

December 7, 2021

The Corporation of the City of Brampton  
c/o City Clerk's Department  
2 Wellington Street West  
Brampton, ON  
L6Y 4R2

Attention: Mayor Brown and Members of Council

**Re: Choice Properties REIT Request for Reconsideration  
Council Resolution C349-2021  
MZO Resolution Request – Lark Investments Request**

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Aird & Berlis LLP have been retained by Choice Properties REIT ("Choice") in respect of its lands known municipally as 379 Orenda Road in Brampton (the "Choice Lands").

The Choice Lands, which are shown in Figure 1, are within the boundary of the Ministerial Zoning Order Resolution Request ("MZO") which we understand has been prepared by Delta Urban Inc. on behalf of Lark Investments, an owner of some of the properties within the MZO.

**The purpose of this correspondence is to (1) respectfully request that Council reconsider its resolution to endorse the MZO request as originally put forward by Lark Investments; (2) provide Council with input from Choice on the proposed MZO, which was brought forward to Council without any prior notice to our client; (3) request that Council direct City staff to ensure such modifications as are necessary to ensure the existing legal employment uses on the Choice Lands are both recognized and protected in the draft MZO; and (4) that Council not consider the modified MZO until such time as necessary private agreements are secured as between Choice and the proponent.**

The background to and reasons for these requests are set out below. Please note that Mr. Joe Svec, Vice President of Development and Planning, will be attending the Council meeting on December 8<sup>th</sup> to make a deputation on this request.

***The Choice Lands and Weston Foods – An Important Employment Use***

The Choice Lands are currently improved by a significant industrial operation home to Weston Foods which operates an industrial scale bakery on site. The facility provides baked good food products to an extensive network of retail and wholesale customers across the GTA. More than 200 jobs are generated by the existing Weston Foods operation.

There is no expectation on the part of either Weston Foods or Choice that this well established and important industrial employer will vacate the Choice Lands in the foreseeable future. To the contrary, it is imperative to the viability of this operation that Weston Foods be able to adjust and increase production levels if and when the market demands.

### ***Request for the MZO and Council Endorsement***

We understand that City Council passed a resolution at the October 20, 2021 Council meeting to endorse the MZO prepared by Delta Urban Inc on behalf of Lark Investments and further to request that the Minister of Municipal Affairs consider the request. We further understand that the request was submitted by Delta Urban on October 5, 2021. Choice was not made aware of the MZO, or Council's resolution to endorse the MZO, until November 16, 2021 when it was contacted after the fact by the proponent's representatives. **Given the lack of consultation, Council should realize that it made its decision to endorse the MZO request without the input of those landowners which will be directly impacted by the MZO.**

The MZO endorsed by Council identifies 43 parcels affected by the request, owned by a number of different entities that include Choice Properties. Currently, the properties subject to the MZO are primarily used for employment purposes. Collectively, the area subject to the MZO is estimated by the Region's own research to generate a minimum of 2,500 jobs. The MZO as endorsed by Council would render existing uses as legal non-conforming, severely restrict expansion opportunities, and would permit the introduction of sensitive land uses without first testing whether such uses or their form are compatible with existing businesses. This creates a precarious existence for existing businesses in the area.

On behalf of our client, we are pleased to provide the additional detailed comments below on the draft MZO and Choice's concerns in respect of same.

### ***Preliminary Comments on the Draft MZO***

Choice's suggested changes to the MZO are specifically related to protecting existing employment uses within the proposed "Mixed-Use High Density Residential and Employment" area, and are generally as follows:

1. The MZO renders existing employment uses as "legal non-conforming", and only permits expansions up to 10% of the existing GFA. The effect of these dual provisions is to endorse the strangling of existing employment generating businesses in the Brampton GO Employment area. Without the ability to invest in improvements and expansions the on-going viability of these uses becomes imperiled.

*The Choice request is simple: specifically permit the existing legal uses on the lands and remove any arbitrary restriction on expansions. This provides certainty as to use and viable flexibility to respond to market demands.*

And

2. The MZO is silent with respect to compatibility. Typically, studies to ensure compatibility are undertaken at the re-zoning stage to ensure appropriate uses are introduced, and that compatibility is maintained through separation, buffering, or other measures that can be captured by the zoning by-law and imposed upon the new sensitive use being introduced and not the pre-existing legally permitted industrial use. The MZO side-steps this process entirely and introduces sensitive uses as of right and without any test of compatibility or requirement to mitigate at the receptor (sensitive new use) and not the source (existing legal industrial use).

