



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* 233-81

To regulate the use of land and buildings on part of Lot 6, Concession 1, 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-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.

## 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 use" 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:

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 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.

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 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.

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

DWELLING, APARTMENT shall mean a building containing six or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use common elements.

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.

FLOOR AREA, GROSS RESIDENTIAL 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, but excluding any porch, verandah, unfinished attic, cellar or any floor area used for building maintenance or service equipment, loading area, common laundry facilities, common washroom, children's play area, recreation area, parking of motor vehicles, or storage.

FLOOR SPACE INDEX shall mean the figure obtained by dividing the gross residential floor area by the area of the lot to be built upon.

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.

HABITABLE ROOM means any room in a dwelling unit used or intended to be used for purposes of living, sleeping, cooking or eating.

LANDSCAPED DECK shall mean a deck or similar structure used in the same manner as landscaped open space.

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.

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, 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 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 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.

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, where 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 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.

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.

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 land.

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 in a zone.

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 (a) which may project into the minimum yards indicated for the distances specified, and
- (c) drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs or similar accessory uses.

TABLE 5.8 (a)

<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	0.5 metre
	Interior side yard	0.3 metres
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 Height regulations in this by-law do not apply to:

- (a) 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.

5.10 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 high greater than 0.8 metres 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 (a) Trailers:

Trailers, travel trailers and mobile homes may not be located in any zone if used or intended to be used for the accommodation of an occupation by persons.

(b) Trailers and travel trailers may be stored in a zone in accordance with the other provisions of this by-law.

5.12 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.

6.0 GENERAL PROVISIONS FOR RESIDENTIAL ZONE:

6.1 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.

6.2 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 parking area of a Residential Zone provided that the travel trailer or commercial vehicle:

- (a) is owned by the occupant of the lot on which said trailer or vehicle is stored or parked, and
- (b) is not used for human habitation.

6.3 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.

6.4 Parking Spaces

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 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,
- (c) 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,
- (d) 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,
- (e) each parking space other than a tandem parking space shall have unobstructed access to an aisle leading to a driveway or street, and
- (f) 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) 80 degrees up to and including 90 degrees	6 metres

6.5 Fences

Subject to section 5.10, no fence may exceed a height of:

- (a) 1.2 metres within a required front yard or exterior side yard, or
- (b) 2 metres within any other required yard.

7.0 RESIDENTIAL APARTMENT B SPECIAL ZONE (R4B-SPECIAL)

The land designated as R4B-SPECIAL on Schedule A hereto attached:

7.1 shall be used only for the following purposes:

- (a) one apartment dwelling, and
- (b) an accessory building or use subject to the requirements and restrictions of section 6.1

7.2 shall be subject to the following requirements and restrictions:

- (a) minimum lot area shall not be less than 6,700 square metres,
- (b) minimum lot width shall not be less than 55 metres,
- (c) a building shall be permitted only in the BUILDING AREA as shown on Schedule A,
- (d) minimum front yard depth, side yard width and rear yard depth shall not be less than that shown on Schedule A,

- (e) the apartment dwelling shall not exceed a height of 15 storeys or 42.2 metres, whichever is lesser,
- (f) the building, including the Landscaped Deck, erected within the Building Area shall not exceed a lot coverage of 33 per cent,
- (g) maximum floor space index shall not exceed 1.66,
- (h) landscaped open space, including the Landscaped Deck, shall be provided and maintained in the location shown on Schedule A, and
- (i) not less than 101 off-street parking spaces shall be provided in accordance with the requirements of Section 6.4, of which not more than 8 spaces may be tandem parking spaces.

8.0 PRIVATE OPEN SPACE ZONE - (POS-SPECIAL)

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

8.1 shall be used only for the following purposes:

- (a) the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation and may include a surfaced walk, but not including a raised patio, screening, fence or similar facility.

9.0 OPEN SPACE - SPECIAL ZONE (OS-SPECIAL)

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

9.1 shall be used only for the following purposes:

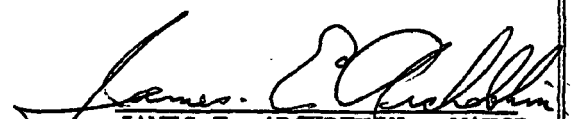
- (a) the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation and may include a surfaced walk, but not including a raised patio, screening, fence or similar facility.
- (b) a roadway, and
- (c) purposes accessory to the other permitted purposes.

9.2 shall be subject to the following requirements and restrictions:

- (a) no buildings other than structures of a public authority shall be permitted,
- (b) no fence, screen, net, or similar facility or structure shall be permitted.

