

PART B - GENERAL PROVISIONS

ADMINISTRATIVE

1. ADMINISTRATION

- (1) This By-Law shall be administered by a person designated from time to time by the Council as the Zoning Administrator.
- (2) Where land is proposed to be used or a building or structure is proposed to be erected or used in violation of this By-Law:
 - a) No permit for the use of the land or for the erection of use of the building or structure shall be issued;
 - b) No certificate of occupancy for change of use shall be issued; and
 - c) No municipal license shall be issued.
- (3) A person who wishes this By-Law amended may apply to the Council setting out the desired amendment, and shall address the application to the Planning Department. The application shall include appropriate site plans showing proposed use, setback, location of parking areas, location of entrance and exit driveways, et cetera.
(3129-95)
- (4) It shall be unlawful to use any building or structure, or a part thereof, hereafter erected or altered, or change the type of use of any land, building or structure or part thereof, until an official certificate of occupancy has been issued by the Zoning Administrator certifying that such use conforms to the provisions of this By-Law, but no such certificate shall be refused if the proposed use is permitted by this By-Law.
- (5) The Zoning Administrator, or any employee of the Township of Sidney acting under his direction, is hereby authorized to enter, during business hours, upon any property or premises for the purpose of carrying out his duties under this By-Law.
- (6) The Zoning Administrator of this By-Law may designate either street line of a through lot as the front lot line.
- (7) In the event of conflict between this By-Law and any general or special by-law, the most restrictive By-law shall prevail.
- (8) It shall be unlawful to use any part of a dwelling or a dwelling unit for a

home occupation, rural home occupation or an office for a professional person or change the type of such a use unless a licence has been issued by the Zoning Administrator, certifying that the home occupation, rural home occupation or office for a professional person use conforms to the provisions of this By-Law. Such licence shall be valid for one year, is not transferrable and may be renewable thereafter.

(3129-95)

- (9) In addition to the requirements of The Building Code, every application for a building permit shall be accompanied by plans, in duplicate, drawn to a scale, based upon an actual survey by an Ontario Land surveyor, (except for a parcel of land located in an A1 or A2 Zone), showing the true shape and dimension of the lot to be used, or upon which it is proposed to erect any building or structure and showing the proposed location, height and dimensions of the building or structure or work, in respect of which the permit is applied for, and the location of every building or structure already erected on or partly on such a lot, together with a block plan, and a statement signed by the owner or his agent duly authorized thereunto in writing filed with the Zoning Administrator, which statement shall set forth in detail the current and intended use of each building and structure, or part thereof, the sanitary facilities available, satisfactory storm water management facilities and all information necessary to determine whether or not every such building conforms with the aforesaid requirements of this By-Law.
(3129-95)
- (10) Scale drawings shall be submitted with the application for the building permit showing the location of all parking spaces, entrances and exits to such parking areas.
- (11) The lot and proposed location of every building or structure thereon shall be staked out on the ground before construction is started; and the lack of a land survey or an error in staking does not relieve any person from liability for not complying with the requirements of this By-Law.
- (12) No person shall use land or erect or use a building or structure for the storage of naphtha, gasoline, dynamite, dualin, nitroglycerine or gun power, petroleum or other dangerous or combustible, inflammable or explosive substances except in accordance with all provisions of this By-Law and provided that the handling and storage of such substances are in accordance with all Federal and Provincial statutes and regulations governing the handling and storage of such substances.
- (13) Notwithstanding the provisions of Subsection (12), where dangerous or combustible inflammable or explosive substances referred to in this Subsection (12) above are an incidental but integral part of a

manufacturing or farming operation such substances may be used and stored on the premises of an industrial or farming operation subject to all other provisions of this By-Law and provided that the handling and storage of such substances are in accordance with all other statutes and regulations governing the handling and storage of such substances.