*Choice requires that the draft MZO be modified to include an express requirement to establish compatibility and to require mitigation by the sensitive new use.*

By way of example, we have proposed including the Province's own D1-D6 Guidelines for compatibility between uses be translated to the MZO. This creates a physical buffer for existing industries within which any redevelopment proposal would have to prepare compatibility studies as part of a Site Plan Approval or Draft Plan of Subdivision application, and appropriate conditions established, which will provide certainty for compatibility between existing and proposed uses.

Further, and based on prior experience where the introduction of sensitive new uses gives rise to the possible exposure of litigation and/or additional mitigation costs, Choice requests that proponents be required to enter into agreements to secure additional mitigation measures such as warning clauses, indemnification from litigation and/or environmental easements registered on title. Each of these are commonplace tools used when new sensitive uses are introduced adjacent to existing industrial operations.

The modifications to the draft MZO language suggested by Choice are enclosed in tracked changes and has been shared with the proponent. However, at the time of this letter our client has not received any assurances that the proposed modifications will be made, nor has it been provided with an alternative approach to address its legitimate concerns. It is therefore up to Council to take the steps necessary to protect the interests of employment landowners such as Choice and the thousands of employees that they represent.

### ***Typical Planning Processes Circumvented***

For the reasons above, it is the position of Choice that the MZO previously endorsed by Council has circumvented the typical planning process whereby surrounding landowners are provided formal notice and there is an obligation to consult with the community.

The typical planning process includes the opportunity to provide comments on an application and affords the rights to appeal a decision made by Council. This typical planning process is the appropriate process to consider matters of land use compatibility and ensure that resulting permissions appropriately reflect and implement recommendations from technical studies related to compatibility (i.e., noise, vibration, odour, air quality, etc.).

It is unclear to us from the review of the record to date the rationale for the MZO to be engaged at this time and without sufficient consultation of affected landowners. None of the material submitted by the proponent justifies the haste by which this process has unfolded and the utter lack of consultation. To the contrary, the area subject to the proposed MZO is approximately 99 hectares and over 12,500 residents are proposed at full build out, including on lands currently designated for employment uses such as the Choice Lands. A build out of this magnitude is in our view years and indeed several decades from full implementation.

The City and Region are currently undertaking Municipal Comprehensive Reviews (MCR) that will necessarily consider updates to permissions and development standards for the area and afford landowners and the community an opportunity to provide input on what is desirable. Allowing City Staff to undertake and implement their review is an appropriate alternative to the MZO request. Sufficient rationale has not been provided for circumventing the typical planning process for a decades long project, at the expense of over 2,500 jobs.

In contrast, while development will be subject to site plan approval, the Planning Act does not require notification to surrounding landowners, does not require public consultation, and the opportunity to appeal an application is severely limited. Once the land use permissions are established by the MZO, the opportunity for landowners or business to protect their own interests is severely limited. In this way, the MZO is a blunt instrument that is not appropriate in every circumstance. If circumventing the typical review process, it is necessary to ensure that the appropriate checks and balances are in place, prior to the introduction of potentially incompatible land uses. This will protect existing businesses, as well as the newly proposed land uses.

Finally, we observe that the MZO is intended to implement matters of Provincial interest, and this may be an appropriate avenue to direct growth around transit, if implemented appropriately. Matters of Provincial interest also extend to the protection of existing employment generating activities and ensuring compatibility between land uses. The MZO request needs to also consider the implications to existing employment operations, and ensure their function is protected as a result, to be considered appropriate and consistent with the Provincial interest as set out in the PPS 2020.

### ***Conclusion and Request***

Choice cannot support the draft MZO without first receiving confirmation that appropriate modifications to the draft the MZO language will be implemented, and that necessary and appropriate agreements between landowners are secured.

We encourage Council to support these reasonable requests from an existing and well-established landowner and to reconsider its endorsement of the draft MZO.

Should there be any question's regarding this request, or if additional information is required, please do not hesitate to contact us.

