

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NO. 19/85

Being a By-Law to regulate the use of lands and the character, location and use of buildings and structures within the Township of Puslinch, pursuant to Section 34 of the Planning Act, 1983.

PREAMBLE

WHEREAS Section 34 of the Planning Act, 1983, provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the Township of Puslinch has recommended that such a by-law be enacted in order to implement the policies and designations contained within the Official Plan for the Township of Puslinch and to ensure proper and orderly development within the corporate limits of the Township of Puslinch;

AND WHEREAS the Council of the Corporation of the Township of Puslinch has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE, the Council of the Corporation of the Township of Puslinch ENACTS as follows:

PART I: INTRODUCTION, INTERPRETATION AND GENERAL PROVISIONS

SECTION 1 - Introduction

1.1 TITLE OF BY-LAW

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

1.2 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 Township of Puslinch.

(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 altered, in whole or in part, except in conformity with the provisions of this By-Law.

(c) Existing Uses Continued

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

(d) Plans Approved Prior To By-Law

Nothing in this By-Law shall prevent the erection or use of any building or structure that does not comply with one or more of 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 was entered into prior to the date of passing of this By-Law, provided that:

- (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 prior to the expiration of any such building permit or site plan agreement and 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, permit or mitigate any restrictions or regulations lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.

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

(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".

1.4 SCHEDULE 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 intents 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, 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) The Natural Environment (NE) zone boundaries identified on the schedules to this By-law are intended to generally identify the location of potentially hazardous environmental features. During review of development applications and building permit applications, if necessary, the boundaries of the NE zone shall be more precisely determined in consultation with the Conservation Authority or other agencies having

jurisdiction in the area. Where detailed resource mapping and/or site inspection results in a re-interpretation of the NE Zone boundary, all applicable provisions of this By-law shall be reviewed relative to the new boundary. Setback provisions of the NE Zone shall be governed by Section 3(25) of this By-law.

1.5 ADMINISTRATION

This By-Law shall be administered by a person designated from time to time by Council as the Zoning Administrator or such other person as the Council of the Township of Puslinch designates.

1.6 INSPECTION

- (a) Subject to Clause (b) of this Subsection, the Zoning Administrator, 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 Section 16 of The Provincial Offences Act (R.S.O. 1980), Chapter 400, or any successors thereto.

1.7 APPLICATION FOR BUILDING PERMITS

In addition to all of the requirements of the Building Code and By-Law 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 Zoning Administrator:

- (a) two copies of a site plan, one copy of which shall be retained by the Zoning Administrator, 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 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; 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 redistribution of all topsoil has been completed.

1.8 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.

1.9 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.

1.10 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 and/or user shall at all times bear full responsibility for ensuring compliance in all respects with this By-Law.

1.11 VIOLATIONS AND PENALTIES

- (a) Every person who owns or uses any lot, or erects, owns or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-Law, or who causes or permits such use or erection, or who violates any provisions of this By-Law or causes or permits such a violation, shall be guilty of an offence, and upon conviction therefore, shall forfeit and pay a fine not exceeding Twenty Thousand (\$20,000.00) Dollars on a first conviction and Ten Thousand (\$10,000.00) Dollars on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day upon which there was a first conviction.
- (b) Where a corporation, other than the Corporation of the Township of Puslinch, is convicted under this By-Law, the maximum penalty that may be imposed is Fifty Thousand (\$50,000.00) Dollars for the first conviction and Twenty-Five Thousand (\$25,000.00) Dollars for each day or part thereof upon which the contravention has continued after the date on which the corporation is first convicted.
- (c) Any building or structure which contravenes any requirement of this By-Law may be removed or altered at the instance of the Corporation of the Township of Puslinch, pursuant to the provisions of The Municipal Act (R.S.O. 1980) or the Planning Act, as amended from time to time.

1.12 REMEDIES

- (a) Where a 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 Municipal Act, R.S.O. 1980, or the Courts of Justice Act, 1984, 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.

1.13 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.

1.14 REPEAL OF EXISTING BY-LAWS

All previous by-laws of the Corporation passed pursuant to Section 34 of the Planning Act, 1983, or its predecessors, are hereby repealed.