- (14) No person shall use land or erect or use a building or structure in the defined area for any purpose which from its nature of the material used therein is, under the Health Protection and Promotion Act or regulations thereunder, declared to be a noxious trade, business or manufacture. (3129-95)
- (15) Notwithstanding anything herein contained in this By-Law to the contrary, no person shall erect any building or structure or use any lot in any zone for any purpose, other than a non-residential building or structure accessory to a permitted farm, unless the lot on which such building or structure is to be located has frontage on an improved street which abuts said lot and unless the appropriate public authority has issued an entrance permit to provide access for vehicular traffic in the form of an unobstructed driveway from such lot to the improved street which abuts said lot.

This provision shall not apply to a lot in a registered plan of subdivision where:

- a) subdivision agreement between the owner of the subdivision lands and the corporation has been entered into after the 1st day of January, 1986, and has been registered against the title of the said lot at the Registry Office for the County of Hastings; and
- b) there is no outstanding default with respect to any of the provisions of the said subdivision agreement; and
- c) the said subdivision agreement includes an obligation on the part of the owner to construct all streets in the subdivision to the standards prescribed by the Corporation; and
- d) the Corporation has in its possession security in the form of either a letter of credit or performance bond only and such security is in an amount sufficient to cover the full cost of constructing all streets in the subdivision to the standards prescribed by the Corporation. (2271-86)
- (16) a) Notwithstanding any other provision of this By-Law except as otherwise provided by specific exception to this provision, nothing shall prevent the erection of a permitted single detached dwelling on an existing lot in a Residential Zone which has insufficient lot frontage or

- lot area provided all other provisions of this By-Law are complied with.
- b) Where an existing detached single detached dwelling is located on a lot in a residential zone or an existing dwelling is located on an SR zoned lot such an existing dwelling and lot shall be deemed to comply with all requirements of this By-Law.
(3129-95)
- (17) Except as otherwise provided in this By-Law on a corner lot, the side yard requirement along the outside side lot line shall not be less than the front yard requirement for the zone in which such corner lot is situated.
- (18) Except as otherwise provided in this By-Law, no person shall hereafter erect or use in whole or in part, any main building for any purpose unless serviced by and connected to:
- a) an adequate well water system;
 - b) a private sewage disposal system approved by the Minister of Environment and Energy and/or its agents;
 - c) an improved street;
 - d) an adequate electric supply approved by the appropriate authority, and/or an adequate Natural Gas Supply;
 - e) notwithstanding Part B, Section 1(18)b) of this By-Law, main buildings on lands shown on Schedule B may be permitted to be serviced by and connected to an adequate public sewage disposal (municipal sanitary sewer) system of a design and at a location satisfactory to the Ministry of Environment and Energy and the Municipality, and subject to an agreement satisfactory to the Municipality setting out the basis of the subject system's design, operation and maintenance .
(2991-93) (3129-95)
- ~~(19) Where a lot adjoins a boundary line of two different zones, any side yard or rear yard which is directly adjacent to the said boundary line in the least restricted zone shall be increased in minimum width or depth to the average of the required minimum width or depth of such yards in the two different zones.
(2016-85 deleted item 19)~~
- (20) No development shall take place on any parcel of land designated as a "Site Plan Control Area" in the "Site Plan Control By-Law" unless the Council of the Corporation has approved such plans and drawings required under the provisions of the "Site Plan Control By-Law".

