



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 35-80

Being a By-law to prohibit or regulate the use of lands and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures situated on Part of Lot 2, Concession 1, west of Hurontario Street (N.W. corner of McMurphy Avenue and Charolais Boulevard)

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

1.0 DEFINITIONS

For the purpose 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 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.

CARPORT means an accessory building or structure or part thereof, the perimeter of which is more than 40 percent 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.

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

DWELLING, SINGLE-FAMILY DETACHED shall mean a completely detached dwelling unit, occupied or intended to be occupied by 1 family only.

FLOOR AREA, GROSS shall mean the aggregate of the area of all floors in a building, whether at, above or below established grade, measured between the exterior walls of the building. When calculating Gross Floor Area with respect to a residential building the following shall not be included: any porch, verandah, unfinished attic, cellar or any floor area used for building maintenance or service equipment, loading area, common laundry facilities, common washroom, childrens play area, recreation area, parking of motor vehicles, or storage.

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, 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, INTERIOR shall mean a lot other than a corner lot.

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 straight line distance between side lot lines.

- 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.
- b) Where such lot lines are not parallel but converge toward 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.
- 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.
- d) In all other cases the lot width shall be the least distance between the side lot lines.

LOT LINE shall mean any boundary of any lot.

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.

SCHOOL, PUBLIC shall mean a school operated by the Peel Board of Education or the Dufferin-Peel Roman Catholic Separate School Board.

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 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.

YARD, SIDE shall mean a 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 side yard immediately adjoining a street.

YARD, INTERIOR SIDE shall mean a side yard other than an exterior side yard.

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

2.0 The following general provisions shall apply to all lands shown outlined on Schedule 'A' to this By-law:-

2.1 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.

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

2.3 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.

2.4 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.

2.5 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 2.5(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 2.5(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 0.3 metres
Balconies	Front, rear and exterior side yards	1.5 metres
Open, roofed porches not exceeding one storey in height, uncovered terraces	Front, rear and exterior side yards	1.5 metres including eaves and cornices

2.6 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 point of intersection of the lot lines abutting the streets a distance of 6.0 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.

2.7 Each parking space shall be an angled outdoor parking space, a parallel outdoor parking space or an indoor parking space.

- a) An angled outdoor parking space shall be a rectangular area measuring not less than 2.75 metres in width and 6.1 metres in length.
- b) A parallel outdoor parking space shall be a rectangular area measuring not less than 2.75 metres in width and 6.5 metres in length.
- c) An indoor parking space shall be a rectangular area measuring not less than 2.75 metres in width and 6.1 metres in length which is entirely located within or beneath a building or structure.

2.8

- a) Trailers, travel trailers and mobile homes may not be located in any 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 any zone in accordance with the other provisions of this By-law.

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

2.10 Subject to Section 2.6 and except for a chain link fence for a school or park, no fence or hedge:

- a) Within a required front yard may exceed 1.0 metre in height.
- b) Within an exterior side yard may exceed 1.2 metres in height.
- c) Within any other required yard may exceed 2.0 metres in height.

2.11 No structure of any type including in-ground swimming pools shall be permitted within 8 metres of the Valley-land boundary as shown on Schedule 'A' attached hereto.

3.0 The following provisions shall apply to all Residential Zones as shown on Schedule 'A' of this By-law, in addition to the General Provisions for all zones contained in Section 2.0 of this By-law.

3.1 One Dwelling per Lot

No person shall erect more than one (1) single family detached dwelling on one lot.

3.2 Accessory Buildings

Accessory buildings or structures are permitted in any Residential Zone, subject to the requirements and restrictions of this By-law for the particular zone in which said building or structure is located, 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 constructed in a front yard or a flankage side yard;
- e) not be less than 0.6 metres from any lot line; and
- f) not cover in the excess of 10 percent of the lot area.

3.3 Detached Garage or Carport

A detached private garage or carport as an accessory building may be located in a side or rear yard of a lot in a Residential Zone provided that it is:

- a) no closer than 1.2 metres to a main building;
- b) no closer than 1.2 metres to an interior side lot line if in an interior side yard or 0.6 metre to an interior side lot line or rear lot line if in a rear yard;
- c) no closer to a street than the required set-back for a main building, and in no case shall be closer to the front lot line than 6.0 metres.

3.4 A detached private garage or carport may be erected with no setback from an interior side lot line or rear lot line in a side or rear yard provided that:

- a) the garages for the two lots abutting said side or rear lot line are designed as one building;
- b) a common wall on an along the said side or rear lot line divides the garages;
- c) the garages for the two lots abutting said side or rear lot line are constructed or reconstructed simultaneously.

