Principals

Michael Gagnon Lena Gagnon Andrew Walker Richard Domes



April 7, 2024

GWD File: PN.20.2728.00

The Corporation of the City of Brampton 2 Wellington Street West Brampton, Ontario L6Y 4R2

Attention: Mayor and Members of City of Brampton Planning and Development Committee/City Council

Peter Fay, City Clerk

Steve Ganesh, Commissioner, Planning, Building and Growth Management

Marlon Kallideen, Chief Administrative Officer

Henrik Zbogar, Director, Integrated City Planning

Michelle Gervais, Policy Planner, Integrated City Planning

Subject: LETTER OF CONCERN 227 Vodden Street East – Centennial Mall Brampton Ltd. Item 7.2: April 8, 2024 Planning and Development Committee Meeting; Recommendation Report: Proposed Modifications to Brampton Plan Major Transit Station Area Policies

Gagnon Walker Domes Ltd. ("GWD") acts as Planning Consultant to Centennial Mall Brampton Ltd. ("Davpart"); the registered owner of the property municipally known as 227 Vodden Street East in the City of Brampton ("subject site"). The subject site is located at the southeast corner of Kennedy Road North and Vodden Street East and is within the Kennedy 'Primary' Major Transit Station Area ("MTSA").

Davpart submitted Applications to Amend the City of Brampton Official Plan and Zoning By-law in December 2021 (City File No. OZS-2022-0001) and also submitted a corresponding Draft Plan of Subdivision Application in December 2022 (City File No. OZS-2022-0046) - (collectively the "Davpart Applications"). The Davpart Applications propose the phased redevelopment of the existing suburban shopping centre into a mixed use, transit oriented Master Plan generally comprised of townhouses, a mid-rise building and tall buildings ranging in height from 16 storeys up to a maximum of 39 storeys along Kennedy Road North. On October 18, 2023, City of Brampton Council adopted By-laws 172-2023 and 173-2023 approving Davpart's site-wide Official Plan Amendment, as well as Davpart's Phase 1 Zoning By-law Amendment (enclosed).

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Davpart has also been actively engaged in the City of Brampton's Official Plan Review process and associated MTSA Planning Study. This has included, but is not limited to: written correspondence provided to the City on the initial draft of the Brampton Plan on June 3, 2023; Davpart's participation in the Kennedy MTSA Focus Group Session hosted by City Planning Staff on March 23, 2023, written correspondence provided to the City on the Draft Kennedy MTSA Land Use Plan and Draft MTSA policies dated April 24, 2023, July 17, 2023 and August 28, 2023; and written correspondence provided to the City on the final draft of the Brampton Plan dated October 22, 2023. Davpart has also appealed the City's decision to adopt Official Plan Amendment OP2006-247 to the Ontario Land Tribunal (OLT-23-00609).

We write to express Davpart's concerns regarding the recommendations contained within the City of Brampton Planning Department's Recommendation Report (dated March 21, 2024) entitled "Recommendation Report: Proposed Modifications to Brampton Plan Major Transit Station Area Policies", specifically in light of the recent approvals granted by City Council that permit the phased redevelopment of the subject site, including for High-Rise buildings.

# STAFF PROPOSED MODIFICATIONS to MTSA POLICIES of BRAMPTON PLAN

The Recommendation Report recommends that modifications to the (yet to be approved) City Council adopted Brampton Plan ("Brampton Plan") be endorsed by City Council and that these modifications be included in the version of the Brampton Plan that is currently being considered for approval by Regional Council. City Staff anticipate that the Brampton Plan will be approved by Regional Council on April 25, 2024.

More specifically, the Staff recommended modifications will allow the City to impose maximum building height and density policies for MTSAs through future City-initiated Amendments (i.e., MTSA Precinct Plans and/or Secondary Plan Amendments). Permissions for unlimited height and density for development properties that are located "adjacent to" an MTSA transit station or stop, and within the Queen Street/Highway 410 intersection are also being proposed.

The City Planning Staff's rationale behind the recommended policy modifications restricting height and density stems from their observation that recent development applications within MTSAs across the City have placed a predominant emphasis on developing properties for High-Rise buildings (in some cases exceeding 60 storeys). City Staff contend that while High-Rise buildings contribute to the City's housing supply, they do not provide an appropriate range of housing types that meet the needs of the City's diverse population.

