



Brampton

Zoning By-Law Office Consolidation

SECTION 6.0 GENERAL PROVISIONS FOR ALL ZONES

6.1 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.

6.2 Non-Complying Buildings

Where a use is permitted, 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 occupied, 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.

6.3 Lot Width, Depth 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, less lot area or less lot depth 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.

6.4 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 alteration, and as long as all other requirements of this by-law are complied with, notwithstanding anything to the contrary in this by-law.

6.5 Road Allowances and Setback shown on Schedule B

Schedule B which indicates the minimum setback standards for certain roads, are attached to and form part of this by-law. Except where provided elsewhere in this by-law no building or structure shall be erected or used except in accordance with the provisions of Schedule B.

6.6 Frontage on Road or Street

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

6.7 Building to be Moved

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

6.8 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.

(280-06)

6.9 Parent Zones and Special Sections

In this by-law and its Schedules, a zone may be particularized with a suffix, consisting of the word "section", in full or its abbreviated form such as "sec." Or "s." followed by a three or four digit whole number (that is, a number without a decimal point), or a three or three or four digit whole number only; and such whole number may be preceded by preceded by a dash or be enclosed by brackets. The suffix is a reference to Special Section in Part III of this by-law. In addition to regulations and restrictions contained in the Special Section, all regulations and restrictions of the Parent Zone (listed in Section of this by-law) before the Special Section and all other provisions shall also apply to the particular zone provided that they are not in conflict with the regulations and restrictions set out in the applicable Special Section, unless clearly indicated otherwise. There is no functional difference between any way of denoting the suffix, for

example, zones described as C1 – Section 1658, M2 – sec. 1658, R1D – s.1658, R2A – 1658, R1D(1658), R1E-10.5-1658, and R2C-7.35(1658) would all be subject to the regulations and restrictions in Special Section 1658 of this by-law.

6.10 Utility 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, structure, plant, or equipment by a public authority or a private electric utility company or other private utility company regulated by the Government of Ontario or a Crown agency thereof for a utility installation other than power generation, and such use or erection may be permitted subject to the following requirements and restrictions:

- (a) other than an electric power transmission line, the size, height, coverage and yard regulations required for the zone in which such land, building, structure, plant, or equipment is located shall be complied with except for a facility less than 1 square metre in area and 2 metres in height, which may be located not less than 3 metres from a public road right-of-way and 1.5 metres from any other property line;
- (b) no goods, material or equipment may be stored in the open in a Residential Zone or in a lot abutting 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; and,
- (e) all electric power facilities of Hydro One Inc. and Brampton Hydro Networks Inc. existing on the date of enactment of this by-law shall be deemed to conform with the requirements and restrictions pertaining to the particular zone in which it is located.

6.11 Temporary Uses Permitted

- (a) 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 is finished.
- (b) In a Commercial or Industrial Zone as shown on Schedule “A” to this by-law, a tent type structure shall be permitted only as an temporary accessory use for a maximum of a 14 day period twice a year on any lot.

6.12 Home Occupations

6.12.1 A home occupation may only be carried on within a single detached dwelling subject to the following requirements and restrictions:

- (a) it is carried on only by the occupant of the dwelling or by members of his family residing there;
- (b) the home occupation is secondary to the use of the dwelling as a private residence, and does not occupy more than 15 percent of the gross floor area of the dwelling, excluding the basement or cellar;
- (c) the home occupation may be carried out in an accessory building or private garage;
- (d) there are no change in the external character of the dwelling as a private residence;
- (e) there are no goods, wares or merchandise offered or exposed for sale, or sold or kept for sale on the premises other than those produced on the premises;
- (f) there is no outside storage of materials, goods or vehicles in conjunction with the home occupation use;
- (g) not more than one person, other than members of the family residing there, is employed on the premises in connection with the home occupation;
- (h) one sign is permitted that shall be attached to a building and shall be not more than 0.15 square metres in area.
- (i) no more than one home occupation shall be permitted in any dwelling; and
- (j) the following shall not be permitted as a home occupation:
 - (i) the repair and servicing of motor vehicles or internal combustion engines;
 - (ii) any use, which from its nature of operation, creates a nuisance or is liable to become a nuisance, or offensive by the creation of noise, vibration, or by reason of the emission of gas, fumes, dust, glare or objectionable odour, or any other use which be considered to be an obnoxious or offence trade, business, or manufacture; and
 - (iii) a massage or body rub parlour.

