



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 374-2002

To amend By-law 139-84 as amended.

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

1. By-law 139-84, as amended, is hereby further amended:

(1) by changing on Sheet 2 of Schedule A thereto, the land use designation of the lands outlined on Schedule A to this by-law from, AGRICULTURAL (A) to OFFICE COMMERCIAL –SECTION 803 (OC-SECTION 803)

(2) by adding thereto the following section:

“803 The lands designated OC-SECTION 803 on Sheet 2 of Schedule A to this by-law:

803.1 shall only be used for the following purposes:

- (a) an office;
- (b) a hotel;
- (c) a conference centre;
- (d) only in conjunction with the uses permitted in sections 803.1 (a), (b) and (c), the following purposes:
  - 1. a bank, trust company or financial institution;
  - 2. a retail establishment;
  - 3. a convenience store;
  - 4. a banquet hall;
  - 5. a dry cleaning and laundry establishment;

6. a dining room restaurant, a take-out restaurant, a convenience restaurant;
  7. a service shop;
  8. a personal service shop, but excluding a massage or body rub parlour;
  9. a printing or copying establishment;
  10. a commercial school;
  11. a community club;
  12. a fitness club;
  13. a health centre;
  14. a day nursery;
- (e) a park, playground, recreational facility;
- (f) the purposes permitted by the F zone;
- (g) purposes accessory to the other permitted purposes.

803.2 shall be subject to the following requirements and restrictions:

- (a) Minimum Lot Area: 0.8 hectares;
- (b) Minimum Lot Width: 60 metres;
- (c) Minimum Front Yard Depth: 6.0 metres;
- (d) Minimum Interior Side Yard Width: 3.0 metres;
- (e) Minimum Exterior Side Yard Width: 6.0 metres;
- (f) Minimum Rear Yard Depth: 6.0 metres;
- (g) Minimum Lot Depth: 45 metres;
- (h) Minimum building setback to Highway 407 and transitway right-of-way = 14.0 metres;
- (i) Minimum Building Setback to a floodplain zone shall be 5 metres;
- (j) Maximum Building Height: None;
- (k) Minimum Building Height: 9.5 metres;
- (l) Minimum Landscaped Open Space, except at approved driveway locations:

- (1) A width of 6.0 metres along Mississauga Road and Steeles Avenue West;
  - (2) a width of 3.0 metres along a lot line abutting a public street; and,
  - (3) no landscaped open space is required along a lot line that abuts an OC zone boundary;
- (m) Uses permitted in Section 803.1(d) shall be limited to a maximum of 20 per cent of the main building's gross floor area;
- (n) Uses permitted in Section 803.1(f) shall be subject to the requirements and restrictions contained within the F zone category;
- (o) The openings for waste disposal and loading facilities of any buildings shall face away from a public street or be screened;
- (p) no outdoor storage, or outdoor display or outdoor sales of goods and materials shall be permitted;
- (q) All garbage and refuse storage, including any containers for the storage of recyclable materials, shall be enclosed within a building;
- (r) an adult entertainment parlour or an adult videotape store shall not be permitted.

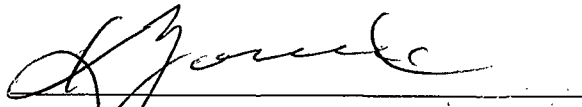
803.3 shall also be subject to the requirements and restrictions of the OC zone and all the general provisions of this by-law which are not in conflict with those set out in Section 803.2.

803.4 for the purposes of Section 803:

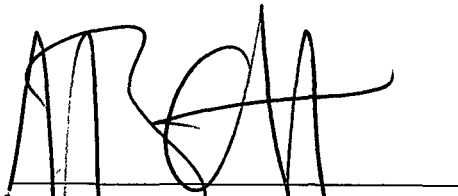
CONFERENCE CENTRE shall mean a building or place which is used for the assembly of persons for private or public activities of a religious, political, charitable, educational, social, business, cultural, recreational, and like purposes, and may include media communication and dining room facilities accessory to the main assembly function, but shall not include a public or private school or a religious institution."