City Staff propose the following modifications to Chapter 4: Site and Area Specific Policies of the Brampton Plan for Primary MTSAs with respect to height and density:

1. Delete the following Policy a) in Chapter 4 - MTSA Heights:

*"a) The maximum building heights identified in Table 4 – Building Typologies of this Plan do not apply to any lands within a Primary Major Transit Station Area.* 



2. Add the following new Policy a) to Chapter 4 – MTSA Heights:

a) Maximum heights as identified in Table 4 – Building Typologies do not apply to any lands within a Primary Major Transit Station Area until such time as Cityinitiated amendments are adopted through the Major Transit Station Area Study, prescribing suitable maximum building heights, including opportunities for unlimited height for lands adjacent to the transit station or stop, and within the Queen Street and Highway 410 intersections, as appropriate."

- 3. Delete the word "*Minimum*" from the Chapter 4 MTSA Minimum Densities subsection heading.
- 4. Add the following Policy f) in Chapter 4 MTSA Heights:

*"f)* Appropriate maximum FSI densities (including opportunities for unlimited density) for lands located within a Primary Major Transit Station Area may be determined through City-initiated amendments to be undertaken as part of the Major Transit Station Area Study."

Based on our review of the Recommendation Report, while City Staff are not including prescribed maximum building heights for lands located within a Primary MTSA within the modifications to the Brampton Plan at this time, we understand that City Staff are considering the building height ranges listed below for lands designated in the Brampton Plan as 'Mixed-Use (High-Rise)' and 'Mixed-Use (Office)' and located within a MTSA.

Location	Building Height (Storeys)
Properties Adjacent to Transit Station/Stop and	No maximum
at the Highway 410/Queen Street Intersection	
Mid-Block with frontage along a Primary Transit	25 – 40
Corridor (located between two stations/stops)	
All other High-Rise areas	14 – 25 (existing zoning provisions
	beyond these ranges will be
	maintained).

## DAVPART'S CONCERNS with PROPOSED MODIFICATIONS to MTSA POLICIES of BRAMPTON PLAN

In addition to those outstanding concerns in connection with the Brampton Plan outlined in Davpart's written correspondence provided to the City dated October 22, 2023, Davpart has concerns with the proposed modifications to the MTSA policies of the Brampton Plan as advanced in the City Recommendation Report, as summarized below:

 Presently there are no maximum building height policies prescribed in the Brampton Plan for the City's MTSAs. It is our opinion that the proposed modifications have the potential to substantially impact the planned development context in the City, particularly within Primary MTSAs. MTSAs have been specifically planned to accommodate high concentrations of population and



employment growth to optimize the use of land, support existing/planned infrastructure investments, and achieve minimum growth/intensification targets. The proposed modifications could compromise these objectives.

- We believe that it is unnecessary for City Staff to impose maximum building heights and densities in MTSAs in order to facilitate a range of housing types in the City and MTSAs, and that housing diversity can be achieved in the MTSAs without the need for these undue height and density maximums. This is proven directly through the Davpart Applications, which were approved by City Council and consider a broad range of Low-Rise, Mid-Rise and High-Rise built forms within a range of building heights.
- The introduction of maximum density and height maximums within MTSAs would negatively impact Davpart's ability to realize its Council approved development vision for the subject site.
- Insufficient consideration has been provided to transition provisions. We note that the Recommendation Report includes the following statement: "properties that have received Council approval related to a development application will not be subject to the proposed MTSA height and density provisions. Transition provisions will be included in the proposed official plan amendment for development applications that are currently under review". However, no Official Plan Amendment has been provided in the attachments of the Recommendation Report to this effect. It is our opinion that the Davpart Amendment Applications and any future planning or development applications necessary to implement Council's previous approval for the redevelopment of the subject site should not be required to comply with the policies of any future MTSA amendment that would have the effect of limiting height and density on the subject site contrary to that which is proposed by Davpart. Transition provisions must be included in the Brampton Plan and in any future City-initiated Amendment through the MTSA Planning Study, which clearly provide that planning/development applications that are either already approved or which are currently in the planning review process will not be subject to any future height and density maximums, as may be proposed through future MTSA Study.