6.12.2 In addition to the above, an office as a home occupation may be carried on within any dwelling unit subject to the following requirements and restrictions:

- (a) no more than one office shall be permitted in a dwelling unit;

- (b) such office shall not be an office for a health care practitioner such as an office for a doctor, dentist, physiotherapist, massagist, chiropractor, psychiatrist, X-ray or ultrasound operator, etc;
- (c) the nature of the office shall be such that there shall be no more than one visitor at any time;
- (d) the total area devoted to the office shall not exceed 15 square metres;
- (e) it is carried on only by the occupant of the dwelling or by members of his family residing there and there is no other employee on the premises in connection with the office;
- (f) no exterior sign shall be permitted;
- (g) there are no goods, wares or merchandise offered or exposed for sale or sold or kept for sale on the premises; and
- (h) an office, which from the nature of the operation, creates a nuisance or is liable to become a nuisance, or offensive by the creation of noise, vibration, or objectionable odour, or be an obnoxious or offence trade, or business shall not be permitted.

(115-2013)

6.13 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 6.13.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, landscaped decks or similar accessory uses.

(115-2013)(212-2020)

Table 6.13.A

Structure	Yard	Maximum Encroachment
Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets or canopies	Any Yard	0.5 metres
Window bays, with or without foundation	Front, rear and exterior side yards	1 metre to a maximum width of 3 metres

Porch, Deck or Balcony	Front, and exterior side yards	1.8 metres, but no closer than 0.6 metres to any lot line
Porch, Deck or Balcony	Rear yard	3 metres, but no closer than 3 metres to the rear lot line

- (d) A roof structure, including an open framework of beams and rafters, attached to a main wall of a building, may project above a balcony, deck and/or porch permitted in Table 6.13.A provided that the roof structure, including eaves and cornices, encroaches into the required yard by a maximum of 2 metres or the depth of the associated deck, balcony or porch, whichever is less.

6.14 Floodplain Zone

The part of any lot or land within a Floodplain zone (F) shall not be used in calculating the lot width, yards or area required by this by-law for uses in abutting zones.

6.15 Visibility Triangle

On a corner lot, a sign, fence, hedge, shrub, bush, or tree or any other structure or vegetation shall not be permitted to be erected or to grow to a height greater than 0.8 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.

(266-2006)

The provisions of this Section shall not apply to lands within the Schedule Boundary as shown on Schedule B-1 to this By-law.

6.16 Height Regulations

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.

6.17 Parking Spaces

6.17.1 Each parking space shall be an angled parking space or a parallel parking space.

- (a) An angled parking space shall be a rectangular area measuring not less than 2.70 metres in width and 5.4 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.

6.17.2 Where parking spaces are provided or required other than for a single detached dwelling, the following requirements and restrictions shall apply:

- (a) the parking spaces shall be provided or maintained on the same lot or parcel as the building or use for which they are required or intended;
- (b) the width of a driveway leading to any parking area shall be a minimum width of 3 metres for one-way traffic, and a minimum width of 6 metres for two-way traffic;
- (c) each parking space other than a tandem parking space shall have unobstructed access to an aisle leading to a driveway or street; and
- (d) aisles leading to parking spaces and providing unobstructed access from each parking space to a driveway shall be established on the following basis:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
(1) up to 50 degrees	4.0 metres
(2) 50 degrees up to 70 degrees	5.75 metres
(3) 70 degrees up to and including 90 degrees	6.6 metres

(SECTION 6.18 IS RESERVED)

6.19 Occupation of Trailers

- (a) Travel trailers, house trailers and mobile homes may not be located in any zone if used or intended to be used in that location for the accommodation of and occupation by persons.
- (b) Travel trailers and house trailers may be stored in any zone in accordance with the other provisions of this by-law.

