



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 103-79

A By-law to regulate the use of land and the erection, use, bulk, height and location of buildings on part of Lot 4, Concession 2, East of Hurontario Street, in the City of Brampton

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

Section 1.0 - Definitions

In this By-law,

Accessory Use shall mean a use incidental and subordinate to a main use on the same lot.

Building shall mean any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material 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 airwells and all other spaces within the building, but excluding porches, verandahs, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, detached 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 gabled, hip or gambrel roof, the mean height level between eaves and ridge.

A roof structure which is used only as an ornament or to house the mechanical equipment of any building shall be disregarded in calculating the height of the building.

Erect shall mean to build, construct, reconstruct, alter and 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, deletion, enlargement or extension.

Floor Area, Gross Leasable shall mean the aggregate of the total floor area of all buildings and shall include the floor area of basements and mezzanines, but not the floor area of areas including public walkways, malls, public toilets, service facilities and joint service facilities.

Grade, Established 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 of the building or structure.

Landscaped Open Space shall mean open space on a lot which is used for growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation and may include a surfaced walk, patio, screening, pool or other 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 which is provided for the parking of 1 commercial motor vehicle while merchandise on the same lot are being loaded or unloaded from such vehicle and consists of a space measuring a minimum of 7.5 metres (25 feet) long and 3.6 metres (12 feet) wide and having a minimum vertical clearance of 4.3 metres (14 feet).

Lot Line shall mean any boundary of any lot.

Lot Line, Front shall mean, in the case of lot abutting onto two streets, the shorter lot line that abuts a street.

Parking Space shall mean a rectangular area of not less than 2.75 metres (9 feet) by 6 metres (20 feet), exclusive of driveways or aisles, for the temporary parking or storage of one motor vehicle, and which is accessible from a street or lane.

Public Authority includes The Corporation of the City of Brampton, Regional Municipality of Peel, and the Crown in Right of Ontario, and any board, commission, committee or body established or exercising any power or authority under any statute of Ontario for any of the affairs or purposes of the City of Brampton.

Restaurant shall mean a building or structure or part thereof where food and drink are served or sold to the public for consumption on the premises.

Restaurant, Take-out shall mean a building or structure or part thereof where food is prepared and offered for sale to the public primarily to be taken out or delivered for consumption off the premises.

Setback shall mean the straight line distance between a lot line measured at right angles and the nearest main wall of any building or structure.

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

Structure shall mean anything that is erected, built or constructed of parts formed together, the use of which requires location on the ground or attached to something having location on the ground, and shall include fences which exceed 1.8 metres in height.

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

Yard, Side shall mean a yard extending from the front yard of a lot between a side lot line and the nearest main wall of any building or structure on the lot.

Yard, Side Exterior shall mean a side yard immediately adjoining a public street.

Section 2.0 - General Provisions

- 2.1 No person, on the lands shown outlined on Schedule A hereto attached, shall use land, or erect or use any building or structure, or change the dimension of any building or structure, except in conformity with the provisions of this By-law.
- 2.2 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 incidental to construction in progress until such time as the work has been finished or discontinued for a period of one year.
- 2.3 Every part of any yard required by this By-law shall be opened and unobstructed by any structure from the ground to the sky provided, however, that the structures listed in Section 2.3.1 may project into the minimum yards indicated for the distances specified.

2.3.1	STRUCTURE	YARD	MAXIMUM PROJECTION INTO YARD
	Sills, belt courses cornices, gutters, chimneys, pilasters, eaves, parapets or canopies	Any Yard	2.5 metres (8.2 feet)

- 2.4 Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, flag poles, fences, retaining walls, signs or similar accessory uses erected in accordance with the provisions of the By-law shall be permitted in any required yard or in the area between the street line and the required setback.
- 2.5 On a corner lot, a fence hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 0.9 metre (2.6 feet) above the finished grade of the streets that abut the lot within the triangular area formed by measuring from the point of intersection of the lot lines abutting the streets a distance of six (6) metres (19.7 feet) along each such lot line to two points and joining those two points. No sign will be permitted within or to overhang the said triangular area.
- 2.6 Height regulations in this By-law do not apply to elevator enclosures, television or radio antennae, ventilators, skylights or chimneys.

Section 2.0 - General Provisions (cont'd)

2.7 No sign, billboard or poster shall be erected in any zone except in compliance with the 'Sign By-law' of the City of Brampton.