Yours very truly,

Aird & Berlis LLP



Eileen P. K. Costello  
EPKC

cc. Hannah Evans, ADM, Municipal Services Division

Enclosures: Figure1 – Location of Choice Lands  
Choice Suggested Revisions to draft MZO



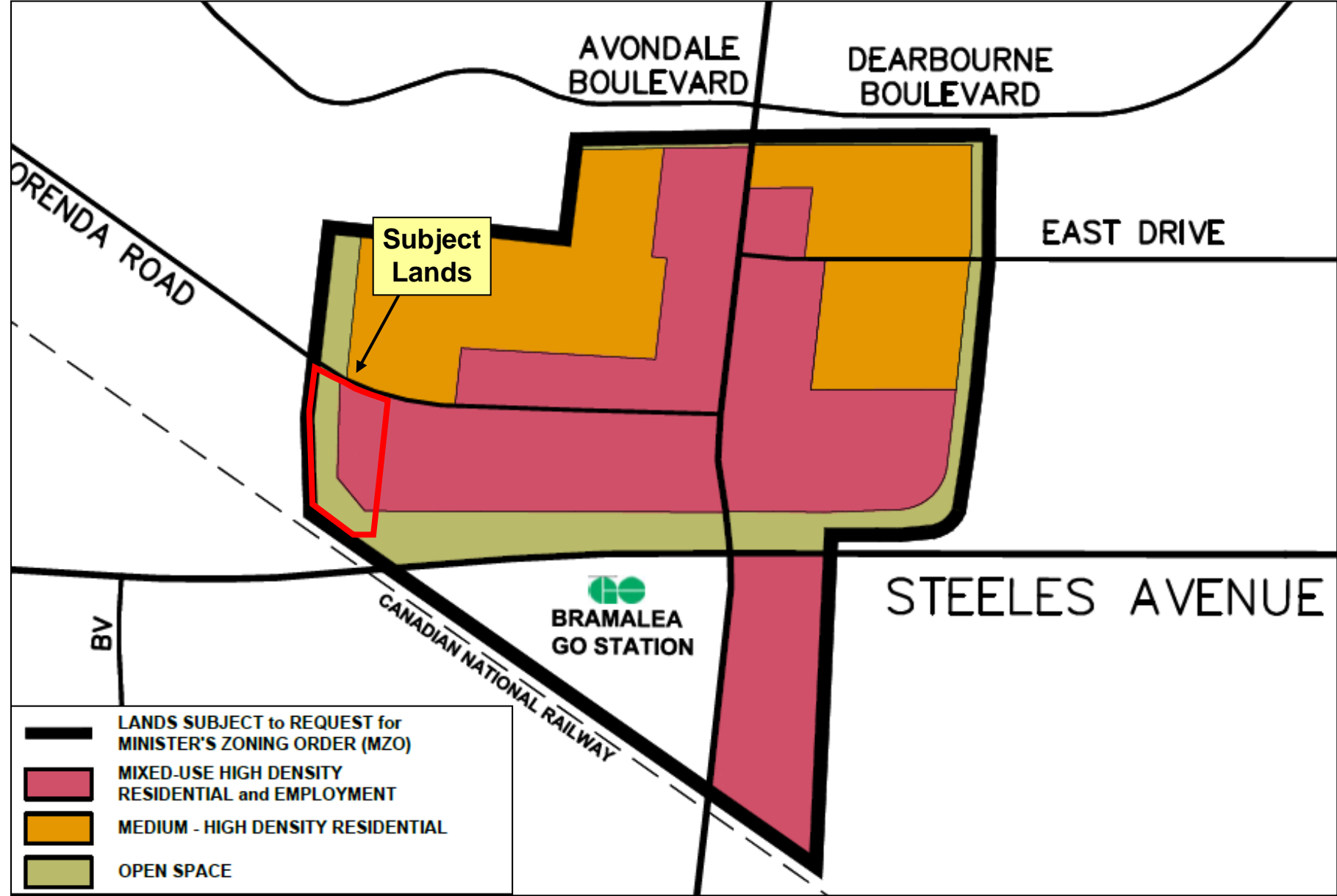
**Figure 1**

**Locational Setting – 379 Orenda Road**



Location and boundaries are approximate

Figure 2  
Schedule A – Location and Land Use Map



Location and boundaries are approximate

**PRELIMINARY  
ONLY FOR DISCUSSION PURPOSES  
November 4, 2021 6:15 p.m.**

**ONTARIO REGULATION**  
**made under the**  
**PLANNING ACT**  
**ZONING ORDER – CITY OF BRAMPTON**

**Definitions**

**1. In this Order,**

“business incubator” means an establishment that is dedicated to nurturing the development and commercialization of start-ups, early-stage companies, and established companies (enterprises) by providing incubator services such as management training, networking facilities, programming, mentorship programs, business assistance services, and office space.

“Class I Industrial Facility” means a place of business for a small scale, self contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.

“Class II Industrial Facility” means a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.

“Class III Industrial Facility” means a place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.

“dwelling, apartment” has the same meaning as in the Zoning By-law.



“dwelling, multiple residential” has the same meaning as in the Zoning By-law.

“micro-manufacturing” means a building or part thereof used for small-scale manufacturing or production of goods which are also sold and/or consumed on the premises, and which may include shipment for sale at other locations. Without limiting the generality of the foregoing, a micro manufacturing use shall include a microbrewery or micro-winery and can be combined with a restaurant use.

“mixed-use development” has the same meaning as in the Zoning By-law.

“sensitive land use” means:

- recreational uses which are deemed by the municipality or provincial agency to be sensitive; and/or
- any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.

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“night club” means a building whose principal function is the provision of music entertainment and/or live performances, which may include areas for dancing, and whose secondary function is the service of food or beverages.

“office amenity floor space” means floor space within a residential or mixed-use building used as amenity space for office use.

“podium” means any various building elements that form the base or bottom storeys of a building, distinguished from and upon which upper storeys of the building rest.