### **Closing Remarks**

As summarized above, Davpart has concerns with the proposed modifications to the City Council adopted Brampton Plan regarding maximum heights and density within MTSAs, and their potential impact on Davpart's Council approved Official Plan and Zoning By-law Amendments.

On behalf of Davpart, GWD <u>requests that Planning and Development Committee</u> refer the Recommendation Report back to Planning Staff to provide the opportunity for Davpart and Planning Staff to participate in proper and meaningful consultation in effort to address Davpart's concerns.



We reserve the right to provide additional comments to the City of Brampton and/or the Region of Peel on behalf of Davpart in connection with this matter prior City Council's consideration of the Recommendation Report and prior to final approval of the Brampton Plan by Regional Council.

Yours truly,

Richard Domes, B.A., C.P.T Partner, Principal Planner

cc: Centennial Mall Brampton Ltd./Davpart M. Gagnon, Gagnon Walker Domes Ltd. D. Bronskill, Goodmans LLP

Nikhail Dawan, B.E.S. Planning Associate



THE CORPORATION OF THE CITY OF BRAMPTON **BY-LAW** Number <u>172</u> - 2023 To adopt Amendment Number OP-2006-256 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 Planning Act, R.S.O. 1990, c P. 13, hereby ENACTS as follows: Amendment Number OP-2006-256 to the Official Plan of the City of 1. Brampton Planning Area is hereby adopted and made part of this By-law ENACTED and PASSED this 18<sup>th</sup> day of October, 2023. Approved as to form. 2023/09/18 SDSR Patrick Brown, Mayor Approved as to content. 2023/09/25 AAP Peter Fay, City Clerk

(OZS-2622-0001)

By-law Number \_\_\_\_\_\_\_ - 2023

AMENDMENT NUMBER OP 2006-256 To the Official Plan of the City of Brampton Planning Area

By-law Number <u>172</u> - 2023

#### AMENDMENT NUMBER OP 2006 – <u>256</u> TO THE OFFICIAL PLAN OF THE CITY OF BRAMPTON PLANNING AREA

#### 1.0 <u>Purpose</u>:

The purpose of this amendment is to amend the City of Brampton Official Plan and the Brampton Flowertown Secondary Plan to change the land use designation of the lands shown on Schedule 'A' to this amendment to permit the development of medium to high density residential and mixed use buildings.

#### 2.0 Location:

The lands subject to this amendment are known municipally as 227 Vodden Street East. The lands are located approximately 770 metres (2,526 feet) north of Queen Street East, having a frontage of approximately 285 metres (935 feet) along Kennedy Road North, 190 metres (624 feet) along Vodden Street East and 275 metres (901 feet) along Hansen Road North. The lands are legally described as Part of Block H and XF, Plan 889 in the City of Brampton.

#### 3.0 Amendments and Policies Relative Thereto:

- 3.1 The document known as the Official Plan of the City of Brampton Planning Area is hereby amended:
  - by deleting the "District Retail" designation on Schedule A2 Retail Structure, as shown on Schedule 'A' to this amendment.
- 3.2 The portions of the document known as Brampton Flowertown Secondary Plan, being Chapter 45, of Part II of the City of Brampton Official Plan, as amended, is hereby further amended:
  - (1) by amending Schedule 6 of Chapter 45: Brampton Flowertown Secondary Plan, by deleting the "Neighbourhood Retail" designation and replacing it with a "High Density Residential" and "Special Site Area 6" designation as shown outlined on Schedule 'B' to this amendment.

(2) by adding the following clauses under Section 8.0, Special Site Areas:

"8.5 Lands shown on Schedule 6 as **Special Site Area 6** known municipally in 2023 as 227 Vodden Street East, shall be redeveloped (to be permitted incrementally) to provide a more broadly based mix of residential housing types complemented by locally serving non-residential uses within mixed-use buildings and shall be subject to the following:

