 The lands designated SC - Section 1890 of Schedule A to this By-law:

1890.1 shall only be used for the following purposes:

- i. retail establishment having no outside storage;
- ii. a convenience store;
- iii. a service shop;
- iv. a personal service shop;
- v. a bank, trust company, finance company;
- vi. an office;
- vii. a dry cleaning and laundry distribution station;
- viii. a laundromat ;
- ix. a printing or copying establishment;
- x. a commercial school;
- xi. a dining room restaurant; and
- xii. a take-out restaurant.

- 1890.2 shall be subject to the following requirements and restrictions:
- (1) Minimum Front Yard Depth
4.0 metres
 - (2) Minimum Interior Side Yard Width
2 metres except where the zone abuts a SC Section 1891 Zone then 0 metres
 - (3) Minimum Rear Yard Depth:
7.5 metres
 - (4) Maximum Building Height:
1 Storey
 - (5) Minimum Rear Yard Landscape Strip:
7.8 metres
 - (6) Minimum Front Yard Landscape Strip:
4.0 metres
 - (7) All garbage and refuse containers shall be enclosed within a climate-controlled room within the building.
 - (8) For the purposes of this zone, taverns are not permitted.
 - (9) For the purposes of this zone, the lot line, which abuts Mayfield Road shall be deemed the Front Lot Line.
 - (10) Drive-thru facilities for restaurant uses shall not be permitted.
 - (11) Drive-thru facilities shall not be located adjacent to public roads or within 7.8 metres of a residential zone.
- 1890.3 shall also be subject to the requirements and restrictions of the SC zone and all the general provisions of this by-law, which are not in conflict with the ones set out in section 1890.2.
- 1890.4 notwithstanding any other provision of this Zoning By-law, to the contrary, the lands zoned Service Commercial Section 1890 (SC Section 1890), save and except the part of Mayfield Road, shall be treated as a single lot for zoning purposes.

1891 The lands designated SC (H) - Section 1891 of Schedule A to this By-law:

1891.1 shall only be used for the following purposes:

- i. retail establishment having no outside storage;
- ii. a convenience store;
- iii. a service shop;
- iv. a personal service shop;
- v. a bank, trust company, finance company;
- vi. an office;
- vii. a dry cleaning and laundry distribution station;
- viii. a laundromat ;
- ix. a printing or copying establishment;
- x. a commercial school;
- xi. a dining room restaurant; and
- xii. a take-out restaurant.

1891.2 shall be subject to the following requirements and restrictions:

(1) Minimum Front Yard Depth

4.0 metres

(2) Minimum Interior Side Yard Width

2 metres except where the zone abuts a SC Section 1890 Zone then 0 metres

(3) Minimum Exterior Side Yard Width

4.0 metres

(4) Minimum Rear Yard Depth:

7.5 metres

(5) Maximum Building Height:

1 Storey

(6) Minimum Rear Yard Landscape Strip:

7.8 metres

(7) Minimum Front Yard Landscape Strip:

4.0 metres

(8) Minimum Exterior Side Yard Landscape Strip:

4.0 metres

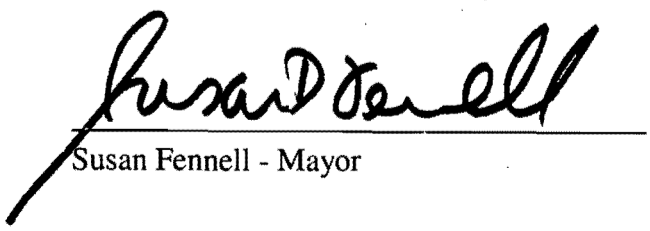
(9) All garbage and refuse containers shall be enclosed within a climate-controlled room within the building.

