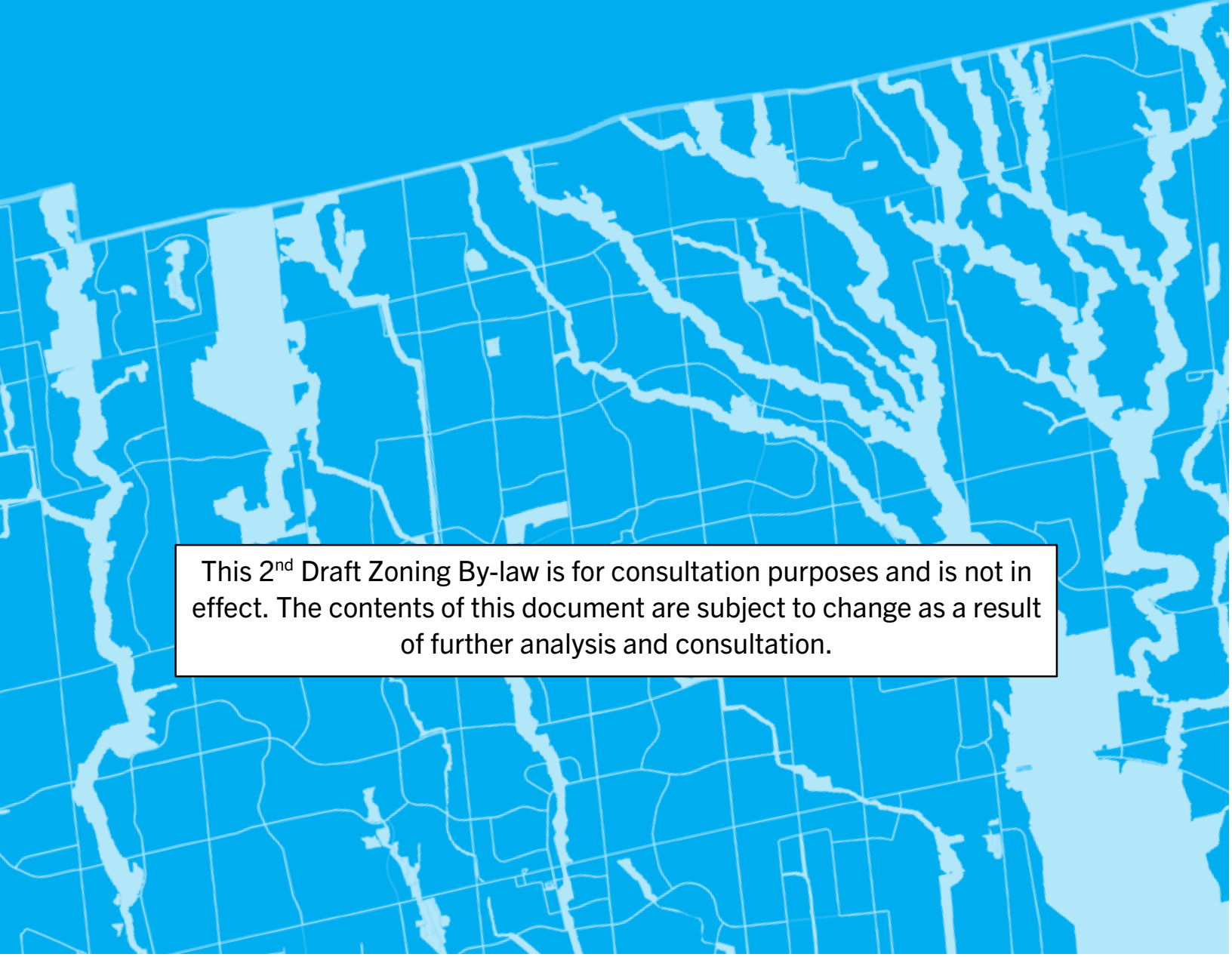




# BRAMPTON ZONING BY-LAW

2nd Draft | September 2024



This 2<sup>nd</sup> Draft Zoning By-law is for consultation purposes and is not in effect. The contents of this document are subject to change as a result of further analysis and consultation.