“workshop” means a building where the design and custom production of goods and articles occurs on the premises, including custom woodworking, clothing articles, signs, jewelry, antique refinishing, custom metalworking, and similar products.

“Zoning By-law” means Zoning By-law No. 270-2004 of the City of Brampton, as amended.

### **Application**

2. This Order applies to lands in the City of Brampton, in the Regional Municipality of Peel, in the Province of Ontario, being the lands outlined in red on map numbered [redacted] and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

### **Mixed-Use High Density Residential and Employment**

3. (1) This section applies to the lands located in the area shown as the Mixed-Use High Density Residential and Employment on the map described in section 2.

(2) Every use of the land and every erection, location or use of any building or structure is prohibited on the land described in subsection (1), except for the following:

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1. The uses listed below are permitted:

1) Residential:

- a) an apartment dwelling
- b) a nursing home
- c) a retirement home
- d) a senior citizen residence
- e) a supportive housing facility
- f) a townhouse dwelling, when integrated into the podium of a building that includes a tower

2) Commercial:

- a) a retail establishment
- b) a service shop
- c) a personal service shop, excluding a massage or body rub parlour
- d) a bank, trust company, or finance company
- e) a dry cleaning and laundry distribution station
- f) a laundromat
- g) a dining room restaurant
- h) a take-out restaurant
- i) a printing or copying establishment
- j) a commercial school
- k) a community club
- l) a recreational facility
- m) a health and fitness centre
- n) a taxi or bus station
- o) an art gallery, museum or art/photo studio
- p) a convenience store or grocery store
- q) a travel agency
- r) an office
- s) a business incubator
- t) a micro-manufacturing use
- u) a custom workshop
- v) a hotel or motel
- w) a shopping centre
- x) a banquet hall
- y) a place of commercial recreation; including, e-gaming facilities
- z) a supermarket
- aa) a night club
- bb) an animal hospital
- cc) a movie theatre

3) Institutional:

- a) a place of worship
- b) a day nursery
- c) a college or university
- d) a library

4) Other:

- a) mixed-use development
- b) open space
- c) purposes accessory to the other permitted uses

2. Despite subsection (2), an existing legal non-conforming manufacturing use as on the date of the passing of this Order, shall be permitted to continue, and the gross floor area of the use may expand by a maximum of 10%.

