



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 287-2006

To amend By-law 270-2004 (known as "Zoning By-law 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 Schedule A thereto, the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From:	To:
HIGHWAY COMMERCIAL ONE (HC1)	DOWNTOWN COMMERCIAL – SECTION 3440 (DC-SECTION 3440)

(2) by adding thereto the following sections:

"3440 The lands designated DC-Section 3440 on Schedule A to this by-law:

3440.1 shall only be used for the following purposes:

- (1) an apartment dwelling
- (2) an office
- (3) a hotel
- (4) only in conjunction with either an apartment or office within the same building, the following:
 - a) a retail establishment having no outside storage
 - b) a grocery store
 - c) a service shop
 - d) a personal service shop
 - e) a bank, trust company, or financial company, without a drive-through
 - f) a dry cleaning and laundry distribution station
 - g) a laundromat
 - h) a dining room restaurant
 - i) a take-out restaurant, without a drive-through
 - j) a printing or copying establishment
 - k) a commercial school
 - l) a place of commercial recreation
 - m) a community club
 - n) a health centre

- o) a theatre
- p) an art gallery

(5) purposes accessory to the other permitted purposes

3440.2 Shall be subject to the following requirements and restrictions:

- 1) Minimum Front Yard Depth: 0.0 metres
- 2) Maximum Front Yard Depth: 3.0 metres
- 3) Minimum Exterior Side Yard Width: 0.0 metres
- 4) Maximum Exterior Side Yard Width: 3.0 metres
- 5) Minimum Interior Side Yard Width:
3.0 metres, except an enclosed stairwell which may encroach a maximum of 1.5 metres into the required yard.
- 6) Notwithstanding any other provision in this by-law, on any portion of building that is 15.0 metres above grade or greater, windows for a residential dwelling unit shall be located no less than 6.0 metres from an interior side or rear lot line.
- 7) Minimum Rear Yard Depth: 0.5 metres
- 8) Minimum Setback for an Underground Parking Garage: 0.0 metres
- 9) Minimum Building Height:
15.0 metres
- 10) Maximum Building Height:
52.0 metres
- 11) Maximum Lot Coverage: 40%
- 12) Maximum Floor Space Index:
3.5, based on a lot area of 6,435 square metres
- 13) The minimum front and exterior side yard setbacks, but excluding that portion of the building adjacent to the daylight triangle, at 10.6 metres above grade and greater shall be 3.0 metres in addition to the actual setbacks of the portions of the building respectively below 10.6 metres.
- 14) The portion of a building wall 10.6 metres above grade or less and adjacent to the front or exterior lot line shall have a minimum length of at least 70% of the length of the respective lot line.
- 15) Minimum Gross Floor Area for Office Use:
In conjunction with any other use of the lands, other than a hotel, a minimum of 1596 square metres of office use shall be provided.

16) At-Grade Uses:

The ground floor area within a minimum of 3 metres of the Queen Street and Hansen Road front wall, except for floor areas used for vehicular and pedestrian access (including an office, hotel or apartment dwelling lobby) shall only be used for the commercial uses permitted in section 3440.1(4).

17) On-site parking shall be provided in accordance with the following:

a) For Residential Uses:

A minimum of 1.13 spaces per unit

b) For Commercial/Office Uses:

A minimum of 1 space for every 27.7 square metres of gross commercial floor area of commercial or office uses

18) Minimum Landscaped Open Space:

400 square metres either at grade or on a common terrace

19) Bins for the collection of waste and recyclable materials shall be stored within the building.

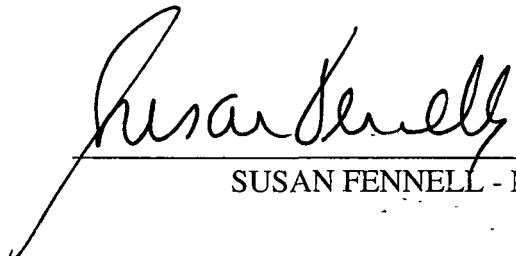
20) A minimum of one on-site loading space shall be provided.