6.20 Loading Space

6.20.1 Each loading space shall:

- (a) have a minimum vertical clearance of 4.25 metres;

- (b) not be upon or partly upon any street or lane; and
 - (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.
- 6.20.2 A loading space shall be a rectangular area measuring not less than 3.5 metres in width and 9 metres in length.

(SECTION 6.21 IS RESERVED)

6.22 Accessory Building for Animals

Accessory buildings permitted on lots of less than 4.046 hectares shall not be used for the purpose of keeping pigs, sheep, goats, horses and cattle.

(SECTION 6.23 IS RESERVED)

6.24 Provisions for Holdings Zones

- 6.24.1 To regulate the height, bulk, location, size, floor area, spacing character and use of buildings, or structures to be erected within a defined area of the overall area covered by this by-law, Holding ("H") Zones are hereby established and identified on Schedule A attached hereto; by the letter (H) in brackets following a zoning symbol.
- 6.24.2 Where a zoning symbol is followed by the letter (H) in brackets, the provisions of this by-law with respect to the zone defined by such zoning symbol shall be considered to be the prime use category and such provisions shall apply to such zone, but only after an amendment to this by-law to remove the letter (H) in brackets following the zoning symbol. The application to remove the (H) designation shall be based upon timing to implement the zone provided, financial and engineering and servicing requirements are complied with and site plan agreements, if any are required, are approved and all other municipal requirements are complied with, and provided further, that the land use originally established shall not be an issue in such application.

6.25 Provisions for the Parkway Belt West

- 6.25.1 Where the zone symbol of land is Agricultural (A) but followed by the symbol "P" in parenthesis, shown on Schedule A and in text, in addition to the regulations and restrictions outlined in the Agricultural Zone the following shall apply:

- (a) the maximum lot coverage shall be 10%,
 - (b) a cemetery shall not be permitted
- 6.25.2 Where a land shown on Schedule A to this by-law is zoned other than an Agricultural Zone and its zoning symbol is followed by the symbol “P” in parenthesis, no building or structure shall be erected, altered or used on the part of that land which is within 30 metres of the top of the bank of the Etobicoke Creek Valley to this by-law, except for one or more of the following:
- (a) an unenclosed swimming pool;
 - (b) a tool shed as an accessory use, but not exceeding 3 metres in height and located at least 3 metres from a rear lot line.

6.26 Gas Regulator Facilities

The provisions of this by-law shall not prevent the use of any land in a Commercial, Industrial, Institutional Two (except the area bounded by Heart Lake Road, Countryside Drive, Airport Road, and Bovaird Drive), or Agricultural Zone for the purposes of a gas regulator facility, and such use may be permitted subject to the following requirements and restrictions:

- (a) a gas regulator facility shall be enclosed by chain link fencing, at least 1.8 metres in height;
- (b) in addition to the aforementioned subsection (a), a gas regulator facility in a Commercial Zone or on lands abutting a Residential Zone shall be enclosed by an opaque fence, at least 1.8 metres in height;
- (c) a gas regulator facility shall not be established closer than 8 metres to a Residential zone;
- (d) there shall be a street line setback of at least 5 metres between a street line and a gas regulator facility; and,
- (e) areas not used for the gas regulator facility and fencing shall be landscaped.

(156-2022)

6.27 One Dwelling Per Lot

Where a single detached, semi-detached, or townhouse dwelling is permitted, a second unit and/or a garden suite may also be permitted subject to the requirements and restrictions of Section 10.16 of the By-law.

