

6.1 ZONING ADMINISTRATION

This By-law shall be administered and enforced by the Chief Building Official or such other person as may be appointed by the council of the Corporation of the Town of Greater Napanee.

6.2 ISSUANCE OF BUILDING PERMITS

- a) No building permit shall be issued where the proposed building, structure, excavation, use or activity would be in violation of the provisions of this By-law.
- b) Where the approval of another agent or authority is required, this shall mean that the written approval of such agent or authority shall be obtained by the applicant and submitted to the Chief Building Official at such time as an application is made for a building permit.
- c) Every application for a building permit on flood prone lands shall be accompanied by a plan(s) drawn to the appropriate scale showing the following:
 - i) The location and use of all existing and proposed buildings and structures;
 - ii) Existing and final contours at 0.3 metre intervals;
 - iii) Erosion and siltation control procedures;
 - iv) The location of the floodline; and
 - v) Flood proofing measures.

6.3 BUILDING OR STRUCTURES TO BE MOVED

No building or structure requiring a building permit, for construction, shall be moved within the area affected by this By-law unless a permit has been granted from the Chief Building Official.

(By-law No. 2018-0005)

6.4 REQUESTS FOR AMENDMENTS

Request for an amendment to this By-law shall be accompanied by the Corporation's "APPLICATION FOR ZONE CHANGE".

6.5 ENFORCEMENT**6.5.1 Previous Violations Continued**

Any building or structure illegally altered, enlarged, erected or renovated, any use illegally established, or any lot illegally created prior to the date of passing of this By-law shall not become legal solely by reason of the passing of this By-law. Where any such building, structure, use or lot is in conflict with one or more of the provisions of this By-law, such building, structure, use or lot will remain illegal and shall not be deemed to be legal in the By-law, except where specifically allowed by law.

6.5.2 Remedial Action

Where any matter or thing is required to be done by a person or corporation under the provisions of this By-law, Council may direct that in default of it being done by said person or corporation, such

matter or thing may be done by the Town at the sole expense of the person or corporation and the expenses thereof with interest may be recovered by the Town in accordance with the provisions of the Municipal Act.

6.5.3 Violation and Penalties

Any person or corporation who uses any lot or erects or alters a building or structure in a manner in contravention of this By-law is guilty of an offence, and upon conviction, is liable for the penalties as herein outlined:

a) Person

- i) Any person convicted of, by a Court of competent jurisdiction, a breach of this By-law shall forfeit and pay at the discretion of the convicting Justice, a penalty not exceeding the sum of Twenty Five Thousand (\$25,000.00) dollars (exclusive of costs) for the first offence; and
- ii) For a subsequent offence, a penalty not exceeding the sum of Ten Thousand (\$10,000.00) dollars (exclusive of costs) for each day or part thereof upon which the contravention has continued after the date of the first conviction.

b) Corporation

- i) Any Corporation convicted of, by a Court of competent jurisdiction, a breach of this By-law shall forfeit and pay at the discretion of the convicting Justice, a penalty not exceeding the sum of Fifty Thousand (\$50,000.00) dollars (exclusive of costs) for the first offence; and
- ii) For a subsequent offence, a penalty not exceeding the sum of Twenty-Five Thousand (\$25,000.00) dollars (exclusive of costs) for each day or part thereof upon which the contravention has continued after the date of the first conviction.

c) Continuation of Offence

Upon a conviction being entered under the provisions of subsection (a) or (b) of this Section, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-law, make an Order prohibiting the continuation or repetition of the offence by the person or Corporation convicted.

6.6 OCCUPANCY

a) Certificate of Occupancy

No change shall be made in the use of any land, building, structure or excavation until a Certificate of Occupancy has been issued by the Chief Building Official, to the effect that the proposed use conforms to this By-law.

b) Occupancy of Uncompleted Dwelling Houses

No dwelling house shall be used for human habitation until the Building Code Act and the regulations thereunder have been complied with and, in any event, not before the main side walls and roof have been erected and completed; and kitchen, heating and sanitary conveniences have been installed and rendered usable, safe and fit for human habitation.

6.7 INSPECTION

The Chief Building Official, Building Inspector or any other officer or employee of the Corporation, acting under the direction of the Council, in accordance with applicable law, is hereby authorized to enter, at all reasonable hours, upon any property or premises in which there is reason to believe that the provisions of this By-law are not being obeyed, for the purpose of carrying out the duties under this By-law.

The Chief Building Official, Building Inspector or other employee of the Corporation shall not enter any room or place actually being used as a dwelling without the consent of the occupier, except under the authority of a search warrant issued under the Provincial Offences Act.

6.8 REMEDIES

Where any building or structure is to be erected, altered, reconstructed, extended or part thereof is to be used, or any lot is to be used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or the Corporation pursuant to the provisions of The Planning Act or The Municipal Act.

