

1.0 INTERPRETATION AND ADMINISTRATION

1.1 TITLE

This By-law shall be known as the “Township of Malahide Zoning By-law”.

1.2 LANDS AFFECTED

The provisions of this By-law shall apply to all land within the corporate limits of the Township as now or hereafter legally constituted.

1.3 SCOPE

No land shall be used, no lot shall be altered, and no buildings or structures shall be erected, altered, or used within the Township except in conformity with this By-law.

1.4 INTERPRETATION

Unless specified otherwise, the following shall apply throughout this By-law:

- a) the particular shall supersede the general;
- b) where a term or phrase is defined in general terms herein, it shall not be construed to mean any other term or phrase which is more specifically defined herein unless it is specifically stated otherwise;
- c) if a use is not listed as a permitted use, it is deemed to be prohibited with the exception of public uses as stipulated herein;
- d) the word “shall” is to be construed as mandatory and not discretionary;
- e) unless the contrary intention specifically appears otherwise, words imparting the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse;
- f) a “building” or “structure” shall include any part or portion thereof;
- g) any Act, Regulation or Publication of a public authority referred to herein shall include any predecessor thereof, any amendments or revisions made thereto or any subsequent Act, Regulation or Publication enacted in place thereof;
- h) changes in road names and modifications to lot fabric, including the addition of new lots, shall be reflected in subsequent consolidated versions of this document and an amendment to the Zoning By-law shall not be required to reflect said modifications;
- i) text shown in italics found at the introduction to Section 5 through Section 9 inclusive to this By-law is provided for descriptive and convenience purposes only and shall not comprise part of the By-law;

- j) *(amended by By-law No. 19-08 General Amendment)*
the zone legend and accompanying information found immediately preceding Schedule 'A' Index Map is provided for descriptive and convenience purposes only. Any modification to wetland classifications and delineations, as well as the limits of areas regulated by the conservation authority having jurisdiction, shall be reflected in subsequent consolidated versions of this document and an amendment to the Zoning By-law shall not be required.

1.5 MEASUREMENTS

All standards of measurement applied in this By-law shall be subject to the normal rules of rounding numbers, within the degree of precision specified by the number of digits following the decimal point, if any, so that:

- a) for a whole number, measurements of less than 0.5 shall be rounded downward to the next whole unit;
- b) for a whole number, measurements of 0.5 and greater shall be rounded upward to the next whole unit;
- c) for a number having one decimal place, measurements of less than 0.05 shall be rounded downward to the next one-tenth unit;
- d) for a number having one decimal place, measurements of 0.05 and greater shall be rounded upward to the next one-tenth unit; and
- e) for numbers expressed as a ratio or as a percentage, rounding shall not be applied.

1.6 LICENCES AND PERMITS

No municipal permit, certificate, or license shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is not in compliance with this By-law.

1.7 CONSERVATION AUTHORITIES

Where lands lie within an area regulated by the Catfish Creek Conservation Authority pursuant to Ontario Regulation 146/06, the Kettle Creek Conservation Authority pursuant to Ontario Regulation 181/06, or the Long Point Region Conservation Authority pursuant to Ontario Regulation 178/06, no building permit shall be issued by the Township for a building or structure in compliance with this By-law without permission having first been given by the Authority having jurisdiction.

1.8 REMEDIES

Where any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure is, or is proposed to be used, in contravention of this By-law, the same may be restrained by an action of any person or of the Township under the Planning Act or the Municipal Act.

Where a person or corporation, guilty of an offense under this By-law has been directed to remedy any violation and is in default of doing any matter or thing required, such matter or thing shall be done at his or its expense. Where a person or corporation has refused or neglected to

reimburse the Township for the cost of such work, thing or matter done, the same may be recovered by the Township in like manner as taxes.

1.9 APPLICATION OF OTHER LEGISLATION

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of the Ontario Building Code or any other by-law of the Municipality in force from time to time or the obligation to obtain any license, permit, authority or approval required by the Municipality or any other public authority or body and without limiting the generality of the forgoing, shall include the Catfish Creek Conservation Authority, the Kettle Creek Conservation Authority, the Long Point Region Conservation Authority and the Ministry of Transportation in the following circumstances:

- a) where lands lie within an area regulated by the Catfish Creek Conservation Authority pursuant to Ontario Regulation 146/06, the Kettle Creek Conservation Authority pursuant to Ontario Regulation 181/06, or the Long Point Region Conservation Authority pursuant to Ontario Regulation 178/06 as shown on the Zone Maps, no use shall be established and no building or structure shall be erected without permission having first being given by the authority having jurisdiction.
- b) where lands lie within the permit control area established by the Ministry of Transportation adjacent to Highway No. 3 pursuant to the Public Transportation and Improvement Act, no use shall be established and no building or structure shall be erected without a permit having first being issued by the Ministry.

1.10 VALIDITY

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