



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 57-82

To regulate the use of land and buildings on Lot 88 and part of Lot 87, Plan BR-2.

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

1.0 APPLICATION:

- 1.1 This by-law applies to those lands which are shown outlined on Schedule A attached hereto.
- 1.2 By-law 1827 of the former Town of Brampton, and By-law 25-79 of the City of Brampton, no longer apply to the lands to which this by-law applies.

2.0 ADMINISTRATION:

2.1 Administration

This by-law shall be administered by the Commissioner of Buildings and By-law Enforcement and such other persons that may from time to time be appointed by by-law or by resolution of Council.

2.2 Violation and Penalty

Every person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, shall be liable in respect of each offence to a fine of not more than Two Thousand Dollars (\$2,000.00), exclusive of costs.

2.3 Conformity with By-law

No lands shall be used and no building or structure shall be erected or altered nor shall the use of any building, structure or lot be changed, in whole or in part, except in conformity with the provisions of this by-law.

2.4 Compliance with Other Restrictions

This by-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

3.0 INTERPRETATION:

3.1 Singular and Plural Words:

In this by-law, unless the context requires otherwise,

- (1) words used in the singular number include the plural, and
- (2) words used in the plural include the singular number.

3.2 Shall is Mandatory:

In this by-law, the word "shall" is mandatory.

3.3 Used and Occupied:

In this by-law, unless the context requires otherwise:

- (1) the word "used" shall include "designed to be used" and "arranged to be used", and
- (2) the word "occupied" shall include "designed to be occupied" and "arranged to be occupied."

4.0 DEFINITIONS:

For the purposes of this by-law,

ACCESSORY BUILDING shall mean a detached building located on the same lot and used for a purpose which is incidental, subordinate and exclusively devoted to the principal use of the lot and buildings thereon, and shall include garages, sheds, barns and similar storage facilities.

ACCESSORY USE shall mean a use which is incidental, subordinate and exclusively devoted to the principal use of the lot and buildings thereon.

BUILDING shall mean any structure, whether temporary or permanent, used or erected for the shelter, accommodation or enclosure of persons, animals, materials or equipment.

BUILDING HEIGHT shall mean the vertical distance between the established grade and:

- (a) in the case of a flat roof, the highest point of the roof surface;
or
- (b) in the case of a mansard roof, the deck line; or
- (c) in the case of a peaked, gabled, hip or gambrel roof, the mean height level between eaves and ridge.

BUILDING, MAIN shall mean the building in which is carried on the principle purpose for which the lot is used.

CARPORT means an accessory building or structure or part thereof, the perimeter of which is more than 40 per cent unenclosed and which is used for the parking or temporary storage of vehicles.

CELLAR means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.

DETACHED, when used in reference to a building, shall mean a building which is not dependent on any other building for structural support or enclosure.

ERECT shall mean to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, removal, enlargement or extension.

FLOOR AREA, GROSS COMMERCIAL shall mean the aggregate of the areas of each storey, at, above, or below established grade, measured from the exterior of the outside walls, but excluding any parts of the building used for mechanical equipment, stairwells, elevators, or any part of the building below established grade used for storage purposes.

FLOOR AREA, GROSS LEASABLE COMMERCIAL shall mean the aggregate of the areas of each storey, at, above, or below established grade, measured from the centre line of joint interior partitions and from the exteriors of outside walls, and used or capable of being used for commercial purposes, such as sales, display, storage and offices but excluding storage areas below established grade.

GRADE, ESTABLISHED or GRADE, FINISHED shall mean the average finished surface elevation at the outside walls of any building or structure which is arrived at by taking the arithmetic mean of the levels of the finished ground surface at the midpoint of each of those outside walls.

GROCERY STORE shall mean a retail establishment engaged in the business of selling groceries, meat, fruit and vegetables to the general public and occupying premises having a gross commercial floor area of less than 600 square metres.

LANDSCAPED OPEN SPACE shall mean an unoccupied area of land used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall or any covered space beneath or within any building or structure.

LOADING SPACE shall mean an unobstructed area of land upon the same lot or lots upon which the principal use is located, for use in connection with that principal use, which area is provided for the parking of one commercial motor vehicle while such vehicle is being loaded or unloaded.