# Chapter 1: Administration and Interpretation

## Section 1.1: Title

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- .1 This By-law may be referred to as the Comprehensive Zoning By-law or the City of Brampton Comprehensive Zoning By-law.

## Section 1.2: Application

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- .1 This By-law applies to all lands within the City of Brampton, except within certain lands excluded from this By-law, as specifically shown on Schedule A.
- .2 No lands shall be used, and no building or structure shall be erected, located, used 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.

## Section 1.3: Administration

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### 1.3.A Authority

- .1 This By-law shall be administered by the Commissioner of Planning, Building and Growth Management or the successor and such other person or persons as appointed by by-law or resolution of Council.

### 1.3.B Certificate of Occupancy

- .1 A person may not make or permit a change in the type of use of any land to which this by-law applies, or the type of use of any building or structure on any such land, without first obtaining a certificate of occupancy from the City's chief building official.

### 1.3.C Inspection

- .1 Where the Commissioner of Planning, Building and Growth Management or such designate has reason to believe that any person has used land or erected or used any building or structure in contravention of this By-law, a designated employee of the City so authorized may, at any reasonable hour, enter and inspect the land or building or structure.

### 1.3.D Penalty

- .1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to fines in accordance with the City's by-laws.

**1.3.E Severability**

- .1 A decision of any court or tribunal with competent jurisdiction that any specific portion of this By-law is invalid or is not in effect does not affect the validity or enforceability of any other portion of this By-law.

**Section 1.4: Non-Conformity and Non-Compliance**

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**1.4.A Legal Non-Conforming Uses**

- .1 Nothing in this By-law applies to prevent the use of any land, building or structure for any purposes prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose.
- .2 Nothing in this By-law applies to prevent the erection or use for a purpose prohibited by this by-law of any building or structure for which a permit has been issued under subsection 8 (1) of the *Building Code Act* prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act.

**1.4.B Legal Non-Complying Buildings and Structures**

- .1 Where a lot, building, structure, parking area, stacking lane, stacking space, or driveway or any landscaped strip is deficient in meeting any requirement of this By-law, the feature may be altered or enlarged, provided:
- .a It was legally existing on the day of passing of this By-law; and
  - .b The alteration or enlargement complies with all applicable requirements of this By-law and does not cause further contravention of any requirement herein.

**1.4.C Non-Compliance Due to Public Expropriation or Land Acquisition**

- .1 No building, structure, lot, parking area, stacking space, stacking lane, driveway, or landscaped open space, or portion thereof, shall be deemed to be in contravention of the provisions of this By-law if the contravention is due to a legal expropriation or other land acquisition by a public authority.

**Section 1.5: Compliance with Other Legislation, By-laws and Regulations**

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- .1 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.
- .2 Compliance with this By-law does not represent compliance with any other lawfully imposed requirements, by-laws, legislation, or regulations imposed by a governmental authority having jurisdiction.

- .3 References to the Zoning By-law or Zoning By-law 270-2004 in any other City of Brampton By-law shall be deemed to refer to this By-law.

## Section 1.6: Lots in More than One Zone

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- .1 Where a lot is subject to more than one zone, the regulations for each zone apply to the portion of the lot within the respective zone.

## Section 1.7: Transition

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### 1.7.A Building Permits

- .1 Nothing in this By-law shall prevent the erection of a building or structure or the use of any building or structure in accordance with a building permit application submitted prior to the date of passing of this By-law, provided the building permit is in accordance with all applicable zoning by-laws that affected the lot before this By-law came into effect.
- .2 This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with clause .1 of this subsection.