(3) Despite subsection (2), the following uses shall be specifically prohibited:

- 1. A drive-through facility.
- 2. Outside storage of goods, materials or machinery, except that outdoor display and sale of goods is permitted in conjunction with a permitted commercial use up to a maximum of 10% of the gross floor area or 100 m<sup>2</sup>, whichever is less.
- 3. 'New' light or small-scale manufacturing or processing facilities.
- 4. A gas bar, service station, motor vehicle repair shop, motor vehicle body shop, motor vehicle sales establishment, motor vehicle washing establishment.

(4) The minimum density for the lands referred to in subsection (1) is 150 people and jobs per net hectare.

(5) A minimum of 50 percent of the ground floor gross floor area of a building predominantly used as an apartment dwelling shall be dedicated to non-residential uses; including:

1) Commercial:

- a) a retail establishment
- b) a service shop
- c) a personal service shop, excluding a massage or body rub parlour
- d) a bank, trust company, or finance company
- e) a dry cleaning and laundry distribution station
- f) a laundromat
- g) a dining room restaurant
- h) a take-out restaurant
- i) a printing or copying establishment
- j) a commercial school
- k) a community club
- l) a recreational facility
- m) a health and fitness centre
- n) a taxi or bus station
- o) an art gallery, museum or art/photo studio
- p) a convenience store or grocery store
- q) a travel agency
- r) an office
- s) a business incubator
- t) a micro manufacturing use

- u) a custom workshop
- v) a hotel or motel
- w) a shopping centre
- x) a banquet hall
- y) a place of commercial recreation; including, e-gaming facilities
- z) a supermarket
- aa) a night club
- bb) an animal hospital
- cc) a movie theatre

2) Institutional:

- a) a place of worship
- b) a day nursery
- c) a college or university
- d) a library

3) Other:

- a) office amenity space
- b) purposes accessory to the other permitted uses

(6) Nothing in this Order shall prohibit the erection, location or use of any building or structure for only non-residential uses; including specifically: an office, a business incubator, a commercial school and a hotel or motel.

1. Despite subsection (6), non-residential uses outlined in subsection (5) are permitted on the ground floor, second floor, third floor, and/or in the basement level.

(7) The following requirements and restrictions shall apply to the buildings or structures permitted under subsections (2), (5) and (6):

1. **Minimum Streetline Setback:** 0.6 metres to Steeles Avenue East and Bramalea Road, and 0 metres to any other street or to a daylight triangle
2. **Minimum Rear Yard Setback:** 3 metres
3. **Minimum Interior Side Yard Setback** at grade up to a height of 3-storeys: 0 metres
4. For any buildings within 15 metres of Steeles Avenue East;
  - a) The tower portion of the building must be setback a minimum of 2 metres from the edge of the podium
  - b) The podium is permitted to a maximum of 5-storeys in height
5. **Minimum Landscaped Open Space:** 10% of the lot area
6. **Continuous Street Wall:** A building wall at grade level, must occupy at least 75% of the entire available frontage facing Steeles Avenue East and Bramalea Road, and 60% of the entire available frontage facing any other public street. For the purposes of this subsection, "available frontage" means the total frontage excluding any required side

yard setbacks, approved pedestrian and vehicular access locations, and privately-owned publicly accessible spaces.

7. Special Setbacks for Residential Uses: Notwithstanding any other provisions in this Order, any portion of a building that is 22 metres or greater above grade having windows for a dwelling unit shall be located no less than 7.5 metres from an interior side yard or rear lot line.
8. Rooftop Mechanical Equipment: Mechanical equipment on the roof of a building shall be screened.
9. Loading, Unloading and Waste Disposal: Loading, unloading and waste disposal facilities, excepting access thereto, shall not be located on the wall facing a street, and must be adequately screened.
10. 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 street or a public thoroughfare.
11. Minimum Ground Floor Height: 4 metres.
12. Notwithstanding #11 above, a three (3) storey townhouse is permitted in the podium to a maximum height of 10.5 metres.
13. No part of any building or structure occupied by a residential dwelling shall be located within 30 metres of a main railroad right-of-way or 15 metres of a railroad spur line right-of-way the minimum setback may be measured as a combination of horizontal and vertical distances.
14. Minimum Tower Separation shall be 25 metres.
15. Maximum floorplate for a mixed-use building tower containing residential uses:
  - a) For buildings having a building height between 11 to 15 storeys: 1000 m<sup>2</sup>
  - b) For buildings having a building height of 16 storeys or greater: 800 m<sup>2</sup>
16. The maximum Floor Space Index and height for blocks located in the area shown as Mixed-Use High Density Residential and Employment are outlined on Schedule --- to the map described in section 2. Gross Floor Area shall include floor area within an above grade parking structure, but shall exclude floor area within a below grade parking structure.