LOT shall mean a parcel of land which fronts on or abuts a street and which is permitted to be conveyed by Section 29 of The Planning Act (R.S.O. 1980, C.379, as amended).

LOT, CORNER shall mean a lot situated at the intersection of two or more streets, or at the intersection of two parts of the same street, which parts have an interior angle of intersection of not more than 135 degrees.

LOT AREA shall mean the total horizontal area enclosed within the lot lines of a lot, excluding the horizontal area covered by water, marsh or flood plain, or between the top and toe of a cliff or embankment having a slope of thirty degrees or more from the horizontal.

LOT DEPTH shall mean the straight line distance from the mid-point of the front lot line to the mid-point of the rear lot line of the same lot.

LOT LINE shall mean any boundary of any lot.

LOT LINE, FLANKAGE shall mean the longer lot line which abuts the street on a corner lot.

LOT LINE, FRONT shall mean the line that divides a lot from the street, provided that in a case of a corner lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a street shall be deemed to be the flankage lot line.

LOT LINE, REAR shall mean the lot line opposite the front lot line.

LOT LINE, SIDE shall mean a lot line other than a front or rear lot line.

LOT WIDTH shall mean the least straight line distance between side lot lines, but,

- (a) Where such lot lines are not parallel, but converge towards the front lot line, the lot width shall be the straight line distance between points on the side lot lines measurement on a line 6 metres back from the front lot line, or
- (b) where such lot lines are not parallel but converge towards the rear lot line, the lot width shall be the straight line distance between points on the side lot lines measured on a line 18 metres back from the front lot line, or
- (c) in the case of a corner lot having a street line rounding at the corner of a radius of 7.5 metres or less, the lot width of such lot shall be calculated as if the lot lines were produced to their point of intersection.

NON-CONFORMING shall mean the lot, building or structure which is described as such is being used for a purpose not permitted in the zone in which it is located.

NON-COMPLYING shall mean the lot, building or structure which is described as such is being used for a purpose permitted in the zone in which it is located, but does not comply with 1 or more of the other requirements and restrictions relating to that zone.

PARKING LOT shall mean an area, at above or below established grade, other than a street, used for the parking of 4 or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients, visitors, customers or residents.

PARKING SPACE shall mean an area accessible from a street or a lane for the parking or temporary storage of one motor vehicle but shall not include any part of a driveway or aisle and does not include any area used by a motor vehicle manufacturer or motor vehicle sales establishment for the storage of motor vehicles.

PARKING SPACE, TANDEM shall mean a parking space which has access to a driveway or aisle used for vehicular traffic only over another parking space.

PUBLIC AUTHORITY includes The Corporation of the City of Brampton, The Regional Municipality of Peel, the Crown, in Right of Ontario, and the Crown, in Right of Canada, and any board, commission, committee or body established or exercising any power or authority under a statute of Ontario with respect to any of the affairs or purposes, including school purposes, of the City of Brampton or parts thereof.

RETAIL ESTABLISHMENT shall mean a building or place where goods or materials are sold or kept for sale to the general public.

SIGN shall mean a name, identification, description, device, display or illustration which is affixed to, represented upon or placed nearby a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.

STOREY shall mean that portion of a building which is included between 1 floor level and the next higher floor level or the roof, and which has its floor level not less than 2 metres below the line where the roof and outer wall meet.

STREET shall mean a road, avenue, highway, thoroughfare, parkway, bridge or place owned by The Corporation of the City of Brampton, by The Regional Municipality of Peel, or by the Crown in Right of Ontario, and designed and intended for, or used by, the general public for the passage of vehicles but shall not include a public lane.

STRUCTURE shall mean anything that is erected, built, or constructed, the use of which requires location on the ground or attachment to something having location on the ground, but shall not include fences.

USE OR TO USE shall include anything that is done or permitted by the owner or occupant of any land, building or structure directly or indirectly or by or through any trustee, tenant, servant or agent acting for or with the knowledge or consent of such owner or occupant for the purpose of making use of the said land, building or structure.

YARD shall mean an open portion of the land on the same lot with the main building or structure, unoccupied and unobstructed except as specifically permitted elsewhere in this By-law, and located between the main building and one of the lot lines of the said lot.

