

Detailed Planning Analysis
City File Number: OZS-2022-0027

Planning Act:

This application is consistent with the temporary use provisions of the Planning Act in terms of:

- *Section 39 (1) - The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.*
- *Section 39 (2) - A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law.*
- *Section 39 (3) - Despite subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized.*

The application fulfills the requirements of this section. The proposed by-law to permit an extension of the temporary use is limited to a three (3) year period.

Official Plan:

The property is designated “Employment”, and along a “Primary Intensification Corridor” on Schedule 1 – City Concept; “Industrial” and “Business Corridor” on Schedule A – General Land Use Designations of the City of Brampton Official Plan. The Business Corridor designation prohibits a number of uses including retail and industrial uses that involve outdoor storage and outdoor display of merchandise.

Despite the land use designations outlined in the Official Plan, this application was evaluated against the Temporary Use By-law policies found in Section 5.10 of the City’s Official Plan. Section 5.10 of the Official Plan outlines criteria for evaluating and applying Temporary Use By-laws to permit the use of land for a limited period of time. The following policies from Section 5.10 are applicable:

- *Section 5.10.1 - The City may enact temporary use by-laws for renewable periods of not more than 3 years, permitting the use of land, buildings or structures on a temporary basis. The provisions of Section 39 of the Planning Act, 1990, regarding the enactment and subsequent extensions to such by-laws shall apply.*

The proposed Zoning By-law amendment is consistent with the policy of the Official Plan listed above. The Zoning By-law amendment would permit the extension of the temporary use for a three (3) year period.

- *Section 5.10.2 (i-v) - The City shall, in considering the enactment of a temporary use by-law, be satisfied that:*
 - i. The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;*

Staff are of the opinion that the temporary use does not create a situation detrimental to the adjacent complying uses. Temporary open storage and truck and trailer parking uses are present on adjacent lands. The proposed temporary use will be consistent with the permitted temporary uses existing on the adjacent lands.

- ii. The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;*

Staff is of the opinion that the temporary use does not adversely affect surrounding uses. A Site Plan application has been submitted to facilitate a temporary access from Sun Pac Boulevard. Staff will evaluate the details of the proposal and ensure any potential impacts on the surrounding properties are addressed.

- iii. The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan;*

Staff is of the opinion that the temporary use will not interfere with the development of adjacent areas that are developing in accordance with the Official Plan.

- iv. Adequate provision will be made for off-street parking and loading facilities;*

Staff are of the opinion that the temporary use provides adequate provision for off-street parking and loading facilities.

- v. The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill.*

Staff are of the opinion that that the temporary use will not create a service demand that could not be fulfilled elsewhere.

- *Section 5.10.3 - Temporary Use by-laws may be passed without the necessity of amending this Plan provided the use is a temporary one which utilizes largely existing or temporary buildings and structures and does not require the extensive construction of permanent buildings or structures or, the significant alteration of the land to accommodate the temporary use.*

Staff are of the opinion that the use is a temporary one and does not require significant alteration of the land to accommodate the temporary use. There will be no temporary or permanent buildings erected on-site to accommodate the proposed use. A temporary access is proposed and has been applied for as part of a Site Plan application. The temporary nature of the proposed Zoning By-law amendment is consistent with the proposed temporary access.

The proposal is consistent with the temporary use policies of the City of Brampton Official Plan.

Secondary Plan:

The property is designated “Highway & Service Commercial” and “Prestige Employment” in the Airport Intermodal Secondary Plan (Area 4). The portion of the property subject to the proposed Zoning By-law amendment for a temporary period of three (3) years is designated as Highway & Service Commercial. The “Highway and Service Commercial” designation permits a range of automobile and commercial uses, such as automobile services stations, gas bars, repair facilities, sales and leasing establishments, and associated uses. Although the use is not permitted in the ‘Highway and Services Commercial’ designation, an amendment to the Secondary Plan is not required, as the proposal satisfies the temporary use policies in Section 5.10 of the Official Plan.

Zoning By-law:

The subject lands are zoned “Agricultural-1499 (A-1499)” and “Agricultural-2969 (A-2969)” by By-Law 270-2004, as amended. A Zoning By-law Amendment is required to permit the proposed temporary use of outside storage of motor vehicles. The Temporary Zoning By-law amendment proposes a change from the existing Agricultural-2969 zone to a Site Specific Agricultural zone (A-3674). Specific provisions of this proposed zoning designation is listed below:

- 3674.1 Shall only be used for the following purposes:
 - 1) The purposes permitted by the A zone; and
 - 2) Outside storage of motor vehicles.
- 3674.2 Uses permitted under Section A – 3674.1 shall be subject to the following requirements and restrictions:
 - 1) That there shall be no outside storage other than motor vehicles (meaning no heavy equipment, oversized motor vehicles, trucks, trailers, cargo containers, etc.); and
 - 2) Outdoor storage of motor vehicles shall only be permitted until Friday November 28, 2025.”

Draft Goreway 'Planned' MTSA:

The subject site is located within the draft Goreway 'Planned' Major Transit Station Area (MTSA) boundary along the Queen Street Bus Rapid Transit (BRT) corridor. Development within the Goreway MTSA is expected to include a diverse mix of uses to support existing and planned transit service levels. As part of the Peel 2041 Official Plan and Municipal Comprehensive Review, the Region is developing a strategy and policies to guide how growth is accommodated within MTSA's across the Region of Peel. As part of this process, the Region will delineate the boundaries of the Primary MTSA's, and establish density targets and general policies that will guide the development of an as-of-right policy framework for local municipalities to facilitate transit-supportive development in areas with existing or planned transit. Staff are of the opinion that the temporary use of this site recognizes the importance of the objectives of the Goreway 'Planned' MTSA, and that the temporary nature of the proposed use will not prevent the subject lands from being developed for permanent Employment land uses in accordance with future MTSA policies. Accordingly, the temporary use of the subject lands will provide for a suitable interim land use while the establishment and implementation of regional and local plans are undertaken to support the goals and objectives of planned MTSA's.

Sustainability Score Summary:

The subject application proposes temporary outdoor storage of motor vehicles. This use has been permitted on a temporary basis since 2014 through an approved minor variance application, A14-117 and a temporary Zoning By-law amendment, C07E06.038. The extension of the temporary use does not constitute a new development. Accordingly, a Sustainability Matrix and Summary are not required.