- i.) Notwithstanding Section 4.2.1.2 of the Official Plan, low-rise, mid-rise and high-rise apartment buildings and mixed-use buildings, stacked townhouses, back-to-back townhouses and street townhouses shall be permitted. Nonresidential uses in accordance with Section 4.3.5 of the Official Plan are also permitted within the first storey above grade within new apartment buildings and mixed-use buildings. Stand-alone commercial buildings existing at the time of the passing of this amendment are also permitted in the interim as development phasing is advanced pursuant to Section 4.3.4 of the Official Plan.
- ii.) Notwithstanding the provisions of the "High Density" designation of this Plan or any other Official Plan policy to the contrary, the lands shall be developed in accordance with the following principles:
  - A maximum gross residential density of 465 units per hectare is permitted.
  - A maximum gross Floor Space Index of 3.75 is permitted.
  - Individual buildings, blocks and phases may exceed the maximum permitted overall gross site density and Floor Space Index.
  - d. The predominant built form shall be highrise, except that mid-rise and low-rise built forms shall only be permitted abutting Hansen Road North.
  - e. Development will provide a mix of building types, variation of building heights and

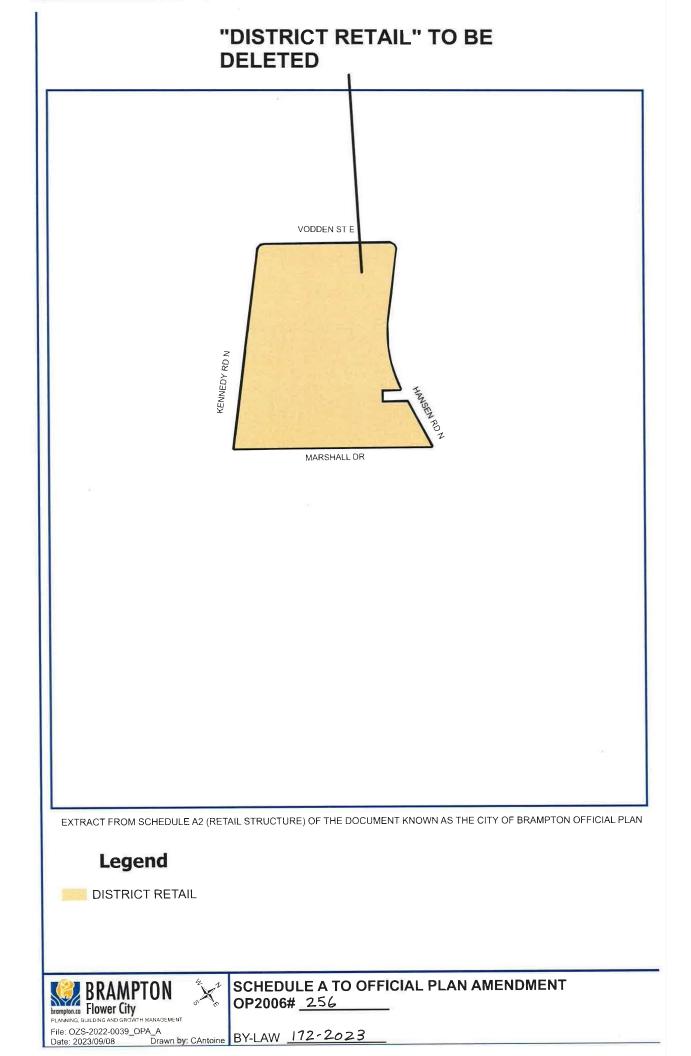
transition and scale.