21) A drive-through facility is not permitted.

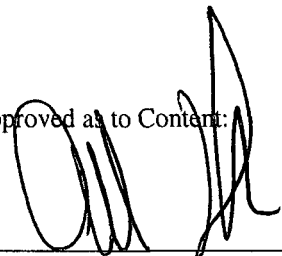
3440.3 the entire lands zoned DC-Section 3440 shall be considered as one lot for zoning purposes."

READ a FIRST, SECOND and THIRD TIME, and PASSED in OPEN COUNCIL,

this 11 day of September 2006.


SUSAN FENNELL - MAYOR


KATHYRN ZAMMIT - CITY CLERK

Approved as to Content:

Adrian J. Smith, M.C.I.P., R.P.P.
Director, Planning and Land Development Services
Planning, Design and Development Department

APPROVED AS TO FORM LAW DEPT. BRAMPTON
DATE 10/10/06

QUEEN STREET EAST



**DC-SECTION
3440**

BLOCK I & J, R.P. 518

HANSEN ROAD SOUTH



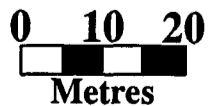
LEGEND



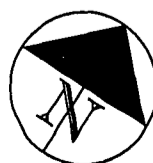
ZONE BOUNDARY



CENTRELINE OF ORIGINAL ROAD ALLOWANCE



PART LOT 5, CONCESSION 2 E.H.S.