### 1.7.B Planning Applications

- .1 Nothing in this By-law shall prevent the erection of a building or structure in accordance with any minor variance, site plan, consent, part lot control application, plan of subdivision or plan of condominium that has been submitted and deemed complete by the City or approved or conditionally approved by the relevant approval authority before the passing of this By-law, provided the application complies with all applicable zoning by-laws that affected the lot before this By-law came into effect.
- .2 This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with clause .1 above.

### 1.7.C Lapse of Transition Provisions

- .1 The transition provisions shall lapse as follows:
- .a Three years after the date of adoption of this By-law for any building permit application that is granted transition by Section 1.7.A.
  - .b Three years after the date of adoption of this By-law for any planning application that has been approved or conditionally approved and is granted transition under section 1.7.B.
  - .c Five years after the date of adoption of this By-law for any complete planning application that is granted transition in accordance with Section 1.7.B.

## Section 1.8: Establishment of Zones

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This By-law establishes the following zones and places all lands subject to this By-law in one or more of the zones established in Table 1.3.1 through 1.3.6 inclusive and shown on Schedule A. For convenience in referring to groups of zones in this By-law, the zones are organized into categories as indicated by the Table captions.

Table 1.3.1 – Residential Zones

Zone Name	Zone Symbol
Residential Estate	RE
Residential Hamlet	RH
Residential First Density	R1
Residential First Density – Type A	R1A
Residential First Density – Mature Neighbourhood	R1M
Residential Second Density – Type A	R2A
Residential Second Density – Type B	R2B
Residential Third Density – Low Rise	R3L
Residential Third Density – Mid Rise	R3M
Residential Third Density – High Rise	R3H

Table 1.3.2 – Commercial Zones

Zone Name	Zone Symbol
Local Commercial	LC
General Commercial	GC
Highway Commercial	HC
Recreational Commercial	RC

Table 1.3.3 – Mixed Use Zones

Zone Name	Zone Symbol
Mixed Use Low Rise	ML
Mixed Use Mid Rise	MM
Mixed Use High Rise	MH
Mixed Use Office	MO

Table 1.3.4 – Employment Zones

Zone Name	Zone Symbol
General Employment	GE
Prestige Employment	PE
Mixed-Use Employment	ME
Office Employment	OE

Table 1.3.5 – Institutional Zones

Zone Name	Zone Symbol
General Institutional	I1
Major Institutional	I2

Table 1.3.6 – Other Zones

Zone Name	Zone Symbol
Utility and Transportation	UT
Agriculture	A
Park	P
Open Space	OS
Natural System	NS

## Section 1.9: Schedules

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**Note:** Draft 2 Schedules are available for viewing at the following website: [Brampton Proposed Comprehensive Zoning By-law \(First Preliminary Draft Parental Zoning\) \(arcgis.com\)](http://arcgis.com)

### 1.9.A Schedule A – Zone Map

- .1 The zones and their boundaries are shown on Schedule A which forms part of this By-law.

### 1.9.B Explanation of Zone Symbols on Schedule A

- .1 A zone label shown on Schedule A is comprised of a zone symbol as set out in Section 1.8 and may consist of other components as described in this section.
- .2 Where a zone symbol contains a hyphen followed by a number as a suffix (e.g., “-10”), the provisions of the corresponding Exception Zone of this By-law, contained in Chapter 12, shall apply to those lands.
- .3 Where a zone symbol is preceded by the symbol “(h)”, the following provisions shall apply:

