

AMENDED BY BY-LAW 164-81



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 321-80

To regulate the use of land and buildings on Lots 29 and 30, and part of Lots 28 and 31 on Plan BR-2, (Lot 6, Concession 1, East of Hurontario Street) in the former Town of Brampton in the City of Brampton.

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

1.0 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.

BASEMENT shall mean that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling above adjacent finished grade.

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.

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, SENIOR CITIZEN shall mean a building owned and operated by a government agency or a non-profit and non-commercial organization for the housing of senior citizens, containing only one or two bedroom dwelling units, in which each one bedroom dwelling unit has a gross floor area of not more than 58.5 square metres, and each two bedroom dwelling unit has a gross floor area of not more than 89.6 square metres.

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 SPACE INDEX shall mean the figure obtained by dividing the aggregate of the area of all floors in a building measured between the exterior walls of the building, by the area of the lot.

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.

HOME OCCUPATION shall mean an occupation or undertaking conducted for gain 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.

LOADING SPACE shall mean an unobstructed area of land upon the same lot or lots upon which the principal use is located, for use in connection with that principal use, which area is provided for the parking of one commercial motor vehicle while such vehicle is being loaded or unloaded.

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

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

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

LOT WIDTH shall mean the least distance, measured in a straight line, between the side lot lines, where the side lot lines are parallel.

(a) Where such lot lines are not parallel, the lot width shall be the least distance, measured in a straight line, between the middle point on each side lot line.

(b) 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 a lot shall be calculated as if the lot lines were produced to their point of intersection.

LOT LINE shall mean any boundary of any lot.

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

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

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

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

MOTOR VEHICLE includes an automobile, a truck, a motorcycle, a motor-assisted bicycle, a snowmobile, any other vehicle propelled or driven otherwise than by muscular power, 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 open area, other than a street, used for the parking of 4 or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients, visitors, customers or residents.

PARKING SPACE shall mean an area accessible from a street or a lane for the parking or temporary storage of one motor vehicle but shall not include any part of a driveway or aisle.

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.

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 lower 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.

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.

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

2.0 GENERAL PROVISIONS

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

2.1 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.

2.2 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.

2.3 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.

2.4 Building to be Moved

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

2.5 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.

2.6 Public Uses Permitted

The provisions of this By-law shall not apply to prevent the use of any land or the erection or use of any building or structure by a public authority or for a utility installation, and such use or erection may be permitted subject to the following requirements and restrictions:

- (a) the size, height, coverage and yard regulations required for the zone in which such land, building or structure is located shall be complied with;

- (b) 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.

2.7 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 2.7 (a) 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 2.7 (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
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

2.8 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.

2.9 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;
- (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

2.10 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.

2.11 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 metre to a main building;
- (b) no closer than 1 metre to a side lot line or rear lot line,
- (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 metres.
- (d) do not have a floor area in excess of 22 square metres.

2.12 Attached Garage or Carport

Where a garage or carport is attached to a dwelling 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.

2.13 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.

2.14 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.

2.15 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.

2.16 Fences

No fence or hedge:

- (a) Within a required front yard may exceed 1 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 metres in height;

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

3.0 RESIDENTIAL APARTMENT 'A' - SECTION 102 ZONE (R4A-SEC.102)

The land shown as R4A - SEC. 102 on Schedule A hereto attached:

3.1 shall be used for the following purposes:

- (a) senior citizens dwelling containing not more than 65 dwelling units;
- (b) an accessory building or use subject to the requirements and restrictions of Section 2.14;
- (c) a use accessory to the other permitted purposes.

3.2 shall be subject to the following requirements and restrictions:

- (a) minimum lot area shall not be less than 3110 square metres;
- (b) minimum lot width shall not be less than 12.1 metres;
- (c) a building shall be permitted only in the Building Area as shown on Schedule A hereto attached;

- (d) minimum front yard depth, side yard width and area yard depth shall not be less than that shown on Schedule A hereto attached;
- (e) a building shall not exceed a height of 7 storeys or 21 metres whichever is lesser;
- (f) a building shall not exceed a lot coverage of 38 per cent;
- (g) landscaped open space shall be provided and maintained and shall be located as shown on Schedule A hereto attached; and
- (h) not less than 17 off-street parking spaces shall be provided in accordance with the requirements of Section 2.9.

4.0 ADMINISTRATION

4.1 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.

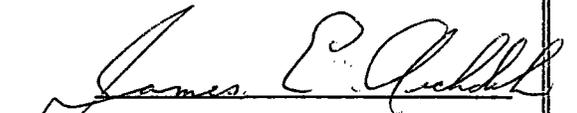
4.2 Every person who contravenes any of the provisions of this by-law is guilty of an of an offence and liable, upon conviction, to a penalty not exceeding \$1,000.00, exclusive of costs, for each and every such offence.

5.0 PREVIOUS BY-LAWS

5.1 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 15th day of December, 1980.