CITY OF BRAMPTON
Planning, Design and Development

Date: 2006 05 11

Drawn by: CJK

By-Law

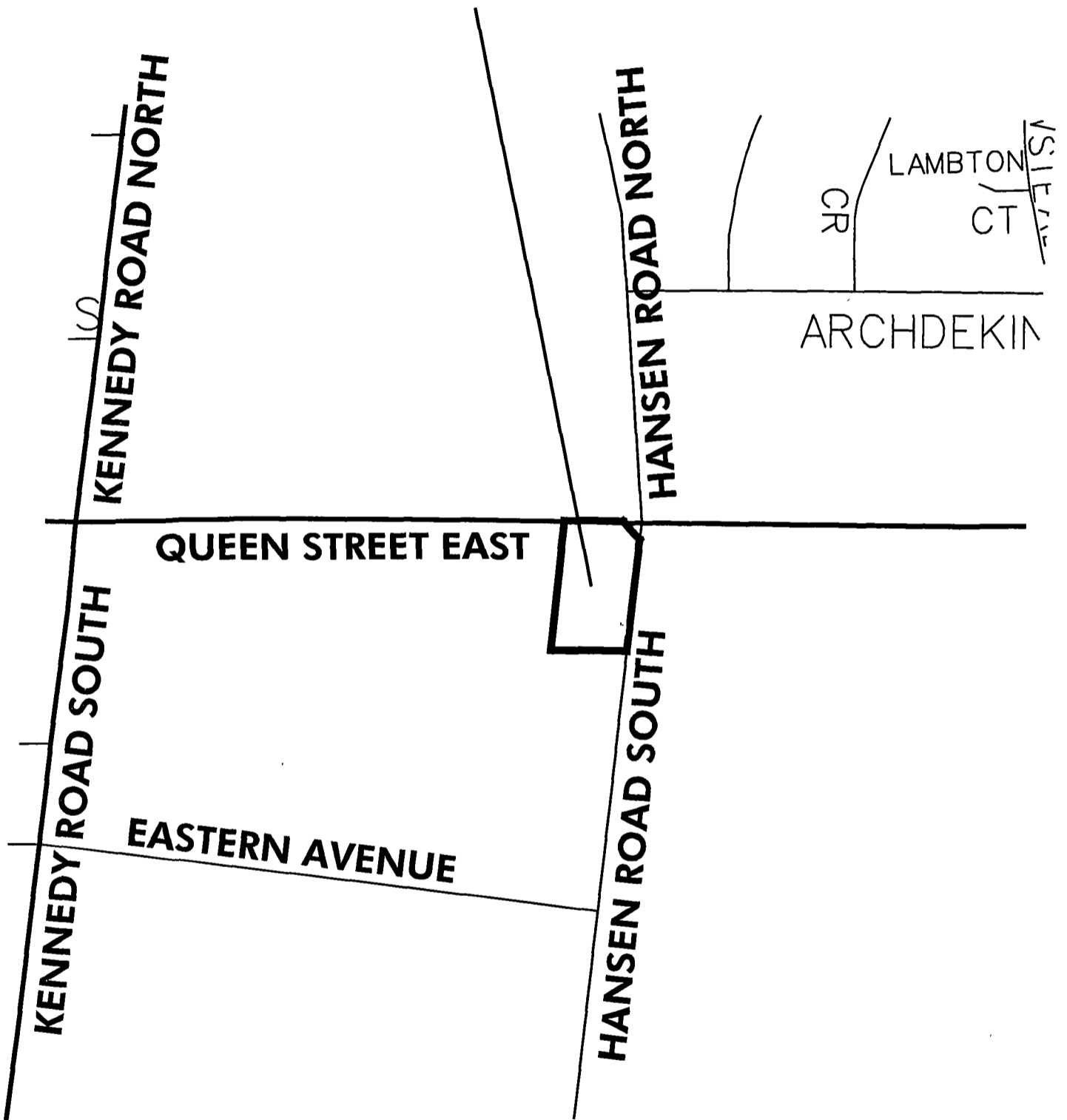
287-2006

Schedule A

File no. C2E5.30zbla

Map no. 61-72

SUBJECT LANDS



0 50 100
Metres



ISSUE DATE:

Jan. 30, 2008



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL060979

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: IKO Industries Limited
Subject: By-law No. 287-2006
Municipality: City of Brampton
OMB Case No.: PL060979
OMB File No.: R060238

APPEARANCES:

Parties

Counsel

IKO Industries Limited

Stephen O'Agostino

City of Brampton

Ira T. Kagan

Peseta Property Development Corporation

A. Milliken Heisey

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. A. BECCAREA
ON JANUARY 17, 2008 AND ORDER OF THE BOARD**

After completing six days of evidence, the Parties met and reached a settlement and provided the Board with executed Minutes of Settlement on January 17, 2008 (Exhibit 24). The Parties asked the Board to include the Minutes of Settlement as an attachment to its decision.

The Board heard from Mr. Bernie Steiger, the City's central area planner, who has been involved in the subject development since 2006. Mr. Steiger provided his uncontradicted planning opinion that the Minutes of Settlement, which contain a draft zoning by-law, that will, if adopted by the Board, approve the proposed development, has regard for the applicable 1997 Provincial Policy Statement, conforms to the Region of Peel's Official Plan, conforms to the City of Brampton's Official Plan and in particular, Section 4.2.11.16.

Mr. Steiger further advised that the proposed Minutes of Settlement and draft zoning by-law conform to the extent necessary with the Ministry of the Environment's noise and odour guidelines and regulations enacted pursuant to the *Environmental Protection Act*.

The Board agrees that the Minutes of Settlement accommodate the expressed concerns of all of the parties. On the basis of the undisputed evidence of Mr. Steiger, the Board finds that the proposed zoning by-law constitute good land use planning and ought to be approved and the requirements contained in the Minutes of Settlement require a determination.

The Board Orders that the appeal is allowed in part. The Minutes of Settlement (Exhibit 24) are attached hereto as Attachment "1".

The Board further Orders that By-law 270-2004 is amended in the manner attached hereto as Attachment "2". In all other respects, the Board orders the appeal is dismissed.

"R. A. Beccarea"

R. A. BECCAREA
MEMBER

EX24

ATTACHMENT "1"

PL060979

ONTARIO MUNICIPAL BOARD

IKO Industries Limited have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, in respect of Zoning By-law 287-2006 respecting the lands known municipally as 247 Queen Street East, Brampton.

