

# **ZONING BY-LAW 2015-36**

**Consolidated Version**

**December 2023**

**Municipality of West Elgin**

**Monteith Brown Planning Consultants  
London, ON**

**Amendments  
Zoning By-Law No.2015-36  
Municipality of West Elgin**

	<b>By-Law No.</b>	<b>Appl. No.</b>	<b>Date Adopt</b>	<b>Applicant</b>	<b>Location</b>	<b>Zone</b>	<b>Mp</b>	<b>Remarks</b>
1	2015-33		25/06/15		Pt Lot 9 Concession VIII	To A3	A-48	Surplus farm dwelling
2	2015-34		25/06/15		Pt Lot 8 Concession VII	To RR	A-37	Rural residential lot addition
3	2015-72		22/10/15		Pt Lot 24 Concession VIII	To A3 & A2	A-52	Surplus farm dwelling
4	2015-78		26/11/15		Pt Lot 7 Concession Gore	To C3-1	A-37	Salvage yard
5	2015-86		17/12/15		Pt Lot 7 Concession X	To A3-3 & A2	A-56	Surplus farm dwelling
6	2016-07		28/01/16		Pt Lot 4 Concession XIV	To LR	A-75	Severance of dwelling
7	2016-10	P 1/16	11/02/16		Pt Lot 21 Concession B ED	To A3 & A2	A-13	Surplus farm dwelling
8	2016-30	P 2/16	28/04/16		Pt Lot 1 Concession 2	To HR-2	D	Conversion to dwelling
9	2016-49	P 3/16	21/07/16		Pt Lot 8 Concession VII	To A3-4 & A2	A-37	Surplus farm dwelling
10	2016-60	P 4/16	22/09/16		Lot 7 Block B Plan 75	To C1-2	C-2	Animal clinic
11	2016-61	P 5/16	22/09/16		Lot 12 Concession V	To A3 & A2	A-28	Surplus farm dwelling
12	2016-62	P 6/16	22/09/16		Pt Lot 8 Concession XIII	To A3 & A2	A-80	Surplus farm dwelling
13	2016-63	P 7/16	22/09/16		Pt Lots 10 & 11 Concession VI	To A3 & A2	A-27	Surplus farm dwelling
14	2016-65	P 8/16	13/10/16		Pt Lot 11 Concession 2	To A1-5	A-8	Non-Addiction Wellness Facility
15	2016-76	P 9/16	24/11/16		Pt Lot 19 Concession 12	To C2-1	E	Microbrewery and retail store
16	2016-73	P 10/16	24/11/16		Pt Lot 3 Concession 2	To A1	A-5	Farm lot addition
17	2016-75	P 11/16	24/11/16		Pt Lot 3 Concession 2	To RR	A-5	Rural residential lot addition
18	2016-81	P 12/16	15/12/16		Pt Lot 13 Concession 13	To Temporary use	A-78	Temporary use – not in effect until agreement is entered into
19	2017-05	P 1/17	26/01/17	Trybel	Pt Lot 3 Concession VII	To A3 & A2	A-36	Surplus farm dwelling
20	2017-41	P 2/17	25/05/17	Lakeview Ald	Pt Lots 4 & 5 Concession XIV	To LR-1-H-7	A-75	Lakeshore residential use with holding
21	2017-61	P 3/17	14/09/17	Webber	N/A			Text change to A1-5
22	2017-64	P 4/17	28/09/17	Bonnefield	Pt Lot 12 Concession IX	To A3 & A2	A-49	Surplus farm dwelling
23	2017-65	P 5/17	28/09/17	Johnston	Pt Lot 12 Concession III	To A3	A-18	Residential lot addition
24	2017-73	P 6/17	12/10/17	Schleihauf	Pt Lot 7 Concession VI	To A3 & A2	A-26	Surplus farm dwelling
25	2017-77	P 7/17	26/10/17	N. McColl	Pt Lot D Concession VII	To A3 & A2	A-35	Surplus farm dwelling
26	2017-78	P 8/17	26/10/17	N. McColl	Pt Lot D Concession VII	To A3 & A2	A-35	Surplus farm dwelling
27	2017-79	P 9/17	26/10/17	D. McColl	Pt Lot D Concession VII	To A3 & A2	A-35	Surplus farm dwelling
28	2017-88	P 10/17	21/12/17	Krebs	Pt Lot 24 Con. 4 ED	To A3 & A2	A-42	Surplus farm dwelling
29	2018-38	P 1/18	24/05/18	Dampsy	Pt Lots 8&9 Concession 14	To LR	A-76 & 77	Lakeshore residential lot creation
30	2018-50	P 2/18	28/06/18	Szewczyk	Pt Lot 10 Concession 9	To A3 & A2	A-48	Surplus farm dwelling
31	2018-51	P 3/18	28/06/18	Buis	Pt Lot 21 Con. 3 ED	To A3 & A2	A-31	Surplus farm dwelling

