



R 801085

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 77-80

B E F O R E :

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

- and -

P.M. BROOKS
Member

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Tuesday, the 6th day
of May, 1980

No objections to approval having been received
as required;

THE BOARD ORDERS that By-law 77-80 is
hereby approved.



ARRELL
A/ SECRETARY

ENTERED	
O. B. No...	880-2
Folio No...	88
MAY 7 1980	
<i>ARRELL</i>	
SECRETARY - ONTARIO MUNICIPAL BOARD	



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 77-80

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

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

1.0 DEFINITIONS

For the purpose of this By-law

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

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

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

BUILDING AREA shall mean the maximum projected horizontal area of a building at established grade measured to the centre of party walls and to the outside of other walls including air wells and all other spaces within the building, but excluding open air porches, verandahs, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and open loading platforms.

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

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

BUILDING, MAIN shall mean the building in which is carried on the principal 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.

DRY CLEANING AND LAUNDRY DISTRIBUTION STATION shall mean a building or place used for the purpose of receiving and distributing articles or goods or fabrics to be dry cleaned, dry-dyed, cleaned or pressed off the premises.

DRY CLEANING AND LAUNDRY ESTABLISHMENT shall mean a building or place where dry cleaning, dry-dyeing, cleaning or pressing of articles or goods or fabrics is carried on.

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

FLOOR AREA, NET shall mean the total of the area of all floor levels in the building, including any basement, cellar, mezzanine and the area covered by interior walls and partitions but excluding the roof area, exterior perimeter walls, areas occupied by stairwells or elevators, covered mall areas not used as retail sales floor area, and the floor area contained in or attributable to a dwelling unit or bowling alley.

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 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 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.

OFFICE shall mean any building or place in which 1 or more persons are employed in the management, direction or conducting of an agency, profession, business, brokerage, labour or fraternal organization, and shall exclude any office for a veterinary surgeon and such purposes uses as retail sales, manufacture, assembly or storage of goods, or places of assembly and amusement.

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, 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.

RESTAURANT, DINING ROOM shall mean a building or place where food and drink are prepared and offered for sale to the public, to be served by a restaurant employee at the same table where the food and drink are to be consumed, and where drive-in, take-out or packaged fast food services are not available.

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 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 include fences which exceed 1.8 metres in height.

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.

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

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

2.1 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.

- 2.2 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.
- 2.3 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 (A) below 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 (A)

<u>STRUCTURE</u>	<u>YARD</u>	<u>MAXIMUM PROJECTION INTO YARD</u>
Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets or canopies	Any Yard	0.5 metre
Window bays	Front, rear and exterior side yards	1.0 metre to a maximum width of 0.3 metres
Balconies	Front, rear and exterior side yards	1.5 metres
Open, roofed porches not exceeding one storey in height, uncovered terraces	Front, rear and exterior side yards	1.5 metres including eaves and cornices

- 2.4 Height regulation in this By-law does not apply to: water tank, flag poles, television or radio antennae, ventilators, silos, sky lights, chimneys, electrical supply facilities or a roof structure to house the mechanical equipment.

2.5 Each parking space shall be an angled outdoor parking space or a parallel outdoor parking space.

- (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 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.

2.6 Where parking spaces are provided or required for the Commercial Uses, 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 3.0 metres for one-way traffic, and a minimum width of 6.0 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>
(i) up to 50 degrees	4 metres
(ii) 50 degrees up to 70 degrees	5.75 metres
(iii) 70 degrees up to and including 90 degrees	6 metres

2.7 Loading Spaces

Each loading space shall

- (a) have a minimum vertical clearance of 4.25 metres;
- (b) not be upon or partly upon any street or land;
- (c) be accessible from a street or lane by means of driveways, aisles, manoeuvring or similar areas, no part of which shall be used for the parking or temporary storage of motor vehicles; and
- (d) be a rectangular area measuring not less than 3.5 metres in width and 9 metres in length.

- 2.8 (a) Trailers, travel trailers and mobile homes may not be located if used or intended to be used for the accommodation of and occupation by persons.
- (b) Trailers and travel trailers may be stored in accordance with the other provisions of this By-law.

2.9 No sign, billboard or poster shall be erected on lands shown on Schedule 'A' attached except in compliance with the 'Sign by-law' of the City of Brampton.