- .a The only permitted uses, buildings and structures shall include those uses, buildings and structures that were legally existing when the holding symbol was applied to those lands by by-law.
  - .b The holding symbol shall be lifted only in accordance with the provisions for lifting the holding symbol as stated in the holding by-law.
  - .c Upon lifting the holding symbol, the permitted uses, lot and building requirements of the applicable zone shall apply.
  - .d Where the lands are subject to an Exception Zone that contains provisions for permitted uses or provisions for lifting the holding symbol, the Exception Zone shall take precedence over clauses .a through .c above.
- .4 Where a zone label includes a suffix denoted by a dash followed by the letter W and a value contained in parentheses (e.g., “-W(15)”), the minimum lot width for any land affected shall be as indicated in metres in the parentheses. This value, if shown, shall take precedence over the related zone requirement. If no value is shown, the zone requirements apply.
- .5 Where any land is subject to an overly suffix denoted by a dash followed by the letter H and one or more values contained in parentheses (e.g., “-H(10-30)”), the minimum and maximum permitted building height on the applicable land shall be as indicated in the parentheses, respectively, in metres. Where only one value is indicated in parentheses, the value shall be the maximum permitted building height. This value, if shown, shall take precedence over the related zone requirement. If no value is shown, the zone requirements apply.
- .6 Where any land is subject to an overly suffix denoted by a dash followed by the letter D and parentheses (e.g., “-D(0.5-3.5)), the minimum and maximum permitted floor space index on the applicable land shall be as indicated in the parentheses, respectively. Where only one value is indicated in parentheses, the value shall be the maximum permitted floor space index. This value, if shown, shall take precedence over the related zone requirement. If no value is shown, any zone requirements for floor space index shall apply.

#### **1.9.C Schedule B – Parking Regulation Areas**

- .1 The Parking Regulation Areas, referred to in Chapter 3 of this By-law, are shown on Schedule B which forms part of this By-law.

#### **1.9.D Schedule C – Lester B. Pearson International Airport Operating Area Overlay**

- .1 The Lester B. Pearson International Airport Operating Area Overlay is shown on Schedule C, which forms part of this By-law. In the areas subject to this overlay, the provisions of Section 2.7 apply.

#### **1.9.E Schedule D – Downtown Floodplain Overlay**

- .1 The Downtown Floodplain Overlay is shown on Schedule D, which forms part of this By-law. In the areas subject to this overlay, the provisions of Section 2.4 apply.

### 1.9.F Schedule E – Corridors and Boulevards

- .1 The Corridors and Boulevards are shown on Schedule E, which forms part of this By-law. The application of Schedule E – Corridors and Boulevards is specifically referenced by certain provisions of this By-law.

### 1.9.G Schedule F – Protected Major Transit Station Areas

- .1 The Protected Major Station Areas are shown on Schedule F, which forms part of this By-law. The application of Schedule F – Protected Major Station Areas is specifically referenced by certain provisions of this By-law.

## Section 1.10: Interpretation of Schedules

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The following provisions shall apply with respect to the interpretation of a zone boundary, the boundary of an overlay, the boundary of any regulation area referenced in this By-law, as shown on any Schedule to this By-law:

- .1 Where the boundary is indicated as following a public street, public lane, or railway, the boundary shall be the centre line of such public street, public lane or railway.
- .2 Where the boundary is indicated as approximately following lot lines shown on a registered plan of subdivision or of lots registered in the Land Registry Office, the boundary shall follow such lot lines.
- .3 Where a street, lane, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the Schedules, said street, lane, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse shall, unless otherwise indicated, be included in the zone, overlay, or Parking Regulation Area of the abutting property on either side thereof.
- .4 Where provisions .1 through .3 do not apply, where the boundary is deemed by the administrator of this By-law as being intended to follow the location or boundary of environmental features or their buffers, future roads, future lot lines, or otherwise is intended to follow a feature shown in any adopted, approved or conditionally approved development plan or associated approved study, the boundary shall be deemed to follow said feature.
- .5 Last, where none of the above provisions apply, the boundary shall be scaled from the Schedule.

## Section 1.11: Interpretation of By-law Text

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### 1.11.A Defined Terms

- .1 Wherever a term appears in the text of this By-law in bold letters, the term is intended to have the meaning set out for it in Chapter 11. Wherever a term appears in the text of this By-law in regular font, it is intended to have the meaning ordinarily attributed to it in the English language. When a verb is defined, the definition applies to all tenses of the verb.