32	2018-61	P 4/18	19/07/18	Prey	Pt Lot 22 Concession 10	To RR	A-61	Residential lot line adjustment
33	2018-73	P 5/18	27/09/18	Kalita	Lot 21 Concession 13	To A3 & A2	A-81	Surplus farm dwelling
34	2018-74	P 6/18	27/09/18	Vanderploeg	Pt Lot 17 Concession 10	To A3 & A2	A-60	Surplus farm dwelling
35	2018-75	P 7/18	27/09/18	Santos	Pt Lot 17 Concession 9	To R1 & R1-6	A-5	Residential lot creation
36	2018-76	P 8/18	27/09/18	McMurchy	Lot 19 Concession 1	To A3& A2	A-20	Surplus farm dwelling
37	2019-09	P 10/18	24/01/19	Murray	Pt Lot B Concession 10	To A3 & A2	A-53	Surplus farm dwelling
38	2019-16	P 1/19	14/02/19	Barfett	Pt Lot 8 Concession 7	To RR	A-37	Residential lot addition
39	2019-45	P 2/19	09/05/19	Vanderloo	Pt Lot 9 Concession 7	To A3-5 & A2	A-38	Surplus farm dwelling
40	2019-54	P 3/19	13/06/19	Brown	Pt Lot 21 Concession 10	To A3 & A2	A-61	Surplus farm dwelling
41	2019-61	P 4/19	18/07/19	Pioneer Hay	Pt Lot 24 Con. 4 ED	To A3 & A2	A-42 & 43	Surplus farm dwelling
42	2019-68	P 5/19	08/08/19	Housekeep.				
43	2019-67	P 7/19	08/08/19	2111878 On.	Pt. Lot 9 Con. 5 WD	To A3 & A2	A-27	Surplus farm dwelling
44	2019-93	P 8/19	28/11/19	S. Swain	Pt. Lt.18, Con.13, Pt. 1	To HR	E	Residential lot
45	2019-94	P 9/19	28/11/19	D. Swain	Pt. Lt. 18, Con.13, Pt. 2	To HR	E	Residential lot
46	2019-92	P 10/19	28/11/19	Krzyworaczka/ Tedford	Pt. Lt. 16, Con. 9	To RR	A-50	Rural residential lot addition
47	2019-98	P 11/19	19/12/19	VandenDries	Pt. Lt. 17, Con. 2	To A3 & A2	A-30	Surplus farm dwelling
48	2020-07	P 12/19	09/01/20	Lakeview	Pt. Lts. 4&5, Con.14	To LR	A-75	Lakeshore residential lot
49	2020-17	D14 01-2020	13/02/20	Vergeer	Pt. Lt.15, Con. 11	To A3 & A2	A-59	Surplus farm dwelling