2.10 Visibility Triangle

On a corner lot, a sign, fence, hedge, shrub bush or tree or any other structures or vegetation shall not be permitted to be erected 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.

2.11 Accessory buildings or structures are permitted provided that they are used only for the storage or disposal of garbage.

3.0 The lands designated as COMMERCIAL ONE ZONE (C1) on Schedule 'A' hereto attached:

3.1 shall only be used for the following purposes:

- (a) Service stores, including not more than one each of the following: barber, beauty parlour or hairdressing establishment, dry cleaning collection depot or dry cleaning plant (where synthetic cleaning only is carried on), laundromat, shoe repair shop, florist, tailor or dressmaker.
- (b) One bank or a financial institution.
- (c) Business or professional offices, each not exceeding one hundred and fifty square metres gross floor area.
- (d) One medical and one dental office, each not exceeding a gross floor area of one hundred and fifty square metres.
- (e) One dining room restaurant.
- (f) Not more than two mixed service restaurants.

- (g) Not more than one each of the following:
- (i) drugstore and/or optical store
 - (ii) food store and/or convenience store and/or pop shop
 - (iii) bake shop and/or donut shop
 - (iv) delicatessen and/or meat and/or fish store
 - (v) fruit or vegetable store
 - (vi) variety, tobacco and gift shop
 - (vii) jewellery shop
 - (viii) hobby shop and/or pet shop
 - (ix) bookstore
 - (x) hardware store
 - (xi) paint and wallpaper store
 - (xii) floor and tile store
 - (xiii) music store
 - (xiv) camera and photo supplies store
 - (xv) sporting goods store
 - (xvi) radio and television sales and service store
 - (xvii) clothing store and/or shoe store

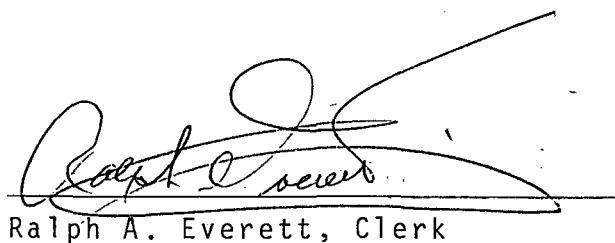
3.2 shall be subject to the following restrictions and requirements:

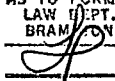
- (a) The gross floor area of all buildings and structures shall not exceed 25 per cent of the area of the lot.
- (b) All buildings and structures shall be located within the area shown as "Commercial Building Area" on Schedule 'A' attached hereto.
- (c) Vehicular access to and egress from the said lands shall be as shown on Schedule 'A' attached hereto.
- (d) Landscaped open space of a minimum of twenty per cent (20%) of the area of the lot shall be provided and maintained.
- (e) Off-street parking, at the rate of 59.2 spaces for each 1000 square metres of the net floor area of all buildings and structures, shall be provided and maintained on the lot.
- (f) A garbage and refuse collection area with the pick-up facilities shall be provided on the lot within the area shown as the "Commercial Building Area" on Schedule 'A' attached hereto.
- (g) No building or structure shall have more than two storeys.
- (h) No building or structure shall have windows or any openings at the second storey level of its southerly wall.

- 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 offence and liable, upon summary conviction, to a penalty not exceeding \$1,000.00, exclusive of costs, for each and every such offence.
- 5.0 By-law 1827 as amended of the former Town of Brampton no longer apply to the lands to which this By-law applies.

