



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 173-81
to regulate the use of land
and buildings on part of Lot
2, Concession 2, East of
Hurontario Street, formerly
within the Town of Brampton,
now in the City of Brampton.

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-laws 1827 and 2565 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.

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 who 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.

SECTION 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."

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.

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.

COMMERCIAL USE shall mean the use of land, buildings or structures for the purposes of buying and selling of commodities and supplying of services, as distinguished from the manufacturing, assembling or storage of goods.

COMMUNITY CLUB shall mean a building or place operated by a social organization.

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

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 shall mean the aggregate of the areas of each storey, at, above or below established grade, measured from the exteriors of outside walls, excluding any parts of the building used for mechanical equipment, stair wells or elevators.

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.

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.

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. 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 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 measured 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.

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.

MOTOR VEHICLE includes an automobile, a truck, a motorcycle, a motor assisted bicycle, a snowmobile, any other vehicle propelled or driven otherwise than by muscular power and, a travel trailer.

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 LOT shall mean an open area, 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.

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.

SOCIAL ORGANIZATION shall mean a non-government, non-profit, non-commercial organization which carries on social, cultural, welfare, athletic or recreational programmes for the benefit of the community.

RESTAURANT, MIXED SERVICE shall mean a building or place where food and drink are prepared, offered for sale and served to the public, primarily for consumption within the same building or place.

SETBACK, CENTRE LINE shall mean a minimum distance between the centre line of a street and the nearest main wall of any building or structure.

SETBACK, STREET LINE shall mean the minimum distance between a lot line 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, 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.

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

Where its existing use is to be continued, a building or structure erected prior to the date of the passing of this by-law and used for a purpose permitted by this by-law, but not complying with the minimum requirements or 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, renovation or enlargement 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 any 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 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) any parking and loading regulations prescribed for these uses shall be complied with; and
- (c) areas not used for parking, driveways or storage shall be landscaped.

5.8 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.

5.9 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) drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs or similar accessory uses.
- (b) the structures listed in Table 5.9(b) which may project into the minimum yards indicated for the distances specified.

Table 5.9 (b)

STRUCTURE	YARD	MAXIMUM PROJECTION INTO YARD
Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets or canopies	Any Yard	0.5 metre
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

5.10 Visibility Triangle

On a corner lot, a sign, fence, hedge, shrub, bush or tree or any other structure or vegetation shall not be permitted to be erected or to grow to a height greater than 0.8 metre above the grade of the streets that abut the lot within the triangular area formed by measuring from the actual or projected point of intersection of the lot lines abutting the streets a distance of 6 metres along each such lot line to two points and joining those two points, nor shall any sign be permitted to overhang the said triangular area.

5.11 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.

5.12 Parking Spaces

5.12.1 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.

5.12.2 Where parking spaces are provided the following requirements and restrictions shall apply:

- (a) 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;
- (b) the width of a driveway leading to any parking area shall be a minimum width of 3 metres for one-way traffic, and a minimum width of 6 metres for two-way traffic;
- (c) each parking space shall have unobstructed access to an aisle leading to a driveway or street; and
- (d) 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

5.13 Loading Spaces

No persons shall erect or use any building, structure or land for any purpose involving the movement of goods unless loading spaces are provided and maintained in accordance with the following requirements and restrictions:

5.13.1 Each Loading Space shall

- (a) have a minimum vertical clearance of 4.25 metres;
- (b) not be upon or partly upon any street or lane; and
- (c) 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.

5.13.2 A loading space shall be a rectangular area measuring not less than 3.7 metres in width and 9 metres in length.

5.13.3 Loading spaces shall be provided in accordance with the following provision:

<u>Gross floor area of building in square metres</u>	<u>Number of loading spaces</u>
280 or less	1 loading space
over 280 to 7450	2 loading spaces
over 7450 up to 14,000	3 loading spaces
over 14,000	4 loading spaces plus 1 additional loading space for each 9300 square metres or portion thereof in excess of 14,000 square metres;

(b) each loading space shall have an unobstructed ingress and egress of not less than 6 metres in width to and from a street or lane.

