

SECTION 1 – BY-LAW INTERPRETATION AND ADMINISTRATION

1.1 TITLE OF BY-LAW

This By-law may be cited as "The Township of Otonabee-South Monaghan Comprehensive Zoning By-law".

1.2 SCOPE

The provisions of this By-law shall apply to all lands within the limits of the Corporation of the Township of Otonabee-South Monaghan.

1.3 APPLICATION CONFORMITY

Except as provided by the *Planning Act*, R.S.O. 1990, as amended, no building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or enlarged within the limits of the Municipality as now hereafter legally constituted except in conformity with this By-law.

No lands shall be severed from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention of this By-law.

Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

1.4 MINIMUM AND MAXIMUM REQUIREMENTS

In their interpretation and application, the provisions of this By-law are held to be the minimum and maximum requirements adopted for the promotion of public health and safety, land use compatibility and general welfare.

1.5 INTERPRETATION

Unless the contrary intention appears in this By-law, words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one, and females as well as males, and the converse. Words used in the present tense include the future, and the word "shall" is mandatory and not directory.

"Illustrations" and "Notes" contained in this document are provided for information and convenience, and do not form part of this By-law.

1.6 COMMITTEE OF ADJUSTMENT

Where the uses of land, buildings or structures permitted in the By-law are defined in general terms, the Committee of Adjustment may permit the use of any land, buildings or structures for any purpose that, in the opinion of the Committee, conforms to the uses permitted in this By-law.

1.7 ZONING ADMINISTRATION

This By-law shall be administered and enforced by the By-law Enforcement Officer, as appointed by Council.

1.8 BUILDING PERMITS

Notwithstanding the provisions of the Ontario Building Code or the Corporation's Building By-law or any other By-law of the Corporation, no building permit shall be issued where the proposed building, structure, or use would be in violation of any of the provisions of this By-law.

1.9 INSPECTION

(a) Conditions of Entry:

Subject to clause (b) of this subsection, the By-law Enforcement Officer, Chief Building Official, or any other authorized officer or employee of the Corporation, 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) Restrictions for Entry of Dwelling:

Notwithstanding any provision of clause (a) of this subsection to the contrary, no officer or employee of the Corporation shall enter any room or place being used as a dwelling or part thereof without the consent of the occupant except under the authority of a search warrant issued pursuant to the *Provincial Offences Act*.

1.10 APPLICATION OF OTHER STATUTES AND BY-LAWS

Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the *Ontario Building Code Act* or of any By-law of the Township of Otonabee-South Monaghan in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the Township of Otonabee-South Monaghan.

1.11 VALIDITY

If any section, clause or provision of this By-law, including anything contained in the Zone 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 thereof shall have been declared to be valid.

1.12 LITIGATION

This By-law does not affect the rights of any party in any action, litigation or other proceeding pending on the date of the final passage thereof, except to the extent to be determined in the final adjudication of such action, litigation or other proceedings.

1.13 APPLICATION FOR BUILDING PERMITS

In addition to the requirements of the Building By-law, every application for a building permit shall be accompanied by a site plan in duplicate, drawn to scale and showing the following:

- (a) The true shape and dimension of the lot to be used or upon which it is proposed to erect any building or structure;
- (b) The proposed location, height and dimensions of any building, structure or use proposed for such lot;
- (c) Proposed location and dimensions of any yards, setbacks, landscaping, off-street parking spaces or off-street loading facilities required by this By-law;
- (d) The location of all existing buildings or structures on the lot; and
- (e) A statement signed by the owner or his agent duly authorized thereunto in

writing, filed with the building inspector, disclosing the current and intended use of each building and structure or part thereof, the sanitary facilities available and all information necessary to determine whether or not such proposed or existing buildings structure or use conforms to the requirements of the By-law.

1.14 METRIC VALUES AND IMPERIAL CONVERSIONS

This By-law has been prepared in metric with imperial conversion (rounded) provided for information only. The metric value shall be utilized for any specific provision or regulation contained in this By-law or as it may relate to another provision or regulation contained in this By-law.