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL,  
this 18<sup>th</sup> day of December 2002

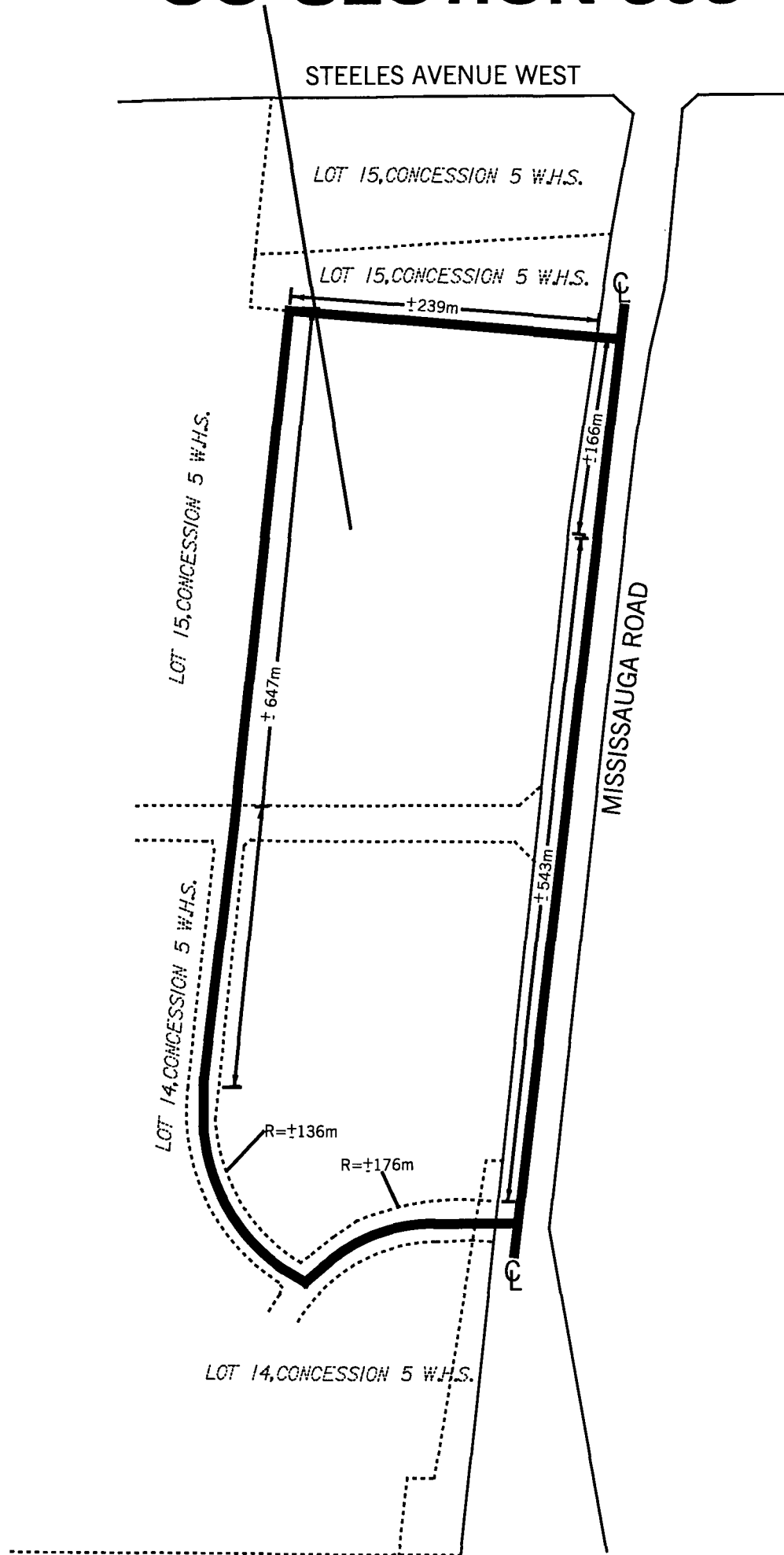
  
\_\_\_\_\_  
SUSAN FENNELL - MAYOR

  
\_\_\_\_\_  
~~LEONARD J. MIKULICH - CITY CLERK~~  
KATHRYN ZAMMIT, ACTING CITY CLERK




APPROVED  
AS TO FORM  
LAW DEPT.  
BRAMPTON  
  
DATE 12/20/02

  
\_\_\_\_\_  
Approved as to Content  
John B. Corbett, M.C.I.P., R.P.P.  
Director of Planning and Land Development Services

# OC-SECTION 803



**LEGEND**

-  ZONE BOUNDARY
-  CENTRELINE OF ORIGINAL ROAD ALLOWANCE
-  METRES



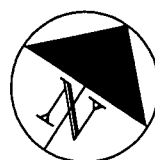
**PART LOTS 14 & 15, CONCESSION 5 W.H.S.**