- (10) For the purposes of this zone, the lot line, which abuts Mayfield Road shall be deemed the Front Lot Line.
- (11) For the proposes of this zone, any lot line, which abuts the Summer Valley Drive right-of-way shall be deemed the Exterior Side Lot Line.
- (12) Drive-thru facilities for restaurant uses shall not be permitted.
- (13) Drive-thru facilities shall not be located adjacent to public roads or within 7.8 metres of a residential zone.
- (14) For the purposes of this zone, taverns are not permitted.
- (15) The holding (H) symbol shall not be removed until the City of Brampton has confirmed that Block 196 on 43M-1276 has been merged on title with the remaining portion of the SC(H) – Section 1891 zone.
- (16) Until the holding (H) symbol is removed, the lands designated SC (H) – SECTION 1891, shall only be used for those purposes permitted in the Agricultural (A) Zone as set out in Section 46.1.1, subject to the requirements and restrictions of the Agricultural (A) zone, and all the general provisions of this by-law.

1891.3 shall also be subject to the requirements and restrictions of the SC zone and all the general provisions of this by-law, which are not in conflict with the ones set out in section 1891.2.

1891.4 upon removal of the holding (H) symbol for the lands designated SC (H) –SECTION 1891, notwithstanding any other provision of this Zoning By-law, to the contrary, the lands zoned Service Commercial Holding Section 1891 (SC (H) Section 1891) and the lands zoned Service Commercial Section 1890 (SC Section 1890), save and except the part of Mayfield Road, shall be treated as a single lot for zoning purposes.

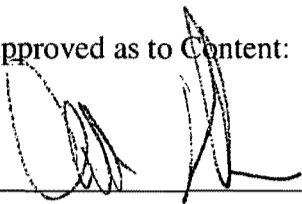
READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL,
 this **26th** day of **September** 2005.


 Susan Fennell - Mayor



Leonard J. Mikulich - City Clerk

Approved as to Content:



Adrian Smith, MCIP, RPP
Director of Planning and Land Development Services

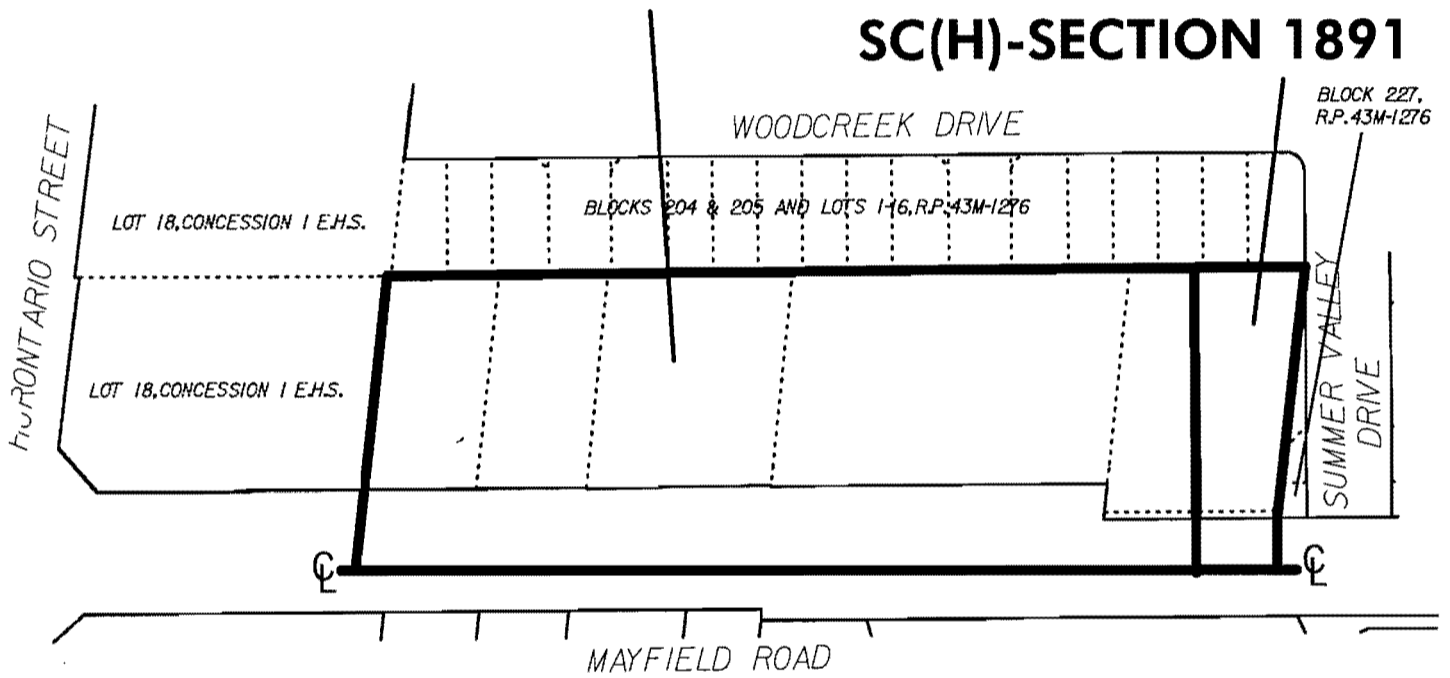
APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON

