

## **SECTION 4 - APPLICATION OF BY-LAW**

All of the provisions of this By-law shall apply throughout all of the areas of the Township.

From and after the effective date of this By-law, no land shall be used and no building or structure shall be erected, altered or used and no change of occupancy of any building, structure, land or premises shall be made in whole or in part except in conformity with the provisions of this By-law.

**By-law 83-2006 passed November 28, 2006 (General Amendment)**

### **4.1 Legal Non-Conforming Uses, Buildings, Structures or Land**

4.1.1 Nothing in this By-law shall apply:

- (a) to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building 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; or
- (b) to prevent the erection or use for a purpose prohibited by this By-law of any building or structure for which a permit has been issued under Section 5 of the Building Code Act, prior to the day of the passing of this By-law, 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when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under Section 6 of the Building Code Act.

4.1.2 Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of a building or structure so long as the strengthening or restoration does not alter the height, size or volume of the building or structure or change its use to other than a conforming one.

4.1.3 A building destroyed by fire, flood or any act of God may be restored or reconstructed on the same lot provided that the building setbacks existing at the time prior to the destruction are not further reduced and provided that a building permit for such restoration or reconstruction is issued and substantial construction to be completed within one (1) year of the date of destruction, as deemed by the Chief Building Official and that the said building continues to be used for the purpose for which it was used immediately prior to destruction.

**By-law 83-2006 passed November 28, 2006 (General Amendment)**

4.1.4 Notwithstanding anything contained in this subsection, where on the day of the passing of this By-law a building exists which was designed for and is used as a Residential Building - One Unit, nothing in this By-law, regardless of the zone within which the building is located, shall prevent:

- (a) the construction of a building or structure for a use accessory to a Residential Building in accordance with the regulations for accessory buildings in the zone within which such Residential Building is located and all other regulations of Section 6 of this By-law;

- (b) the enlarging or extension of the existing Residential Building by not more than twenty-five per cent (25%) of the total floor area of the building on the day of the passing of this By-law, so long as such Residential Building when enlarged or extended will conform with the General Regulations contained in Section 6 of this By-law and the specific regulations covering side yards contained in Zone R-1 of this By-law.

**By-law 83-2006 passed November 28, 2006 (General Amendment)**

4.2 **Legal Non-Conforming Uses, Buildings, Structures or Land**

Where for any reason the use of any land, building or structure for a purpose prohibited by this By-law but which was in existence on the day of the passing of this By-law, has ceased for a period exceeding one year, such non-conforming use shall not be resumed.

**By-law 94-89 passed September 26, 1989**

4.3 **Non-Complying Lots**

Any use, including a use permitted in a zone within which the parcel lies, shall be interpreted to be a non-conforming use if located on a non-complying lot, and no change of use or expansion of an existing use shall be allowed on a non-complying lot, except as provided for in Sub-Section 4.1 of this By-law.

**By-law 83-2006 passed November 28, 2006 (General Amendment)**

**By-law 94-89 passed September 26, 1989**

4.4 **Special Provisions for Road Widening, Daylighting Triangles and Reserve Lots**

- 4.4.1 Existing buildings, structures and/or lots which do not satisfy the applicable regulations of the zone within which such buildings or structures and/or lots are located, as a result of a road dedication to a municipality, shall not be deemed non-complying;
- 4.4.2 Daylighting triangles and reserve blocks will be deemed to be part of a lot only for the purpose of calculating lot width, frontage or lot area.