YARD, FRONT shall mean a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot.

YARD, REAR shall mean, in the case of an interior lot, a yard extending across the full width of the lot between the rear lot line and the nearest main wall of any building or structure on the lot, or in the case of a corner lot, a yard extending from a side lot line to an exterior side yard, and between the rear lot line and the nearest main wall of any building or structure on the lot.

YARD, SIDE shall mean an interior side yard or an exterior side yard.

YARD, INTERIOR SIDE shall mean a yard, other than an exterior side yard, extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any building or structure on the lot.

YARD, EXTERIOR SIDE shall mean a yard extending from the front yard to the rear lot line between the flankage lot line and the nearest main wall of any building or structure on the lot.

ZONE shall mean an area of land designated for certain uses by this by-law.

5.0 GENERAL PROVISIONS

The following general provisions shall apply to the lands shown outlined on Schedule A attached to this by-law.

5.1 Lot Width or Area Reduced by Public Action

Where, by expropriation or highway widening or other land acquisition by the City, the Regional Municipality of Peel or the Crown in Right of Ontario or Canada, a lot is caused to have less lot width or less lot area than that required by this by-law, a building or structure may be erected or used on such a lot if all other requirements of this by-law are complied with, notwithstanding anything to the contrary in this by-law.

5.2 Yards or Building Setbacks Reduced by Public Action

Where, by expropriation or highway widening or other land acquisition by the City, the Regional Municipality of Peel or the Crown in Right of Ontario or Canada, the yards or building setbacks are reduced to less than the requirements of this by-law, an existing building or structure may be repaired, renovated or altered as long as the setbacks or yards are not further reduced by such repair, renovation or alteration, and as long as all other requirements of this by-law are complied with notwithstanding anything to the contrary in this by-law.

5.3 Frontage on Road or Street

No person shall erect any building or structure in any zone unless the lot upon which building or structure is to be erected fronts upon a street.

5.4 Building to be Moved

No building may be moved into any zone where it is not permitted.

5.5 Special Uses Permitted

Nothing in this by-law shall prevent the use of land or the use or erection of a building or structure for a scaffold or other temporary building or structure including a sales or rental office incidental to construction in progress, until such time as the work has been discontinued for a period of one year or finished.

5.6 Permitted Yard Encroachments

Every part of any yard required by this by-law shall be open and unobstructed by any building or structure from the ground to the sky except by:

- (a) an accessory building or structure permitted by the provisions of this by-law;
- (b) the structures listed in Table 5.6 which may project into the minimum yards indicated for the distances specified;
- (c) drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs or similar accessory uses.

Table 5.6

<u>STRUCTURE</u>	<u>YARD</u>	<u>MAXIMUM PROJECTION INTO YARD</u>
Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets or canopies	Front, rear and exterior side yards Interior side yard	0.5 metre 0.3 metre

Table 5.6 (cont'd)

Window bays	Front, rear and exterior side yards	1 metre to a maximum width of 3 metres
Balconies	Front, rear and exterior side yards	1.5 metres
Open, roofed porches not exceeding one (1) storey in height, uncovered terraces	Front, rear and exterior side yards	1.5 metres including eaves and cornices

5.7 Height regulations in this by-law do not apply to:

- (a) water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators, silos, sky lights, chimneys, clock towers or electrical supply facilities, or
- (b) a roof structure which is used only as an ornament or to house the mechanical equipment of any building.

5.8 Accessory Buildings

Accessory buildings or structures are permitted subject to the requirements and restrictions of this by-law and shall:

- (a) be used only for the purposes of the storage or disposal of garbage;
- (b) be permitted only in an interior side yard or rear yard;
- (c) be set back from any lot line abutting a Residential or Institutional Zone, a distance at least equal to the height of the accessory building, but not less than 1.5 metres.

5.9 Parking Requirements

Parking spaces are required to be provided in accordance with the following provisions:

- (a) each parking space shall be an angled parking space or a parallel parking space and shall be subject to the following requirements and restrictions:
 - (i) an angled parking space shall be a rectangular area measuring not less than 2.75 metres in width and 6 metres in length
 - (ii) a parallel parking space shall be a rectangular area measuring not less than 2.75 metres in width and 6.5 metres in length, the long side of which is parallel to an aisle.