(8) For any mixed use residential and employment building and/or structure permitted under subsections (2) and (6) the minimum height is 8 storeys and the maximum height is 35 storeys.

(9) Despite subsection (8), the following shall be exempt from the maximum building height:

1. Lighting fixtures, trellises, stair enclosures, landscape and public art features, elevator 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, wind mitigation, noise mitigation, chimney stack, exhaust flues, and garbage chute overruns, to a maximum projection beyond the permitted building height by no more than 3 metres.

2. A roof structure which is used only as an ornament or to house the mechanical equipment of any building.

(10) Despite subsections (3), (4) and (7) to (9), any building and or structure permitted under subsections (2) (5) and (6) for the lands located at 15 Bramalea Road, and 2021 Steeles Avenue East shall not proceed until such time as the following conditions have been met to the satisfaction of the City of Brampton Planning, Building and Economic Development Department:

1. A preliminary servicing report supporting interim and permanent servicing, and a preliminary transportation study supporting proposed development.

(11) Motor Vehicle Parking:

1. Motor vehicle surface parking shall only be located within a rear and/or an interior side yard and shall not exceed 10% of the total lot area.
2. Motor vehicle surface parking is not permitted between a building and a street.
3. Minimum setback for below grade parking: 0 metres
4. Above grade parking structures that front onto a public street shall have a minimum ground floor height of 4 metres and shall be screened from the public realm through the use of architectural design elements.

**Medium – High Density Residential**

**4.** (1) This section applies to the lands located in the area shown as the Medium – High Density Residential on the map described in section 2.

(2) Every use of the land and every erection, location or use of any building or structure is prohibited on the land described in subsection (1), except for the following:

1. The uses listed below are permitted:
  - 1) Residential:
    - a) an apartment dwelling
    - b) a multiple residential dwelling
    - c) a back-to-back townhouse dwelling
    - d) a stacked townhouse dwelling
    - e) an auxiliary group home
    - f) a group home type 2
    - g) a nursing home



- h) a retirement home
- i) a senior citizen residence
- j) a supportive housing facility

2) Institutional

- a) a place of worship
- b) a day nursey
- c) a private or public school

2. Despite subsection (2), an existing legal non-conforming manufacturing use as on the date of the passing of this Order, shall be permitted to continue, and the gross floor area of the use may expand by a maximum of 10%.

(3) Despite subsection (2), the following uses shall be specifically prohibited:

- 1. A drive-through facility.
- 2. Outside storage of goods, materials or machinery, except that outdoor display and sale of goods is permitted in conjunction with a permitted commercial use up to a maximum of 10% of the gross floor area or 100 m<sup>2</sup>, whichever is less.
- 3. 'New' light or small-scale manufacturing or processing facilities.
- 4. A gas bar, service station, motor vehicle repair shop, motor vehicle body shop, motor vehicle sales establishment, motor vehicle washing establishment.

- (4) The minimum density for the lands referred to in subsection (1) is 75 people and jobs per net hectare.

- (5) The following requirements and restrictions shall apply to the buildings or structures permitted under subsection (2) with the exception of back-to-back and stacked townhouses:

- 1. Minimum Streetline Setback: 0.6 metres to all streets, and 0 metres to any daylight triangle
- 2. Minimum Rear Yard Setback: 3 metres
- 3. Minimum Interior Side Yard Setback at grade up to a height of 3-storeys: 0 metres
- 4. Minimum Landscaped Open Space: 10% of the lot area
- 5. Continuous Street Wall: A building wall at grade level, must occupy at least 75% of the entire available frontage facing a street. For the purposes of this subsection, "available frontage" means the total frontage excluding any required side yard setbacks, approved pedestrian and vehicular access locations, and privately-owned publicly accessible spaces.