OMB File No. R060238

MINUTES OF SETTLEMENT

WHEREAS Peseta Property Development Corporation ("Peseta") is the owner of the property known municipally as 247 Queen Street East, Brampton (the "Subject Lands").

AND WHEREAS Peseta applied for an amendment to the zoning by-law to permit a multi-storey mixed-use development on the Subject Lands.

AND WHEREAS the City of Brampton (the "City") approved the rezoning application and enacted By-law 287-2006.

AND WHEREAS IKO Industries Ltd. ("IKO"), an owner of industrial lands along the north and south side of Orenda Road, east and west of Hansen Road, appealed By-law 287-2006 to the Ontario Municipal Board ("OMB"), which hearing commenced on Monday, January 7, 2008.

AND WHEREAS Peseta has also applied for site plan approval for the proposed multi-storey mixed-use building which process has generated the need for amendments to By-law 287-2006 (which amendments themselves IKO does not oppose).

AND WHEREAS the City, Peseta and IKO (the "Parties") wish to settle the appeal, set forth a land use planning framework for the future and reach an understanding which implements the proper interpretation of policy 4.2.11.16 in the Brampton Official Plan.

NOW THEREFORE the Parties agree as follows:

1. All Parties agree to support the amendment to Zoning By-law 287-2006, which amended by-law is attached as Schedule A to these Minutes of Settlement.

2. The City will commence, in a timely fashion, a study of the *Central Area Mixed-Use* designation for the area bounded by Queen Street East, Eastern Avenue, Rutherford Road and a line being one lot east of Kennedy Road. This study is intended to result in an amendment to the Secondary Plan (Area 36) to refine the list of permitted uses within different portions of the Central Area Mixed-Use designation within the study area. The intention of the Parties is for the City to then bring forward an amendment to the Secondary Plan to implement these Minutes of Settlement. The Parties acknowledge that this amendment will be required to follow the public planning process pursuant to the relevant provisions of the Planning Act.
3. South of the Transition Line and north of Eastern Avenue (the area between being referred to herein as the "Transitional Area"), the list of permitted uses in the Secondary Plan shall be reduced to prohibit *Sensitive Land Uses* as defined by these Minutes of Settlement. North of the Transition Line no changes are required to the Secondary Plan by these Minutes of Settlement. The Transition Line and the Transitional Area are shown on Schedule "B" to these Minutes of Settlement. The Transition Line will be adjusted as part of the Secondary Plan amendment process to reflect lot lines, road allowances and future road allowances. These adjustments are not expected nor intended to be substantial.
4. Provided the proposed amendment to the Secondary Plan is consistent with these Minutes of Settlement, Peseta and its related companies undertake not to oppose or appeal, directly or indirectly, the removal of the *Sensitive Land Uses* from the Transitional Area by the proposed Secondary Plan amendment.
5. Upon adoption by the City of the proposed Secondary Plan amendment, IKO and its related companies undertake not to oppose or appeal, directly or indirectly, the development or redevelopment of any parcel of land north of the Transition Line for *Sensitive Land Uses*. For greater clarity this would include a mixed-use development where only a portion of the development is proposed for *Sensitive Land Uses*.
6. The Parties acknowledge that the City is conducting studies to implement the Provincial Growth Plan. To the extent that process proposes to add *Sensitive Land Uses* within the Transitional Area, the City is free to pursue this and Peseta and IKO are free to take any position they wish with respect to it.
7. Nothing in these Minutes of Settlement restricts the City's ability to determine or refine the alignment of the future extension of Eastern Avenue, east of Hansen Road.
8. For the purposes of these Minutes of Settlement, *Sensitive Land Uses* are defined as permanent and seasonal residences, hotel/motels, nursing/retirement homes, rental residences, hospitals, campgrounds, schools (except for technical or business schools), places of worship, group homes, lodging houses, day care and community centres.
9. IKO agrees that it will not object to, or encourage any other person to object to or oppose, in any way either directly or indirectly, Peseta's application for site plan approval to the City of Brampton

for a residential condominium apartment or mixed use building, on the Subject Lands or any future application for building permit made pursuant to the site plan approval obtained as a result of the aforesaid site plan application.