(b) where parking spaces are provided or required the following shall apply:

- (i) the parking spaces shall be provided or maintained on the same lot or parcel as the building or use for which they are required or intended;
- (ii) each parking space other than a tandem parking space shall have unobstructed access to an aisle leading to a driveway or street;
- (iii) aisles leading to parking spaces and providing unobstructed access from each parking space to a driveway shall be established on the following basis:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
(1) up to 50 degrees	4 metres
(2) 50 degrees up to 70 degrees	5.75 metres
(3) 70 degrees up to and including 90 degrees	6 metres

5.10 Loading Spaces

- (a) No persons shall erect or use any building, structure or land for purpose involving the movement of goods unless loading spaces are provided and maintained.
- (b) Each loading space shall:
 - (1) have a minimum vertical clearance of 4.25 metres,
 - (2) not be upon or partly upon any street or lane,
 - (3) be accessible from a street or lane by means of driveways, aisles, manoeuvring or similar areas, no part of which shall be used for the parking or temporary storage of motor vehicles,
 - (4) be a rectangular area measuring not less than 3.5 metres in width and 9 metres in length, and
 - (5) not be located within the front yard or within the exterior side yard of a lot.

6.0 SERVICE COMMERCIAL - SECTION 182

The land designated as SC-SECTION 182 on schedule A hereto attached:

6.1 shall be used only for the following purposes:

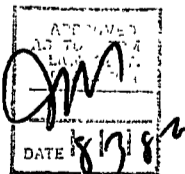
- (a) a grocery store
- (b) purposes accessory to the other permitted purposes,

6.2 shall be subject to the following requirements and restrictions:

- (a) Minimum Lot Area: 1315 square metres
- (b) Minimum Lot Width: 26.9 metres
- (c) Minimum Lot Depth: 30.2 metres
- (d) Minimum Front Yard Depth, Minimum Rear Yard Depth, and Minimum Interior and Exterior Side Yard Width: as shown on Schedule A
- (e) Maximum Building Height: 1 storey
- (f) Maximum Gross Commercial Floor Area: 223 square metres
- (g) Minimum Number of Parking Spaces: 12
- (h) Minimum Number of Loading Spaces: 1
- (i) Minimum Landscaped Open Space: as shown on Schedule A