50	2020-26	D14 02-2020	12/03/20	Murray	Pt. Lt.Z, Con. A ED	To A3 & A2	A-23	Surplus farm dwelling
51	2020-57	D14 03-2020	13/08/20	Schweitzer	Pt. Lt.C&D, Con.9	To A3 & A2	A-45	Surplus farm dwelling
52	2020-72	D14 04-2020	08/10/20	Housekeeping – text and mapping changes	Pt.Lt.2 Con 6WD Pt.Lt.17 Con 2ED Pt.Lt.9 Con 8 Pt.Lt.10 Con 11 Pt.Lt.14 Con 12	To A3 To A1 To A3 To A1 &A3 To A3	A-25 A-30 A-48 A-57 A-69	Rural residential lot Farm lot Residential lot Fix zoning Fix zoning
53	2020-69	D14 05-2020	24/09/20	571419 ON Ltd.	Pt.Lt.D Con 9	To RR &A2	A-45	Surplus farm dwelling
54	2020-89	D14 06-2020	26/11/20	The Andersons	Pt. Lt.1 Con 8	To M2-3	A-45	Agri-related severance
55	2021-15	07/2020	Feb25/21	Santo/Nagy	24801 Pioneer	FD-R1	5	Lot Add
56	2020-95	08/2020	Dec17/20	Veldman	26951 Downie	A1-A2/A3	43	Surplus
57	2021-43	01/2021	Jun24/21	Rachidi	257 Graham	I-R3 H-3	3	Convers.
58	2021-48	02/2021	Aug19/21	Parazonvic	Furnival	A1-RR	37	Lots
59	2022-06	03/2021	Feb10/22	Falkin	Victoria	I-R3-2	3	Convers
60	2022-18	01/2022		WE	Housekeeping			
61	2022-09	02/2022	Feb24/22	Hay	21394 Johnston	A1- A2/A3-6	7	Surplus
62	2022-22	03/2022	Apr28/22	Downie	Downie Line	A1-A2/A3	36	Surplus
63	2022-23	04/2022	Apr28/22	Robinson	Stalker Line	A1-A2/A3	32	Surplus
64	2022-32	05-2022	May12/22	Tim’s	Munroe/Grah	OS-C1-3	2	Comm
65	2022-24	06-2022	Apr28/22	Lamb	Marsh Line	A1-A3	53	
66	2022-36	07-2022	May26/22	Arvai	Ridge St	R1-H-1 – R3-2	6	Convers
		08-2022	REFUSED	Miller	Thomson	A2/A1		
67	2022-37	09-2022	May26/22	OFSG	Jane St	OS-R3 H-3	2	Convers
68	2022-46	10-2022	July 21/22	Larch Lane	Silver Clay Line	A1-A2/RR	72	Surplus
69	2022-68	11-2022	Nov24/22	Dieker	Argyle Line	A1-A2/A3	40	Surplus
70	2023-06	12-2022	Jan 26/23	Nitra/Morley	Gray Line	LR-RVP	75	Lot Add