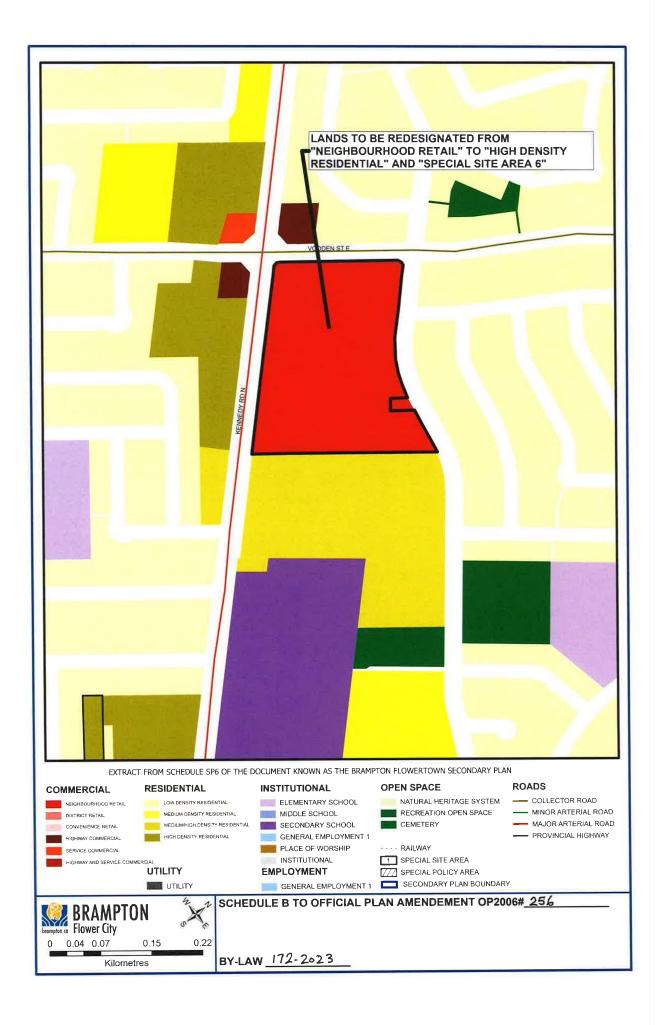
- f. The tallest building heights shall be directed towards Kennedy Road North to provide appropriate transitions in height to existing adjacent uses. High-rise buildings located along Kennedy Road North shall provide a minimum building height of 26 storeys and may be developed up to a maximum building height of 39 storeys.
- g. High-rise buildings without direct frontage along Kennedy Road North shall be limited to a maximum building height of 18 storeys.
- h. A maximum of 7 high-rise buildings are permitted.
- The portion of all buildings fronting Kennedy Road North shall include street oriented retail uses on the ground level.
   Common residential areas of the building shall also be permitted fronting Kennedy Road North, however, retail frontage shall constitute the majority of the Kennedy Road North streetscape façade along the ground floor.
- j. For that portion of the lands abutting Hansen Road North, a maximum building height of 6 storeys is permitted.
- k. New development shall demonstrate a high level of design, high-quality building materials, well articulated façades, incorporation of and the building and site elements that contribute to a strong pedestrian streetscape.
- I. Outdoor amenity spaces are encouraged at the ground level and shall be functional, interesting and engaging spaces that are encouraged to be connected to public and/or private streets or other communal areas, and encourage social interaction for people of all ages and abilities through the inclusion of elements such as recreational features. seating. landscaping. The delineation and

### By-law Number <u>172</u> - 2023

location of private outdoor amenity spaces will be confirmed at the detailed design stage.

- m. Off-street surface parking shall be limited for new mid-rise and high-rise development. Surface parking areas shall continue to serve the existing commercial buildings in the interim as development is phased.
- n. A new replacement supermarket/grocery store shall be located within the development prior to, or concurrent with, the completion of the final phase of development.
- o. An orderly, coordinated and phased approach to development shall be provided with respect to the provision of transportation, servicing and other infrastructure requirements that support the development of complete communities.
- Shall be designed with the general intent of achieving financial sustainability through the provision of municipal infrastructure and services in an efficient and financially prudent manner;
- iv) Subsequent phases of development may proceed subject to the receipt of a Functional Servicing Report and studies that consider municipal infrastructure requirements such as stormwater management, water and wastewater and transportation and site access that address capacity, configuration, and staging in the context of individual sites and the totality of the lands subject to these special site policies to the satisfaction of the City and Region.
- v) In the event of a conflict between this amendment and the Brampton Official Plan and/or Brampton Flowertown Secondary Plan, this amendment shall prevail."





