



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 83-82

To regulate the use of land and buildings on part of Block 7, Registered Plan A-21.

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

1.0 APPLICATION:

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

2.0 ADMINISTRATION:

Administration

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

2.2 Violation and Penalty

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

2.3 Conformity with By-law

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

2.4 Compliance with Other Restrictions

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

3.0 INTERPRETATION:

3.1 Singular and Plural Words:

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

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

3.2 Shall is Mandatory:

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

3.3 Used and Occupied:

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

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

4.0 DEFINITIONS:

For the purposes of this by-law,

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

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

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

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

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

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

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

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

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

DWELLING shall mean a building occupied or capable of being occupied as a home or sleeping place by one or more persons.

DWELLING, SINGLE-FAMILY DETACHED shall mean a completely detached residential building containing only one dwelling unit.

DWELLING UNIT shall mean one or more habitable rooms designed or intended to be used together as a single and separate housekeeping 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, 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.

GARAGE, PRIVATE shall mean an enclosed structure for the storage of one or more vehicles from which no business, occupation or service other than a home occupation is conducted for profit.

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.

GROUP HOME shall mean a residential care facility in a dwelling unit occupied by 3 to 10 persons, inclusive of staff and receiving family, but shall not include:

- (i) a place maintained and operated primarily for, and occupied by, inmates or adult males placed on probation or released on parole,
- (ii) a place maintained and operated primarily for the temporary care of, and occupied by, transient or homeless persons; or
- (iii) a place maintained and operated primarily for the treatment and rehabilitation of, and occupied by, persons who are addicted to drugs or alcohol.

For the purposes of this by-law, a home with five or more foster children in care at one time shall be deemed to be a group home.

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 or undertaking conducted for gain or profit within a dwelling unit or an accessory building.

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

LODGING HOUSE shall mean a dwelling in which rooms or room and board, are supplied for hire or gain, but shall not include a hotel, motel or group home.

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

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

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

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

LOT LINE shall mean any boundary of any lot.

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

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

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

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

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

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

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, a travel trailer, and a farm implement, whether self-propelled or not.

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

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

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

PUBLIC AUTHORITY includes The Corporation of the City of Brampton, The Regional Municipality of Peel, the Crown, in Right of Ontario, and the

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

RESIDENTIAL CARE FACILITY shall mean a place for the accommodation of persons, who, by reason of their emotional, mental, social or physical condition, or legal status, require a supervised group living arrangement for their well being.

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.

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.

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

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

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

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

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

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

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

5.0 GENERAL PROVISIONS

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

5.1 Lot Width or Area Reduced by Public Action

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

5.2 Yards or Building Setbacks Reduced by Public Action

Where, by expropriation or highway widening or other land acquisition by the City, the Regional Municipality of Peel or the Crown in Right of Ontario or Canada, the yards or building setbacks are reduced to less

than the requirements of this by-law, an existing building or structure may be repaired, renovated or altered as long as the setbacks or yards are not further reduced by such repair, renovation or alteration, and as long as all other requirements of this by-law are complied with notwithstanding anything to the contrary in this by-law.

5.3 Frontage on Road or Street

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

5.4 Building to be Moved

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

5.5 Special Uses Permitted

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

5.6 The use of a dwelling or residential building as a group home or as a boarding house is not permitted unless it is listed as a permitted purpose.

5.7 The use of a dwelling or residential building as a place where rooms or room and board are supplied for hire or gain to more than two persons is not permitted in any zone unless it is listed as a permitted purpose.

5.8 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 5.8 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 5.8

<u>STRUCTURE</u>	<u>YARD</u>	<u>MAXIMUM PROJECTION INTO YARD</u>
Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets or canopies	Front, rear and exterior side yards Interior side yard	0.5 metre 0.3 metre
Window bays	Front, rear and exterior side yards	1 metre to a maximum width of 3 metres
Balconies	Front, rear and exterior side yards	1.5 metres
Open, roofed porches not exceeding one (1) storey in height, uncovered terraces	Front, rear and exterior side yards	1.5 metres including eaves and cornices

5.9 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.