2. USE PRIOR TO THE BY-LAW AND ALIENATION OF LAND

- (1) Nothing in this By-Law shall apply:
 - a) to prevent the use or maintenance of any land, building or structure for any purpose prohibited by the By-Law if such land, building or structure was lawfully used for such purpose on the day of passing of the By-Law, so long as it continues to be used for that purpose;
 - b) to prevent the erection, maintenance or use for a purpose prohibited by the By-Law of any building or structure the plans of which have, prior to the day of passing of the By-Law, been approved by the Chief Building Official, 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 erection of such building or structure is commenced within two (2) years after the day of the passing of the By-Law and such building or structure is completed within a reasonable time after the erection thereof is commenced.
- (2)
 - a) Nothing in the By-Law shall prevent the strengthening or restoration to a safe condition of any non-conforming building or structure, provided such restoration or repair does not increase the height or size or change the use of such building or structure, unless such change in use is in conformity with the provisions of the zone in which such use is located.
 - c) A building destroyed by fire, or any other Act of God, may be restored and reconstructed on the same lot provided the yards existing at the time prior to the destruction are maintained, or are not reduced to a depth lesser than required by this By-Law.
- (3) Notwithstanding anything in this By-Law, no person shall reduce any lot in area, either by conveyance or other alienation of title of any portion thereof so that the area covered by buildings or structures on the lot exceeds the maximum permitted by this By-Law, or the yards provided are less than the minimum permitted by this By-Law, for the zone in which the lot is situated. However, no person shall be deemed to have contravened any provision of this By-Law by reason of the fact that any part or parts of any lot has or have been conveyed to or acquired by any Public Authority.
- (4) Group home facilities existing on the date the By-Law comes into effect and which meet Provincial standards but do not comply with the By-Law definition or separation distance requirements will be allowed to continue operating as legal non-conforming uses. These facilities will not be permitted to expand their operations beyond what existed on the date the Zoning By-Law came into effect, without Township approval.
(2460-86)

- (5) Nothing in the By-Law shall prohibit a second dwelling unit as a permitted use within a permitted detached single detached dwelling, semi-detached dwelling or horizontal multiple attached dwelling in any RI, R2, R2S, R3 and R4S zones provided the single detached dwelling, semi-detached dwelling or horizontal multiple attached dwelling complies with all other applicable provisions of the zone in which they are located and all applicable Provincial statutes and regulations .
(3129-95)

3. EXTERNAL DESIGN AND CHARACTER OF BUILDINGS

- (1) All buildings or structures hereafter erected shall have the roofs and outside walls finished with suitable material recognized as an outside cladding material.
- (2) No person shall erect on lots in any block within a single detached, semi-detached and/or duplex dwelling project, dwellings, more than twenty percent (20%) of which are alike in external design, with respect to size and location of doors, windows and projecting balconies.
- (3) In a residential development no more than three (3) dwellings alike in external design shall be built upon adjoining lots that front on the same street.
- (4) Where this By-Law permits land to be used and buildings and structures to be erected thereon in compliance with provisions respecting external appearance of buildings, yards, parking and loading spaces, landscaping and erecting of signs, those things required by the provisions shall be hereafter maintained.

4. VIOLATIONS AND PENALTIES

- (1) Every person who uses any land, building or structure in a manner contrary to the requirements of this By-Law, or who causes or permits such use, or who contravenes any provision of this By-Law or causes or permits a violation, and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on a first conviction is liable to a fine of not more than \$25,000.00 and on a subsequent conviction is liable 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 the person was first convicted.
(3129-95)
- (2) Where a corporation is convicted under subparagraph 1 above, the maximum penalty that may be imposed is:

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- (a) on a first conviction, a fine of not more than \$50,000.00 and
- (b) 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 upon which the corporation was first convicted.
(3129-95)

- (3) Where a conviction is entered under subparagraph 1 above, in addition to any other remedy or penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make and order prohibiting the continuation or repetition of the offence by the person.
(3129-95)

- (4) The foregoing provisions shall be in addition to any other remedy or penalty provided by by-law and any contravention may be restrained by action at the instance of the Township or any ratepayer of the Township.
(3129-95)

5. REPEAL

- (1) The following By-Laws of the Township of Sidney are hereby repealed: 1372; 1429; 1652; 1735, as amended; 2032-79.

6. VALIDITY

- (1) If any provision or requirement of this By-Law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-Law or the application of such provision or requirement to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby, it being the intention of Council that each provision and requirement of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.
(3129-95)

7. EFFECTIVE DATE

- (1) This By-Law shall come into force and take effect upon the final passing thereof by the council.
(3129-95)