6. Setbacks for portions of a building that is 22 metres or greater above grade having windows for a dwelling unit shall be located no less than 7.5 metres from an interior side yard or rear lot line.
  7. Rooftop Mechanical Equipment: Mechanical equipment on the roof of a building shall be screened.
  8. Loading, Unloading and Waste Disposal: Loading, unloading and waste disposal facilities, excepting access thereto, shall not be located on the wall facing a street, and must be adequately screened.
  9. 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 street or a public thoroughfare.
  10. Minimum Ground Floor Height: 4 metres
  11. Notwithstanding #10 above, a three (3) storey townhouse is permitted in the podium to a maximum height of 10.5 metres.
  12. No part of any building or structure occupied by a residential dwelling shall be located within 15 metres of a railroad spur line right-of-way the minimum setback may be measured as a combination of horizontal and vertical distances.
  13. Minimum Building Separation above a height of 4-storeys shall be 25 metres.
  14. The maximum Floor Space Index and height for blocks located in the area shown as Medium – High Density Residential are outlined on Schedule --- to the map described in section 4. Gross Floor Area shall include floor area within an above grade parking structure, but shall exclude floor area within a below grade parking structure.
- (6) For any building and or structure permitted under subsection (2) the minimum height is 4 storeys and the maximum height is 10 storeys.
- (7) Despite subsection (8), the following shall be exempt from the maximum building height:
1. Lighting fixtures, trellises, stair enclosures, landscape and public art features, elevator 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, wind mitigation, noise mitigation, chimney stack, exhaust flues, and garbage chute overruns, to a maximum projection beyond the permitted building height by no more than 3 metres.
  2. A roof structure which is used only as an ornament or to house the mechanical equipment of any building.

(8) Despite subsection (6), for any building and or structure permitted under subsection (2) for the lands located at 75 Bramalea Road the maximum height is 20 storeys.

(9) Despite subsections (3) to (7), any building and or structure permitted under subsection (2) for the lands located at 109 and 110 East Drive shall not proceed until such time as the following conditions have been met to the satisfaction of the City of Brampton Planning, Building and Economic Development Department:

1. A preliminary servicing report supporting interim and permanent servicing, and a preliminary transportation study supporting proposed development.

#### **Open Space**

5. (1) This section applies to the lands located in the area shown as Open Space on the map described in section 2.

(2) Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in subsection (1), except the uses listed as permitted uses for Open Space (OS) Zone – Permitted Uses to the Zoning By-law.

(3) The zone requirements and restrictions set out in section 44.1.2 of the Zoning By-law for OS Zone apply to any building or structures permitted under subsection (2).

(4) The zone requirements and restrictions set out in section 44.1.2 of the Zoning By-law for OS Zone apply to any building or structures permitted under subsection (2).

#### **Terms of Use**

6. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.

(2) Nothing in this order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so uses on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this order prevents the strengthening or restoration to a safe condition of any building or structure.

#### **Existing Uses**

7. (1) Notwithstanding any provision in this Order to the Contrary, on lands municipally known as 379 Orenda Road, the following uses are permitted:

##### 1) Industrial

- a. the manufacturing, cleaning, packaging, processing, repairing, or assembly of goods, foods or materials including a motor vehicle repair shop and a motor vehicle body shop

- b. non-obnoxious industrial uses involving the manufacture and storage of goods and materials in the open and such uses as the storage, repair and rental equipment, and a transport terminal, but not including a junk yard, salvage yard, wrecking yard, quarry or pit
- c. a printing establishment
- d. a warehouse
- e. a parking lot
- f. a freight classification yard
- g. Non-hazardous Solid Waste Processing Use, Non-hazardous Solid Waste Transfer Use, Power Generation (Fuel Combustion) Use, or Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries or Medical, Veterinary or Pathological Waste, or Mechanical Sterilization, provided such uses are located a minimum of 300 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.
- h. Hazardous Waste Processing Use for Hazardous Waste Chemicals or Manufacturing Intermediaries or Medical, Veterinary or Pathological Waste, provided such uses are located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.
- i. Thermal Degradation (Non-Energy Producing) Use and Thermal Degradation (Energy from Waste) Use, provided such use is located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.
- j. Thermal Degradation (Hazardous Waste) Use for Medical, Veterinary or Pathological Waste, provided such use is located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2

(2) Nothing in this Order shall prevent the expansion of a use permitted in subsection (1) in accordance with the Industrial Two (M2) zoning provisions of the Zoning By-law in effect as of the date of the passing of this Order.

