

SECTION 1 APPLICATION, INTERPRETATION AND ENFORCEMENT

(1) **TITLE OF BY-LAW**

This By-Law may be cited as "The Zoning By-Law".

(2) **SCOPE OF BY-LAW**

(a) **LANDS SUBJECT TO BY-LAW**

The provisions of this By-Law shall apply to all those lands lying within the corporate limits of the Town of Aylmer.

(b) **CONFORMITY WITH BY-LAW**

No lands shall be used and no building or structure shall be erected, altered or used within the Corporation except in conformity with the provisions of this By-Law and except as permitted by this By-Law.

(c) **EXISTING USE CONTINUED**

Nothing in this By-Law shall apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-Law if such lot, building or structure was lawfully used for such use prior to the passing of this By-Law, so long as it continued to be used for that purpose.

For the purposes of this By-Law, lawfully used will be restricted for purposes of proof to existing as of January 1, 1999.

(d) **PLANS APPROVED PRIOR TO BY-LAW**

Nothing in this By-Law shall prevent the erection or use of any building or structure for a purpose prohibited by the provisions of this By-Law, if the plans for such building or structure were approved by the Corporation and either a building permit was issued or a Site Plan Agreement entered into prior to the date of passing of this By-Law, so long as:

- (i) when such building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which the said building or structure was intended when such building permit was issued or such Site Plan Agreement was entered into and shall not be altered in any way except in conformity with the provisions of this By-Law; and

- (ii) the erection of such building or structure is commenced within two years after the date of passing of this By-Law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

(e) **COMPLIANCE WITH OTHER RESTRICTIONS**

This By-Law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.

(3) ADMINISTRATION

This By-Law shall be administered by a person designated from time to time by Council as the By-Law Enforcement Officer or such other person as the Council of the Town of Aylmer designates.

(4) INSPECTION

- (a) Subject to Clause (b) of this Subsection, the Zoning Administrator and/or the By-Law Enforcement Officer, or any other officer or employee of the Corporation acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-Law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under the *Provincial Offences Act*, or any successors thereto.

(5) APPLICATION FOR BUILDING PERMITS

In addition to all of the requirements of the Building Code or any other by-law of the Corporation, no building permit shall be issued in respect of the erection or alteration of a building or structure until the following have been submitted to and approved by the By-Law Enforcement Officer and/or Chief Building Official.

- (a) two copies of a Site Plan, one copy of which shall be retained by the Zoning Administrator and/or Chief Building Official, 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, grade, height, and dimensions of any building, structure or use proposed for such lot; and
 - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas, and loading spaces.
- (b) a statement, signed by the owner, disclosing the specific 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; and
- (c) two copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same will be upon completion of the proposed erection or alterations and when the re-distribution of all topsoil has been completed.

(6) ISSUANCE OF BUILDING PERMITS

Notwithstanding the provisions of the Building By-Law or any other by-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

(7) REQUESTS FOR AMENDMENTS

Every request for an amendment to this By-Law shall be accompanied by a completed copy of the appropriate application form provided by the Corporation.

(8) RISK, EXPENSE AND COMPLIANCE

The facilities, yards or other matters required by this By-Law shall be provided and maintained at the sole risk and expense of the owner of the lands in respect of which such matters are required hereby, and the said owner shall at all times bear full responsibility for ensuring compliance in all respects with this By-Law.

(9) INTERPRETATION OF BY-LAW

(a) DEFINITIONS

In this By-Law, unless the context requires otherwise, the definitions and interpretations set out in Section 2 hereof shall apply

(b) SINGULAR AND PLURAL WORDS AND GENDERS

In this By-Law, unless the context requires otherwise:

- (i) words used in the singular include the plural;
- (ii) words used in the plural include the singular; and
- (iii) words used in the masculine gender include the feminine and neuter.

(c) "SHALL" IS MANDATORY

In this By-Law, the word "shall" is mandatory.

(d) "USE" AND "OCCUPY"

In this By-Law, unless the context requires otherwise:

- (i) the verb "use" shall include "design to be used", "arrange to be used", "intend to be used", and "permit to be used"; and
- (ii) the verb "occupy" shall include "design to be occupied", "arrange to be occupied", "intend to be occupied", and "permit to be occupied".

