



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 188-81

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

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

SECTION 1.0 APPLICATION

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

SECTION 2.0 ADMINISTRATION

2.1 Administration

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

2.2 Violation and Penalty

Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon summary conviction shall be liable in respect of each offence to a fine of not more than 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 principle 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.

CONSERVATION AREA shall mean an area of land owned by a Conservation Authority.

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

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

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 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.

GARAGE, PUBLIC shall mean a building or place where motor vehicles are kept or stored for remuneration.

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.

LANDSCAPED BUFFER AREA shall mean open space in a rear yard or exterior side yard which is used exclusively for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation.

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

LOT shall mean a parcel of land which fronts on or abuts a street and which is permitted to be conveyed by Section 29 of The Planning Act (R.S.O. 1970, C.349, as amended.)

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

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

LOT LINE shall mean any boundary of any lot.

LOT WIDTH shall mean the 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.
- (d) In all other cases the lot width shall be the least distance between the side lot lines.

LOT, THROUGH shall mean a lot bounded on 2 opposite sides by streets, provided however that if any lot qualifies as being both a corner lot and a through lot, such lot shall be deemed to be a corner lot for the purposes of this By-law.

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

MOTOR VEHICLE REPAIR SHOP shall mean a building or structure used for the repair and servicing of motor vehicles, but shall not include a motor vehicle body shop as a principal use, a motor vehicle sales establishment, or a service station.

MOTOR VEHICLE SALES ESTABLISHMENT shall mean a building or place used for the display, sale or rental of motor vehicles.

MOTOR VEHICLE WASHING ESTABLISHMENT shall mean a building or place containing facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices, also includes a self-service operation.

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.

OBNOXIOUS USE shall mean a use which, from its nature of operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, glare or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials, and, without limiting the generality of the foregoing, shall include any uses which, under The Public Health Act (R.S.O. 1970, Chapter 377, as amended) and regulations made thereunder, are declared by the Peel Regional Health Unit to be an obnoxious or offensive trade, business or manufacture.

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.

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.

RETAIL ESTABLISHMENT shall mean a building or place where goods or materials are sold or kept for sale to the general public.

SERVICE SHOP shall mean a building or place used primarily for the repair, servicing, or incidental sales of articles or materials, but shall not include a building or place where articles or materials are assembled or manufactured, or where internal combustion engines or motor vehicles are repaired.

SERVICE SHOP, PERSONAL shall mean an establishment wherein a personal service is provided and, without limiting the generality of the foregoing, includes a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio or similar use.

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.

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

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

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

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

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

YARD, INTERIOR SIDE shall mean a yard, other than an exterior side yard, extending from the front yard to the rear yard of a lot between a side

lot line and the nearest main wall of any building or structure on the lot.

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.

5.0 GENERAL PROVISIONS

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

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

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 alternation, 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 Building to be Moved

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

5.7 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.

5.8 Public Uses Permitted

The provisions of this by-law shall not apply to prevent the use of any land or the erection or use of any building or structure by a public authority 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 lot adjacent to a Residential Zone;
- (c) any parking and loading regulations prescribed for these uses shall be complied with; and
- (d) areas not used for parking, driveways or storage shall be landscaped.

5.9 Special Uses Permitted

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

5.10 Permitted Yard Encroachments

Every part of any yard required by this by-law shall be open and unobstructed by any building or structure from the ground to the sky except by:

- (a) an accessory building or structure permitted by the provisions of this b
- (b) the structures listed in Table 5.10 (b) which may project into the minimum yards indicated for the distances specified;
- (c) drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs or similar accessory uses.

Table 5.10 (b)

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

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

- (a) church spires, water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators, silos, sky lights, chimneys, clock towers or electrical supply facilities, or
- (b) a roof structure which is used only as an ornament or to house the mechanical equipment of any building.

5.12 Parking Facilities

- (a) Each parking space other than a tandem parking space shall have unobstructed access to an aisle leading to a driveway and shall be a rectangular area measuring:

in width and 6 metres in length, and

(ii) for 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.

(b) The parking spaces shall be provided and maintained on the same lot or parcel as the building or use for which they are required or intended.

(c) The width of a driveway leading to a parking area shall be a minimum width of 8 metres for two-way traffic.

(d) Aisles leading to parking spaces 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

(e) The minimum number of parking spaces to be provided shall be not less than 41 of which not more than 6 spaces may be tandem parking spaces. Not less than 27 parking spaces shall be located clear of the proposed road widening.