3.5 Attached Garage or Carport

Where a garage or carport is attached to a dwelling unit on the lot on which it is located it shall not be considered an accessory building and shall comply with the yard and area requirements for the Residential Zone in which it is located, except that the front wall of any garage or carport shall not be located closer than 6.0 metres from the front lot line.

3.6 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 Residential Zone provided that the travel trailer or commercial vehicle:

- a) is not parked closer to a lot line than a detached private garage 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.

3.7 Unenclosed Swimming Pools

A private, uncovered swimming pool shall be permitted in the side or rear yard of a lot provided that it is:

- a) no closer than 1.5 metres to any side lot line;
- b) no closer than 1.5 metres to any rear lot line, provided that it does not abut the side lot line of another lot in which case it shall be no closer than 3.0 metres to the said lot line.

3.8 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 an interior side lot if in an interior side yard;
- b) no closer than 0.6 metre to an interior side lot line or a rear lot line if in rear yard, provided that it does not abut the side lot line of another lot, in which case it shall be no closer than 3.0 metres to the said lot line;
- c) no closer to a street than the required setback for a main building.

3.9 A swimming pool covered by a permanent structure shall be considered an accessory building for the purposes of calculating the building area of accessory buildings.

3.10 Parking spaces and areas are required in Residential Zones in accordance with the following provisions:

- a) Where parking spaces are required or provided for a single-family dwelling, the following requirements and restrictions shall apply:
 - (i) except for a driveway, no parking space shall be permitted in the front yard;
 - (ii) a garage attached to a dwelling unit may be located in the front yard but may not be located closer than 7.0 metres from the front lot line;
 - (iii) the minimum width of a driveway shall be 3.0 metres.
- b) Where a medical or dental office is located in a private residence, a minimum of 6 parking spaces shall be provided for each practitioner.

3.11 For each dwelling unit a minimum of 2 parking spaces are required.

3.12 For home occupation uses, a minimum of one parking space shall be provided for every 20 square metres of floor area occupied by the home occupation.

3.13 Boat, Snowmobile and Trailer Storage

The owner or occupant of any building or structure in a Residential Zone may not store or park more than one of the following items on said 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 and restrictions:

- a) none of the said items shall occupy any parking space required under this By-law, unless otherwise permitted;
- b) the said items shall be stored or parked only within a private garage or carport or in an interior side yard or rear yard; and
- c) in the case of a lot, the rear lot line of which abuts a street or reserve owned by a public authority any of the said items shall be located not less than 7.5 metres from said rear lot line.

3.14 Home Occupations

A home occupation may only be carried on subject to the following requirements and restrictions:

- a) it is carried on only by the occupant of the dwelling or by members of his family residing there;
- b) the home occupation is secondary to the use of the dwelling as a private residence, and does not occupy more than 15% of the gross floor area of the dwelling, excluding the basement or cellar;
- c) no change in the external character of the dwelling as a private residence results;
- d) there are no goods, wares or merchandise offered or exposed for sale or sold or kept for sale in the dwelling, other than those produced in the dwelling;
- e) there is no outside storage of materials, goods or vehicles in conjunction with the home occupation use; and
- f) not more than one person, other than members of the family residing there, is employed in the dwelling in connection with the home occupation.

4.0 The lands designated as RESIDENTIAL SINGLE-FAMILY "B" ZONE - R1B on Schedule A hereto attached:-

4.1 shall only be used for the following purposes:-

a) Residential Uses:-

(i) a single-family detached dwelling;

b) Non-residential Uses:-

(i) an accessory building or use subject to the requirements and restrictions of section 3.2 of this By-law;

(ii) a home occupation;

(iii) a day nursery provided that the operation is conducted within a public school or a public recreational facility;

(iv) public school; or

(v) public park, public recreation area or facility.

4.2 shall be subject to the following requirements and restrictions:-

a) Minimum Lot Area:

(i) Interior Lot - 460 square metres

(ii) Corner Lot - 550 square metres

b) Minimum Lot Width:

(i) Interior Lot - 15 metres

(ii) Corner Lot - 18 metres

c) Minimum Lot Depth - 30 metres

d) Minimum Front Yard - Depth - 6 metres

e) Minimum Interior Side Yard Width

(i) in the case where there is an attached garage or carport, 1.2 metres for the first storey or part thereof plus 0.6 metres for each additional storey or part thereof;

(ii) in the case where there is no attached garage or carport, the minimum width of one side yard shall be not less than 3.0 metres and the other side yard shall be in accordance with section 9.2(e) (i).

f) Minimum Exterior Side Yard Width - 3 metres

g) Minimum Rear Yard Depth - 7.5 metres

- h) Minimum Gross Floor Area per Unit - 83 square metres
- i) Maximum Building Height - 10.6 metres
- j) Maximum Lot Coverage by Principal Building - 33.3 percent
- k) Minimum Landscaped Open Space - 60 percent of the front yard in the case of an interior lot, and 70 percent of the front yard in the case of a corner lot.