WCC



DATE 05/09/21

SC-SECTION 1890

SC(H)-SECTION 1891



LEGEND

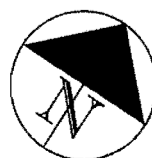
-  ZONE BOUNDARY
-  CENTRELINE OF ORIGINAL ROAD ALLOWANCE
- m METRES



PART LOT 18, CONCESSION 1 E.H.S.

By-Law 298-2005

Schedule A



CITY OF BRAMPTON
 Planning, Design and Development

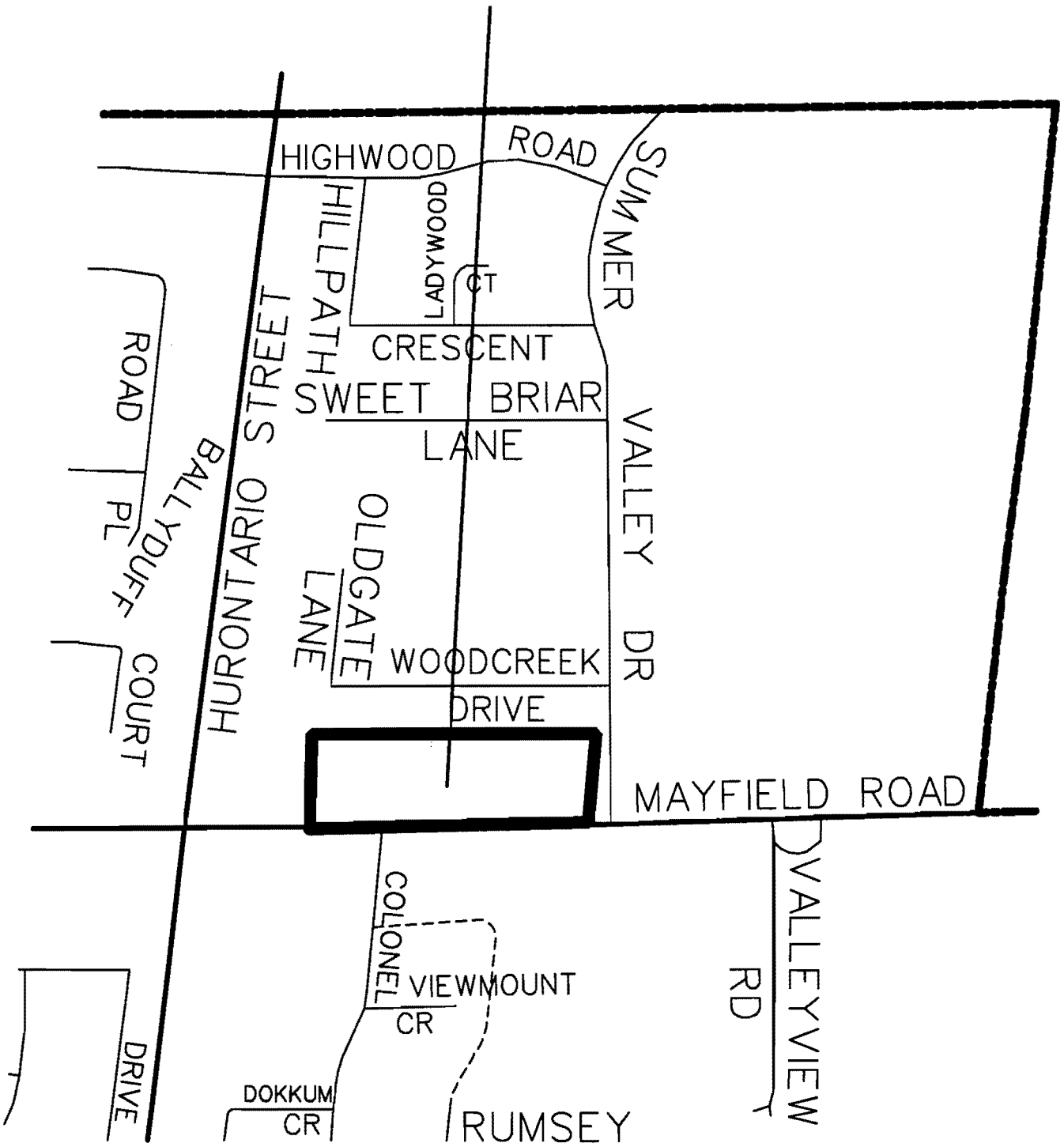
Date: 2005 08 29

Drawn by: CJK

File no. C1E18_13zbla

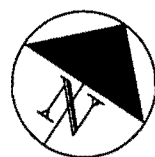
Map no. 7-44

SUBJECT LANDS



Key Map By-Law

298-2005



CITY OF BRAMPTON
Planning, Design and Development

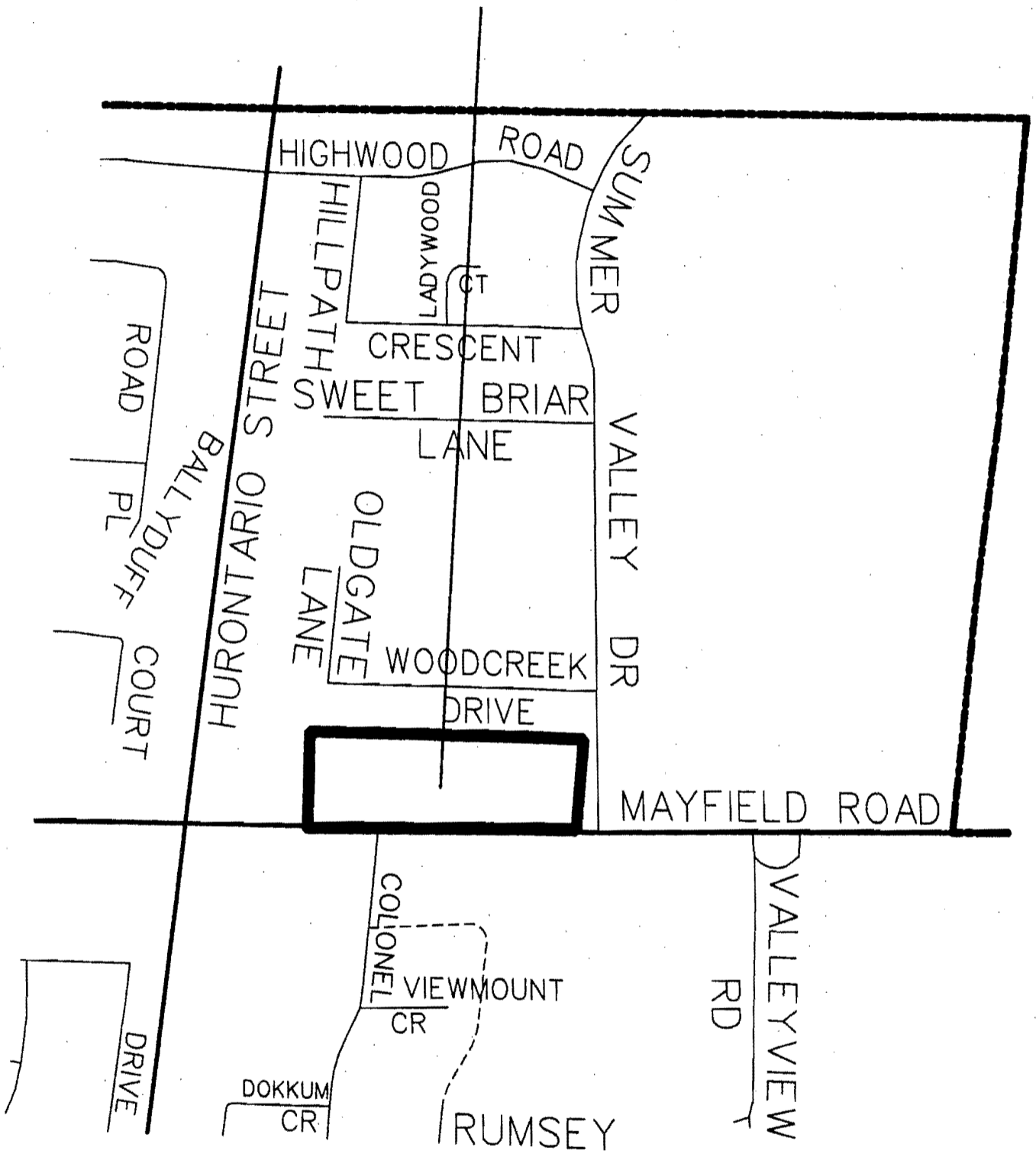
Date: 2005 08 29

Drawn by: CJK

File no. C1E18_13zbla

Map no. 7-44

SUBJECT LANDS



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 Comprehensive Zoning By-law 270-2004, as amended