6.0 HIGHWAY COMMERCIAL TWO -- SPECIAL (HC2 -- SPECIAL) ZONE

The land shown as HC2-- SPECIAL on Schedule B hereto attached:

6.1 shall be used only for the following purposes:

- (a) motor vehicle sales establishment;
- (b) motor vehicle body shop;
- (c) motor vehicle repair shop, and
- (d) purposes accessory to the other permitted purposes.

6.2 shall be subject to the following requirements and restrictions:

- (a) buildings shall be permitted only in the Building Areas as shown on SCHEDULE B--SITE PLAN hereto attached;

- (b) a building shall not exceed the building height as shown on SCHEDULE B-SITE PLAN hereto attached;
- (c) the gross floor area of all buildings to be erected within Building Areas B and C, as shown on SCHEDULE B-SITE PLAN, shall not exceed 744 square metres;
- (d) the gross floor area of the building erected within Building Area A, as shown on SCHEDULE B-SITE PLAN, shall not exceed 136 square metres;
- (e) minimum front yard depth, side yard width and rear yard depth shall not be less than that shown on SCHEDULE B-SITE PLAN;
- (f) landscaped open space shall be provided and maintained in the areas shown on SCHEDULE B-SITE PLAN;
- (g) no storage shall be permitted outside a building except for motor vehicles offered for sale or intended to be serviced or repaired;
- (h) a solid screening wall composed of brick, architectural block, decorative concrete panel or similar material, not less than 2.4 metres in height above finished grade, shall be located along the boundary shown as WALL on SCHEDULE B-SITE PLAN;
- (i) a vinyl covered chain link fence, not less than 1.83 metres in height above finished grade, shall be located along the boundary shown as FENCE on SCHEDULE B-SITE PLAN;
- (j) a solid board screening fence, not less than 1.83 metres in height above finished grade, shall be located along the boundary shown as BOARD FENCE in SCHEDULE B-SITE PLAN, and
- (k) parking spaces shall be provided and maintained in accordance with Section 5.12.

7.0 OPEN SPACE - SPECIAL (OS SPECIAL) ZONE

The land shown as OS-SPECIAL on SCHEDULE A hereto attached:

7.1 shall be used only for the following purposes:

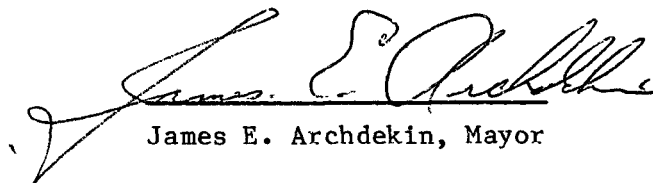
- (a) an outdoor recreation facility;
- (b) a conservation area,
- (c) a purpose accessory to the other permitted purposes.

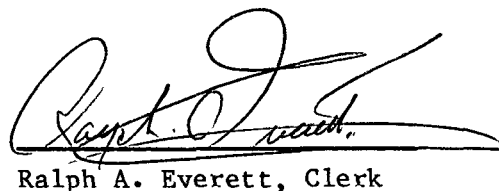
7.2 shall be subject to the following requirements and restrictions:

- (a) no building shall be permitted other than structures of a public authority.

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.
DRAUGHTON

DATE 8/17/81

MERCER DRIVE

QUEEN STREET WEST

ZONE BOUNDARY

20.116



8.5m

55.673m

177.506

NORTH WEST
CORNER LOT 5
CONCESSION
W.H.S.

