
SECTION 1

AUTHORIZATION AND ADMINISTRATION

1.1 Title

This By-law shall be known as the "Zoning By-law" of the Corporation of the Township of South Dundas.

1.2 Defined Area

The provisions of this By-law shall apply to all lands within the boundaries of the Township of South Dundas.

1.3 Scope

No land shall be used and no buildings or structures shall be erected, altered, enlarged, or used within the Township of South Dundas except in conformity with the provisions of this By-law. This By-law shall not reduce or mitigate any restrictions lawfully imposed by an authority having jurisdiction to make such restrictions. No person shall change the purpose for which any land, building or structure is used, or erect any new building or structure or addition to any existing building or structure or sever any lands from an existing parcel if the effect of such action is to cause the original, adjoining or remaining lands, buildings or structures to be in contravention of this By-law.

1.4 Violations and Penalties

Any person convicted of a breach of any of the provisions of this By-law shall be liable to a fine in accordance with the provisions of the Planning Act and every penalty shall be recoverable under the Provincial Offences Act.

Where a conviction is entered under this Subsection, in addition to any other remedy or any penalty provided by this By-law, the applicable court may make an order prohibiting the continuation or repetition of the offence by the person convicted.

1.5 Remedies

Where any building, structure or use is in contravention of any provisions of this By-law, such contravention may be restrained by action at the instance of any ratepayer or by the Corporation.

1.6 Effective Date

This By-law shall come into full force and effect as of the date of passing by Council, subject to the provisions of the Planning Act.

1.7 Validity

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.8 Administrator

This By-law shall be administered by a person designated by the Council of the Township of South Dundas as the "Zoning Administrator".

1.9 Inspection of Premises

The Zoning Administrator or any employee of the Corporation acting under his direction, may, at any reasonable hour, request entry to inspect a property or premises for the purpose of carrying out his duties under this By-law. Notwithstanding the foregoing, the Zoning Administrator, By-law Enforcement Officer or other employee shall not enter into a dwelling unit without the consent of the occupant except under the authority of a search warrant.

1.10 Licences and Permits

No municipal permit, certificate, or licence shall be issued for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in contravention of any provision of this By-law. In addition, where the approval of another agency or authority is required, such approval shall be obtained and submitted to the Zoning Administrator prior to the issuance of a building permit.

Notwithstanding the above, receipt of such approval shall not be deemed to establish conformity with the provisions of this By-law.

1.11 Certificate of Occupancy

No change shall be made in the type of use of any land, building or structure within any zone, without first obtaining a Certificate of Occupancy, from the Municipality, in accordance with the Ontario Building Code, as amended.

1.12 Applications and Plans

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

- (a) the true dimensions of the lot to be built upon or otherwise used;

- (b) the proposed location, height and dimensions of any building, structure or use proposed for such lot, including any water supply and sewage disposal facilities;
- (c) the proposed locations and dimensions of yards, landscaped open spaces, parking areas and loading spaces 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, disclosing the exact use proposed for each building, structure or use and giving all information necessary to determine if such proposed or existing building, structure or use conforms to the requirements of this By-law.

1.13 Interpretation

(1) Definitions

In this By-law, unless the context requires otherwise, the definitions set out in Section 2 hereof shall apply. Words not defined shall have the customary meaning or as defined in a standard dictionary.

(2) Singular and Plural Words and Genders

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

- (a) words used in the singular include the plural;
- (b) words used in the plural include the singular; and
- (c) words used in the masculine gender include the feminine and neuter.

(3) "Shall" is Mandatory

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

(4) "Use" and "Occupy"

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

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

- (5) Schedules to By-law which are attached hereto and described in this Section are hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein. Schedules may be referred to as the Zoning Maps:

Schedule 1 – Matilda
Schedule 2 – Williamsburg
Schedule 3 – Iroquois
Schedule 4 – Morrisburg
Schedule 5 – Matilda – North Hamlets
Schedule 6 – Matilda – South Hamlets
Schedule 7 – Williamsburg Hamlets
Schedule 8 – Iroquois West
Schedule 9 – Lakeshore
Schedule 10 – Upper Canada West, and
Schedule 11 – Upper Canada East