5.0 The lands designated as RESIDENTIAL SINGLE-FAMILY "C" ZONE - R1C on Schedule A hereto attached.

5.1 shall only be used for the following purposes.

- a) Residential Uses:
 - (i) a single-family detached dwelling;
- b) Non-Residential Uses:
 - (i) an accessory building or use subject to the requirements and restrictions of section 7.3 of this By-law;
 - (ii) a home occupation
 - (iii) a day nursery provided that the operation is conducted within a public school or a public recreational facility;
 - (iv) public school; or
 - (v) public park, public recreation area or facility.

5.2 shall be subject to the following requirements and restrictions:-

- a) Minimum Lot Area:
 - (i) Interior Lot - 275 square metres
 - (ii) Corner Lot - 370 square metres
- b) Minimum Lot Width:
 - (i) Interior Lot - 9 metres
 - (ii) Corner Lot - 12 metres
- c) Minimum Lot Depth - 30 metres
- d) Minimum Front Yard Depth:-

6.0 metres.

e) Minimum Rear Yard Depth

7.6 metres.

f) Minimum Interior Side Yard Width

1.2 metres on one side and 0.9 metre on the other side

g) Minimum Exterior Side Yard Width:-

3.0 metres

h) Minimum Gross Floor Area per Unit -

83 square metres

i) Maximum Building Height - 8.0 metres

j) Maximum Lot Coverage by Principal Building - 50.0 percent

k) Minimum Landscaped Open Space - 40 percent of the front yard in the case of an interior lot, and 50 percent of the front yard in the case of a corner lot."

6.0 The lands designated OPEN SPACE ZONE - OS on Schedule A hereto attached

6.1 shall only be used for the following purposes

a) any public or private indoor or outdoor recreation facility;

b) any conservation area or use;

6.2 shall be subject to the following requirements and restrictions:

a) Maximum Lot Coverage - 33.3 percent

b) Minimum Front Yard Depth - 7.5 metres

c) Minimum Interior Side Yard Depth - 7.5 metres or 1/2 the height of the building, whichever is the greater

d) Minimum Exterior Side Yard Depth - 7.5 metres or 1/2 the height of the building, whichever is the greater

- e) Minimum Rear Yard Depth - 7.5 metres or 1/2 the height of the building, whichever is the greater.

SECTION 7.0 INSTITUTIONAL ONE ZONE - I1

7.1 Permitted Purposes

No person shall within any I1 Zone use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following:

(a) Institutional

- (i) a public or private school;
- (ii) a day nursery

(b) Accessory

- (i) general accessory purposes; and
- (ii) accessory buildings.