T	HE CORPORATION OF TH	E CITY OF B	RAMPTON
	BY-L Number 173		T
To Ame	end Comprehensive Zoning	By-law 270-20	004, as amended
The Council	of the Corporation of the City	y of Brampton	, in accordance with the
	f the <i>Planning Act, R.S.O. 1</i>		
l. By-la	w 270-2004, as amended, is	s nereby lurth	er amended:
	changing Schedule A theret own outlined on <u>Schedule A</u>		
From:		To:	•
"COMMEF	RCIAL THREE -	"RESIDEN	TIAL APARTMENT B –
3065 (C3 -	- 3065)"	3728 (R4B	– 3728)"
(2) By	adding the following Section	ns:	
"3728	The lands designated R by-law:	4B – 3728 on	Schedule A to this
"3728 3728.1	0		
	by-law:	following pur	poses:
	by-law: Shall only be used for the 1) Purposes permitted 2) Only in conjunction v	following purp in the R4B Zc vith a building ermitted in the	poses: one containing an apartment C2 Zone, except that a
	by-law: Shall only be used for the 1) Purposes permitted 2) Only in conjunction w dwelling, the uses pe	following purp in the R4B Zo vith a building ermitted in the s bar shall not	poses: one containing an apartment C2 Zone, except that a be permitted
3728.1	<ul> <li>by-law:</li> <li>Shall only be used for the</li> <li>1) Purposes permitted</li> <li>2) Only in conjunction v dwelling, the uses perservice station or gas</li> </ul>	following purp in the R4B Zo with a building ermitted in the s bar shall not lowing require	poses: one containing an apartment C2 Zone, except that a be permitted
3728.1	<ul> <li>by-law:</li> <li>Shall only be used for the</li> <li>1) Purposes permitted</li> <li>2) Only in conjunction v dwelling, the uses perservice station or gas</li> <li>Shall be subject to the following the subject to the following service station or gas</li> </ul>	following purp in the R4B Zo with a building ermitted in the s bar shall not lowing require No R	poses: one containing an apartment C2 Zone, except that a be permitted ements and restrictions:
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3728.1	<ul> <li>by-law:</li> <li>Shall only be used for the</li> <li>1) Purposes permitted</li> <li>2) Only in conjunction v dwelling, the uses perservice station or gas</li> <li>Shall be subject to the foll</li> <li>1) Minimum Lot Area:</li> <li>2) Minimum Lot Width:</li> <li>3) Minimum Lot Depth:</li> <li>4) Minimum Yard Dept Private Laneway:</li> <li>a. Kennedy Ro b. Vodden Street</li> </ul>	following purp in the R4B Zo with a building ermitted in the s bar shall not lowing require No R No R No R to a Municip ad North: eet East:	poses: one containing an apartment C2 Zone, except that a be permitted ements and restrictions: requirement requirement dequirement oal Street or 0.0 metres 1.5 metres
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- 5) Minimum Setback to a Daylight Triangle or Rounding: 0.0 metres
- 6) Minimum Setback for Parking Structure Below Established Grade: 0.0 metres
- 7) Minimum Tower Setback to a Municipal Street or Private Laneway:

a.	Kennedy	/ Road	North:	3.0 metres
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b. Vodden Street East: 4.5 metre	s
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- c. Private Laneway: 6.0 metres
- 8) For the purposes of this by-law a building Tower shall mean: that portion of the building located above a height of 8 storeys
- 9) Tower Stepbacks: A minimum cumulative tower stepback of 3.0 metres shall be provided for that portion of a building tower along Kennedy Road North or Vodden Street East, except that no tower stepback shall be required for up to 15% of the horizontal distance of the main exterior building face of any such tower along Kennedy Road North
- 10) Minimum Separation Distances Between Buildings:
  - a. Building Towers: 25.0 metres
  - b. Building Portions Between 4 to 8 Storeys: 15.0 metres
  - c. Building Portions Between 1 to 3 Storeys: 11.5 metres
- 11) Notwithstanding 3728.2(4), (7), (9) and (10) the following may project into the minimum yards, setbacks, stepbacks and tower/building separation distances for the distances specified:
  - a. Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets, lighting fixtures: 0.5 metres
  - b. Canopies, balconies, decks, open-roofed porches, uncovered terraces, hydro transformer: 1.8 metres
- 12) For the purposes of this by-law, <u>Established Grade</u> shall mean: a geodetic elevation of 229.0 metres
- 13) Maximum Building Height: 122.0 metres, except that:
  - a. For a building located within 30.0 metres of Vodden Street East and within 110.0 metres of Kennedy Road North, a maximum building height of 58.5 metres is permitted
  - b. For a building located between a distance of 30.0 metres to 90.0 metres of Vodden Street East and within 110.0 metres of Kennedy Road North, a maximum building height of 83.0 metres is permitted
  - c. For a building located within 75.0 metres of Vodden Street East and 83.0 metres of Hansen Road North, a maximum building height of 22.0 metres is permitted