5.10 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.

5.11 Accessory Buildings

Accessory buildings or structures other than a detached garage or carport are permitted subject to the requirements and restrictions of this by-law 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 or within the minimum required side yard;
- (e) not be less than 0.6 metres from any lot line, and
- (f) not have a floor area in excess of 15 square metres.

5.12 Garage or Carport

All garages or carports shall be built of the same exterior material and of the same architectural design as the main building it is to serve.

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) not to exceed 2.5 metres in height in the case of a flat roof;
- (b) not to exceed 3.7 metres in height in the case of a peaked roof;
- (c) no closer than 1 metre to a main building;
- (d) no closer than 1 metre to a side lot line or rear lot line, and no closer than 6 metres to a flankage lot line.
- (e) no closer to a street than the required setback for a main building, and in no case shall be closer to the front lot line than 6 metres; and
- (f) do not have a floor area in excess of 24 square metres.

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

- (a) not to exceed 2.5 metres in height in the case of a flat roof
- (b) not to exceed 3.7 metres in height in the case of a peaked roof
- (c) do not have a floor area in excess of 24 square metres
- (d) the garages for the two lots abutting said side or rear lot line are designed as one building
- (e) a common wall on and along the said side or rear lot line divides the garages; and

- (f) the garages for the two lots abutting said side or rear lot line are constructed or reconstructed simultaneously.

5.14 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.

5.15 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, and
- (c) is not used for human habitation.

5.16 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.

5.17 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 a rear lot line;
- (b) no closer to a street than the required setback for a main building;
- (c) no higher than 3.1 metres in height.

5.18 Parking Requirements

5.18.1 Parking spaces are required in Residential Zones in accordance with the following provisions:

- (a) Where parking spaces are required or provided for a single-family detached dwelling, the following requirements and restrictions shall apply:

- (1) except for a parking space on a driveway, no parking space shall be permitted in the front yard;

(2) a garage attached to a dwelling unit may be located in the front yard but may not be located closer than 6 metres from the front lot line, and

(3) the minimum width of a driveway shall be 3 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.

5.18.2 For each dwelling unit within a single-family detached dwelling, a minimum of 2 parking spaces are required.

5.18.3 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.

5.18.4 Each parking space shall be an angled parking space or a parallel parking space and shall be subject to the following requirements and restrictions:

(a) an angled 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,

5.18.5 Where parking spaces are provided or required for uses other than a single-family detached dwelling 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 other than a tandem parking space shall have unobstructed access to an aisle leading to a driveway or street;

(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

5.19 Boat, Snowmobile and Trailer Storage

Except as specifically permitted otherwise in this by-law, the owner or occupant of any lot 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 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.

5.20 Fences

Subject to section 5.9, and except for a chain link fence for a school or park and for a noise attenuation barrier, no fence or hedge in a Residential Zone may exceed a height of:

- (a) 1 metre within a required front yard;
- (b) 1.2 metres within an exterior side yard, or
- (c) 2 metres within any other required yard.

5.21 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 per cent of the gross floor area of the dwelling, excluding the basement or cellar;
- (c) the home occupation may be carried out in an accessory building or private garage;

- (d) no change in the external character of the dwelling as a private residence results;
- (e) there are no goods, wares or merchandise offered or exposed for sale or sold or kept for sale on the premises other than those produced on the premises.
- (f) there is no outside storage of materials, goods or vehicles in conjunction with the home occupation use;
- (g) not more than one person, other than members of the family residing there, is employed on the premises in connection with the home occupation, and
- (h) one sign is permitted that shall be attached to a building and shall

6.0 RESIDENTIAL SINGLE-FAMILY D - SPECIAL ZONE

The land designated as R1D - SPECIAL on Schedule A hereto attached:

6.1 shall be used only for the following purposes:

- (a) single-family detached dwellings,
- (b) a building or purpose accessory to the other permitted purposes, subject to the provisions of section 5.0, and
- (c) a home occupation.