Glen Schnarr and Associates - File C1E18.13

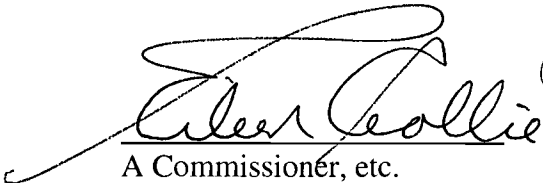
DECLARATION

I, Joan LeFeuvre, of the Town of Halton Hills, in the Region of Halton, hereby make oath and say as follows:

1. I am the Deputy 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 #1081 dated April 11, 2006 ordered that the appeal on the Official Plan Amendment be dismissed. Comprehensive Zoning By-law 270-2004 is amended in the manner set out in "Attachment 1" of the Board Order, attached hereto.
3. Official Plan Amendment OP93-250 and Zoning By-law 298-2005 are deemed to have come into effect on the April 11, 2006, the day the Ontario Board Decision/Order #1081 was issued.

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)
18th day of April, 2004.)



A Commissioner, etc.

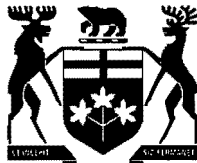
EILEEN MARGARET COLLIE, A Commissioner
etc., Regional Municipality of Peel for
The Corporation of The City of Brampton
Expires February 2, 2008.

ISSUE DATE:

April 11, 2006

DECISION/ORDER NO:

1081



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

CC: Paul Snape
Colin Grant

PL051100

DiBattista Gambin Developments has appealed to the Ontario Municipal Board under subsection 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 Proposed Amendment No. 93-250 to the Official Plan for the City of Brampton.

OMB File No. O050173

DiBattista Gambin Developments has appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 298-2005 of the City of Brampton.