PROPOSED ROAD WIDENING

8m

McLAUGHLIN ROAD

OS
SPECIAL

HC2-SPECIAL

51.234m

51.08m

13.559m

55.098m

BLOCK A

LOTS

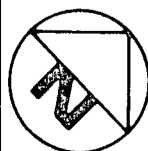
LOT 9

LOT 10

LOT 11

REG PLAN 662

BY-LAW 188-81
SCHEDULE A



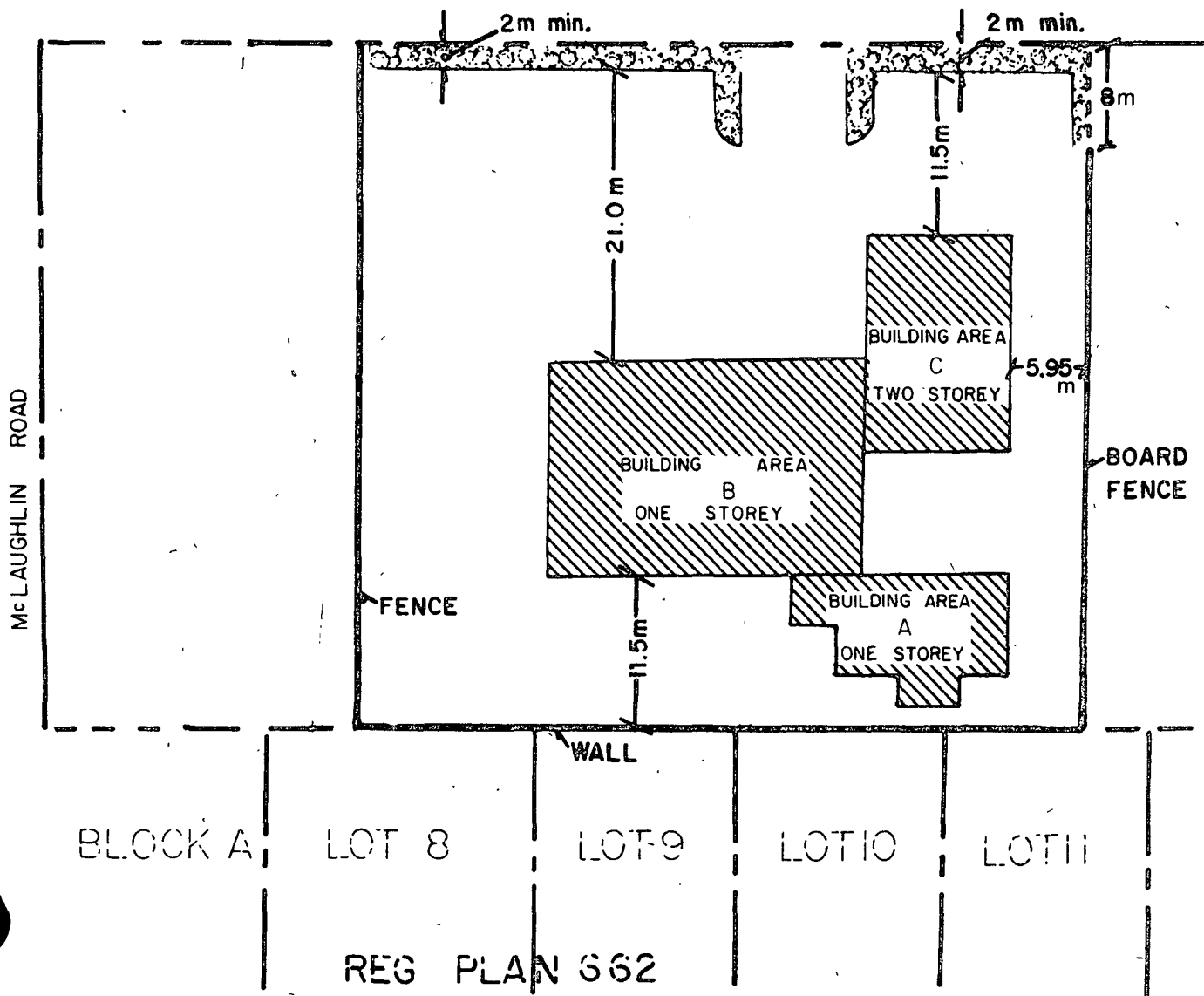
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CITY OF BRAMPTON
Planning and Development

Date: 81.06.26 Drawn by: J.K.
File no. CIW5.9 Map no. 59-23H

MERCER DRIVE

QUEEN STREET WEST



LEGEND

- BUILDING AREA 
- LANDSCAPED OPEN SPACE 

PART LOT 5 CONCESSION I W.H.S.

SCHEDULE B SITE PLAN

BY-LAW 188-81



1:500

CITY OF BRAMPTON
Planning and Development

Date: 81. 06 26 Drawn by: J. K.
File no. CIW5.9 Map no. 59-23G



R 812217

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 188-81

B E F O R E :

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

- and -

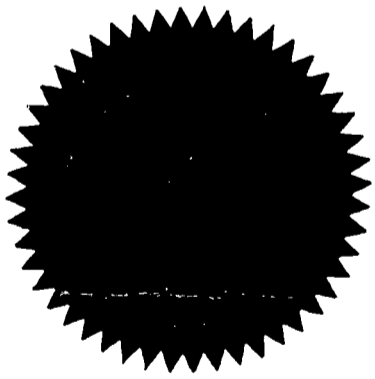
J.A. WHEELER
Member

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Friday, the 29th day
of January, 1982

No objections to approval having been received
as required;

THE BOARD ORDERS that By-law 188-81 is
hereby approved.



SECRETARY

ENTERED	
O. B. No.	1881-5
Folio No.	137
FEB 4 - 1982	
SECRETARY, ONTARIO MUNICIPAL BOARD	

PASSED August 17th 19 81



BY-LAW

No. 188-81

To regulate the use of land and
buildings on Part of Lot 5, Con.
1, W.H.S.
(ATTRELL AUTO HOLDINGS)