

TOWNSHIP OF WELLESLEY

ZONING BY-LAW No. 28/2006

A By-law to regulate the use of land, and the character, location and use of buildings and structures in the Township of Wellesley

WHEREAS the Council of the Corporation of the Township of Wellesley deems it necessary to enact a Zoning By-law;

NOW THEREFORE the Council of the Corporation of the Township of Wellesley, pursuant to the Planning Act, and all other powers thereunto enabling, enacts as follows:

SECTION 1 INTERPRETATION AND ADMINISTRATION

1.1 TITLE

This By-law shall be known as the “Zoning By-law” of the Corporation of the Township of Wellesley.

1.2 APPLICATION

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Township of Wellesley as legally constituted.

1.3 SCOPE

No land shall be used and no buildings or structures shall be erected, altered, or used within the Township of Wellesley except in accordance with the provisions of this By-law and except as permitted by this By-law.

1.4 MINIMUM REQUIREMENTS

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 Township.

1.5 NUMBER AND GENDER

In this By-law, unless the contrary intention 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.

1.6 ADMINISTRATION

This By-law shall be administered by the Director of Planning or such other person as the Council of the Corporation of the Township of Wellesley designates.

1.7 INSPECTION OF PREMISES

The By-law Enforcement Officer or Chief Building Official or any other person acting under the direction of Council may at any reasonable hour, enter and inspect a property or premises where there is reason to believe that any land has been used or any building or structure has been erected, altered, or enlarged, or used in violation of any of the provisions of this By-law.

1.8 APPLICATION FOR BUILDING PERMITS

In addition to all other requirements of the Ontario Building Code or any other building code or building By-law, every applicant for a building permit shall file with his/her application a plan, in duplicate, drawn to scale, in metric, showing the true dimensions of the lot proposed to be built upon or otherwise developed, the proposed location, grade, height and dimensions of the building or work in respect of which the permit is applied for and the location on such lot of every existing building, together with a statement, signed by the owner, disclosing the exact use proposed for each building aforesaid and giving all information necessary to determine whether or not such building and the proposed use thereof conform with the requirements of this By-law.

1.9 BUILDINGS TO BE MOVED

No building, residential or otherwise shall be moved within the limits of the Township or shall be moved into the Township from outside, without a permit from the Chief Building Official.

1.10 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 any provisions of this By-law.

1.11 VIOLATIONS AND PENALTIES

Every person 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 \$25,000.00; and on a subsequent conviction to a fine not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted. Where, however, a corporation is convicted, the maximum penalty that may be imposed is, on a first conviction, a fine of not more than \$50,000.00; and on a subsequent conviction a fine of not more than \$25,000.00 for each day thereof upon which the contravention has continued after the day on which the corporation was first convicted, as prescribed by the Planning Act, as amended.

1.12 REMEDIES

Where any building is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of the provisions of this By-law, the same may be restrained by action at the instance of any ratepayer, or of the Council of the Township of Wellesley pursuant to the provisions of the Planning Act, as amended from time to time.

1.13 **REPEAL OF EXISTING BY-LAWS**

From the coming into force of this By-law all previous By-laws passed under Section 34 of the Planning Act, or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said By-laws prohibits the use of any land, building or structure for a purpose that is also prohibited by this By-law.

1.14 **APPLICATION OF OTHER BY-LAWS**

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of the Building By-law or any other By-law of the Township in force from time to time or the obligation to obtain any license, permit, authority or approval required under any By-law of the Township.

1.15 **VALIDITY**

Should any section, clause or provision 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.

1.16 **IMPERIAL MEASUREMENTS**

In this By-law, wherever an imperial measurement appears, such number is for the clarification purposes only, and does not represent part of this By-law.

1.17 **EFFECTIVE DATE**

This By-law shall come into force:

- a) Where no notice of objection has been filed with the Municipal Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the expiration of the prescribed time; or
- b) Where notice of objection has been filed with the Municipal Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the approval of the Ontario Municipal Board.

1.18 **ILLUSTRATIONS**

Any illustrations included in this by-law are provided for information to assist in the interpretation of the Zoning By-law, however, do not form part of the By-Law.