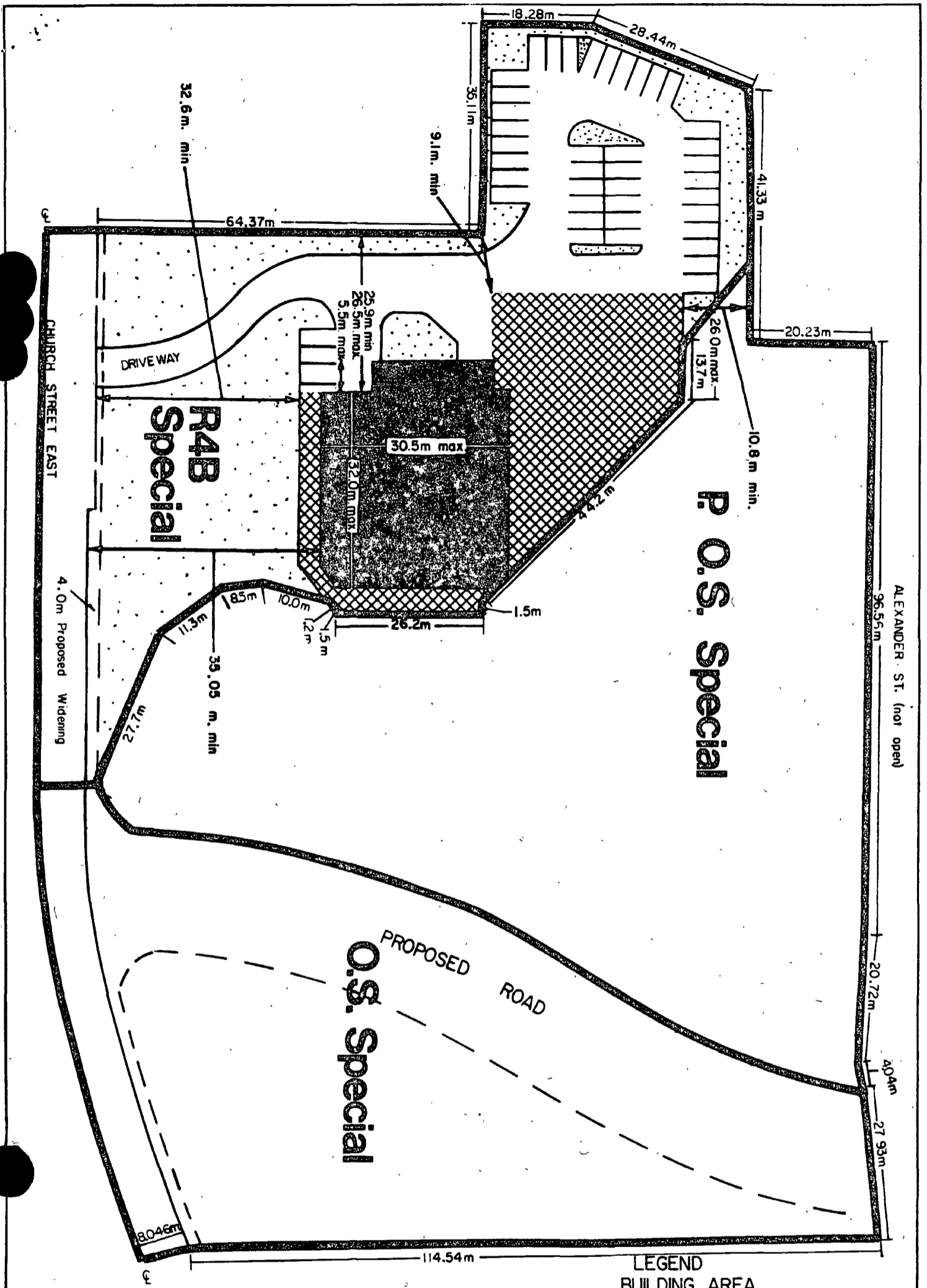
READ a FIRST, SECOND and THIRD TIME and Passed in Open Council

this 28th day of September, 1981.

  
JAMES E. ARCHDEKIN - MAYOR

  
RALPH A. EVERETT - CLERK



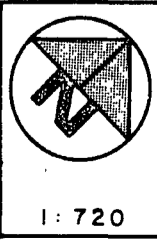


**LEGEND**

- BUILDING AREA
- ☒ LANDSCAPED DECK
- APARTMENT DWELLING
- ▨ LANDSCAPED OPEN SPACE

*Part of Lot 6 Concession / E.H.S.*

**BY-LAW No. 233-81 SCHEDULE A**



**CITY OF BRAMPTON**  
 Planning and Development

Date: 81 09 09 Drawn by: J.K.  
 File no. CIE 6 6A Map no. 43-36D

1:720



R 812368

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 233-81**

**B E F O R E :**

**D.D. DIPLOCK, Q.C.  
Vice-Chairman**

- and -

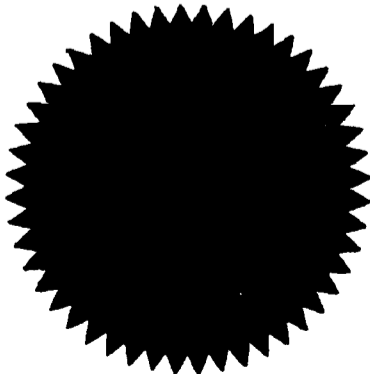
**J. DOBBS  
Member**

Wednesday, the 22nd  
day of September, 1982

THIS APPLICATION having come on for public hearing and after the hearing of the application council having an opportunity to consider amendments to By-law 233-81 and having on the 13th day of September, 1982 passed By-law 185-82 amending By-law 233-81 and having caused a certified copy thereof to be filed and the Board having dispensed with notice and hearing in respect of By-law 185-82;

THE BOARD ORDERS that By-law 233-81 as amended by By-law 185-82 is hereby approved.

*A* SECRETARY



ENTERED
C. B. No. <i>R81-6</i>
Folio No. <i>111</i>
OCT 1 1982
ACTING SECRETARY, C.M.T. MUNICIPAL BOARD



# BY-LAW

No. 233-81

To regulate the use of land  
and buildings on part of Lot 6,  
Concession 1, East of Hurontario  
Street, formerly within the Town  
of Brampton, now in the City of  
Brampton  
(ROY WILSON)