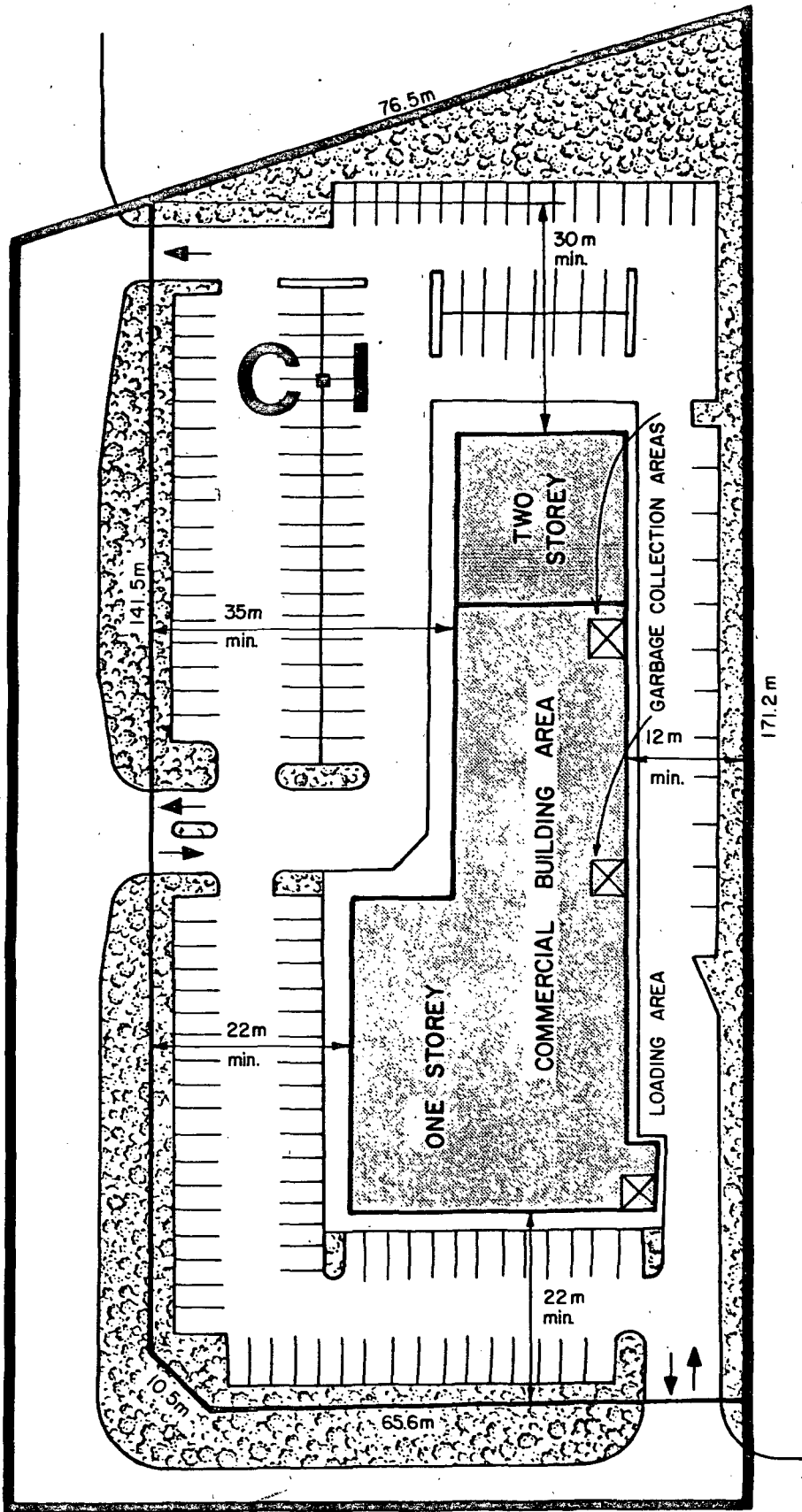
READ a FIRST, SECOND and THIRD TIME and Passed in Open Council
this 24th day of March, 1980


James E. Archdekin, Mayor

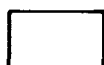




Ralph A. Everett, Clerk

APPROVED AS TO FORM LAW DEPT. BRAMPTON

DATE 2/13/80

CHAROLAIS BOULEVARD

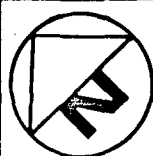


MOFFAT AVENUE

-  PARKING & DRIVEWAY AREA
-  LANDSCAPED OPEN SPACE
-  COMMERCIAL BUILDING AREA
-  C-1 ZONE BOUNDARY

BLOCK 306
Registered Plan M-295

Part Lot 1, Concession 2. W.H.S.
By-Law No. 77-80 Schedule A



CITY OF BRAMPTON
Planning and Development

1:860

Date: 79 10 02
File no. C2W1.1c

Drawn by: CK
Map no. 58-36

PASSED March 24th 19 80



BY-LAW

No. 77-80

Being a By-law to prohibit or regulate the use of lands and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures situated on Part of Lot 1, Concession 2, West of Hurontario Street (S.E. corner of Moffat Avenue and Charôlais Boulevard).