10. These Minutes of Settlement are binding upon both Peseta's and IKO's related companies, successors and assigns. Notwithstanding the forgoing, these Minutes of Settlement are not binding on the owner(s) of the Subject Lands after registration of a plan of condominium.
11. No party shall seek costs from another.
12. The Parties agree that these Minutes of Settlement will be filed with the Ontario Municipal Board and the Parties will request that it be attached to the Decision/Order.
13. The Parties agree that these Minutes of Settlement may be signed in counterparts.

DATED: JANUARY 16, 2008

IKO Industries Ltd.:

Per: 

Signed by Mr. Stephen D'Agostino in his capacity as its solicitor

Peseta Property Development Corporation:

Per: 

Signed by Mr. Alan Heisey in his capacity as its solicitor

The Corporation of the City of Brampton:

Per: 

Signed by Mr. Ira Kagan in his capacity as its solicitor

SCHEDULE 'A'

To amend By-law 270-2004 (known as "Zoning By-law 2004"), as amended

By Ontario Municipal Board Order:

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

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

From:	To:
HIGHWAY COMMERCIAL ONE (HC1)	DOWNTOWN COMMERCIAL – SECTION 3440 (DC-SECTION 3440)

(2) by adding thereto the following sections:

"3440 The lands designated DC-Section 3440 on Schedule A to this by-law:

3440.1 shall only be used for the following purposes:

- (1) an apartment dwelling
- (2) an office
- (3) a hotel
- (4) only in conjunction with either an apartment or office within the same building, the following:
 - a) a retail establishment having no outside storage
 - b) a grocery store
 - c) a service shop
 - d) a personal service shop
 - e) a bank, trust company, or financial company, without a drive-through
 - f) a dry cleaning and laundry distribution station
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(5) purposes accessory to the other permitted purposes

3440.2 Shall be subject to the following requirements and restrictions:

- 1) Minimum Front Yard Depth: 0.0 metres
- 2) Maximum Front Yard Depth: 3.0 metres
- 3) Minimum Exterior Side Yard Width: 0.0 metres
- 4) Maximum Exterior Side Yard Width: 3.0 metres
- 5) Minimum Interior Side Yard Width:

3.0 metres, except an enclosed stairwell which may encroach a maximum of 1.5 metres into the required yard.

- 6) Notwithstanding any other provision in this by-law, on any portion of building that is 15.0 metres above grade or greater, windows for a residential dwelling unit shall be located no less than 3.0 metres from an interior side or rear lot line.
- 7) Minimum Rear Yard Depth: 0.5 metres
- 8) Minimum Setback for an Underground Parking Garage: 0.0 metres
- 9) Minimum Building Height:
15.0 metres
- 10) Maximum Building Height:
52.0 metres

- 11) Maximum Lot Coverage: 40%
- 12) Maximum Floor Space Index:
3.5, based on a lot area of 6,435 square metres
- 13) The minimum front and exterior side yard setbacks, but excluding that portion of the building adjacent to the daylight triangle and along the property lines within 6.0 metres of the daylight triangle, above the second storey shall be 3.0 metres in addition to the actual setbacks of the portions of the building respectively below the third storey.
- 14) The portion of a building wall 10.6 metres above grade or less and adjacent to the front or exterior lot line shall have a minimum length of at least 70% of the length of the respective lot line.
- 15) At-Grade Uses:

The ground floor area within a minimum of 3 metres of the Queen Street and Hansen Road front wall, except for floor areas used for vehicular and pedestrian access (including a hotel or apartment dwelling lobby) shall only be used for the commercial uses permitted in section 3440.1(2) and 3440.1(4).
- 16) On-site parking shall be provided in accordance with the following:
 - a) For Residential Uses:

A minimum of 1.13 spaces per unit
 - b) For Commercial/Office Uses:

A minimum of 1 space for every 27.7 square metres of gross commercial floor area of commercial or office uses

- 17) Minimum Landscaped Open Space:
400 square metres either at grade or on a common terrace
- 18) Bins for the collection of waste and recyclable materials shall be stored within the building.
- 19) A minimum of one on-site loading space shall be provided.
- 20) A drive-through facility is not permitted.