JAMES E. ARCHDEKIN, MAYOR

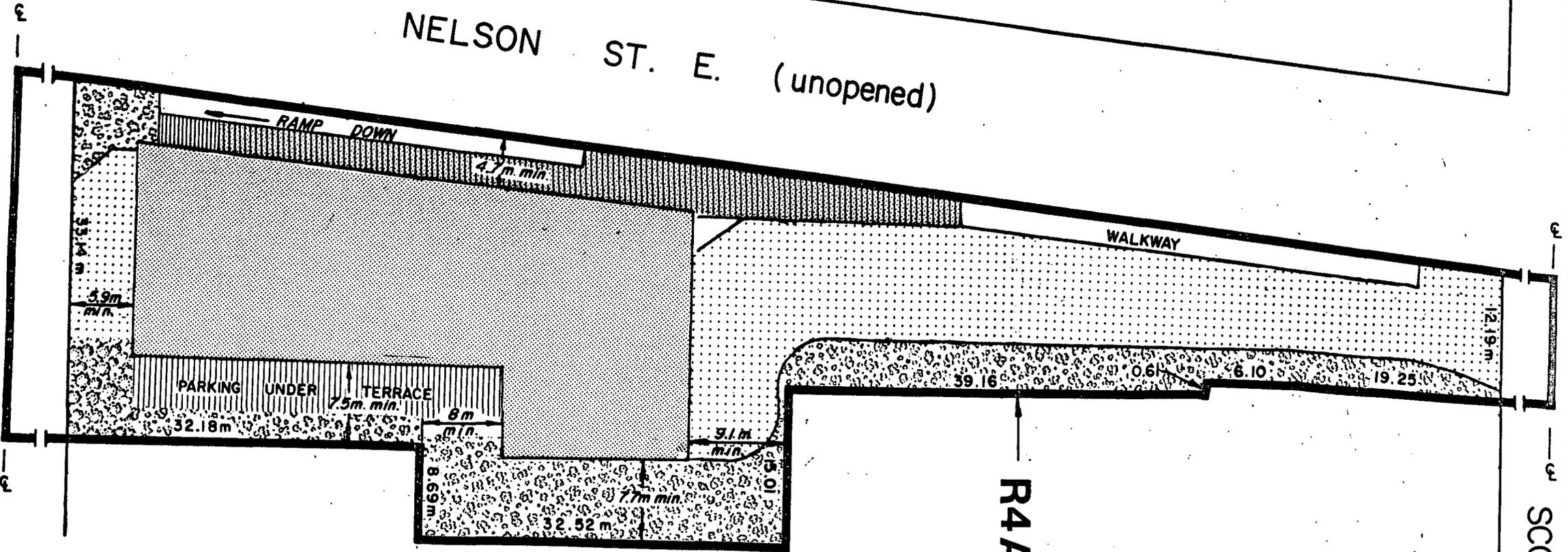

RALPH A. EVERETT, CLERK

Part of Lot 1 Concession 1 E.H.S.
By-Law No. 321-80 Schedule A

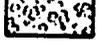
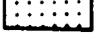
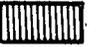
MAPLE AVENUE (unopened)

NELSON ST. E. (unopened)

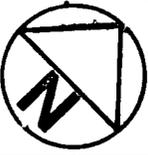
SCOTT ST.



R4A Sec. 102

-  GROUND FLOOR BUILDING AREA UNDER
-  BUILDING AREA
-  LANDSCAPED OPEN SPACE
-  DRIVEWAY
-  ZONE BOUNDARY
-  STAIRS
-  TERRACE SURFACE

1 : 480



CITY OF BRAMPTON
Planning and Development

Date: 80 12 5 Drawn by: RS
File no. C1E618 Map no. 43 - 33C

PASSED December 15, 1980



BY-LAW

No. 321-80

To regulate the use of land and buildings on Lots 29 and 30, and part of Lots 28 and 31 on Plan BR-2 (Lot 6, Concession 1, East of Hurontario Street) in the former Town of Brampton in the City of Brampton.



R 81446

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 321-80

B E F O R E :

J.A. WHELER,
Member

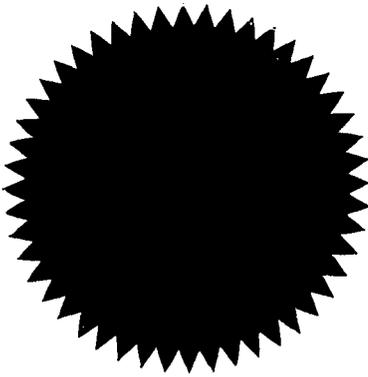
- and -

A.J.L. CHAPMAN, Q.C.
Member

)
)
)
) Thursday, the 16th day
) ; of July, 1981
)
)

THIS APPLICATION having come on for public hearing
and after the hearing of the application council having
an opportunity to consider certain amendments to By-law
321-80 and having on the 13th day of July, 1981 passed
By-law 164-81 amending By-law 321-80 incorporating
certain recommendations of the Board and having caused
a certified copy thereof to be filed and the Board
having dispensed with notice and hearing in respect of
By-law 164-81;

THE BOARD ORDERS that By-law 321-80 as amended by By-law
164-81 is hereby approved.



SECRETARY

ENTERED
O. B. No. <u>881-3</u>
Folio No. <u>8</u>
JUL 29 1981
 SECRETARY, ONTARIO MUNICIPAL BOARD