OMB File No. R050256

APPEARANCES:

Parties

DiBattista Gabin Developments

English Prestige Properties

City of Brampton

Counsel

C. Barnett

R.K. Webb, Q.C.

C.C. Cooper

MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN ON APRIL 4, 2006

The matter before the Board consists of two appeals made by DiBattista Garrbin Developments (DiBattista). The first appeal relates to Official Plan Amendment No. 93-250 (OPA) which was adopted by the City of Brampton (City) on September 26, 2005. The second appeal relates to Zoning By-law 298-2005 (By-law) which included a holding symbol in respect of certain lands. At the commencement of the hearing, Counsel for DiBattista, English Prestige Homes (the applicant), and the City advised that a settlement had been reached on both appeals. The parties requested the Board to dismiss the appeal with respect to the OPA and allow the appeal, in part, with respect to the By-law, subject to specific modifications. The parties also requested that the Board withhold its order for a short period of time pending completion of the land transaction.

In support of the OPA and Zoning By-law the City called Mr. Todd, an experienced land use planner and member of staff responsible for the matter to provide

expert opinion evidence in support of the approvals sought. The lands are situated on Mayfield Road, in the Snelgrove area at the north boundary of the City. The purpose of the planning instruments is to further commercial development on the lands which will include the acquisition by the owner/applicant of a small sliver of land (Block 196 on 43M-1276) adjacent to Summer Valley Drive. Briefly, Mr. Todd explained that the Holding Zone on Block 196 can be removed once that block and the applicant's lands are merged into one ownership and the entire parcel will then be developed for commercial purposes. In Mr. Todd's opinion, the use of the lands for commercial purposes is appropriate, is compatible with adjacent residential uses, and will contribute positively to the greater Snelgrove area. The project envisages high quality architectural and landscape design and pedestrian friendly amenity space. In addition, the proposed commercial development will enhance the streetscape and provide a strong urban edge at the intersection of Summer Valley Drive and Mayfield Road.

With respect to process, notice of the hearing was given in accordance with the Board's directions and other than the City, the appellant and the applicant no other parties or participants appeared. Mr. Todd confirmed that a public meeting was held by the municipality prior to the enactment of the OPA and By-law and area resident concerns were resolved.

DECISION

Based on the evidence of Mr. Todd and the submissions of the parties the Board finds that the approvals sought represent good planning. Accordingly, the decision of the Board is as follows:

1. The Board Orders that Amendment No. 93-250 to the Official Plan for the City of Brampton is approved and the appeal is dismissed.
2. The Board Orders that the appeal is allowed in part, and By-law 298-2005 (Attachment "1") is amended in the following manner:
 - (i) Paragraphs 1891.2 (15) and (16) shall be deleted.
 - (ii) Paragraph 1891.4 shall be modified to remove the reference to the holding symbol.

- (iii) Schedule A shall be modified to remove the reference to the holding symbol.

In all other respects, the Board Orders that the appeal is dismissed.

The Order is withheld until such time as the City advises the Board that the lands are under one ownership.


J. de P. SEABORN
VICE CHAIR



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 298-2005

To amend By-law 270-2004, as amended

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

I. By-law 270-2004, as amended, is hereby further amended:

(1) by changing on Sheet 7A of Schedule A thereto, the zoning designation of the lands shown outlined on Schedule A to this by-law:

FROM	TO
AGRICULTURAL (A)	Service Commercial Section 1890 (SC Section 1890) and Service Commercial Holding Section 1891 (SC (H) Section 1891).

(2) by adding thereto, the following sections:

1890 The lands designated SC - Section 1890 of Schedule A to this By-law:

1890.1 shall only be used for the following purposes:

- i. retail establishment having no outside storage;
- ii. a convenience store;
- iii. a service shop;
- iv. a personal service shop;
- v. a bank, trust company, finance company;
- vi. an office;
- vii. a dry cleaning and laundry distribution station;
- viii. a laundromat ;
- ix. a printing or copying establishment;
- x. a commercial school;
- xi. a dining room restaurant; and
- xii. a take-out restaurant.