71	2023-07	13-2022	Jan26/23	509692 Ont	Furnival	C1-C1-3	3	Other
72	2023-08	14-2022	Jan26/23	Liddy	Downie Line	A1-A1-6/C3	37	Lot Add
73	2023-17	1-2023	Feb23/23	Gascho	Beattie Line	A1-A1-7	10	AGRelated
74		2-2023		KLM	Pioneer			SubD
75	2024-11	3-2023	Feb824	2740305 Ont Ltd	Jane St	R3-H-R3	2	SubD
76	2023-68	4-2023	July 20/23	V & V Enterp	Furnival	RR-H/R3-3	37	SubD
77	2023-46	5-2023	Jun8/23	Stoll	Fleming Line	A1-A1-8	2	AgRelated
78	2023-39	6-2023	May25/23	VanLith	Clachan Rd	A1-A2/A3-6	14	Surplus
79	2023-47	7-2023	Jun8/23	Battersby	Crinan Line	A1-A2/A3	30	Surplus
80	2023-65	8-2023	Jul 20/23	Miller	Thomson Line	A2-A1/A1-A2	53/56	Other
81	2023-53	9-2023	Jun22/23	Simon	Pioneer Line	A1-A1-9	50	AgRelated
82	2023-66	10-2023	Jul 20/23	Hope Harb	Havens Lake	SEE BY-LAW	G	Subd
83	2023-48	11-2023	Jun8/23	Knight	Pioneer Line	A1-A2/A3-7	44	Surplus
84	2023-74	12-2023	Oct 12/23	DonWest	Finney St	FR-R2-1	2	SubD
85	2023-64	13-2023	Jul20/23	Johnston	Colley Rd	A2/A3	29	Surplus
86	2023-67	14-2023	Jul20/23	El-Rachidi	Graham	H-REMOV	3	Other
87	2023-73	15-2023	Aug10/23	Jensen/Veldman	Pioneer	A2/RR	43	Surplus
88	2023-88	16-2023	Oct 12/23	Forbestfarm	Kintyre	A2/A3	17	Surplus
89		17-2023		Uniek Holdings	Munroe			
90	2023-90	18-2023	Oct 12/23	Schouten	Crinan	A2/A3	33	Surplus
91	2023-89	19-2023	Oct 12/23	McCallum	McMurphy	A2/A3	22	Surplus
92	2023-95	20-2023	Oct 26/23	Branas	Gray Line	LD/LD-1	79	Other
93	2023-105	21-2023	Dec 21/23	Marsh Line Development	Marsh Line	R1-H-1/R1-9	5	Subd
94	2024-04	22-2023	Jan 25/24	Kuranyi	Pioneer Line	A2-A3	49	Surplus
95								
96								
97								
98								
99								