Section 3.0 - Permitted Uses and Requirements

3.1 Permitted Uses

No land shall be used and no building or structure shall be erected or used on the lands shown outlined on Schedule A hereto attached except for the following purposes:

Commercial

- 3.1.1 Art or antique store;
- 3.1.2 Auto, boat or trailer sales, rental or service establishment;
- 3.1.3 Automobile accessory sales establishment;
- 3.1.4 Bake shop and confectionary store;
- 3.1.5 Bank, trust company and financial institution;
- 3.1.6 Barber shop and beauty salon;
- 3.1.7 Blue printing establishment;
- 3.1.8 Book and stationery store;
- 3.1.9 Building supply sales establishment;
- 3.1.10 Clothing and footwear store;
- 3.1.11 Custom workshop with retail sales;
- 3.1.12 Department store and catalogue store;
- 3.1.13 Drug store;
- 3.1.14 Dry cleaning establishment, laundry distribution station and laundromat;
- 3.1.15 Flower shop;
- 3.1.16 Furniture, furnishings or appliance sales;
- 3.1.17 Garden centre sales establishment;

3.1 Permitted Uses (cont'd)

- 3.1.18 Gift shop;
- 3.1.19 Supermarket;
- 3.1.20 Hardware paint and wallpaper sales establishment;
- 3.1.21 Lock or key shop;
- 3.1.22 Jewellery and watch repair and sales establishment;
- 3.1.23 Music or record shop;
- 3.1.24 News stand;
- 3.1.25 Pet store;
- 3.1.26 Photographic studio and sales;
- 3.1.27 Restaurant, take-out restaurant, and tavern;
- 3.1.28 Shoe repair store;
- 3.1.29 Sporting goods store;
- 3.1.30 Theatre;
- 3.1.31 Television, radio and electrical sales, repair and service establishment;
- 3.1.32 Toy store;
- 3.1.33 Variety store;
- 3.1.34 Wine, beer or liquor outlet.

Institutional

- 3.1.35 Library

Public

- 3.1.36 Any operation of a public authority;

Accessory Uses

- 3.1.37 Use accessory to the above but not including anything used for human habitation.

3.2 Yard and Setback Requirements

Minimum front, rear and side yards and setbacks shall be provided as shown on Schedule A hereto attached.

3.3 Building Requirement

3.3.1 The height of any building shall not be greater than ten and six-tenths (10.6) metres (34.8 feet).

3.3.2 The gross leasable floor area for all buildings or structures shall not exceed a maximum of fourteen thousand eight hundred and sixty-five (14,865) square metres (160,000 square feet).

3.4 Landscaped Open Space

On-site landscaped open space shall be provided as shown on Schedule A hereto attached.

Section 4.0 - Off-Street Parking

4.1 A minimum of 5.5 off-street parking spaces shall be provided for each 92.9 square metres (1000 square feet) of gross leasable floor area.

4.2 The width of a driveway or aisle leading to any parking space shall be a minimum width of 6.1 metres (20 feet).

Section 5.0 - Off-Street Loading

5.1 A minimum of 2 off-street loading spaces shall be provided within the loading area as shown on Schedule A hereto attached.

5.2 Each loading space shall have an unobstructed ingress and egress of not less than 6.1 metres (20 feet) in width to and from a street.

Section 6.0 - Development Control

6.1 As a condition of the development or redevelopment of the lands or buildings within the zone boundaries as shown on Schedule A attached hereto, Council requires the provision of the following facilities and matters:

6.1.1 Widenings of Kennedy Road and Clarence Street in the locations shown on Schedule A attached hereto.

6.1.2 Asphalt paved access ramps and driveways, curbing and traffic direction control medians of a number and size and in the locations all as shown on Schedule A attached hereto.

Section 6.0 - Development Control (cont'd)

- 6.1.3 Asphalt paved off-street vehicular parking and loading areas and access driveways to the extent required by Sections 4 and 5 respectively of this By-law, all in the locations as shown on Schedule A attached hereto.
- 6.1.4 Sidewalks, walkways and all other means of pedestrian access as shown on Schedule A attached hereto.
- 6.1.5 Grading or changes in the elevation or contours of the land shown on Schedule A attached hereto and the disposal of storm, surface and waste water from this land and from any building or structure thereon to the satisfaction of the City.
- 6.1.6 Conveyance to the City without cost of a twenty (20) foot easement as shown on Schedule A attached hereto for storm sewer and drainage purposes.
- 6.1.7 Floodlighting of the land shown on Schedule A attached hereto shall be designed and oriented so as to eliminate as far as possible glare on adjacent roadways and other properties.
- 6.1.8 Fences, hedges, shrubs or other suitable ground cover to provide adequate landscaping of the landscaped open space area shown on Schedule A attached hereto.
- 6.1.9 All vaults, central storage and collection areas and other facilities as may be required for the storage of garbage and other waste material shall be contained totally within the building to be constructed within the building area shown on Schedule A attached hereto.
- 6.1.10 Plans drawn to a scale of at least 1:500 showing the location of all buildings and structures to be erected on the land shown on Schedule A attached hereto and the location of all of the facilities required to be required on the land by this By-law.
- 6.1.11 Perspective drawings and plans showing building elevations and cross sections drawn to a scale of at least 1:200 showing:
 - a) the principal facade of the building to be erected on the land shown on Schedule A attached hereto and the existing buildings or structures, if any, erected on lots which are immediately adjacent thereto;
 - b) the form of the elements of the facade of the building to be erected on the land shown on Schedule A attached hereto;