1890.2

shall be subject to the following requirements and restrictions:

- (1) Minimum Front Yard Depth
4.0 metres
- (2) Minimum Interior Side Yard Width
2 metres except where the zone abuts a SC Section 1891 Zone then 0 metres
- (3) Minimum Rear Yard Depth:
7.5 metres
- (4) Maximum Building Height:
1 Storey
- (5) Minimum Rear Yard Landscape Strip:
7.8 metres
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- (7) All garbage and refuse containers shall be enclosed within a climate-controlled room within the building.
- (8) For the purposes of this zone, taverns are not permitted.
- (9) For the purposes of this zone, the lot line, which abuts Mayfield Road shall be deemed the Front Lot Line.
- (10) Drive-thru facilities for restaurant uses shall not be permitted.
- (11) Drive-thru facilities shall not be located adjacent to public roads or within 7.8 metres of a residential zone.

1890.3

shall also be subject to the requirements and restrictions of the SC zone and all the general provisions of this by-law, which are not in conflict with the ones set out in section 1890.2.

1890.4

notwithstanding any other provision of this Zoning By-law, to the contrary, the lands zoned Service Commercial Section 1890 (SC Section 1890), save and except the part of Mayfield Road, shall be treated as a single lot for zoning purposes.

1891 The lands designated SC (H) - Section 1891 of Schedule A to this By-law:

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- i. retail establishment having no outside storage;
- ii. a convenience store;
- iii. a service shop;
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- xi. a dining room restaurant; and
- xii. a take-out restaurant.

1891.2 shall be subject to the following requirements and restrictions:

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4.0 metres
- (2) Minimum Interior Side Yard Width
2 metres except where the zone abuts a SC Section 1890 Zone then 0 metres
- (3) Minimum Exterior Side Yard Width
4.0 metres
- (4) Minimum Rear Yard Depth:
7.5 metres
- (5) Maximum Building Height:
1 Storey
- (6) Minimum Rear Yard Landscape Strip:
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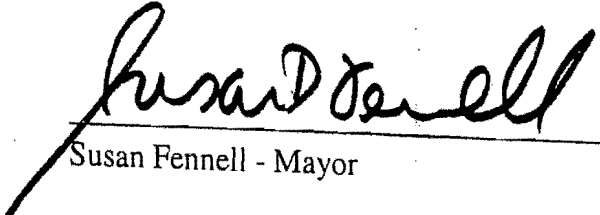
1891.3

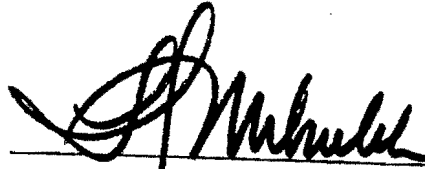
shall also be subject to the requirements and restrictions of the SC zone and all the general provisions of this by-law, which are not in conflict with the ones set out in section 1891.2.

1891.4

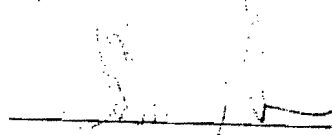
upon removal of the holding (H) symbol for the lands designated SC (H) –SECTION 1891, notwithstanding any other provision of this Zoning By-law, to the contrary, the lands zoned Service Commercial Holding Section 1891 (SC (H) Section 1891) and the lands zoned Service Commercial Section 1890 (SC Section 1890), save and except the part of Mayfield Road, shall be treated as a single lot for zoning purposes.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL,
 this **26th** day of **September** 2005.