**BOLD DENOTES DUPLICATE TO AMEND THROUGH HOUSEKEEPING BY-LAW**

## TABLE OF CONTENTS

<b>SECTION 1.</b>	<b>INTERPRETATION &amp; ADMINISTRATION.....</b>	<b>4</b>
1.1	TITLE .....	4
1.2	LANDS AFFECTED .....	4
1.3	SCOPE .....	4
1.4	INTERPRETATION.....	4
1.5	MEASUREMENTS.....	4
1.6	MUNICIPAL LICENSES AND PERMITS.....	5
1.7	LOWER THAMES VALLEY CONSERVATION AUTHORITY .....	5
1.8	VIOLATIONS AND PENALTIES .....	5
1.9	REMEDIES .....	5
1.10	APPLICATION OF OTHER LEGISLATION.....	5
1.11	VALIDITY .....	6
<b>SECTION 2.</b>	<b>DEFINITIONS .....</b>	<b>7</b>
<b>SECTION 3.</b>	<b>ZONES AND ZONING MAPS .....</b>	<b>30</b>
3.1	ESTABLISHMENT OF ZONES .....	30
3.2	USE OF ZONE SYMBOLS.....	30
3.3	HOLDING SYMBOLS .....	31
3.4	COMPOUND ZONES .....	32
3.5	MULTIPLE ZONES .....	32
3.6	SITE- SPECIFIC ZONES .....	32
3.7	INTERPRETATION OF ZONE BOUNDARIES .....	33
<b>SECTION 4.</b>	<b>GENERAL PROVISIONS.....</b>	<b>34</b>
4.1	ACCESSORY USES, BUILDINGS AND STRUCTURES.....	34
4.2	TEMPORARY BUILDINGS AND CONSTRUCTION USES .....	34
4.3	ENCLOSURES .....	35
4.4	ESTABLISHED BUILDING LINES .....	35
4.5	EXISTING LOTS .....	35
4.6	EXPLORATION AND/OR PRODUCTION OF OIL AND NATURAL GAS.....	35
4.7	EXPROPRIATION AND DEDICATIONS.....	35
4.8	FRONTAGE ON A PUBLIC ROAD .....	36
4.9	FRONT LOT LINES AND HIGHWAY NO. 401 .....	36
4.10	HAZARD LANDS .....	36
4.11	HEIGHT EXEMPTIONS .....	36
4.12	SETBACKS FROM MUNICIPAL DRAINS .....	36
4.13	NON-COMPLYING BUILDINGS AND STRUCTURES ON EXISTING LOTS .....	36
4.14	NON-CONFORMING USES .....	36
4.15	MINIMUM SETBACKS FROM COUNTY ROADS.....	37
4.16	OIL AND GAS WELLS .....	37
4.17	OUTDOOR FURNACES.....	37
4.18	PARKING REGULATIONS .....	37
4.19	PROHIBITED USES .....	40
4.20	PUBLIC USES .....	40
4.21	RESIDENTIAL DRIVEWAYS .....	40
4.22	SECOND RESIDENTIAL UNITS.....	40
4.23	SCHOOL BUS HUTS OR SHELTERS.....	41
4.24	SEWAGE TREATMENT FACILITIES .....	41
4.25	SHIPPING CONTAINERS and STORAGE CONTAINERS.....	41
4.26	SIGHT TRIANGLES.....	41
4.27	WAYSIDE PITS, QUARRIES, PORTABLE ASPHALT PLANTS, PORTABLE CONCRETE PLANTS .....	41
4.28	WETLANDS .....	41
4.29	YARD ENCROACHMENTS AND OBSTRUCTIONS.....	42
4.30	RETAIL SALE OF CANNABIS .....	42
4.31	LIGHTING FACILITIES.....	42
<b>SECTION 5.</b>	<b>GENERAL AGRICULTURAL (A1) ZONE.....</b>	<b>43</b>
5.1	GENERAL USE REGULATIONS .....	43
5.2	SPECIAL USE REGULATIONS.....	44
5.3	SITE-SPECIFIC ZONES .....	45
<b>SECTION 6.</b>	<b>AGRICULTURAL (A2) ZONE.....</b>	<b>48</b>
6.1	GENERAL USE REGULATIONS .....	48
6.2	SPECIAL USE REGULATIONS.....	49
6.3	SITE-SPECIFIC ZONES .....	49
<b>SECTION 7.</b>	<b>RESTRICTED AGRICULTURAL (A3) ZONE .....</b>	<b>50</b>
7.1	GENERAL USE REGULATIONS .....	50
7.2	SPECIAL USE REGULATIONS.....	51
7.3	SITE-SPECIFIC ZONES .....	52