3440.3 the entire lands zoned DC-Section 3440 shall be considered as one lot for zoning purposes."

Approved as to Content:

Adrian J. Smith, M.C.I.P., R.P.P
Director, Planning and Land Development
Services

QUEEN STREET EAST





**DC-SECTION
3440**

BLOCK 1 & J.P.P. 518

HANSEN ROAD SOUTH



LEGEND

-  ZONE BOUNDARY
-  CENTRELINE OF ORIGINAL ROAD ALLOWANCE



PART LOT 5, CONCESSION 2 E.H.S.



CITY OF BRAMPTON
Planning, Design and Development

Date: 2006 05 11

Drawn by: CJK

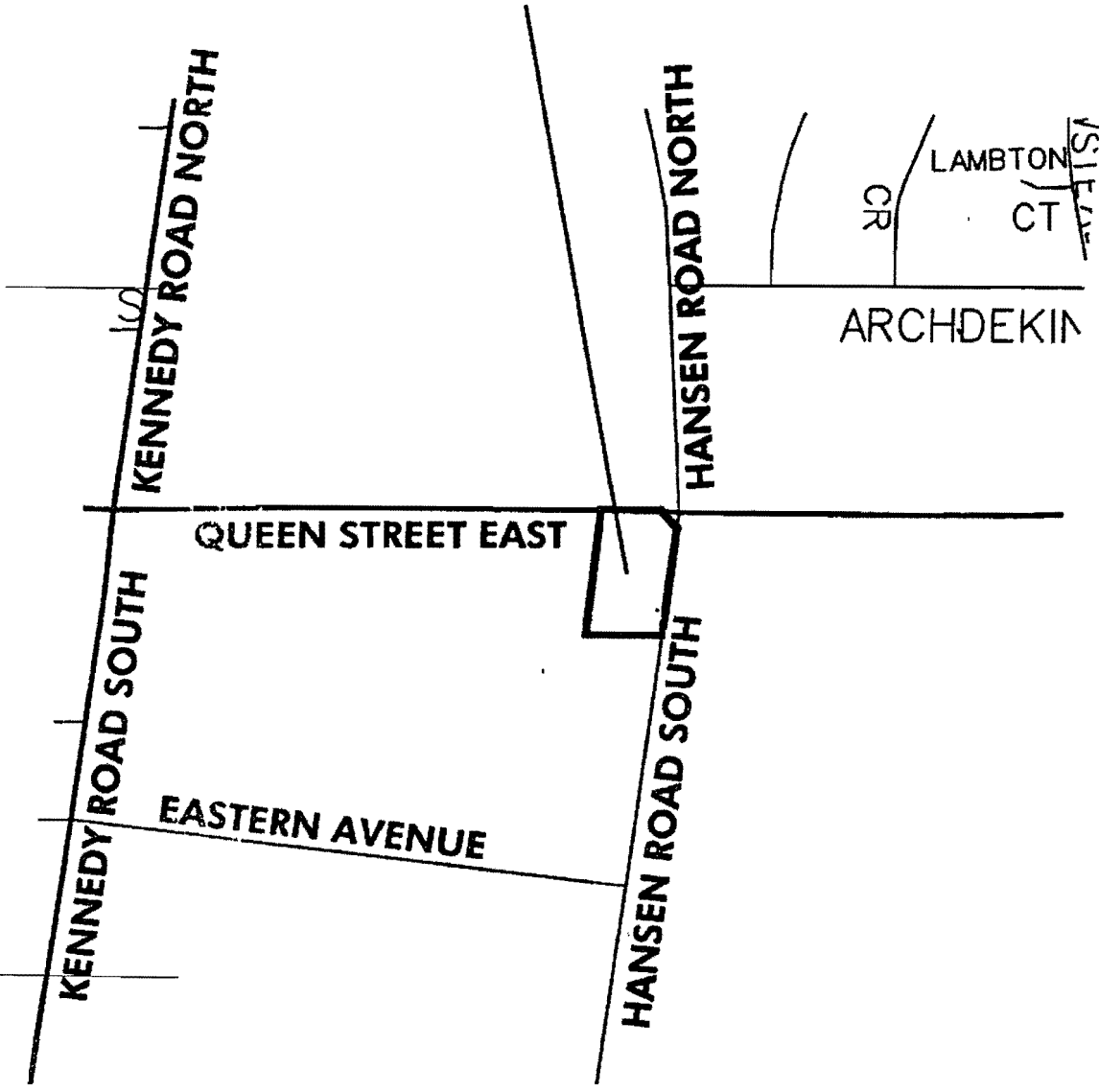
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Map no. 61-72