5.14 Signs

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

5.15 Accessory Building

Accessory buildings or structures are permitted provided that they shall

- (a) be used only for the storage or disposal of garbage
- (b) not exceed 4.5 metres in height
- (c) not be constructed in a front yard or exterior side yard
- (d) not have a floor area in excess of 100 square metres, and
- (e) be at least 3 metres from any lot line.

SECTION 6.0

6.0 The land shown outlined and designated INDUSTRIAL ONE (M1) on Schedule A attached hereto

6.1 shall only be used for one or more of the following purposes:

(a) Industrial

- (1) the manufacturing, cleaning, packaging, processing, repairing or assembly of goods, foods or materials within an enclosed building, including a motor vehicle repair shop, but excluding a motor vehicle body shop as a principal or accessory use;
- (2) a printing establishment;
- (3) a warehouse; and
- (4) a parking lot.

(b) Non-Industrial

- (1) a radio or television broadcasting and transmission establishment;
- (2) a home furnishings and improvement retail warehouse;
- (3) a recreational facility or structure;
- (4) a community club; and
- (5) only one mixed service restaurant.

(c) Accessory

- (1) an associated educational purpose;
- (2) an associated office;
- (3) a retail outlet operated in connection with a particular purpose permitted in Section 6.1(a), provided that the total commercial gross floor area of the retail outlet is not more than 15 per

cent of the total gross floor area of the particular industrial use; and

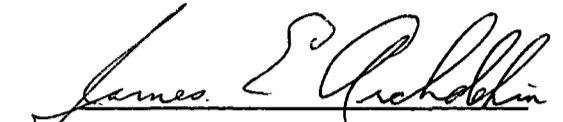
- (4) general accessory purposes and buildings.


6.2 shall be subject to the following requirements and restrictions:

- (a) Minimum Front Yard Depth: 9 metres
- (b) Minimum Rear Yard Depth: 7 metres
- (c) Minimum Exterior Side Yard Width: 6 metres
- (d) Minimum Interior Side Yard Width: 4 metres
- (e) Minimum Lot Width: 24 metres
- (f) Maximum Building Height: 2 storeys
- (g) Minimum Landscaped Open Space: 50 percent of all of the following:
 - (1) minimum required front yard area,
 - (2) minimum required exterior side yard area,
- (h) Outdoor Storage: No storage shall be permitted outside a building.
- (i) Parking: A minimum of 95 parking spaces shall be provided on the lot.
- (j) The mixed service restaurant shall have a capacity of no more than 75 seats.
- (k) The total gross floor area of all buildings on the site shall not exceed 3300 square metres.