- 14) Notwithstanding 3728.3(13), the following shall be exempt from the calculation of building height:
  - a. Lighting fixtures, trellises, stair enclosures, landscape features, elevator enclosures/overruns, lightning rods, parapets, eaves, balcony or terrace guardrails, railings, vents and ventilating equipment, window washing equipment, mechanical equipment, landscape and green roof elements, outdoor recreation and amenity area elements (including accessory structures /buildings), partitions dividing outdoor recreation and amenity areas, rooftop lobbies to access rooftop amenity areas, wind mitigation elements, noise mitigation elements, chimney stack, exhaust flues, and garbage chute overruns, to a maximum projection beyond the permitted building height by no more than 3.0 metres
  - b. A roof structure which is used only as an ornament or to house the mechanical equipment of any building to a maximum of 6.0 metres above the maximum permitted building height
- 15) Minimum Ground Floor Height 4.5 metres
- 16) Maximum Tower Floorplate: 800 square metres
- 17) Maximum Floor Space Index (FSI): 4.75
- 18) Maximum Number of Dwelling Units: 1,185
- 19) Minimum Non-Residential Gross Floor Area: 1,500 square metres
- 20) Maximum Lot Coverage: No Requirement
- 21) Minimum Landscaped Open Space: 10% of the lot area

22) Location of Motor Vehicle Parking: A maximum of 10 off-street surface motor vehicle parking spaces shall be permitted, however no off-street surface motor vehicle parking spaces shall be permitted within 25.0 metres of Kennedy Road North or 50.0 metres of Vodden Street East.

- 23) Motor Vehicle Parking:
  - a. Minimum parking requirement for an apartment dwelling use is 0.5 parking spaces per dwelling unit for residents and 0.20 parking spaces per dwelling unit for visitors.
  - b. Up to 1,501 square metres of Gross Floor Area for any commercial uses permitted in Section 3728.1 of this by-law that are located in an apartment dwelling building or mixed-use building, shall be exempt from minimum parking requirements.
- 24) Bicycle parking:
  - a. A minimum of 0.50 bicycle parking spaces shall be provided per apartment dwelling unit
  - b. A minimum of 0.10 visitor bicycle parking spaces shall be provided per apartment dwelling unit
  - c. A maximum of 50% of the required bicycle parking shall be vertical spaces
  - d. Where the number of bicycle spaces exceeds fifty spaces, a minimum of 25% of that total required must be located within:
    - (1) A building or structure
    - (2) A secure area such as a supervised parking lot or enclosure; or
    - (3) Within bicycle lockers
  - e. The dimensions for required bicycle parking spaces shall be:
    - (1) A horizontal bicycle parking space shall have a minimum

length of 1.8 metres and a minimum width of 0.6 metres (2) A vertical bicycle parking space shall have a minimum

- length of 1.6 metres and a minimum width of 0.5 metres
- f. Bicycle parking must be located on the same lot as the use or building for which it is required
- 25) Minimum Number of Loading Spaces per Building: 1 space
- 26) Loading, Unloading and Waste Disposal: Loading, unloading and waste disposal facilities, excepting access thereto, shall be screened from a public street
- 27) Garbage, Refuse and Waste: All garbage, refuse and waste containers for any use shall be located within a building or within a containment system or enclosure that is screened from view from a public street or thoroughfare
- 28) For the purposes of this by-law <u>Gross Floor Area</u> shall mean: the aggregate of the area of all floors in a building, whether at, above or below established grade, measured between the exterior walls of the building, but excluding any porch, verandah, unfinished attic, basement or any floor area used for building maintenance or service equipment, loading area, elevators, stairwells, common laundry facilities, common washrooms, common children's play area, common recreation amenity area, all areas associated with the parking of motor vehicles, utility areas or storage areas
- 3728.4 All lands zoned R4B 3728 shall be treated as a single lot for zoning purposes.
- 3728.5 Notwithstanding any section of the By-law, the erection or use of building or structures on the lands outlined on Schedule A to this By-law shall not be permitted unless written confirmation is received by the Region of Peel (or successor), confirming sufficient wastewater infrastructure and capacity is available to service the lands.

ENACTED and PASSED this 18th day of October, 2023.