### 1.11.B Interpretation of Permitted Use Tables

**Key**     **P** Permitted Use     **E** Legally existing use permitted

- .1 In this By-law, a use is only permitted if it is explicitly allowed by this By-law, and any other use shall not be permitted. Accessory uses shall also be subject to Section 2.1 of this By-law.
- .2 Where the permitted use key is shown in this By-law, the following shall apply:
  - .a **Permitted Use:** These uses are permitted in the corresponding zone(s) where the Permitted Use symbol is shown, provided the use complies with all of the applicable regulations of this By-law.
  - .b **Legally Existing Use Permitted:** These uses are permitted on a lot in the corresponding zone(s) where the Legally Existing Use Permitted symbol is shown, but only if the use was legally existing on the lot on the date of passing of this By-law.

### 1.11.C Words and Abbreviations

- .1 In this By-law, unless that context requires otherwise:
  - .a Words used in the singular number include the plural; and
  - .b Words used in the plural include the singular number
- .2 In this By-law, the word “shall” is mandatory.
- .3 In this By-law, “m” means metres.
- .4 In this By-law, “ha” means hectares.
- .5 In this By-law, “m<sup>2</sup>” means square metres.
- .6 In this By-law, all buildings, structures and uses permitted and classified under the headings "residential", "commercial", "industrial", "institutional" and "agricultural" may be referred to as residential, commercial, industrial, institutional and agricultural buildings, structures and uses, respectively.
- .7 In this By-law, unless the context requires otherwise:
  - .a the word “used” shall include the meaning “designed to be used” and “arranged to be used”; and,
  - .b the word "occupied" shall include the meaning "designed to be occupied" and "arranged to be occupied".

### 1.11.D Conflicts

- .1 Where there is conflict between any provisions of this By-law that apply to a circumstance, then the more restrictive provision shall apply.

**1.11.E Operative Parts and Convenience Features**

- .1 In this By-law, all of the text, tables and provisions thereto, and the schedules referenced in this By-law form the operative parts of this By-law.
- .2 In this By-law, any illustration or notation is provided for the purposes of convenience only and does not form a part of this By-law, unless the illustration or notation is explicitly referenced in the operative text of this By-law.

**1.11.F Reference to Legislation or Public Authorities**

- .1 Any reference to legislation, regulations or the names of any public authorities shall be deemed to incorporate any amendments or successor legislation or public authority.

**1.11.G Measurement of Yards**

- .1 Where this by-law requires a minimum yard, the yard shall be measured from the applicable lot line abutting the yard to the nearest part of the building or structure on the lot.
- .2 Where this by-law requires a maximum yard, the yard shall be measured from the applicable lot line abutting the yard to the furthest part of the building or structure on the lot.

**Section 1.12: Technical Revisions**

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**1.12.A Revisions**

Provided that the purpose, effect, intent, meaning and substance of this By-law are in no way affected, the following technical revisions to this By-law are permitted without a zoning by-law amendment:

- .1 Changes to the numbering, cross-referencing, format and arrangement of the text, tables, schedules and maps;
- .2 Additions to and revisions of technical information on maps and schedules including, but not limited to infrastructure and topographic information, road right-of-way limits, notes, legends, shading and title blocks. For clarity, this shall exclude any modifications to zone codes;
- .3 Alterations of punctuation or language;
- .4 Correction of grammatical, dimensional, boundary, mathematical or typographic errors;
- .5 Correction of the bolding of defined terms; and
- .6 Changes to the non-operative components of the By-law, such as illustrations provided for convenience, headers, footers and page numbers.

**1.12.B Allowance for Construction-Related Margin of Error**

- .1 Where a building permit has been lawfully issued and not revoked and where a constructed building or structure has been found to be in contravention of any minimum or maximum requirement for height, setbacks, or any parking space or parking aisle requirements by no more

than 0.03 m, said building or structure shall be deemed to comply with the applicable requirement of this By-law.