

# Section 1: Introduction

## 1.1 Title

This By-law shall be cited as the “Municipality of Grey Highlands Comprehensive Zoning By-law”.

## 1.2 Components

This By-law consists of all textual components and schedules contained herein.

## 1.3 Application

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Municipality of Grey Highlands, save and except for those lands under the Development Control Regulations of the Niagara Escarpment Commission.

## 1.3 Scope

No lands shall be used and no buildings or structures shall be erected, altered, enlarged or used within the Municipality except in conformity with the provisions of this By-law. Uses not listed as permitted or otherwise provided for in this By-law shall be prohibited.

## 1.4 Repeal of Existing By-laws

From the date of the coming into force of this By-law, all previous By-laws passed under Section 34 of the Planning, R.S.O. 1990, or predecessor thereof, shall be deemed to have been repealed. More specifically, By-law 10-1978 of the former Township of Osprey, By-law 50-1981 of the former Township of Artemesia, By-law 400-83 of the former Village of Flesherton, By-law 45-1990 of the former Township of Euphrasia, and By-law 96-8 of the former Village of Markdale, and all amendments thereto, are hereby repealed insofar as they affect the lands covered by this By-law.

## 1.5 Validity

Every provision of this By-law is declared to be severable from the remainder of this By-law and, if any provision of this By-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity, effectiveness, or enforceability of the remainder thereof.

## 1.6 Effective Date

This By-law shall come into force and take effect on the day it is passed by Council subject to any approval necessary pursuant to The Planning Act, R.S.O., 1990, as amended from time to time.

## 1.7 Components of the By-law

- Section 1: Introduction
- Section 2: Administration and Interpretation
- Section 3: Definitions
- Section 4: Establishment of Zones
- Section 5: General Provisions
- Section 6 - 14: Zones
- Section 15: Zone Standards Summary
- Section 16: Exceptions
- Section 17: Enactment

## **Section 2: Administration and Interpretation**

### **2.1 Responsibility**

The responsibility of administering this By-law shall be vested in the By-law Enforcement Officer for the Municipality of Grey Highlands or such other administrative official of the Municipality, as Council shall designate from time to time.

### **2.2 Inspection of Property and Premises**

The By-law Enforcement Officer or any designated employee of the Municipality of Grey Highlands acting under his direction may, at any reasonable hour and upon producing property identification, enter and inspect any property but shall not enter any building or structure used as a dwelling unit without:

- i) the consent of the occupier, or
- ii) the authority of a Search Warrant issued pursuant to the provisions of Section 142 of the Provincial Offences Act, R.S.O. 1990, as amended.

### **2.3 Licences and Permits**

- i) In addition to fulfilling the requirements of this By-law, no person shall commence to erect, alter or repair any building or structure without first a building permit from the Municipality, where necessary.
- ii) No municipal permit or license shall be issued where said permit is required for a proposed use of land or the proposed erection, alteration, enlargement, or use of any building or structure that is in violation of any provision of this By-law.
- iii) In all zones, any building or structure which is moved from one location to another, whether within the zone or from one zone to another, or from any location beyond the boundary of the Municipality, into any zone, shall be considered as being a new building or structure and shall comply with the provisions of this By-law.

### **2.4 Violations, Penalties, and Remedies**

- i) Pursuant to the provisions of Section 67 of The Planning Act, R.S.O., 1990, as amended from time to time, any person who breaches any provision of this By-law is guilty of an offence and, on conviction, is liable:
  - a) On a first conviction to a fine of not more than \$25,000.00; and
  - b) On a subsequent conviction, 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 he was convicted.
- ii) Where a Corporation breaches any provision of this By-law and is found guilty of an offence on conviction is liable:
  - 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 on which the Corporation was first convicted.

Where a conviction is entered, in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person and/or Corporation convicted.

## 2.5 Application for Permits

- i) Every application for a permit to use lands, or to erect, alter, enlarge, or use any buildings or structures shall be accompanied by plans drawn to scale, showing:
  - a) the actual shape and dimensions of the lot to be used or upon which it is proposed to erect, alter enlarge, or use buildings or structures;
  - b) the proposed location, height, and dimensions of the buildings or structures in respect of which the permit is applied for;
  - c) the location of every building or structure already erected on or partly on such lots;
  - d) the location of proposed parking spaces, loading spaces, driveways and landscaping areas;
  - e) the location of any landscaping, curbing drainage, retaining walls and other physical additions to the site; and
  - f) such other information as the Chief Building Official or the By-law Enforcement Officer considers necessary to determine whether every such building, structure, or work conforms with the requirements of this By-law.
- ii) The application shall be accompanied by a statement by the owner or his duly authorized agent specifying the use to which the lands are intended or the use to which the buildings or structures to be erected, altered or enlarged are intended to determine if such use conforms with the requirements of this By-law.
- iii) The lot and the location of every building or structure to be erected thereon is to be staked out on the grounds before construction is commenced.
- iv) The lack of a survey, or a mistake or an error or omission by any person required to comply with the provisions of this By-law does not relieve that person from liability for failure to comply with the provisions of this By-law.
- v) The Chief Building Official or the By-law Enforcement Officer may require that any plans accompanying an application be prepared by an Ontario Land Surveyor, Professional Engineer, or Architect where, in their opinion, such plans are necessary to determine the exact extent to which a variance or amendment is required.

## 2.6 Relationship with Other By-laws

Nothing in this By-law shall operate to relieve any person from the requirements of the Building Code or any By-law or requirements of the Municipality in force from time to time, or the obligation to obtain any license, permit, authority, or approval required under any By-law or law of the Municipality or other government authority. Any use established in violation of a predecessor of this By-law will be deemed to have been established unlawfully.

## 2.7 General Interpretation and Application

- i) In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience, or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the most restrictive, or the By-law imposing the higher standards shall govern and apply. Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any By-law of the Municipality or the Corporation of the County of Grey or from any law of the Province of Ontario or of Canada, or any regulations under the provisions of the Conservation Authorities Act, R.S.O. 1990, as amended from time to time.
- ii) In this By-law the word “shall” is mandatory and directory; words used in the present tense include the future; words in the singular include the plural and words in the plural include the singular. Words imparting the masculine gender shall include the feminine and the converse.
- iii) In the event that an obvious grammatical or graphical error has been made in the preparation of this By-law, the Administrator of this By-law may interpret the intent of this By-law in a reasonable manner without amendment to this By-law.

## 2.8 Conversion Table

Metric units of measurement identify length, distance and area within this By-law. To assist in the review of this By-law, the following conversion factors are provided:

- To convert inches to centimetres, multiply by 2.54
- To convert centimetres to inches, multiply by 0.39
- To convert feet to metres, multiply by 0.3
- To convert metres to feet, multiply by 3.28
- To convert square feet to square metres, multiply by 0.093
- To convert square metres to square feet, multiply by 10.764
- To convert yards to metres, multiply by 0.91
- To convert metres to yards, multiply by 1.09
- To convert miles to kilometers, multiply by 1.61
- To convert kilometers to miles, multiply by 0.62
- To convert acres to hectares, multiply by 0.4
- To convert hectares to acres, multiply by 2.47