

SECTION 1. — AUTHORIZATION AND USAGE**1.1 TITLE**

This By-law shall be known and may be cited as the "Zoning By-law" of the Corporation of the Township of Wilberforce.

1.2 SCOPE**(a) Application of By-law**

The provisions of this By-law shall apply to all lands within the Corporation of the Township of Wilberforce.

(b) Conformity with By-law

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in conformity with the provisions of this By-law.

(c) Changes Causing Contravention of By-law

No person shall change the purpose of which any lot, building or structure is used, or erect any new building or structure or alter any existing building, structure or lot, or sever any lands from any existing lot, if the effect of such action is to create a situation where any original, adjoining, remaining or new building, structure or lot contravenes any of the applicable provisions of this By-law.

(d) Violations of Previous Zoning By-laws

Any use established in violation of a predecessor of this By-law shall be deemed to have been established unlawfully.

(e) Other Restrictions

This By-law shall not be used or have the effect to reduce or mitigate any other restrictions by an authority having lawful jurisdiction to make such restrictions.

(f) Permits and Licences

No Municipal permit, certificate or licence shall be issued for a proposed use of land, including any establishment, enlargement, alteration or change in use of any building or structure, that contravenes any provision of this By-law.

1.3 ADMINISTRATION

(a) Administrator

This By-law shall be administered by the Chief Building Official or by a Zoning Administrator appointed by Council, or by such other person as Council may designate from time to time for such purpose.

(b) Inspection

The Zoning Administrator, Chief Building Official or any officer or employee of the Corporation assigned the responsibility for enforcing this By-law may at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he believes a contravention is occurring. However, such officer shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, except under the authority of a search warrant as set out in Section 49 of the Planning Act.

(c) Certificate of Occupancy

No change may be made in the type of use of any lot covered by this By-law or of any building or structure on any such lot or of any part of such lot, building or structure, until a Certificate of Occupancy has been issued by the Chief Building Official or Zoning Administrator to the effect that the proposed use complies with this By-law.

(d) Violations and Penalties

Every person who contravenes any provision of this By-law on conviction is liable:

- i) on a first conviction to a fine of not more than \$25,000.00; and

- ii) on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted; and

Every corporation which contravenes any provision of this By-law on conviction is liable:

- iii) on a first conviction to a fine of not more than \$50,000.00 and
- iv) on a subsequent conviction a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
- v) every such penalty described herein is subject to the provisions of Section 67 of the Planning Act, and will change from time to time in accordance with the said Act.

(e) Remedies

Where a building or structure is or is proposed to be erected, altered or enlarged, or a building, structure or lot is or is proposed to be used in contravention of any provision of this By-law, such contravention may be restrained by action of the Corporation, and at the insistence of any ratepayer.

(f) Plans to Accompany Applications

In addition to all of the requirements of the Building Code and this By-law or any other By-law of the Corporation, every application for a building permit shall be accompanied by a plan, in duplicate, drawn to scale and showing,

- i) the true dimensions of the lot to be built upon or otherwise used;
- ii) the location of all existing buildings, structures or uses on the lot;
- iii) the proposed location, height and dimensions of any building, structures or use proposed for such lot;
- iv) the proposed locations and dimensions of yards, landscaped open spaces, parking areas and loading spaces required by this By-law; and

- v) a statement, signed by the owner, disclosing the specific existing or proposed use for each existing or proposed building or structure, and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law.

1.4 VALIDATION

- (a) Effective Date

This By-law shall come into effect from the date of its passing by Council and shall come into force in accordance with Section 34 of the Planning Act.

- (b) Repeal of Existing By-laws

From the coming into force of this By-law all previous By-laws passed under Section 34 of the Planning Act, or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said By-laws prohibits the use of any land, building or structure for a purpose that is also prohibited by this By-law.

- (c) Provisions Validity Separable

A decision of a competent court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or part of provisions of this By-law.

- (d) Schedules to By-law

The zones set out in this By-law and the boundaries of such zones are set out in the maps that are attached hereto and marked as Schedules. The Schedules are hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein.

1.5 INTERPRETATION

- (a) For the purposes of this By-law, words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number; the word "shall" is mandatory; the word "used" shall also mean "designed to be used"; and the word "occupied" shall also mean "designed to be occupied".

(b) Schedules to By-law

The zones set out in this By-law and the boundaries of such zones are set out in the maps that are attached hereto and marked as Schedules. The Schedules are hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein.

(c) Boundaries of Zones

Where uncertainty exists with respect to the boundaries of the various zones as shown on the Schedules (zoning maps) attached to this By-law the following rules shall apply,

i) Centreline Limits

Where the boundary is shown as following a street, lane, railway right-of-way or other right-of-way, such zone boundary shall be the centreline of the street, lane, railway right-of-way or other right-of-way.

ii) Lot Lines

Where the boundary is not shown to be a street, or other feature described in item (i), but is shown to substantially follow a lot line, such lot line shall be the zone boundary unless specifically indicated otherwise on the Schedule.

iii) Closed Road, Right-of-Way

In the event that a dedicated road, lane or railway right-of-way shown on the Schedule is closed, the property formerly in such road, lane or railway shall be included within the zone of adjoining property on either side of such closed feature. Where such closed feature formed a zone boundary, the new zone boundary shall be the former centreline of the closed road, lane or railway.

iv) Shoreline

Where the boundary is shown as following the shoreline of any waterbody, the high water mark shall be the zone boundary.

v) Other Boundaries

Where none of the above interpretations can be applied, then the location of the boundary shall be determined by scaling from the original Schedule(s) located in the Municipal offices.

(d) Measurements

Where linear distances, other than those referring to vertical measurements are specified, such linear distances are measured on a horizontal plane.

(e) Lots With More Than One Zone

i) Where a lot is divided into two or more zones, each such portion of the lot shall be used in accordance with the Zone Provisions of this By-law for the applicable Zones established hereunder.

ii) Notwithstanding anything to the contrary in paragraph i) of this subsection, where part of a lot is within the Environmental Protection (EP) Zone, such lands zoned EP may be used in the calculation of lot frontage, lot area, required yards, and lot coverage provided that the maximum for lot area, lot frontage and area of the required front yard within the EP Zone is 50 per cent.

(f) Lots Containing More Than One Use

Notwithstanding any other provisions of this By-law, where any land, building or structure is used for more than one purpose (exclusive of accessory uses), all provisions of this By-law shall be complied with for each use, except in the case of lot area, lot frontage, lot coverage and minimum yard requirements in which case the most restrictive or stringent requirement shall apply. However, this shall not be construed as permitting a smaller lot area than that which the Renfrew County and District Health Unit may require for a private waste disposal system(s) for such multiple uses.

(g) Statute References

References to Statutes imply the most recent statutes, as amended (e.g. Planning Act: Planning Act, R.S.O., 1990 c.P. 13, as amended). Therefore, this By-law need not be amended to maintain the applicability of such references.