#### Compatibility

8. (1) The development of any new *sensitive land use* shall not be permitted within the following minimum separation distances:

- 70 m from a *Class I industrial facility* on a lot that contains a legally existing use referenced in Section 7;
- 300 m from a *Class II industrial facility* on a lot that contains a legally existing use referenced in Section 7; or
- 1,000 m from a *Class III industrial facility* on a lot that contains a legally existing use referenced in Section 7

(2) The separation distance specified in subsection (1) shall be measured as the shortest distance between the lot line of the lot containing the proposed *sensitive land use* and the lot line of the lot containing the industrial facility.

(3) Notwithstanding subsection (1) or (2), the separation distance may be reduced where it has been demonstrated to the satisfaction of the municipality that adverse impacts to the *sensitive land use* or existing industrial use can be avoided or mitigated.

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(4) The separation distance noted in subsection (3) is to be implemented via Site Plan Control and/or Draft Plan of Subdivision, which will implement as a condition of approval appropriate design, buffering, and/or separation measures at the site introducing the sensitive land use to ensure compatibility and mitigate negative impacts.

(5) No amendment to this Order is required to implement subsection (3).

(6) The introduction of a sensitive land use on a nearby site shall not preclude the expansion of a use permitted in Section 7.

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#### **Deemed by-law**

9. (1) This Order is deemed for all purposes, except the purposes of the section of 24 of the Act, to be and to always have been a by-law passed by the Council of the City of Brampton.

#### **Commencement**

**10. This Regulation comes into force on the day it is filed.**

Made by:

.....  
*Signature*

*Minister of Municipal Affairs and Housing*

Date made.....

**PRELIMINARY  
ONLY FOR DISCUSSION PURPOSES**





**BRAMPTON**  
Flower City

**Chief Administrative Office**  
City Clerk

For Office Use Only:  
Meeting Name:  
Meeting Date:

## Delegation Request

Please complete this form for your request to delegate to Council or Committee on a matter where a decision of the Council may be required. Delegations at Council meetings are generally limited to agenda business published with the meeting agenda. Delegations at Committee meetings can relate to new business within the jurisdiction and authority of the City and/or Committee or agenda business published with the meeting agenda. **All delegations are limited to five (5) minutes.**

Attention: City Clerk's Office, City of Brampton, 2 Wellington Street West, Brampton ON L6Y 4R2

Email: [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) Telephone: (905) 874-2100 Fax: (905) 874-2119

Meeting: ☐ City Council ☐ Planning and Development Committee  
☐ Committee of Council ☐ Other Committee:

Meeting Date Requested:

Agenda Item (if applicable):

Name of Individual(s):

Position/Title:

Organization/Person  
being represented:

Full Address for Contact:

Telephone:

Email:

Subject Matter  
to be Discussed:

Action  
Requested:

A formal presentation will accompany my delegation: ☐ Yes ☐ No

Presentation format: ☐ PowerPoint File (.ppt) ☐ Adobe File or equivalent (.pdf)  
☐ Picture File (.jpg) ☐ Video File (.avi, .mpg)

☐ Other:

Additional printed information/materials will be distributed with my delegation: ☐ Yes ☐ No ☐ Attached

**Note:** Delegates are requested to provide to the City Clerk's Office **well in advance of the meeting date:**

- (i) 25 copies of all background material and/or presentations for publication with the meeting agenda and /or distribution at the meeting, and
- (ii) the electronic file of the presentation to ensure compatibility with corporate equipment.

Once this completed form is received by the City Clerk's Office, you will be contacted to confirm your placement on the appropriate meeting agenda.

Personal information on this form is collected under authority of the Municipal Act, SO 2001, c.25 and/or the Planning Act, R.S.O. 1990, c.P.13 and will be used in the preparation of the applicable council/committee agenda and will be attached to the agenda and publicly available at the meeting and on the City's website. Questions about the collection of personal information should be directed to the Deputy City Clerk, Council and Administrative Services, 2 Wellington Street West, Brampton, Ontario, L6Y 4R2, tel. 905-874-2115.