



R 801740

Ontario Municipal Board

IN THE MATTER OF Section 35 of
The Planning Act (R.S.O. 1970,
c. 349),

- and -

IN THE MATTER OF an application
by The Corporation of the City
of Brampton for approval of
its Restricted Area By-law 98-80

B E F O R E :

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

- and -

H.W. KELLY, Q.C.
Member

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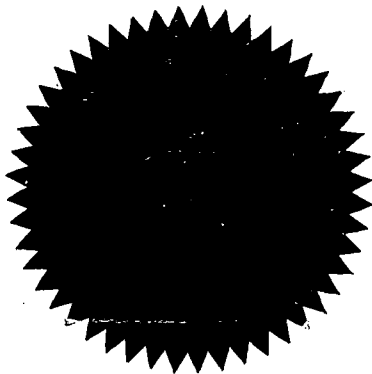
Tuesday, the 23rd day

of September, 1980

No objections to approval having been received
as required;

THE BOARD ORDERS that By-law 98-80 is
hereby approved.

SECRETARY



ENTERED	
D. B. No.	R80-4
Folio No.	42
SEP 25 1980	
SECRETARY, ONTARIO MUNICIPAL BOARD	



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 98-80

To regulate the use of land and buildings on part of Lot 5 Concession 1, West of Hurontario Street

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

SECTION 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 Number 1827 of the former Town of Brampton and By-law Number 25-79 of the City of Brampton no longer apply to the lands to which this By-law applies.

SECTION 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 summary conviction shall be liable in respect of each offence to a fine of not more than One Thousand Dollars (\$1,000.00), 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.

SECTION 3.0 INTERPRETATION

3.1 Singular and Plural Words:

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

- (i) words used in the singular number include the plural;
and
- (ii) 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:

- (i) the word "used" shall include "designed to be used" and "arranged to be used"; and
- (ii) the word "occupied" shall include "designed to be occupied" and "arranged to be occupied".

SECTION 4.0 DEFINITIONS

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.

BASEMENT shall mean that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling above adjacent finished grade.

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 AREA shall mean the maximum projected horizontal area of a building at established grade measured to the centre of party walls and to the outside of other walls including air wells and all other spaces within the building, but excluding open air porches, verandahs, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and open loading platforms.

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 principal purpose for which the lot is used.

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.

COVERAGE shall mean that percentage of the land or lot area covered by the main building and accessory buildings.

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.

DWELLING UNIT shall mean one or more habitable rooms designed or intended to be used together as a single and separate house-keeping unit by one person or jointly by two or more persons, containing its own kitchen and sanitary facilities, with a private entrance from outside the unit itself.

ERECT shall mean to build, construct, 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.

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.

HABITABLE ROOM means any room in a dwelling unit used or intended to be used for purposes of living, sleeping, cooking or eating.

HOME OCCUPATION shall mean an occupation conducted for gain or profit within a dwelling unit.

LANDSCAPED OPEN SPACE shall mean an unoccupied area of land open to the sky, which is 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.

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. 1970, C.349, as amended).

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 WIDTH shall mean the least distance, measured in a straight line, between the side lot lines, where the side lot lines are parallel.

- (a) Where such lot lines are not parallel, the lot width shall be the least distance, measured in a straight line, between the middle point on each side lot line.
- (b) 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 a lot shall be calculated as if the lot lines were produced to their point of intersection.

LOT LINE shall mean any boundary of any 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.

NON-CONFORMING shall mean that 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 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.

PERSON shall include any association, partnership, corporation, municipal corporation, agent or trustee and the heirs, successors, assigns, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

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.

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 lower 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.

SWIMMING POOL shall mean any structure, basin, chamber or tank containing or capable of containing an artificial body of water for swimming, wading, diving or recreational bathing, and having, when filled, a water depth of 0.5 metres or more at any point.

TRAILER shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.

TRAILER, TRAVEL shall mean a trailer that is used or intended to be used for short-term or seasonal occupancy and is or is intended to be located or parked on a site for a temporary or seasonal period.

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.

UTILITY INSTALLATION shall mean any building, structure, plant or equipment essential to the provision and operation of electricity, water, sewage disposal, telephone service, telegraph service, pipeline, railway, telecommunications or cable television.

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.

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

SECTION 5.0 GENERAL PROVISIONS

5.1 Non-Conforming Uses

Nothing in this By-law shall prevent the repair or renovation of a legally non-conforming building or structure which was erected prior to the date of the passing of this By-law, provided that such repair or renovation shall not:

- (a) cause those provisions of this By-law with which the existing building or structure does not comply to be contravened to a greater extent, or
- (b) cause non-compliance with any other provisions of this By-law.

5.2 Non-Complying Buildings

A building or structure erected prior to the date of the passing of this By-law and not complying with the minimum requirements and restrictions of this By-law relating to such building or structure or to the lot upon which it is located, may be reconstructed, repaired, renovated or enlarged provided that such reconstruction, repair or renovation shall not:

- (a) cause those provisions of this By-law with which the existing building, structure or lot does not comply to be contravened to a greater extent, or
- (b) cause non-compliance with any other provisions of this By-law.