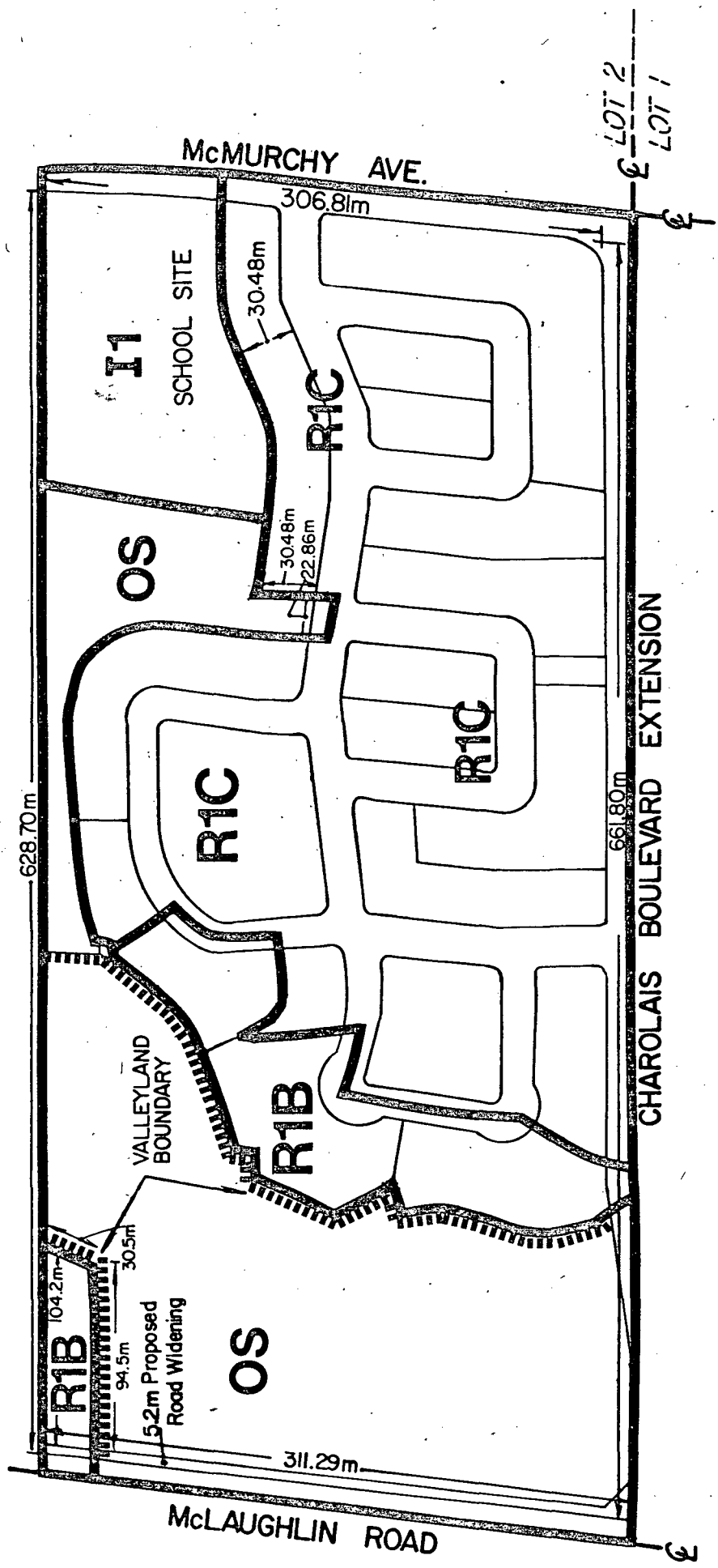
(c) Non-Institutional

- (i) any residential use which is accessory to a permitted institutional use;
- (ii) any commercial use which is incidental and accessory to a permitted institutional use;
- (iii) a park, playground or recreation facility operated by a public authority.

7.2 Zone Requirements and Restrictions

No person shall within any I1 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following requirements and restrictions:

- (a) Maximum Lot Coverage: 33.3 percent
- (b) Minimum Front Yard Depth: 7.5 metres
- (c) Minimum Interior Side Yard Depth: 7.5 metres or 1/2 the height of the building, whichever is the greater.
- (d) Minimum Exterior Side Yard Depth: 7.5 metres or 1/2 the height of the building, whichever is the greater.
- (e) Minimum Rear Yard Depth: 7.5 metres or 1/2 the height of the building, whichever is the greater.



CONCESSION 1 W.H.S.

Part Lot 2, Concession 1 W.H.S.
 BY-LAW No. 35-80, SCHEDULE A


 1:3250

CITY OF BRAMPTON
 Planning and Development
 Date: 1979 10 17 Drawn by: *S.M.L.*
 File no. CIW2.1 Map no. 59-15E



R 801052

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 35-80

B E F O R E :

H.E. STEWART
 Chairman

- and -

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

)
)
)
) Tuesday, the 29th day

) of April, 1980
)

No objections to approval having been received
 as required;

THE BOARD ORDERS that By-law 35-80 is
 hereby approved.

SECRETARY

ENTERED	
O. B. No.	880-2
Folio No.	46
APR 29 1980	


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

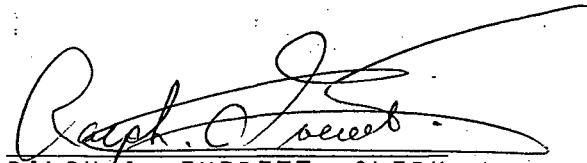
- 8.2 Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable, upon summary conviction, to a penalty not exceeding \$1,000.00, exclusive of costs, for each and every such offence.

- 9.0 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.

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

this 11th day of February, 1980


JAMES E. ARCHDEKIN, MAYOR


RALPH A. EVERETT, CLERK

COMMUNICATIONS SECTION OF THE CITY OF BRAMPTON
11th FEBRUARY 1980

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON
DATE 7/2/80

PASSED February 11, 19 80



BY-LAW

No. 35-80

To prohibit or regulate the use of lands and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures situated on Part of Lot 2, Concession 1, west of Horontario Street (N.S. corner of McMurchy Avenue and Charolais Boulevard).