**BY-LAW 139-84**

**SCHEDULE A**

**By-Law 374-2002**

**Schedule A**



**CITY OF BRAMPTON**  
 Planning, Design and Development

Date: 2002 11 20

Drawn by: CJK

File no. T5W15.2/T6W15.2

Map no. 71-2V

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 (Orlando Corporation – File T5W15.2)

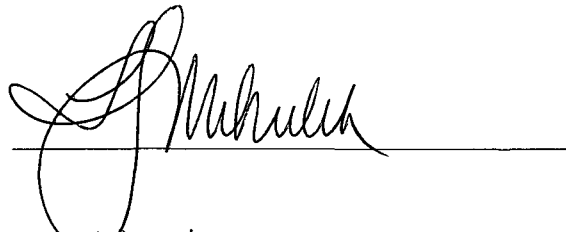
DECLARATION

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

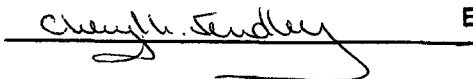
1. I am the Clerk of The Corporation of the City of Brampton and as such have knowledge of the matters herein declared.
2. One notice of appeal was filed under section 17(24) and one was filed under section 34(19) of the *Planning Act*. The Ontario Municipal Board in its Decision/Order Nos. 0380 and 0617, and dated February 23, 2004, and March 23, 2004 respectively orders that the appeals be allowed, as amended. The Official Plan Amendment is amended in the manner set out in “Attachment 2” of the Board Order, attached hereto. Comprehensive Zoning By-law 139-84 is amended in the manner set out in “Attachment 3” of the Board Order, attached hereto.
3. The Official Plan Amendment OP93-202 and Zoning By-law 374-2002 are deemed to have come into effect on the February 23, 2004 and March 23, 2004 as per the Board Order.

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. )



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



ISSUE DATE:  
**Feb. 23, 2004**  
DECISION/ORDER NO:  
**0380**



PL030124

REG. NO. \_\_\_\_\_  
FILE No. \_\_\_\_\_  
FEB 26 2004  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

Orlando Corporation has 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 Proposed Amendment No. OP93-202 to the Official Plan for the City of Brampton so as to modify Section 3.1.1 by including "prestige industrial uses" as a permitted use  
O.M.B. File No. O030023

Orlando Corporation has 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 374-2002 of the City of Brampton  
O.M.B. File No. R030034

Orlando Corporation has appealed to the Ontario Municipal Board under section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 139-84 of the City of Brampton to rezone lands composed of Part of Lots 14 and 15, Concession 5, WHS, to permit industrial, office, and accessory commercial and business uses  
OM File No. Z030181

## APPEARANCES:

### Parties

Orlando Corporation

City of Brampton

### Counsel

L.F. Longo

J. Atwood-Petkovski

## MEMORANDUM OF ORAL DECISION DELIVERED BY J.R. BOXMA ON FEBRUARY 10, 2004 AND ORDER OF THE BOARD

After requests were made to the Board to stand down on this matter in order that settlement discussions could take place, the Board did so and the parties were successful in achieving a settlement. The parties are to be commended. The Minutes of Settlement are attached as Attachment 1 to this Decision.

The Board then heard evidence from David Waters, a qualified land use planner, who outlined to the Board the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) that had been agreed upon. The lands of Orlando Corporation are

on Mississauga Road, south of Steeles Avenue, in the City of Brampton. It was his opinion that the OPA and ZBLA are in conformity with the Official Plan; they represent good planning; and, once approved, will achieve what the City wants to see in the development of this gateway in the Bram West Secondary Plan area of the City. In his words, they "raise the bar" of how the City of Brampton wants to see this area develop. Orlando has committed to providing 750,000 to 800,000 square feet of office development along Mississauga Road. The Board agrees that this has resulted in planning documents that are very much in the public interest.

Therefore, the Board allows the Orlando appeal, in part, of OPA No. OP93-202, and modifies it, and, as modified, approves Amendment No. OP93-202, which is attached to this Decision as Attachment 2.

The Board allows the Orlando appeals, in part, and amends By-law 139-84 by approving Zoning By-law No. 374-2002, with the amendments that have been made to it on consent and it is attached to this decision as Attachment 3.

On consent, in all other respects, the appeals of Orlando are dismissed, without costs.

This is the Order of the Board.