By-Law _____

Schedule A

SUBJECT LANDS

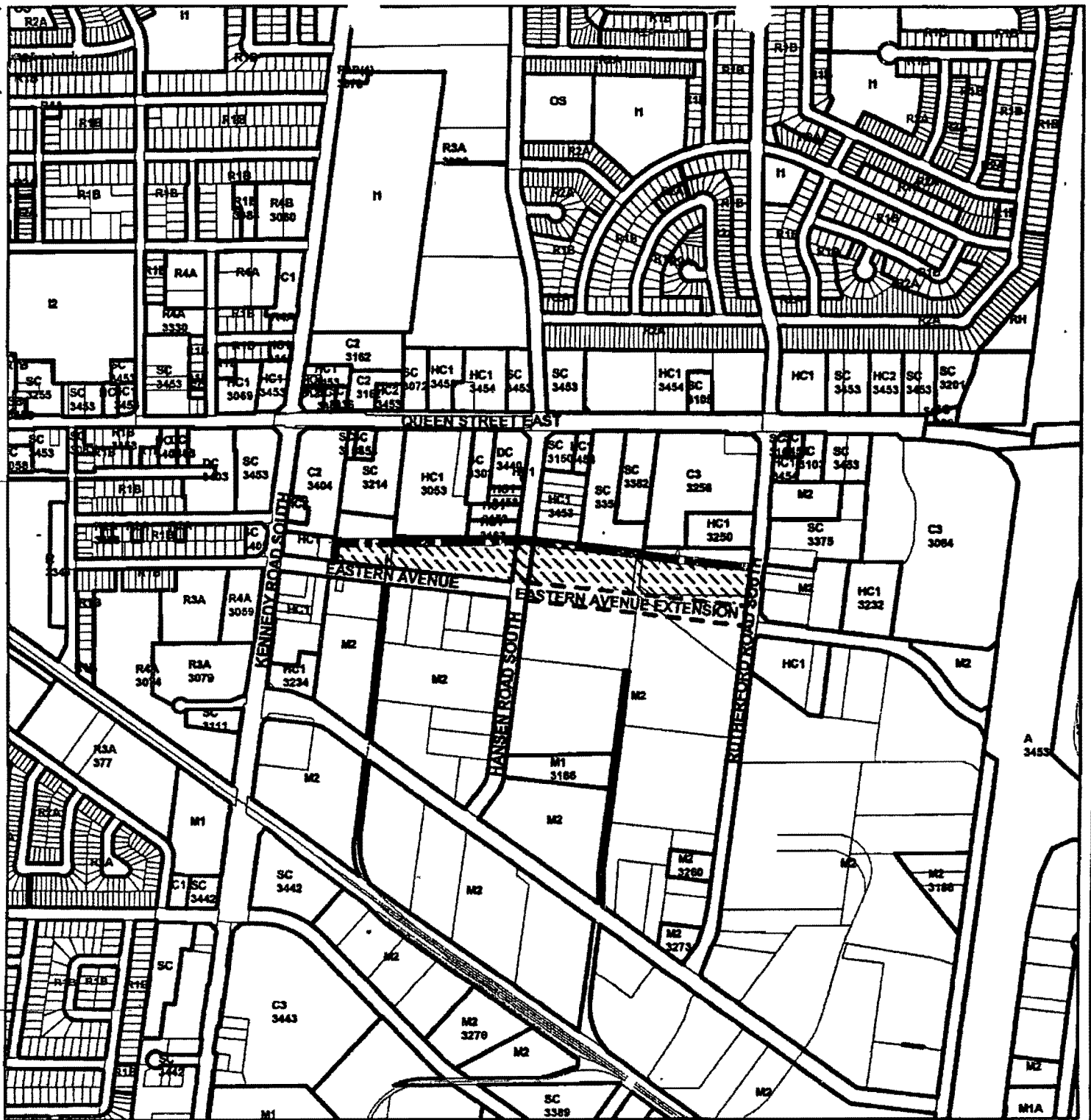


By-law



CITY OF BRAMPTON
Planning, Design and Development

Date: 2004 08 30 Drawn by: CNK
File no. C2E5.30 Map no. 61-72D



- LEGEND**
-  TRANSITION LINE
 -  TRANSITION AREA



LOWER CITY
**PLANNING,
 DESIGN &
 DEVELOPMENT**



SCHEDULE 'B'

date: 2007/11/16
 map No.: 61-72

Drawn By: CJK

ATTACHMENT "2"

To amend By-law 270-2004 (known as "Zoning By-law 2004"), as amended

By Ontario Municipal Board Order:

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

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

From:	To:
HIGHWAY COMMERCIAL ONE (HC1)	DOWNTOWN COMMERCIAL – SECTION 3440 (DC-SECTION 3440)

(2) by adding thereto the following sections:

"3440 The lands designated DC-Section 3440 on Schedule A to this by-law:

3440.1 shall only be used for the following purposes:

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3.0 metres, except an enclosed stairwell which may encroach a maximum of 1.5 metres into the required yard.

- 6) Notwithstanding any other provision in this by-law, on any portion of building that is 15.0 metres above grade or greater, windows for a residential dwelling unit shall be located no less than 3.0 metres from an interior side or rear lot line.
- 7) Minimum Rear Yard Depth: 0.5 metres
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- 9) Minimum Building Height:
15.0 metres
- 10) Maximum Building Height:
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- 11) **Maximum Lot Coverage: 40%**
- 12) **Maximum Floor Space Index:**
3.5, based on a lot area of 6,435 square metres