5.3 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.

5.4 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.

5.5 Frontage on Road or Street

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

5.6. Multiple Uses

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with.

5.7 Dwelling Unit Prohibited Below Grade

No dwelling unit shall in its entirety be located in a cellar.

5.8 Public Uses Permitted

The provisions of this By-law shall not apply to prevent the use of any land or the erection or use of any building or structure by a public authority or for a utility installation, and such use or erection may be permitted subject to the following requirements and restrictions:

- (a) the size, height, coverage and yard regulations required for the zone in which such land, building or structure is located shall be complied with;
- (b) no goods, material or equipment may be stored in the open in a Residential Zone or in a lot adjacent to a Residential Zone;
- (c) any parking and loading regulations prescribed for these uses shall be complied with;
- (d) areas not used for parking, driveways or storage shall be landscaped.

5.9 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.

5.10 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 5.10 (b) 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 5.10(b)

<u>STRUCTURE</u>	<u>YARD</u>	<u>MAXIMUM PROJECTION INTO YARD</u>
Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets or canopies	Any Yard	0.5 metre
Window Bays	Front, rear and exterior side yards	1.0 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

5.11 Height regulations in this By-law do not apply to:

- (a) church spires, 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.

5.12 Parking Spaces

Each parking space shall be an angled parking space or a parallel parking space.

- (a) An angled outdoor parking space shall be a rectangular area measuring not less than 2.75 metres in width and 6 metres in length.
- (b) 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.
- (c) No parking space shall be permitted in the front yard.
- (d) Not less than 4 parking spaces shall be provided.

- 5.13 (a) Trailers, travel trailers and mobile homes may not be located in a zone if used or intended to be used for the accommodation of and occupation by persons.
- (b) Trailers and travel trailers may be stored in a zone in accordance with the other provisions of this By-law.

5.14 No sign, billboard or poster shall be erected in a Service Commercial Residential Zone except in compliance with the 'Sign By-law' of the City of Brampton.

5.15 Accessory Buildings

Accessory building; structure, detached garage or carport is permitted in a Service Commercial Zone, but shall:

- (a) not be used for human habitation;
- (b) not exceed 4.5 metres in height in the case of a peaked roof;
- (c) not exceed 3.5 metres in height in the case of a flat roof;
- (d) not be located closer than 1 metre to a main building, side lot line or rear lot line;
- (e) not be located in a front yard; and
- (f) not have a floor area in excess of 22 square metres.

5.16 Travel Trailers and Commercial Vehicles

A travel trailer or a commercial vehicle not exceeding 2,700 kilograms gross vehicle weight may be parked in a Service Commercial Zone provided that the travel trailer or commercial vehicle;

- (a) is not parked closer to a lot line than an accessory building is permitted by this By-law;
- (b) is owned by the occupant of the lot on which said trailer or vehicle is stored or parked;
- (c) is not used for human habitation.

5.17 Unenclosed Swimming Pools

A private, uncovered swimming pool shall be permitted in the rear or a side yard of a lot provided that it is no closer than 1.2 metres to any lot line or easement.

5.18 Enclosed Swimming Pools

A building that covers a swimming pool may be located in the side or rear yard of a lot provided that it is:

- (a) no closer than 1.2 metres to a side lot line or rear lot line;
- (b) no closer to a street than the required setback for a main building.

5.19 Boat, Snowmobile and Trailer Storage

No person in a Service Commercial Residential Zone may store or park more than one of the following on a lot: a boat, a snowmobile, a trailer, a boat and trailer, or a snowmobile and trailer not exceeding 7.0 metres in length, subject to the following regulations:

- (a) none of the above shall occupy any parking space required under this By-law, and
- (b) the above items shall be stored or parked only within a private garage or carport or in a side yard or rear yard.

5.20 Fences

A fence in the form of a visual screen shall be erected and maintained along the rear lot line with a height of not less than 1.8 metres.

SECTION 6.0

6.0 The lands shown outlined on Schedule A attached hereto,

6.1 shall only be used for the following purposes:

- (a) Residential
 - (i) a single family dwelling.
 - (ii) a dwelling unit, as a use accessory to a commercial use.
- (b) Commercial
 - (i) a retail establishment having no outside storage.
- (c) Accessory
 - (i) general accessory purposes, and
 - (ii) an accessory building subject to the requirements and restrictions of Section 6.15

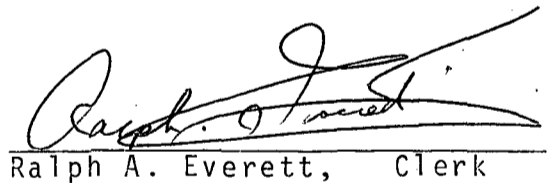
6.2 shall be subject to the following requirements and restrictions:


- (a) Main building shall be located within the area shown as 'Building Area' on Schedule A attached hereto.
- (b) An accessory building may be located within the area shown as "Landscaped Open Space" on Schedule A attached hereto subject to the requirements of Section 5.15

READ a FIRST, SECOND and THIRD TIME and Passed in Open Council.

this 9th day of April 1980.