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

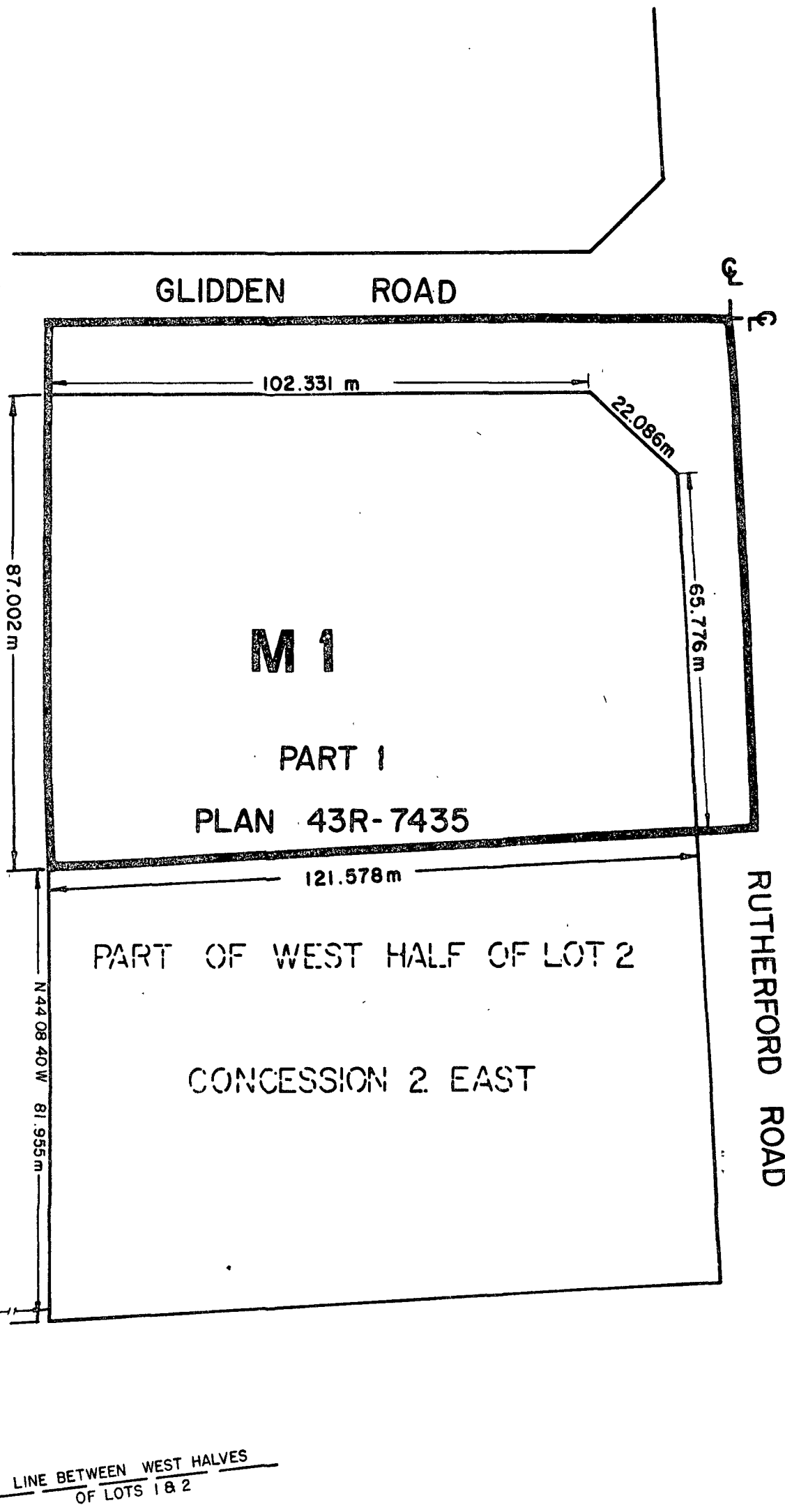
this 17th day of August, 1981.


JAMES E. ARCHDEKIN - MAYOR


RALPH A. EVERETT - CLERK

APPROVED
AS TO FORM
LAW DEPT.
DRAFTON

DATE 8/18/81



PART LOT 2, CONCESSION 2 E.H.S.
BY-LAW 173-81 SCHEDULE A



1:1000

CITY OF BRAMPTON
 Planning and Development

Date: 81 05 11 Drawn by: RS
 File no. C2E.2.3 Map no. 6122B

CERTIFICATE UNDER SECTION 35(27) OF THE PLANNING ACT

I, RALPH A. EVERETT, hereby certify that the notice for By-law 173-81 of The Corporation of the City of Brampton, passed by the Council of the Corporation on the 17th day of August, 1981 was given in the manner and form and to the persons prescribed by regulation made by the Lieutenant Governor-in-Council under subsection 24 of section 35 of The Planning Act. I also certify that the 21 day objection period expired on September 25th, 1981 and to this date no notice of objection or request for a change in the provisions of the by-law has been filed by any person in the office of the clerk.

DATED at the City of Brampton this 30th day of September, 1981.


R. A. EVERETT
CITY CLERK

NOTE: Subsection 35(25) of The Planning Act (R.S.O. 1970, c.349, as amended) provides as follows:

Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and no notice of objection has been filed with the clerk of the Municipality within the time prescribed by the regulations, the by-law thereupon comes into effect.



BY-LAW

No. 173-81

To regulate the use of land and buildings
on part of Lot 2, Concession 2, East of
Huronario Street, formerly within the Town
of Brampton now in the City of Brampton
(JESSMAR DEVELOPMENTS LIMITED)