<b>SECTION 8. RESIDENTIAL FIRST DENSITY (R1) ZONE .....</b>	<b>54</b>
8.1 GENERAL USE REGULATIONS .....	54
8.2 SPECIAL USE REGULATIONS .....	55
8.3 SITE-SPECIFIC ZONES .....	55
<b>SECTION 9. RESIDENTIAL SECOND DENSITY (R2) ZONE .....</b>	<b>58</b>
9.1 GENERAL USE REGULATIONS .....	58
9.2 SPECIAL USE REGULATIONS .....	59
9.3 SITE-SPECIFIC ZONES .....	59
<b>SECTION 10. RESIDENTIAL THIRD DENSITY (R3) ZONE .....</b>	<b>60</b>
10.1 GENERAL USE REGULATIONS .....	60
10.2 SPECIAL USE REGULATIONS .....	61
10.3 SITE-SPECIFIC ZONES .....	61
<b>SECTION 11. RURAL RESIDENTIAL (RR) ZONE .....</b>	<b>64</b>
11.1 GENERAL USE REGULATIONS .....	64
11.2 SPECIAL USE REGULATIONS .....	64
11.3 SITE-SPECIFIC ZONES .....	65
<b>SECTION 12. HAMLET RESIDENTIAL (HR) ZONE .....</b>	<b>66</b>
12.1 GENERAL USE REGULATIONS .....	66
12.2 SPECIAL USE REGULATIONS .....	66
12.3 SITE-SPECIFIC ZONES .....	67
<b>SECTION 13. LAKESHORE RESIDENTIAL (LR) ZONE .....</b>	<b>68</b>
13.1 GENERAL USE REGULATIONS .....	68
13.2 SPECIAL USE REGULATIONS .....	68
13.3 SITE-SPECIFIC ZONES .....	69
<b>SECTION 14. SEASONAL RESIDENTIAL (SR) ZONE .....</b>	<b>71</b>
14.1 GENERAL USE REGULATIONS .....	71
14.2 SPECIAL USE REGULATIONS .....	71
14.3 SITE SPECIFIC ZONES .....	71
<b>SECTION 15. FUTURE RESIDENTIAL (FR) ZONE .....</b>	<b>72</b>
15.1 GENERAL USE REGULATIONS .....	72
15.2 SPECIAL USE REGULATIONS .....	72
15.3 SITE-SPECIFIC ZONES .....	72
<b>SECTION 16. VILLAGE CORE (C1) ZONE .....</b>	<b>73</b>
16.1 GENERAL USE REGULATIONS .....	73
16.2 SPECIAL USE REGULATION .....	74
16.3 SITE-SPECIFIC ZONES .....	75
<b>SECTION 17. HAMLET COMMERCIAL (C2) ZONE .....</b>	<b>76</b>
17.1 GENERAL USE REGULATIONS .....	76
17.2 SPECIAL USE REGULATIONS .....	76
17.3 SITE-SPECIFIC ZONES .....	77
<b>SECTION 18. HIGHWAY COMMERCIAL (C3) ZONE .....</b>	<b>78</b>
18.1 GENERAL USE REGULATIONS .....	78
18.2 SPECIAL USE REGULATIONS .....	79
18.3 SITE-SPECIFIC ZONES .....	79
<b>SECTION 19. TOURIST COMMERCIAL (TC) ZONE .....</b>	<b>80</b>
19.1 GENERAL USE REGULATIONS .....	80
19.2 SPECIAL USE REGULATION .....	80
19.3 SITE-SPECIFIC ZONES .....	81
<b>SECTION 20. GENERAL INDUSTRIAL (M1) ZONE .....</b>	<b>83</b>
20.1 GENERAL USE REGULATIONS .....	83
20.2 SPECIAL USE REGULATIONS .....	84
20.3 SITE-SPECIFIC ZONES .....	84
<b>SECTION 21. FARM INDUSTRIAL (M2) ZONE.....</b>	<b>85</b>
21.1 GENERAL USE REGULATIONS .....	85
21.2 SPECIAL USE REGULATIONS .....	85
21.3 SITE-SPECIFIC ZONES .....	86
<b>SECTION 22. RURAL INDUSTRIAL (M3) ZONE.....</b>	<b>87</b>
22.1 GENERAL USE REGULATIONS .....	87
22.2 SPECIAL USE REGULATIONS .....	87
22.3 SITE-SPECIFIC ZONES .....	88
<b>SECTION 23. EXTRACTIVE INDUSTRIAL (M4) ZONE .....</b>	<b>89</b>
23.1 GENERAL USE REGULATIONS .....	89
23.2 SPECIAL USE REGULATIONS .....	89
23.3 SITE-SPECIFIC ZONES .....	89
<b>SECTION 24. INSTITUTIONAL (I) ZONE.....</b>	<b>90</b>
24.1 GENERAL USE REGULATIONS .....	90
24.2 SPECIAL USE REGULATIONS .....	91
24.3 SITE-SPECIFIC ZONES .....	91

