

PURPOSE AND EFFECT
BY-LAW NO. 18-22
TOWNSHIP OF MALAHIDE
COMPREHENSIVE ZONING BY-LAW

By-law No. 18-22 of the Township of Malahide is a comprehensive zoning by-law passed by Council on April 5, 2018 pursuant to Section 34 of the Planning Act, R.S.O., 1990 as amended or revised from time to time.

The By-law regulates the use of land and the character, location and use of buildings and structures throughout the Municipality. It divides the Municipality into a number of specific land use zones. For each zone, the permitted uses and the regulations governing these uses (namely, the siting and size of buildings and structures) are listed.

If a use is not specifically permitted by the By-law, it is deemed to be prohibited with the exception of certain public uses. If the existing use of a property is not listed as a permitted use and does not qualify as a public use, then the use is a non-conforming or an illegal use depending upon when it was established. Non-conforming uses legally established on the day of the passing of this By-law are protected and allowed to continue. Expansions to enlarge or extend non-conforming uses, however, require public notice and the approval of the Municipality.

The zone maps or schedules which form part of the By-law identify individual properties and the zoning which applies to them. Regulations which apply to more than one land use zone or throughout the Municipality regardless of how lands are zoned are contained in a separate section, entitled General Regulations.

Amongst other more specific changes, the new Zoning By-law contains up-dated and revised definitions, new standards for development, new and revised land use zones and improved mapping. In addition, the By-law implements various provisions of the Municipality's Official Plan. Under the provisions of the Planning Act, the Zoning By-law must be consistent with the Provincial Policy Statement and must conform to the County of Elgin Official Plan and the Township of Malahide Official Plan.

The By-law does not exempt any person or corporation from having to comply with the requirements of the Ontario Building Code, the Catfish Creek Conservation Authority, the Kettle Creek Conservation Authority or the Long Point Region Conservation Authority. It also does not exempt any person or corporation from having to comply with other by-laws of the Municipality or from obtaining any necessary or required license, permit or approvals from any other authority or public agency having jurisdiction in the Township.

Amendments may be made at any time to the Zoning By-law in response to development proposals, requests for changes in land use and other planning issues that may arise. The Official Plan establishes the basis for evaluating and adopting such amendments. Depending on the nature of the proposed amendment, surrounding property owners or residents of the Municipality as-a-whole are notified and given an opportunity to express their support of, or opposition to, the proposed amendment.

This By-law replaces By-law No. 05-27, being the Township of Malahide Zoning By-law adopted on April 25, 2005, and all amendments thereto. Minor variances granted to By-law No. 05-27, however, continue to remain in effect.

In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Municipality.