- 13) **The minimum front and exterior side yard setbacks, but excluding that portion of the building adjacent to the daylight triangle and along the property lines within 6.0 metres of the daylight triangle, above the second storey shall be 3.0 metres in addition to the actual setbacks of the portions of the building respectively below the third storey.**
- 14) **The portion of a building wall 10.6 metres above grade or less and adjacent to the front or exterior lot line shall have a minimum length of at least 70% of the length of the respective lot line.**
- 15) **At-Grade Uses:**
The ground floor area within a minimum of 3 metres of the Queen Street and Hansen Road front wall, except for floor areas used for vehicular and pedestrian access (including a hotel or apartment dwelling lobby) shall only be used for the commercial uses permitted in section 3440.1(2) and 3440.1(4).
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 - a) **For Residential Uses:**
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A minimum of 1 space for every 27.7 square metres of gross commercial floor area of commercial or office uses

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400 square metres either at grade or on a common terrace

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Director, Planning and Land Development
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QUEEN STREET EAST

DC-SECTION
3440

BLOCK 1 & J.R.P.518

HANSEN ROAD SOUTH

LEGEND

 ZONE BOUNDARY

 CENTRELINE OF ORIGINAL ROAD ALLOWANCE



PART LOT 5, CONCESSION 2 E.H.S.



CITY OF BRAMPTON
Planning, Design and Development

Date: 2006 05 11

Drawn by: CJK

File no. C2E5.9020a

Map no. 61 72

By-Law

Schedule A

