

# SECTION 1

## TITLE AND INTERPRETATION

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### 1.1 TITLE

This By-law shall be known as the "ZONING BY-LAW" of the Corporation of the City of Owen Sound.

### 1.2 EFFECT AND REPEAL

No person shall use any land, or erect, alter, enlarge, or use any building, structure or part thereof, or permit or cause any person to use any land, or erect, alter, enlarge or use any building, structure or part thereof for any purpose or in any manner otherwise than is expressly permitted in this By-law and in accordance with the provisions of this By-law.

The provisions of this By-law shall apply to all those lands lying within the Corporation of the City of Owen Sound.

All previously enacted By-Laws passed pursuant to Section 34 of the Ontario Planning Act, as amended, or a predecessor thereof, are hereby repealed insofar as they apply to the areas included within the boundaries of the City of Owen Sound shown on Schedules 'A1' to 'A21', which forms part of this By-Law, unless otherwise specified in the text of this By-Law.

There are lands within the City of Owen Sound that are within the Niagara Escarpment Plan Area. In these areas, the Niagara Escarpment development control regulations shall be used to determine the development provisions and land use restrictions. These regulations shall be adhered to prior to the commencement of any development.

### 1.3 EFFECTIVE DATE

This By-Law shall come into force and take effect on its passing, provided that no Notice of Appeal is filed to this By-Law, all in accordance with the provisions of Section 34, Subsections 19 and 30 of the Ontario *Planning Act*, as amended, and where one or more appeals have been filed within the time period specified, at the conclusion of which, the provisions of Section 34, Subsections 19 and 30 of the Ontario *Planning Act*, as amended, apply the By-Law shall be deemed to have come into force and take effect on the day it was passed.

### 1.4 VALIDITY

If, for any reason, any section, clause or provision of this By-law, including anything contained in any schedules attached hereto is declared by a court or tribunal of competent jurisdiction to be invalid, the same shall not affect the validity of this 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, and provisions of this By-law shall remain in full force and effect until repealed.

### **1.5 RESPONSIBILITY AND INSPECTION**

- a) This By-law shall be administered and enforced by any official of the Corporation of the City of Owen Sound as Council designates from time to time.
- b) Subject to Sections 48 and 49 of the Planning Act, as amended, where any official acting under the direction of Council believes on reasonable grounds that this By-law is being or has been contravened, any official acting under the direction of Council may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he believes the contravention is occurring or has occurred.

### **1.6 INTERPRETATION OF THE BY-LAW**

For the purpose of this By-Law, the definitions and interpretations given herein shall govern. In their interpretation and application, the provisions of this By-Law shall be held to be the minimum requirements, except when expressly stated otherwise, adopted for the promotion of public health, safety, convenience or general welfare. The presence of definitions of various uses contained in this By-law does not necessarily mean the use is permitted within the City unless specifically listed as a permitted use in a Zone or Zones.

Every use of land, building and structure in the defined area shall conform to the relevant zone provisions and any other relevant applicable provision or requirement contained herein.

Whenever two or more provisions or requirements of this By-Law are at variance, one to the other, the more restrictive shall apply except where specifically stated otherwise.

For the purposes of this By-law:

- a) The word "shall" is mandatory
- b) Words used in the present tense include the future tense, and the converse.
- c) Words used in the plural number include the singular number, and the converse.
- d) Unless the text requires otherwise the word "used" shall include "designed to be used", "arranged to be used" and "intended to be used".
- e) Unless the text requires otherwise the word "occupied" shall include "designed to be occupied", "arranged to be occupied" and "intended to be occupied".

- f) The use of masculine gender shall include females as well as males and the converse.

Any reference to any statute within the body of this By-law shall be deemed to refer to the statutes contained in the Revised Statutes of Ontario, 1990, as amended from time to time and shall be deemed to include any successor Statute thereof. Any reference to an agency by name shall be deemed to include any successor thereof.

### **1.7 SYSTEM OF MEASUREMENT**

Regulations in this By-law are expressed in System International (SI) units and shall be used for purposes of determining compliance with the By-law and which may be expressed in short form. The SI unit and its corresponding short form are as follows:

Metre: m

Square metre: m<sup>2</sup>

Hectare: ha

Kilogram: kg