J.R. BOXMA  
MEMBER



## ATTACHMENT 1

PL030124

### ONTARIO MUNICIPAL BOARD

Orlando Corporation has 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 Proposed Amendment No. OP93-202 to the Official Plan for the City of Brampton so as to modify Section 3.1.1 by including "prestige industrial uses" as a permitted use.

O.M.B. File No. O030023

Orlando Corporation has 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 374-2002 of the City of Brampton.

O.M.B. File No. R030034

Orlando Corporation has appealed to the Ontario Municipal Board under section 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 139-84 of the City of Brampton to rezone lands composed of Part of Lots 14 and 15, Concession 5, WHS, to permit industrial, office and accessory commercial and business uses.

O.M.B. File No. Z030181

### MINUTES OF SETTLEMENT

WHEREAS the undersigned parties desire to resolve the above-captioned appeals to their mutual satisfaction;

NOW THEREFORE the undersigned parties, by their respective solicitors, have agreed to resolve the above-mentioned matters as follows:

1. On consent, the Ontario Municipal Board will be requested to allow the Orlando appeal, in part, and to modify Amendment No. OP93-202 and approve it in the content and form attached hereto as Schedule "A".
2. On consent, the Ontario Municipal Board will be requested to allow the Orlando appeals, in part, and to amend Zoning By-law 374-2002 and approve it in the content and form attached hereto as Schedule "B".
3. On consent, in all other respects the above-captioned appeals are to be otherwise dismissed without costs.
4. The Bram West Secondary Plan review, currently under way, shall be revised to reflect and depict the planning policies agreed upon in this settlement as set out in Schedule "A" attached hereto. These policies will be considered for incorporation into any resultant new Bram West Secondary Plan.

5. The parties acknowledge and accept the design guidelines and parameters set out and attached hereto as Schedule "C" for the development of the lands fronting on Mississauga Road north of Edgeware Road.
6. The parties acknowledge that Orlando is currently constructing an office building of 470,000 square feet in Orlando's Churchill Business Community.
7. Orlando acknowledges its intention to provide an additional 300,000-350,000 square feet of office space on the subject lands (north and south of Edgeware Road) bringing Orlando's contribution of office space on its lands to 750,000-800,000 square feet.
8. With respect to Section 824.2(n) of By-Law 374-2002, provided that the office character is maintained, the City of Brampton shall support minor revisions through the Committee of Adjustment process.

Dated at the City of Brampton this 9<sup>th</sup> day of February, 2004.

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Orlando Corporation  
By its Solicitors Aird & Berlis LLP  
Leo F. Longo

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The Corporation of the City of Brampton  
By its Solicitor  
Janice Atwood-Petkovski

ISSUE DATE:  
**March 23, 2004**  
DECISION/ORDER NO:  
**0617**



CC: John Corbett L-T  
Janice Atwood Petkovski  
JM March 24/2004

PL030124

Ontario  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

RECEIVED  
CLERK'S DEPT.

MAR 24 2004

REG. NO. JM  
FILE No.

Orlando Corporation has 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 Proposed Amendment No. OP93-202 to the Official Plan for the City of Brampton so as to modify Section 3.1.1 by including "prestige industrial uses" as a permitted use  
O.M.B. File No. O030023

Orlando Corporation has 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 374-2002 of the City of Brampton  
O.M.B. File No. R030034

BEFORE:

J. R. BOXMA )  
MEMBER ) Monday, the 22<sup>nd</sup> day  
)  
) of March, 2004

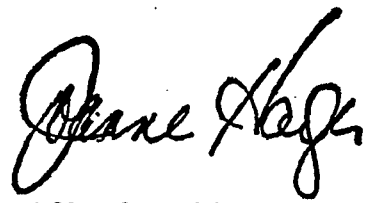
**THIS MATTER** having come on for public hearing;

**AND THE BOARD** having issued, on February 23, 2004, Order No. 0380, which approved By-law No. 374-2002 in the manner set out as "Attachment 3";

**AND THE BOARD** having been advised on March 8, 2004 by the City of Brampton that typographical errors were contained in Section 824.2 of the By-law;

**THE BOARD ORDERS** that By-law 374-2002, under Order No. 0380, is amended by substituting it with the attached "Attachment 3".

In all other respects, the Board's Order No. 0380 stands.

  
ACTING SECRETARY

## Schedule "C"

### Design Brief for Site North of Edgeware Road

- Parking along Mississauga Road shall be limited to 2 rows plus a drive aisle unless the amount of office space within the building(s) require additional parking.
- The building façade(s) fronting Mississauga Road shall provide for superior site and architectural elements consisting of combinations of precast concrete, and glass or other materials to be determined at site plan approval to reflect an office character.
- Loading and trucking areas shall be screened from Mississauga Road with appropriate combinations of landscaping buffer, building placement or berms.