6.9 VALIDITY

If any section, clause or provisions of this By-law, including anything contained on the Key Map and 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.

6.10 ZONE BOUNDARIES

Where any uncertainty exists as to the location of the boundary of any of the Zones as shown on the Zoning Schedules, the following rules apply:

- a) Where Zone boundaries are indicated as approximately following lot lines, such lot lines shall be deemed to be the said boundaries.
- b) Where Zone boundaries are indicated as approximately parallel to any street and the distance from such street is not indicated, such zone boundaries shall be construed as being parallel to such street.

- c) Unless otherwise indicated on the Zoning Schedules, streets, lanes or right-of-way, such as for railroads or electrical transmission lines, shall be deemed to be in the same zone as the adjacent lands and where such streets, lanes or right-of-way separate different zones, unless otherwise indicated on the Zoning Schedules, the centrelines of these shall constitute the boundary between zones.
- d) Where any uncertainty still exists as to the zone location of such streets, lanes or right-of-way, they shall be assumed to be within the Open Space (OS) Zone.
- e) Where a zone boundary is indicated as passing through undeveloped land, then the location of such boundary shall be determined in accordance with the scale of said Zoning Schedule(s) at the original scale.
- f) Where a zone boundary is indicated as following the corporate limits of the Corporation of the Town of Greater Napanee, then such limits shall be the zone boundary.
(By-law No. 2018-0005)
- g) Where a zone boundary is indicated as following a shoreline, then such zone boundary shall follow the shoreline, and, in the event of change in the boundary of the shoreline, the zone boundary shall be construed as moving with the actual shoreline.

6.11 ZONE PROVISIONS

The uses permitted, the minimum size and dimensions of lots, the minimum size of yards, the minimum setback, the maximum lot coverage, the minimum landscaped open space, the maximum height of buildings, and all other zone provisions are set out in Section 5 of this By-law for the respective zones.
(By-law No. 2018-0005)

a) Uses Permitted

Uses specifically named as permitted uses in a particular zone and classified under the headings "Residential Uses" or "Non-Residential Uses" are the only uses permitted in the particular zone in which they are named and classified.

b) Reference to Permitted Uses

For the purpose of reference, all uses and related building and structures named as permitted uses and classified under the headings "Residential Uses" or "Non-Residential Uses" may be referred to as Residential or Non-Residential uses, buildings, or structures respectively.

6.12 ZONE REPRESENTATION

a) Zone Symbols

The zone symbols listed in Section 5.1, and outlined on the Zoning Schedules, refer to the use of land, buildings and structures and excavations permitted by this By-law in the said zone categories. Whenever in this By-law the word "Zone" is used, preceded or followed by any of the symbols, such Zone reference shall mean any area within the Corporation delineated on the Zoning Schedules and designated thereon by the symbol.

b) Special Zones and Provisions

Where the Zone Symbol designating certain lands, as shown on the Zoning Schedules, is followed by a dash and a number, for example R1-11, then special zone provisions apply to such lands. Such special provisions are found by reference to the Subsection of the Zone Provisions of each Zone classification entitled "EXCEPTION ZONE PROVISIONS". Lands zoned in this manner shall be subject to all the restrictions of the Zone, except as otherwise provided by the special zone provisions

6.13 ZONING AMENDMENT AND PUBLIC NOTIFICATION EXEMPTIONS

The Town may forego public notification in connection to Zoning By-law amendments if such amendments relate to matters which will not affect the provisions of this By-law in any material way, and may include the following matters:

- a) Altering punctuation or language to obtain a uniform mode of expression,
- b) Correcting clerical, grammatical, dimensioning or typographical errors,
- c) Altering or correcting the number and arrangement of any provisions,
- d) Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision,
- e) Changing the format,
- f) Changing the reference to a Provincial Act such as The Planning Act, or updating the titles of Provincial or other agencies,
- g) Consolidating amendments, and
- h) Transferring Zoning By-law Designations to new base maps.

(By-law No. 2018-0005)

6.13 EXISTING BY-LAWS REPEALED

By-law Numbers 17-1975, 922, 415-81, 81-88, and 9-90 and all amendments thereto are hereby repealed.

ENACTMENT

THIS By-law shall come to force and take effect on its date of passing, subject to:

- the provisions of subsections 34(30) and (31) of the Planning Act, R.S.O. 1990, C.p.13, in the event a notice of appeal of this By-law is filed in accordance with subsection 34(19) of the Act; and
- not until the Official Plan for the Town of Greater Napanee has come into force and effect.

Read a first time this 8th day of April 2002.

Read a second time and finally passed this 8th day of April 2002.

Originally Signed By
(Mr. David Remington) Mayor

Originally Signed By
(Mr. Raymond Callery) Clerk-Administrator