(10) **SCHEDULES TO BY-LAW**

(a) PART OF BY-LAW

Schedule "A" which is attached hereto and described in this Subsection, is hereby made a part of this By-Law as fully and to all intent and purposes as though recited in full herein.

(b) SCHEDULE "A" – ZONE MAPS

The extent and boundaries of all zones and restricted areas are set out on the maps comprising Schedule "A" hereto and shall be interpreted in accordance with the following:

- (i) Boundaries of zones and restricted areas shall be construed wherever possible, to be concurrent with lot lines, property boundaries, centreline of street, street lines, high water marks, top of bank or other Conservation Authority regulation lines,

boundaries of right-of-ways for railways, hydro-electric transmission corridors or pipelines, or boundaries of registered plans.

- (ii) In the event that a street or lane which forms the boundary between two or more different zones is closed, the boundary between such zones shall be construed as the former centreline of the said closed street or lane.
- (iii) Where uncertainty exists as to the location of a zone boundary on Schedule "A" hereto or on a Schedule to any amendment to this By-Law, reference shall be made to the original scales of 1:4000 as contained in the Municipal Offices and shall be deemed to be the centre point of the line on such Schedule which denotes the said zone boundary.

(11) VIOLATIONS AND PENALTIES

- (a) Every person, other than a corporation, who knowingly contravenes this By-Law is guilty of an offence and on conviction is liable:
 - (i) on a first conviction, to a fine of not more than \$25,000; and
 - (ii) on a subsequent conviction, to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.
- (b) Every corporation, including every director or officer of the corporation, other than the Corporation of the Town of Aylmer, who knowingly contravenes this By-Law is guilty of an offence and on conviction is liable:
 - (i) On a first conviction, to a fine of not more than \$50,000; and
 - (ii) On a subsequent conviction, to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

(12) REMEDIES

- (a) Where any building or structure is erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is used, or any lot is used, in contravention of any requirements or other provisions of this By-Law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of the *Planning Act*, 1990, or the *Municipal Act*, S.O., 2001, in that behalf.

- (b) Where a person guilty of a violation against this By-Law has been directed to remedy such violation and is in default of doing any work thus required, then such work may be done at his expense by the Corporation, at its sole discretion, and the Corporation shall have the unlimited right to recover any expenses thus incurred by action or in like manner as municipal taxes, and such expenses shall be in addition to and not in derogation of any remedy by way of mandamus, injunction or otherwise.

(13) VALIDITY

If any section, clause or provision of this By-Law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

(14) REPEAL OF EXISTING BY-LAWS

- (a) TOWN OF AYLMER

All previous by-laws of the former Corporation of the Town of Aylmer passed pursuant to Section 34 of the *Planning Act*, are hereby repealed.

- (b) FORMER TOWNSHIP OF MALAHIDE

All previous by-laws passed by the former Corporation of the Township of Malahide pursuant to Section 34 of the *Planning Act*, as they apply to the lands formerly of the Corporation of the Township of Malahide are hereby repealed.

(15) MEASUREMENTS

All measurements of length or area used in this By-Law shall be subject to the normal rules of rounding numbers, within the degree of precision specified by the number of digits following the decimal point (if any), so that:

- (a) For a WHOLE NUMBER, measurements of LESS THAN 0.5 shall be rounded DOWNWARD to the next whole unit;
- (b) For a WHOLE NUMBER, measurements of 0.5 AND GREATER shall be rounded UPWARD to the next whole unit;

- (c) For a number having ONE DECIMAL PLACE, measurements of LESS THAN 0.05 shall be rounded DOWNWARD to the next one-tenth unit;
- (d) For a number of ONE DECIMAL PLACE, measurements of 0.05 AND GREATER shall be rounded UPWARD to the next one-tenth unit.

Ratios and percentage figures shall not be subject to rounding.

(16) NON-CONFORMING BUILDING LOCATION

Notwithstanding any other aspect of this By-Law, any lot, and the location thereon, or any building or structure accessory thereto, which existed on or before January 1, 1999, shall be deemed to comply with the relevant regulations for setback, building line, front yard, side yard, rear yard, and lot coverage.