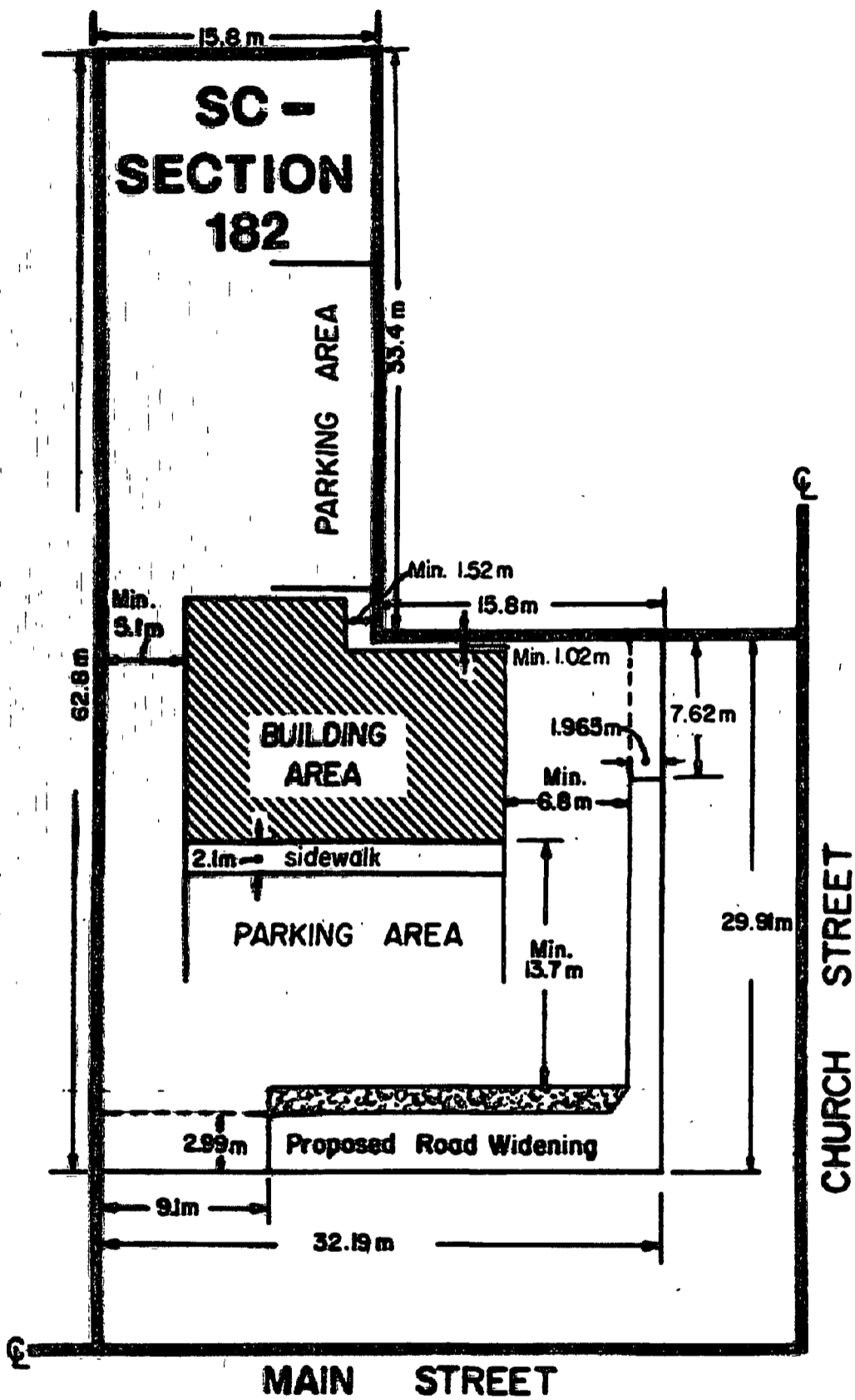
READ a FIRST, SECOND and THIRD TIME and PASSED IN OPEN COUNCIL




this 8th day of March 1982



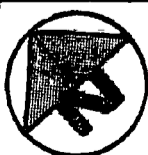
James E. Archdekin
 JAMES E. ARCHDEKIN - MAYOR

Ralph A. Everett
 RALPH A. EVERETT - CLERK



-  Zone Boundary
-  Building Area
-  Landscaped Open Space

Part Lot 6, Concession 1 W.H.S.
BY-LAW 57-82, SCHEDULE A



1:362

CITY OF BRAMPTON
 Planning and Development

Date: 82 02 16 Drawn by: RB
 File no. CIE6.24 Map no. 43-40E



R 820625

Ontario Municipal Board

IN THE MATTER OF Section 39 of
The Planning Act (R.S.O. 1980,
c. 379),

- and -

IN THE MATTER OF an application
by The Corporation of the City
of Brampton for approval of
its Restricted Area By-law 57-82

B E F O R E :

A.H. ARRELL, Q.C.
Vice-Chairman

- and -

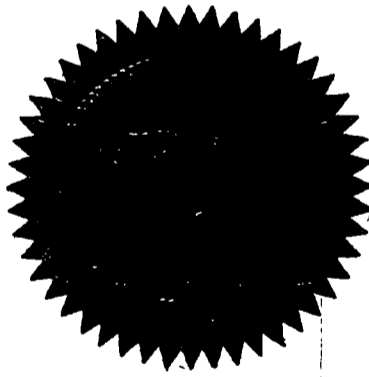
D.H. McROBB
Member

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Thursday, the 22nd day
of April, 1982

No objections to approval having been received
as required;

THE BOARD ORDERS that By-law 57-82 is
hereby approved.



SECRETARY

ENTERED
O. B. No. <u>882-1</u>
Folio No. <u>239</u>
APR 27 1982
SECRETARY, ONTARIO MUNICIPAL BOARD



BY-LAW

No. 57-82

To regulate the use of land and
buildings on Lot 88 and part of
Lot 87, Plan BR-2.
(SOUTHLAND CANADA INC.)