Section 6.0 - Development Control (cont'd)

- c) the materials with which the building to be erected on the land shown Schedule A attached hereto is to be clad;
 - d) the form of the fenestration and entrance ways of the building to be erected on the land shown on Schedule A attached hereto;
 - e) the provision of walkways within the building;
 - f) the provision of walkways adjacent to the building; and
 - g) all central storage and collection areas and other facilities within the building for the storage of garbage and other waste material.
- 6.2 The Council is authorized to regulate the maintenance and use of the facilities and matters referred to in Section 6.1.
- 6.3 The facilities and matters required by Section 6.1 shall be provided and maintained by the owner of the land at his sole risk and expense, and to the satisfaction of the City and in default thereof the provisions of Section 469 of the Municipal Act shall apply.
- 6.4 The owner of any land within the zone boundaries as shown on Schedule A shall be required as a condition of development or redevelopment of any land or buildings to enter into one or more agreements with the City dealing with the facilities and matters referred to in Section 6.1.
- 6.5 The owner of any of the land shown outlined on Schedule A hereto attached having entered into the agreement or agreements with the City as required by Section 6.4, will not be required to provide or maintain facilities and matters other than those set out in such agreement or agreements.
- 6.6. No building permit shall be issued until the plans required by Subsection 6.1.11 and 6.1.12 have been approved by the City and until the agreements required by Section 6.4 have been entered into.
- 6.7 The invalidity of one or more clauses of paragraph 6.1, or one or more clauses of paragraphs 6.2, 6.3, 6.4 and/or 6.5 of this Section shall not affect the validity of the balance of paragraph 6.1 and/or 6.2, 6.3, 6.4 and/or 6.5 as the case may be and such invalid clause or clauses, paragraph or paragraphs shall be severed from the balance of this Section.

Section 6.0 - Development Control (cont'd)

6.8 For the purposes of this subsection, "redevelopment" means the removal of buildings or structures from land and the reconstruction or erection of other buildings or structures thereon.

Section 7.0 - Schedule

Schedule A hereto attached forms part of this By-law.

Section 8.0 - Administration

8.1 Administration and Enforcement

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 resolution of Council.

8.2 Violation and Penalty

Every person who contravenes this By-law is guilty of an offence and upon summary of conviction of a breach of any of the provisions of this By-law shall be liable for each offence to a fine of not more than One Thousand Dollars (\$1,000.00) exclusive of costs.