6.28 Dwelling Units for Display Purposes

The provisions of this by-law shall not apply to prevent the erection of dwelling units for display purposes on land which is zoned for residential purposes and such erection may be permitted subject to the following requirements and restrictions:

- (a) the dwelling unit(s) shall be for display purposes only and shall not be occupied for residential use until the land is included in a plan of subdivision which has been registered within the meaning of the Planning Act;
- (b) the land shall be located within a proposed plan of subdivision which has been draft approved within the meaning of the Planning Act; and
- (c) the number of dwelling units erected shall not exceed 1 dwelling unit for every 4 hectares or part thereof of the land within the plan of subdivision draft approved within the meaning of the Planning Act, to a maximum of 10 dwelling units.

(91-2005)

6.29 Animal Hospitals

The provisions of this by-law shall not apply to prevent lands which are Industrially or Commercially zoned including any lands so zoned but subject to a Special Section in this by-law, from being used for the purposes of an animal hospital subject to the following requirements and restrictions:

- (a) there shall be no overnight boarding of animals not receiving veterinary treatment;
- (b) there shall be no outside runs; and
- (c) only treatment for animals which are household pets and not agricultural livestock shall be provided.

6.30 Composting Facility

A composting facility, other than those accessory to a principal residential, institutional, open space, or agricultural use, shall not be permitted on any site unless it is specifically expressed as a permitted purpose.

(234-2010)

6.31 Parking of Oversized Motor Vehicle

No person shall park or store, or permit to be parked or stored on any property, an oversized motor vehicle unless

- (a) the oversized motor vehicle is being used to make a delivery or provide a service on the property where it is parked, or

- (b) the oversized motor vehicle is accessory to a permitted agricultural, commercial, industrial, institutional or public use, but not a home occupation, occurring on the property, or
- (c) the oversized vehicle is a small school bus or bussing van which in such case, shall only be parked on the property between 9 p.m. Sunday and 4 p.m. Friday from September 1 to June 30 of each year.

6.32 Adult Uses

- 6.32.1 A Massage or Body Rub Parlour shall be permitted only where a personal service shop is permitted.
- 6.32.2 No establishment permitted in any Commercial Zone as shown on Schedule "A" to this by-law shall be used for the purpose of an Adult Videotape Store.
- 6.32.3 A Massage or Body Rub Parlour, an Adult Entertainment Parlour, or an Adult Videotape Store, shall not be located within 500 metres of a residentially zone property.

(266-06)(332-2011)

6.33 City of Brampton Public Uses Permitted

6.33.1 City of Brampton Public Use

A Public Use, including an accessory use thereto, owned or leased by the Corporation of the City of Brampton is permitted in all zoning categories and is not subject to requirements and restrictions applicable to any zone category.

6.33.2 Region of Peel Public Use Providing Emergency Health Care and Protection

A Public Use providing emergency health care service or protection, including accessory uses thereto, owned or leased by the Region of Peel (including Peel Regional Police) is permitted in all Agricultural, Industrial, Institutional, Central Mixed Use and Commercial zone categories and is subject only to the landscaping and outside storage requirements and restrictions applicable to the zone category in which the use is located and to the following requirements and restrictions:

- 1) Minimum Yard (all yards) – 1.0 metre
- 2) Minimum Yard abutting a Residential Zone – 4.5 metres

6.34 Lester B. Pearson International Airport Operating Area:

Notwithstanding any provision in this By-law to the contrary, the uses permitted by this By-law in any zone situated within the area identified as the “Lester B. Pearson International Airport Operating Area” on Schedule E of this section shall not include a residential dwelling, a day nursery, a hospital, a nursing home, a public school and a private school, either as accessory or principle uses, provided that:

- (a) a residential dwelling, a day nursery, a hospital, a nursing home, a public school and a private school which legally exists on the day this section comes into effect and in conformity with this By-law, and such uses shall continue to be subject to the provisions of this By-law as they exist on the day this section comes into effect.