6.2 shall be subject to the following requirements and restrictions:

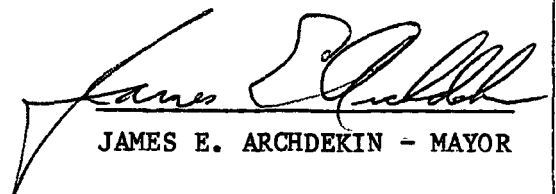
- (a) Minimum Lot Area:
 - for an interior Lot 270 square metres
 - for a corner Lot 360 square metres
- (b) Minimum Lot Width:
 - for an interior lot 9 metres
 - for a corner lot 12 metres
- (c) Minimum Lot Depth: 30 metres
- (d) Minimum Front Yard Depth: 6 metres
- (e) Minimum Rear Yard Depth: 7.5 metres
- (f) Minimum Interior Side Yard Width: 1.2 metres on one side and 0.9 metres on the other side, provided that where the distance between the

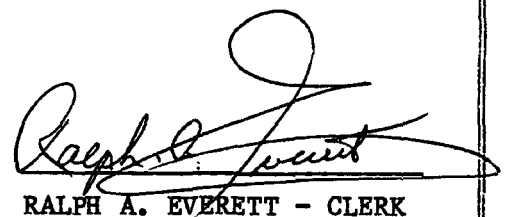
walls of two dwellings is less than 2.4 metres, no window below grade or door will be permitted in any such wall.

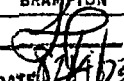
- (g) Minimum Exterior Side Yard Width: 3 metres
- (h) Maximum Building Height: 2 storeys
- (i) Minimum Landscaped Open Space: 40 per cent of the front yard of an interior lot, 50 per cent of the front yard of a corner lot, and 30 per cent of the front yard of a lot of which the side lot lines converge towards the front lot lines.