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 374-2002

To amend By-law 139-84 as amended.

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

1. By-law 139-84, as amended, is hereby further amended:

(1) by changing on Sheet 2 of Schedule A thereto, the land use designation of the lands outlined on Schedule A to this by-law from, AGRICULTURAL (A) to OFFICE COMMERCIAL – SECTION 803 (OC-SECTION 803) and OFFICE COMMERCIAL – SECTION 824 (OC-SECTION 824)

(2) by adding thereto the following sections:

“803 The lands designated OC-SECTION 803 on Sheet 2 of Schedule A to this by-law:

803.1 shall only be used for the following purposes:

- (a) an office;
- (b) research and development facilities in conjunction with an office;
- (c) a hotel;
- (d) a conference centre;
- (e) only in conjunction with and ancillary to the uses permitted in sections 803.1 (a) and (b), limited light manufacturing and repairing and assembly of finished goods but shall not include the following purposes:

- 1. a warehouse;
- 2. a distribution facility or operation;

3. the processing of raw foods or by-products;
  4. a motor vehicle repair shop and motor vehicle body shop;
  5. a transport terminal;
  6. a taxi or bus station;
  7. a motor vehicle parts or boat parts sales establishment;
  8. a salvage, junk, scrap or bulk storage yard;
  9. outdoor storage including intermodal containers on chassis;
  10. a parking lot;
  11. the cleaning of goods or products;
- (f) only in conjunction with the uses permitted in sections 803.1 (a), (b), (c) and (d), the following purposes:
1. a bank, trust company or financial institution;
  2. a retail establishment;
  3. a convenience store;
  4. a banquet hall;
  5. a dry cleaning and laundry establishment;
  6. a dining room restaurant, a take-out restaurant, a convenience restaurant;
  7. a service shop;
  8. a personal service shop, but excluding a massage or body rub parlour;
  9. a printing or copying establishment;
  10. a commercial school;
  11. a community club;
  12. a fitness club;
  13. a health centre;
  14. a day nursery;
- (g) a park, playground, recreational facility;
- (h) the purposes permitted by the F zone;
- (i) purposes accessory to the other permitted purposes.

803.2 shall be subject to the following requirements and restrictions:

- |                        |               |
|------------------------|---------------|
| (a) Minimum Lot Area:  | 0.8 hectares; |
| (b) Minimum Lot Width: | 60 metres;    |

- (c) Minimum Front Yard Depth: 6.0 metres;
- (d) Minimum Interior Side Yard Width: 3.0 metres;
- (e) Minimum Exterior Side Yard Width: 6.0 metres;
- (f) Minimum Rear Yard Depth: 6.0 metres;
- (g) Minimum Lot Depth: 45 metres;
- (h) Minimum Building Setback to Highway 407 and transitway right-of-way shall be 14.0 metres;
- (i) Minimum Building Setback to a Floodplain zone shall be 5 metres;
- (j) Maximum Building Height: None;
- (k) Minimum Building Height: 9.5 metres;
- (l) Minimum Landscaped Open Space, except at approved driveway locations:
  - (1) A width of 6.0 metres along Mississauga Road and Steeles Avenue West;
  - (2) a width of 3.0 metres along a lot line abutting a public street; and,
  - (3) no landscaped open space is required along a lot line that abuts an OC zone boundary;
- (m) Uses permitted in Section 803.1(e) shall be limited to a maximum of 30 per cent of the gross floor area and shall not be located within a freestanding building;
- (n) Uses permitted in Section 803.1 (f) shall be limited shall be limited to a maximum of 20 per cent of the office building's gross floor area;
- (o) Uses permitted in Section 803.1(h) shall be subject to the requirements and restrictions contained within the F zone category;

- (p) The openings for waste disposal and loading facilities of any buildings shall face away from a public street or be screened;
- (q) no outdoor storage, or outdoor display or outdoor sales of goods and materials shall be permitted accessory to or in association with any of the permitted uses;
- (r) All garbage and refuse storage, including any containers for the storage of recyclable materials, shall be enclosed within a building;
- (s) an adult entertainment parlour or an adult videotape store shall not be permitted.

803.3 shall also be subject to the requirements and restrictions of the OC zone and all the general provisions of this by-law which are not in conflict with those set out in Section 803.2.