Section 9.0

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

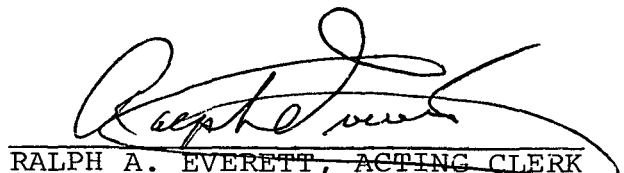
Section 10.0

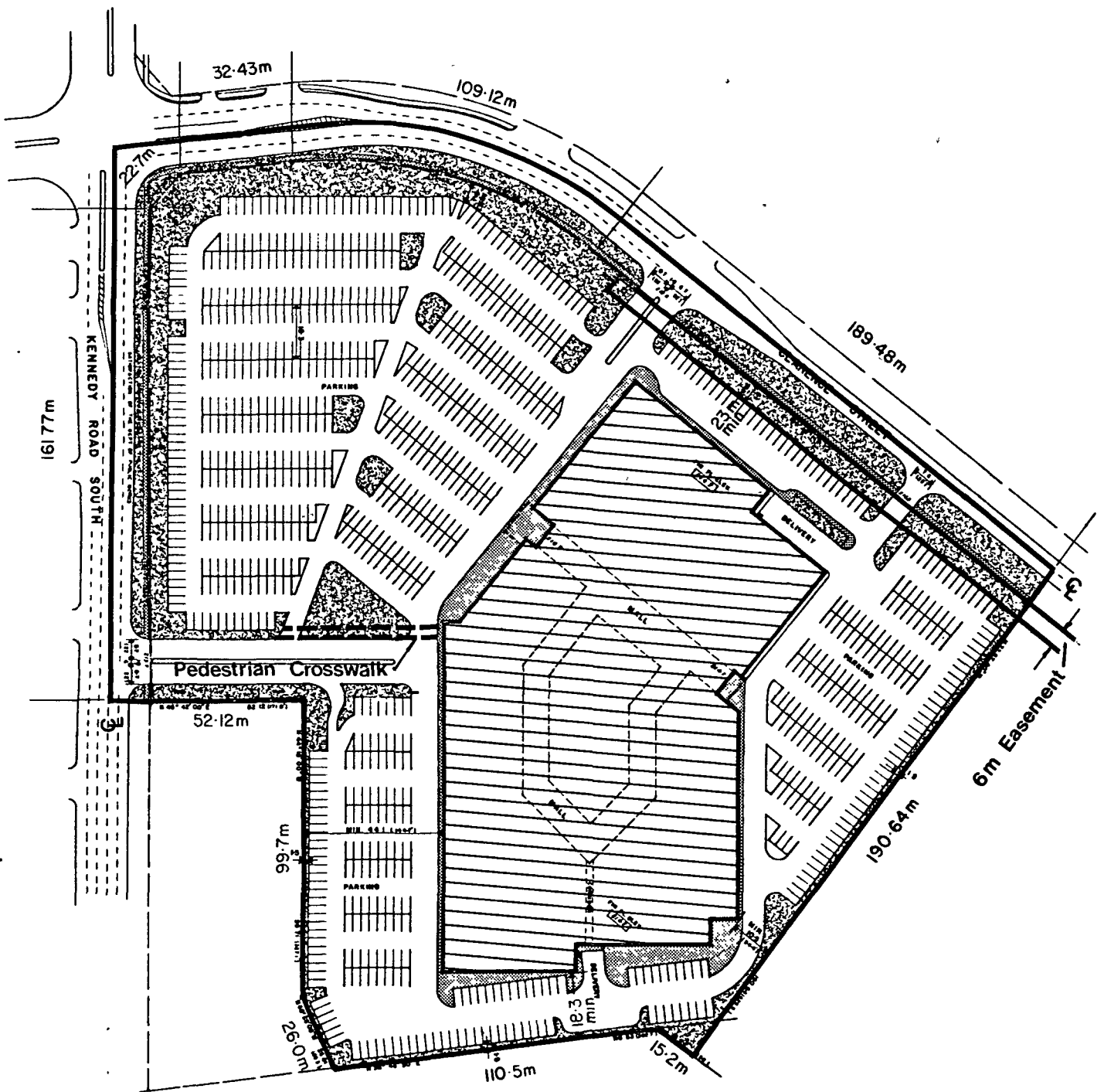
This By-law shall not come into force without the approval of the Ontario Municipal Board.

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





this 7th day of May 1979


JAMES E. ARCHDEKIN, MAYOR

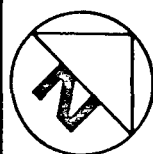

RALPH A. EVERETT, ACTING CLERK



Concession 2 East, Lot 4

-  ZONE BOUNDARY
-  BUILDING AREA
-  LANDSCAPED OPEN SPACE
-  CONCRETE WALK

BY-LAW No. 103-79
Schedule A



1:2000

CITY OF BRAMPTON
 Planning and Development

Date: 1979 04 05 Drawn by: C.R.E.
 File no. C2E4-1B Map no. 61-14C



R 792335

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 103-79

B E F O R E :

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

- and -

W.H.J. THOMPSON, Q.C.
Vice-Chairman

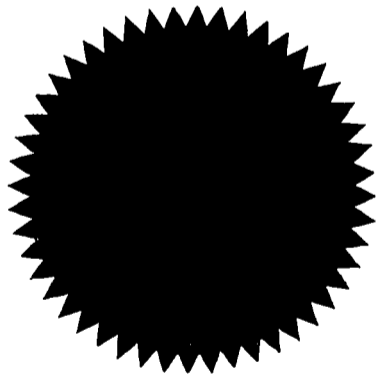
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Monday, the 25th day

of February, 1980

No objections to approval having been received
as required;

THE BOARD ORDERS that By-law 103-79 is
hereby approved.



SECRETARY

ENTERED	
O. B. No.	R.79-8.....
Folio No.	387.....
FEB 28 1980	