James E. Archdekin, Mayor

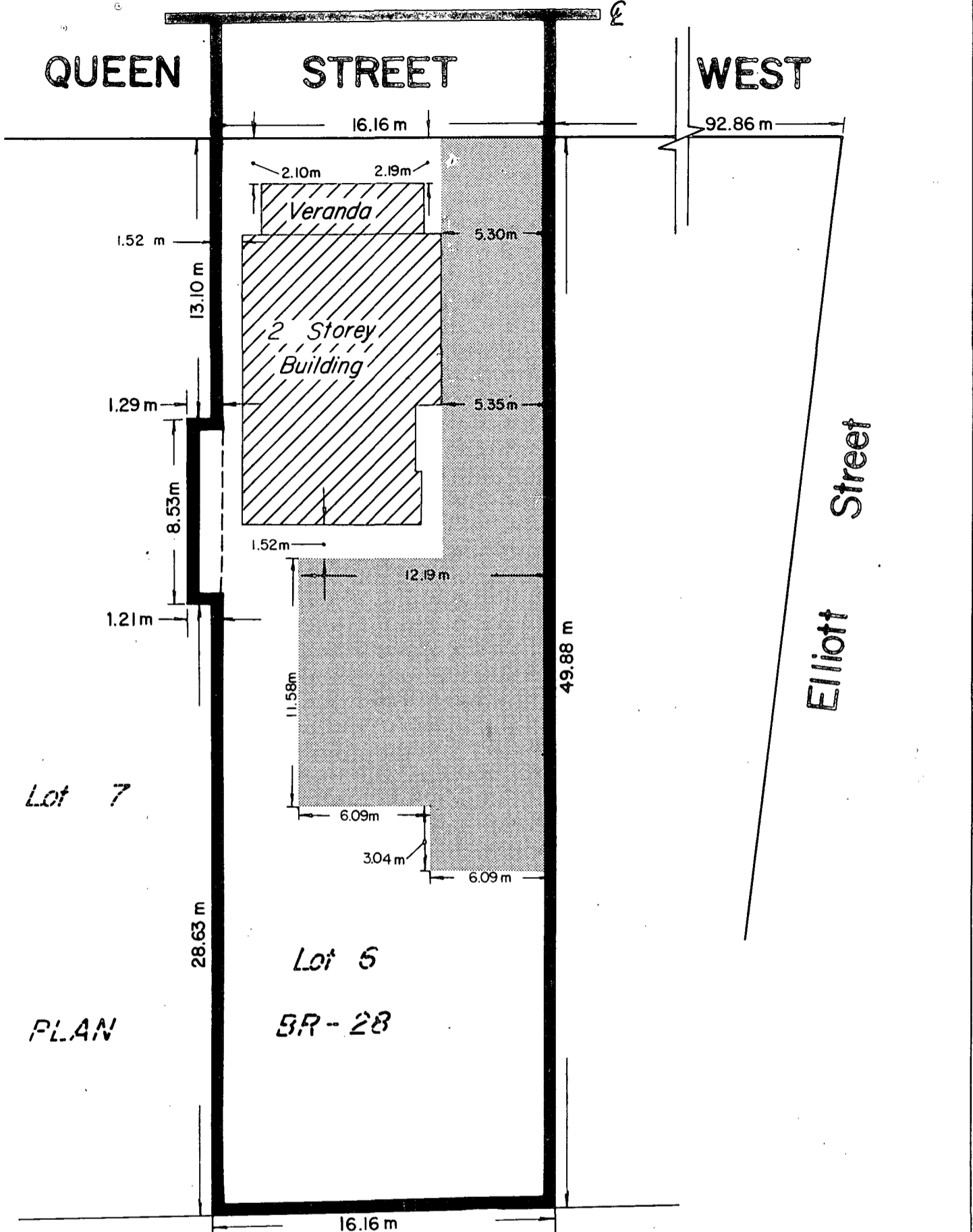

Ralph A. Everett, Clerk

APPROVED
AS TO FORM
LAW DEPT.
BRAMBLE

DATE 3 4 80



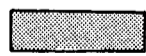
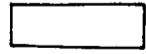
QUEEN

STREET

WEST



LEGEND

-  Zone Boundary
-  Building Area
-  Driveway and Parking Area
-  Landscaped Open Space

Part Lot 5, Concession 1 W.H.S.
By-law No. 98-80, Schedule A



1:240

CITY OF BRAMPTON
Planning and Development

Date: 1980 03 13 Drawn by: *F.S.*
File no. CIW5.10 Map no. 59-26 D

PASSED 9th April 1980



BY-LAW

No. 98-80'

To regulate the use of land and
buildings on part of Lot 5
Concession 1, West of Hurontario
Street.