**SECTION 25. OPEN SPACE (OS) ZONE .....93**  
25.1 GENERAL USE REGULATIONS ..... 93  
25.2 SPECIAL USE REGULATIONS ..... 93  
25.3 SITE-SPECIFIC ZONES ..... 94

**SECTION 26. RECREATIONAL VEHICLE PARK (RVP) ZONE..... 96**  
26.1 GENERAL USE REGULATIONS ..... 96  
26.2 SPECIAL USE REGULATIONS ..... 96  
26.3 SITE-SPECIFIC ZONES ..... 97

**SECTION 27. CEMETERY (C) ZONE..... 98**  
27.1 GENERAL USE REGULATIONS ..... 98  
27.2 SPECIAL REGULATIONS ..... 98  
27.3 SITE-SPECIFIC ZONES ..... 98

**SECTION 28. PUBLIC UTILITY (U) ZONE ..... 99**  
28.1 GENERAL USE REGULATIONS ..... 99  
28.2 SPECIAL USE REGULATIONS ..... 99  
28.3 SITE-SPECIFIC ZONES ..... 99

**SECTION 29. FUTURE DEVELOPMENT (FD) ZONE ..... 100**  
29.1 GENERAL USE REGULATIONS ..... 100  
29.2 SPECIAL USE REGULATIONS ..... 100  
29.3 SITE-SPECIFIC ZONES ..... 100

**SECTION 30. LAKESHORE DEVELOPMENT (LD) ZONE..... 101**  
30.1 GENERAL USE REGULATIONS ..... 101  
30.2 SPECIAL USE REGULATIONS ..... 101  
30.3 SITE-SPECIFIC ZONES ..... 101

**SECTION 31. ENACTMENT ..... 102**  
31.1 CONFLICT WITH OTHER BY-LAWS..... 102  
31.2 REPEAL OF EXISTING BY-LAWS ..... 102  
31.3 MINOR VARIANCES AND PERMISSIONS ..... 102  
31.4 SEVERABILITY ..... 102  
31.5 EFFECTIVE DATE..... 102

**BY-LAW NO. 2015-36**

**ZONING BY-LAW**

**MUNICIPALITY OF WEST ELGIN**

**A By-law to regulate the use of land, and the character, location and use of buildings and structures in the Municipality of West Elgin.**

**WHEREAS** the Council of the Corporation of the Municipality of West Elgin deems it expedient to implement the Official Plan of the Municipality of West Elgin; and

**WHEREAS** authority is granted to the Council of the Corporation of the Municipality of West Elgin under Section 34 of the Planning Act, R.S.O. 1990 to pass this By-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN ENACTS AS FOLLOWS:**

**SECTION 1. INTERPRETATION & ADMINISTRATION**

**1.1 TITLE**

This By-law shall be known as the “Municipality of West Elgin Zoning By-law”.

**1.2 LANDS AFFECTED**

The provisions of this By-law shall apply to all land within the corporate limits of the Municipality 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 Municipality except in conformity with this By-law.

**1.4 INTERPRETATION**

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

- a) The particular shall supersede the general. Where a term or phrase is defined in general terms in this By-law, it shall not be construed to mean any other term or phrase which is more specifically defined herein unless it is specifically stated otherwise;
- b) 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;
- c) The word “shall” is to be construed as mandatory and not discretionary;
- d) 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;
- e) A “building” or “structure” shall include any part or portion thereof;
- f) Any Act or Regulation of the Province referred to herein shall include any amendments or revisions made thereto or any subsequent Act or Regulation enacted in place thereof.
- g) No amendment to this By-law shall be required in order for the Corporation to make typographical changes or changes to section references, where in the opinion of the Corporation, such corrections do not affect the intent of the By-law.

**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;
- e) For numbers expressed as a ratio or as a percentage, rounding shall not be applied.

## **1.6 MUNICIPAL LICENSES 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 in violation of this By-law.

## **1.7 LOWER THAMES VALLEY CONSERVATION AUTHORITY**

Where lands lie within an area regulated by the Lower Thames Valley Conservation Authority pursuant to Ontario Regulation 152/06, no building permit will be issued by the Municipality for a building or structure in compliance with this By-law without permission having first been given by the Authority.

## **1.8 VIOLATIONS AND PENALTIES**

Every person, other than a corporation, who contravenes this By-law is guilty of an offence and on conviction is liable on a first conviction to a fine of not more than \$20,000; and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was convicted, the maximum penalty that shall be imposed is, on a first conviction, a fine of not more than \$50,000; and, on a subsequent conviction, a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, as prescribed by the Planning Act.

## **1.9 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 Municipality under the Planning Act, the Municipal Act, or the Judicature 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 Municipality for the cost of such work, thing or matter done, the same may be recovered by the Municipality in like manner as taxes.

## **1.10 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 Lower Thames Valley Conservation Authority and the Ministry of Transportation in the following circumstances:

- a) where lands lie within an area regulated by the Lower Thames Valley Conservation Authority pursuant to Ontario Regulation 152/06 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.

- b) where lands lie within the permit control area established by the Ministry of Transportation adjacent to Highway No. 401 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.

#### **1.11 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.