 Susan Fennell - Mayor


 Leonard J. Mikulich - City Clerk

Approved as to Content:

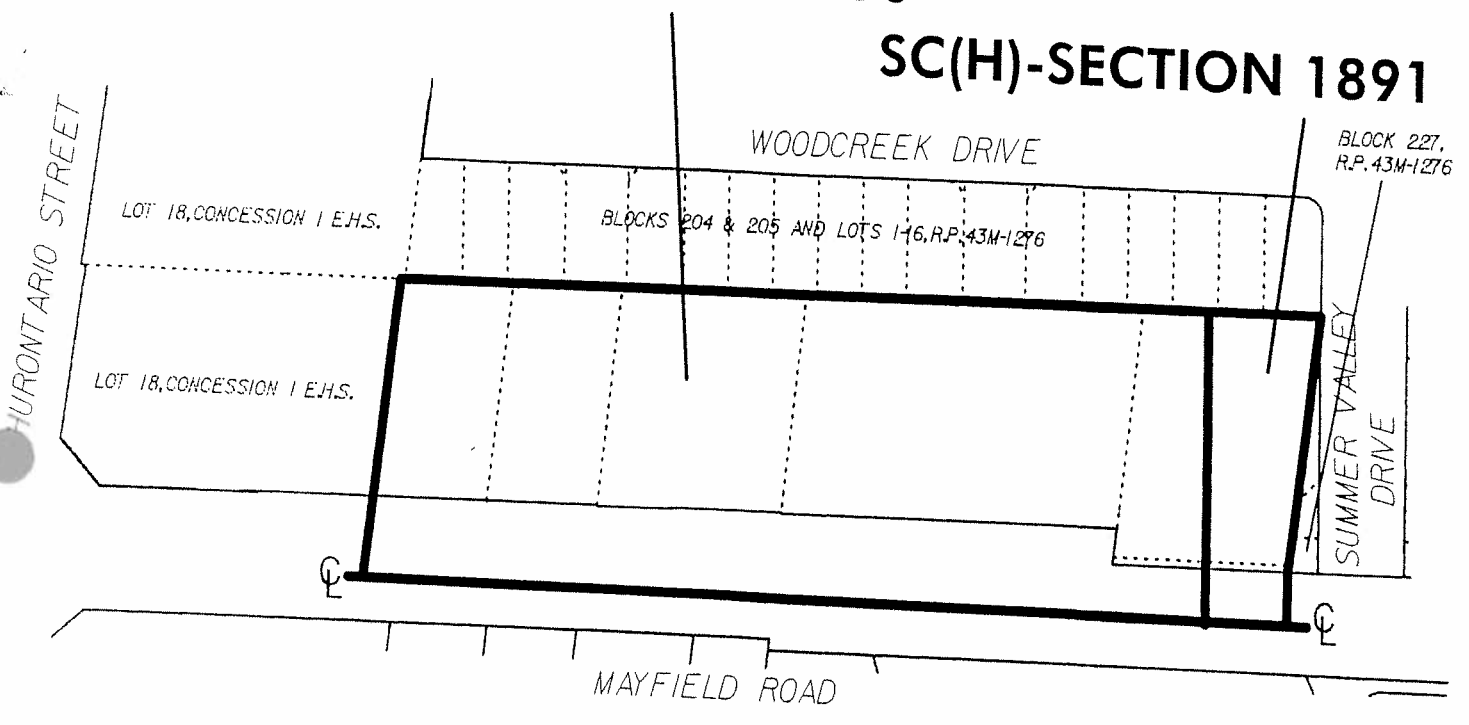






 Adrian Smith, MCIP, RPP
 Director of Planning and Land Development Services

APPROVED AS TO FORM LAW DEPT. BRAMPTON
WCS
DATE 10/10/21

SC-SECTION 1890

SC(H)-SECTION 1891



-  END
-  ZONE BOUNDARY
-  CENTRELINE OF ORIGINAL ROAD ALLOWANCE
-  METRES



PART LOT 18, CONCESSION 1 E.H.S.



CITY OF BRAMPTON
Planning, Design and Development

By-Law 298-2005

Schedule A

Date: 2005 08 29

Drawn by: CJK