- (6) Interpretation of Zoning Boundaries
- (a) Boundaries of zones shall be construed wherever possible, to be concurrent with lot lines of a registered plan, property boundaries, centre lines of streets, street allowances, closed street allowances, rights-of-way for railways, hydro-electric transmission corridors or pipelines, lot or concession boundaries, or high water marks, water courses, regulatory floodlines or other conservation authority regulation lines or boundaries of registered plans. In the event that a street, lane, right-of-way or any portion thereof is closed and where such street or right-of-way was a zone boundary, the new zone boundary shall be the former centre line of the closed street, lane, or right-of-way.
- (b) Where the boundary of a zone appears to be parallel to a lot line, property boundary, a street, highway, lane or a street allowance, a closed street allowance or the right-of-way of a railway, hydro-electric transmission corridor or pipeline, such boundary shall be construed as being parallel to such feature at the distance determined by the scale of the applicable Schedule.
- (c) Where a zone boundary is indicated as approximately following a natural feature such as a height of land, ridge or contour line, the boundary shall be the natural feature. Where a zone boundary is shown to follow a shoreline, the high water mark and any changes thereto shall be taken to be the boundary. Where the boundary of an environmental protection zone, hazard zone or wetland zone, watercourse, top of bank, high water mark or similar environmental feature as interpreted in the field to the satisfaction of the conservation authority or the Ministry of Natural Resources varies from the limit shown on Schedule “A” to this By-law, the refined limit as interpreted in the field, shall be deemed to be the zone boundary, without the requirement for an amendment to the By-law.
- (d) Where a zone boundary is indicated as passing through undeveloped land, the said boundary shall be scaled from the applicable Schedules.

- (e) Where a zone boundary is indicated as approximately following Township or Settlement Area limits, the limits shall be the same as the noted limit.
 - (f) Where none of the foregoing provisions apply and where appropriate, the boundaries shall be scaled from the applicable Schedules.
 - (g) Where the boundary of a zone is represented on Schedules showing varied levels of detail, and such boundary is contested due to conflict, the boundary shall be deemed to be that as shown on the more detailed or smaller scale schedule.
- (7) Multiple Uses

Unless otherwise prohibited by this By-law and provided all the applicable requirements of this By-law are satisfied, a lot, structure or building may contain more than one use permitted in the designated zone. Where any land or building is used for more than one purpose, use or zone, all provisions of this By-law relating to each use shall be complied with except as otherwise provided for in this By-law. Where there is conflict between the requirements of such uses (e.g. lot size, lot frontage or yards), the more restrictive requirements shall prevail.

(8) Lot Coverage Requirements

Unless otherwise provided, the maximum lot coverage requirements of any individual zone shall include the total area of a lot that can be covered by both main buildings and accessory buildings contained on the lot.

(9) Typographical Corrections

No amendment to this By-law shall be required in order for the Corporation to make typographical changes where, in the opinion of the Corporation, such corrections do not affect the intent of the By-law.

(10) References to Other Legislation and Agencies

Where this By-law makes reference to legislation of the Government of Ontario or the Government of Canada, such reference shall be deemed to include any and all amendments or successors or changes in the titles, numbering, or regulations thereunder. Where this By-law makes reference to the jurisdiction of a public agency and where the name or responsibilities of said public agency are changed, the said reference shall be deemed to include any and all successors to such public agency or legislation. Reference to MDS I or MDS II formulae shall be deemed to include the most current standards.

(11) Compliance with Zoning Requirements

The extent and boundaries of all zones are shown on the Schedules attached hereto. For all such zones, both the general provisions and specific zone provisions shall be met.

The provisions of this By-law shall be held to be the minimum (or maximum, where applicable) requirements adopted for the promotion of the public health, safety, convenience and general welfare of the public. Nothing shall prevent any person from erecting a building or structure or from undertaking any development which exceeds the minimum requirements of this By-law.

(12) Zone Symbols

The short form symbols used on the Schedules attached hereto refer to individual zones used in the By-law and may be used when describing or making reference to any zone herein.

(13) Lots Split By More Than One Zone

Where a lot has more than one zone applying to it, each such portion of the lot shall be used in accordance with the provisions of this By-law for the applicable zones. Where the use or uses of a lot divided into two or more zones are permitted in all such zones, the more restrictive zone requirements shall apply.

(14) Calculation of Numerical Requirements

Where the application of this By-law results in a fraction the more restrictive requirement shall apply.

(15) Lots Affected By Government Action

Where a lot is reduced by a Government action such as road widening, property acquisition or expropriation and the resulting lot is below the minimum lot frontage or area for the zone, or a setback is no longer in conformity, or if any other provision of the By-law is no longer in conformity as a result of such action, the lot shall be deemed to be in conformity with the requirements provided all other applicable requirements of the zone and this By-law are satisfied.

(16) Prohibited Uses

With respect to any lands to which this By-law applies, all uses are prohibited unless specifically permitted in this By-law.

1.14 Repeal of Existing By-laws

The following Zoning By-laws and all amendments thereto of the former Village of Morrisburg (38-81), the former Village of Iroquois (5-93), the former Township of Matilda (93-34), and the former Township of Williamsburg (23-80) enacted pursuant to Section 34 of the Planning Act, as they may affect the lands which are governed by this By-law, are hereby repealed and such repeal shall come into effect upon the date that this By-law comes into force.

1.15 Request for Amendment

Every request for an amendment to this Zoning By-law shall be accompanied by two (2) completed copies of the Corporation's "Application for Amendment to Zoning By-law".

1.16 Notes

Where "notes" are included in this By-law, they are provided for explanation purposes and do not form a part of this By-law.