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

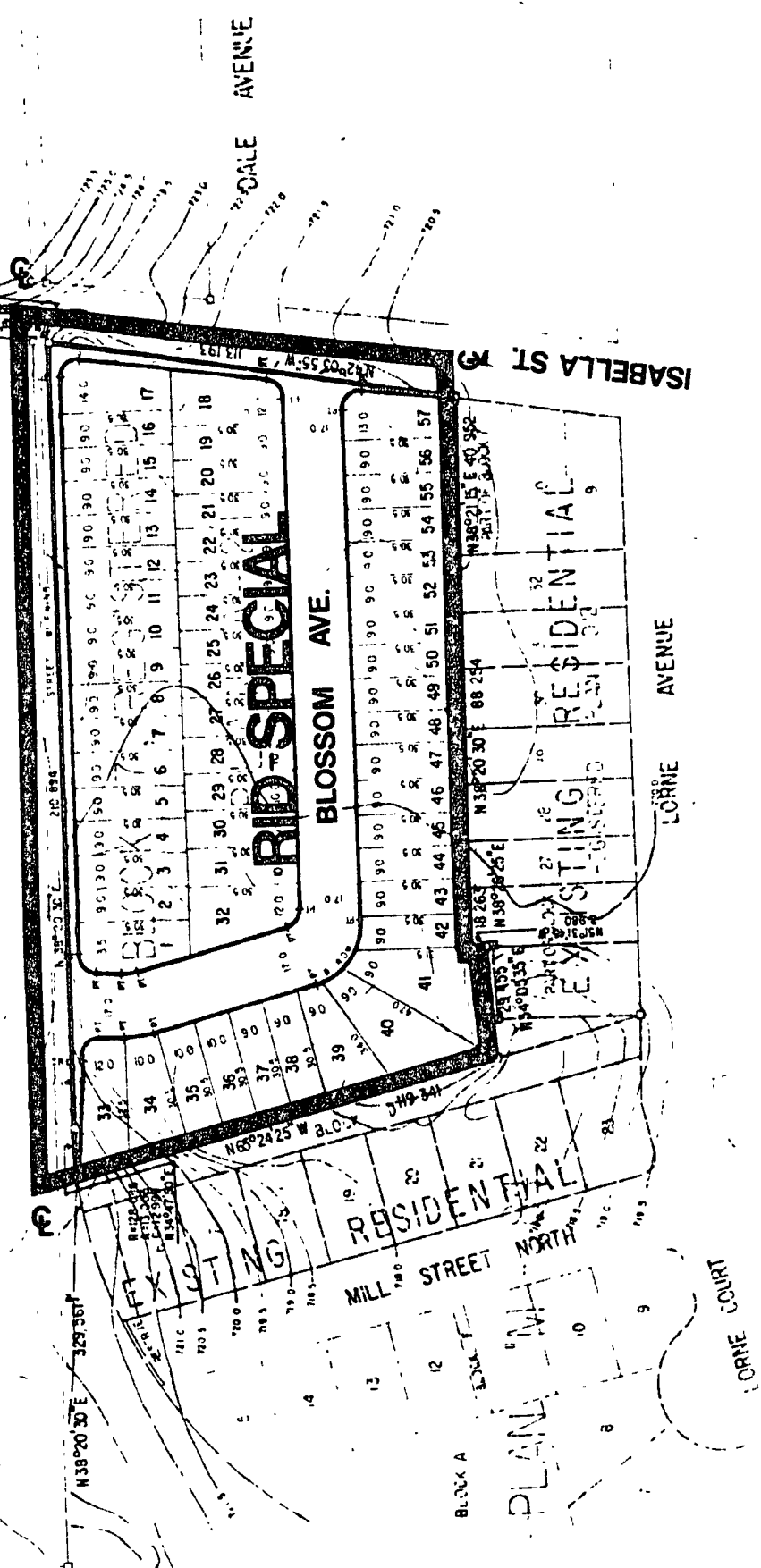
This twenty-sixth day of April, 1982.


JAMES E. ARCHDEKIN - MAYOR


RALPH A. EVERETT - CLERK

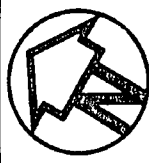
APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON

DATE 4/23

PROPOSED DRAFT PLAN OF SUBDIVISION



 ZONE BOUNDARY

BY LAW 83-82
SCHEDULE A



CITY OF BRAMPTON
Planning and Development

1:1857

Date: 81. 11 12 Drawn by: J.K.
File no. CIW78 Map no. 42-47G



R 821447

Ontario Municipal Board

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

- and -

IN THE MATTER OF an application
by The Corporation of the City
of Brampton for approval of
its Restricted Area By-law 83-82

B E F O R E :

H.E. STEWART
Chairman

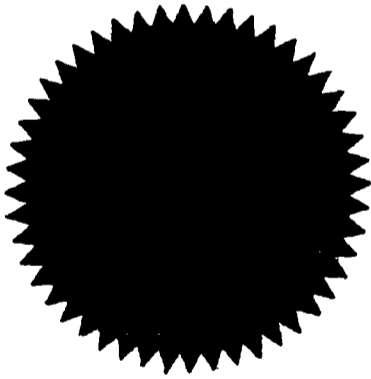
- and -

P.M. BROOKS
Vice-Chairman

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Wednesday, the 22nd day
of September, 1982

THE BOARD ORDERS that By-law 83-82 is
hereby approved.



SECRETARY

ENTERED
O. B. No. <i>R.82-3</i>
Folio No. <i>12</i>
SEP 27 1982
SECRETARY, ONTARIO MUNICIPAL BOARD