803.4 for the purposes of Section 803:

CONFERENCE CENTRE shall mean a building or place which is used for the assembly of persons for private or public activities of a religious, political, charitable, educational, social, business, cultural, recreational, and like purposes, and may include media communication and dining room facilities accessory to the main assembly function, but shall not include a public or private school or a religious institution.”

“824 The lands designated OC-SECTION 824 on Sheet 2 of Schedule A to this by-law:

824.1 shall only be used for the following purposes:

- (a) those permitted purposes in Section 803.1 excluding 803.1 (e) and related restrictions on ancillary light manufacturing and repairing and assembly of finished goods;
- (b) a warehouse;
- (c) the manufacturing, cleaning, packaging, processing, repairing or assembly of goods, foods or materials within an enclosed building, but excluding:



1. a motor vehicle repair shop and a motor vehicle body shop as a principal or accessory use;
2. a transport terminal;
3. a taxi or bus station;
4. motor vehicle parts or boat parts sales establishment;
5. a salvage, junk, scrap, or bulk storage yard;
6. outdoor storage of intermodal containers on chassis;
7. outdoor storage as a primary use;
8. parking lot.

(d) Accessory

1. an associated educational use;
2. an associated office;
3. a retail outlet operated in connection with a particular purpose permitted by sections 824.1 (b) and (c), provided that the total gross commercial floor area of the retail outlet is not more than 15 percent of the total gross industrial floor area of the particular industrial use; and,
4. purposes accessory to the other permitted purposes.

824.2 shall be subject to the following requirements and restrictions:

- (a) Minimum Lot Area: 0.8 hectares;
- (b) Minimum Lot Width: 60 metres;
- (c) Minimum Front Yard Depth: 6.0 metres;
- (d) Minimum Interior Side Yard Width: 3.0 metres;
- (e) Minimum Exterior Side Yard Width: 6.0 metres;
- (f) Minimum Rear Yard Depth: 6.0 metres;
- (g) Minimum Lot Depth: 45 metres;
- (h) Minimum building setback to Highway 407 and transitway right-of-way shall be 14.0 metres;
- (i) Minimum Building Setback to a floodplain zone shall be 5 metres;

- (j) Maximum Building Height: None;
- (k) Minimum Building Height: 9.5 metres;
- (l) Minimum Landscaped Open Space, except at approved driveway locations:
  - (1) A width of 6.0 metres along Mississauga Road;
  - (2) a width of 3.0 metres along a lot line abutting a public street;  
and,
  - (3) no landscaped open space is required along a lot line that abuts an OC or M4 zone boundary.
- (m) Uses permitted in Section 803.1(f) shall be limited to a maximum of 20 per cent of the office building's gross floor area.
- (n) Uses permitted in Section 803.1(a) not be less than the lesser of:
  - (1) 10% of the gross floor area;
  - (2) 50% of the Mississauga Road building frontage; or
  - (3) 1,858 square metres;
- (o) Uses permitted in Section 803.1(h) shall be subject to the requirements and restrictions contained within the F zone category;
- (p) The openings for waste disposal, service and loading facilities of any buildings shall not face Mississauga Road, and otherwise, shall be screened from any other public street;
- (q) All garbage and refuse storage, including any containers for the storage of recyclable materials, shall be screened with an enclosure constructed from materials that are compatible with the main building;
- (r) No outdoor storage, or outdoor display or outdoor sales of goods and materials shall be permitted accessory to or in association with any of the permitted uses;

5. The parties acknowledge and accept the design guidelines and parameters set out and attached hereto as Schedule "C" for the development of the lands fronting on Mississauga Road north of Edgeware Road.
6. The parties acknowledge that Orlando is currently constructing an office building of 470,000 square feet in Orlando's Churchill Business Community.
7. Orlando acknowledges its intention to provide an additional 300,000-350,000 square feet of office space on the subject lands (north and south of Edgeware Road) bringing Orlando's contribution of office space on its lands to 750,000-800,000 square feet.
8. With respect to Section 824.2(n) of By-Law 374-2002, provided that the office character is maintained, the City of Brampton shall support minor revisions through the Committee of Adjustment process.

Dated at the City of Brampton this 9<sup>th</sup> day of February, 2004.

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Orlando Corporation  
By its Solicitors Aird & Berlis LLP  
Leo F. Longo

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The Corporation of the City of Brampton  
By its Solicitor  
Janice Atwood-Petkovski