(129-2014)(257-2014)

6.35 Downtown Floodplain Regulations

- (a) Notwithstanding the applicable zoning for lands within the Downtown Floodplain Regulation Areas, as shown on Schedule B-6 to this by-law, the following regulations shall also apply to those lands:

Downtown Floodplain Regulation Area Shown on Schedule B-6	A	B	C
Maximum Residential Units Constructed after May 7, 2014	900	185	0
Maximum Total Gross Non-residential Floor Area	41,000 square metres	45,000 square metres	88,000 square metres (of which the combined amount of hotels or motels cannot exceed 150 suites or 11,000 square metres of gross floor area)

- (b) The following requirements shall apply to lands within the Downtown Floodplain Regulation Area as shown on Schedule B-6 to this by-law:
 - (i) New residential uses constructed after May 7, 2014, shall provide an emergency pedestrian Access from the building to lands situated at or above the Regulatory Storm Flood elevation as established by the Toronto and Region Conservation Authority. Such emergency pedestrian access shall be above the Regulatory Storm Flood elevation in its entirety. Non-residential uses shall not be required to provide an emergency access.
 - (ii) Hotels or motels within Downtown Floodplain Regulation Areas A, B, and C as shown on Schedule B-6 to this By-law constructed after May 7, 2014 shall be required to provide an emergency pedestrian access in accordance with the requirements for new residential uses set

out in Section 6.35 b) i).

- (iii) All new buildings and structures shall be floodproofed to the level of the Regulatory Storm Flood elevation. (Dry passive floodproofing of new buildings or structures is preferred). Where it has been demonstrated to the satisfaction of the City in consultation with the TRCA that it is technically impractical to flood proof a building or structure to the Regulatory Flood level, floodproofing must be to the highest level technically feasible. However, the minimum floodproofing level shall be to the 1:350 storm elevation, as determined by the Toronto and Region Conservation Authority.
 - (iv) All new buildings and structures constructed after May 7, 2014 must locate primary building system controls such as service units and panels, at or above the Regulatory Storm Flood elevation.
 - (v) No new dwelling units, or suites for hotels or motels shall be constructed below the Regulatory Storm Flood elevation.
- (c) Notwithstanding Section 6.35 b) iii), development within the Downtown Floodplain Regulation Area C (as shown on Schedule B-6 to this By-law) abutting Main Street and/or Queen Street is permitted to be floodproofed and provide entrances and ground floor finished floor elevations to the 1:350 year storm elevation. Entrances to below-grade parking structures shall be dry passively floodproofed in accordance with Section 6.35 b) iii).
- (d) No additional dwelling units (over those which legally existed as of May 7, 2014) shall be permitted within area Downtown Floodplain Regulation Area D (as shown on Schedule B-6 to this by-law) unless safe access to lands outside of the Downtown Floodplain Regulation Area can be achieved from the building. Such access shall be over lands entirely above the Regulatory Storm elevation as established by the Toronto and Region Conservation Authority.
- (e) All newly constructed residential habitable living space within or added to an existing dwelling in Downtown Floodplain Regulation Area D as shown on Schedule B-6 to this by-law, shall be floodproofed to the Regulatory Storm Flood elevation.
- (f) Notwithstanding any other permissions set out within the underlying zoning categories, for lands located within Downtown Floodplain Regulation Areas A, B, C and D (identified on Schedule B-6 to this By-law), the following uses shall not be permitted as a primary and accessory use:
- (i) new private or public hospital, nursing home, retirement home, senior citizen residence, day nursery, and private or public elementary school;

- (ii) essential emergency services, including fire, police (except for a neighbourhood-serving police station), ambulance stations and electrical substations; and,
- (iii) uses associated with the disposal, manufacturing, treatment or storage of hazardous substances. For the purpose of this Section, Hazardous Substances are defined as those that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Any such use legally existing on May 7, 2014 would become legal, non-conforming.

- (g) For the purposes of this section “Neighbourhood-serving police station” shall mean a police station not designed or intended to serve an essential function during an emergency event such as flooding and not exceeding 464 square metres in gross floor area.

(SECTION 7, 8, & 9 RESERVED)