

**The Corporation of the Township of Lanark Highlands
Comprehensive Zoning By-law**

Foreword

*This Zoning By-law affects all lands within the Township of Lanark Highlands. To use this By-law, locate the subject property on the map schedules and determine the zone(s) which affects the land. Then review the specific regulations relating to the zone(s) in **Section 5: Zones**. It is also important to review **Section 4: General Provisions** and any applicable definitions in **Section 3: Definitions**.*

Changes to the requirements contained in this By-law may be made with prior approval by the Township as provided for under the Planning Act. Significant changes may be made through the zoning by-law amendment process. Minor variances may be granted by the Township Committee of Adjustment. Both processes require formal applications to be submitted to the Municipality and both involve mandatory public notification.

Should you have any questions about the interpretation of the wording of this by-law or the process involved to obtain relief from its provisions, please contact the Township Office.

The Corporation of the Township of Lanark Highlands

By-law No. 2003-451

Being a By-law to regulate the use of land,
buildings and structures within the
Township of Lanark Highlands;

WHEREAS authority is granted pursuant to
Section 34 of the *Planning Act*, R.S.O. 1990,
to Councils of Municipalities to enact by-
laws regarding the use and the erection and
use of buildings or structures within the
municipality;

NOW THEREFORE the Council of the
Corporation of the Township of Lanark
Highlands enacts as follows:

(Text of Zoning By-law)

Read a first and second time this 14th day of October, 2003.

Read a third time and adopted this 18th day of November, 2003.

Larry McDermott
Mayor

Mark Kirkham
Clerk

**Certified that the above is a true copy of By-law No. 2003-451 as enacted and passed
by the Council of the Corporation of the Township of Lanark Highlands on the 18th
day of November, 2003.**

Mary Kirkham
Clerk

Section 1 TITLE AND COMPONENTS

Explanatory Note

Section 1 names the By-law and components of the By-Law. Reference should be made to the Zoning Schedules which illustrate the geographic area to which the Zones in this By-Law apply.

1.0 TITLE AND COMPONENTS

1.1 Title

This By-Law shall be known as the "**Zoning By-Law of the Corporation of the Township of Lanark Highlands**".

1.2 Components

This By-Law is comprised of text and **Schedules "A1, A2, A3, A4 and A5"** attached hereto.

Section 2 ADMINISTRATION

Explanatory Note

Section 2 identifies the administrative controls and requirements of the By-law. It states its relationship with other by-laws, defines the area to which it applies, how it is to be enforced, etc. In essence, it identifies the legal parameters within which the By-law functions.

2.0 ADMINISTRATION

2.1 Administrator

This By-law shall be administered by a person or persons designated by By-law from time- to-time by Council as the "Zoning Administrator".

2.2 Applications and Plans

Applications and plans, where required, shall comply with the requirements of the *Planning Act* and include such other information as may be required by the Township.

2.3 Certificate of Occupancy

No change shall be made in the use of any land, building or structure within any zone, without first obtaining a Certificate of Occupancy from the Municipality in accordance with the *Planning Act*.

2.4 Defined Area

The provisions of this By-law shall apply to all land within the boundaries of the Corporation of the Township of Lanark Highlands.

2.5 Effective Date

This By-law shall come into full force and effect on the date of passing by Council, in accordance with the *Planning Act* as amended.

2.6 Inspection of Premises

1. Subject to Section 49 of the *Planning Act*, 1990, where an officer believes on reasonable grounds that a By-law passed under Section 34 or 38 (of the *Planning Act*) is being contravened, the officer or any person acting under

his or her instructions, may at all reasonable times, and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring.

2. Except under the authority of a search warrant issued under Section 49.1 (of the *Planning Act*), an officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.
3. No person shall obstruct or attempt to obstruct an officer or person acting under the officer's instructions in the exercise of a power under this Section.
4. For the purposes of this By-law, reasonable hours shall mean between 8:00 a.m. and 9:00 p.m. local time.

2.7 Penalty

1. Every person who violates any of the provisions of this By-law is guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding Twenty-Five Thousand Dollars (\$25,000.00), on a first conviction, and Ten Thousand Dollars (\$10,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.
2. Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is Fifty Thousand Dollars (\$50,000.00) on a first conviction and Twenty Five Thousand Dollars (\$25,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.
3. In the case where any building or structure is erected or altered, or any part thereof is used, or any lot is used, in contravention of any of the requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the *Municipal Act* or the *Planning Act* in that behalf.

2.8 Interpretation

The provisions of this By-law shall be held to be the minimum requirements except where the word maximum is used, in which case the maximum requirement shall apply.

In this By-law, the word "shall" is mandatory; words in the singular include the

plural; words in the plural include the singular; words in the present tense include the future.

Where linear distances other than those referring to vertical measurements are specified, such linear distances are to be measured on a horizontal plane.

Explanatory notes and text shown in *italicized script*, except for provincial statutes and regulations cited in this By-law, are provided for information purposes only and do not constitute a legal part of this By-law.

2.9 Licenses and Permits

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the area affected by this By-law, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or by any other law or regulation in force from time- to-time.

2.10 Remedies

In the case where any building or structure is erected or altered, or any part thereof is used, or any lot is used, in contravention of any of the requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the *Municipal Act* or the *Planning Act* in that behalf.

2.11 Validity

Should any Section or part of a Section of this By-law or Schedule attached hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of the By-law as a whole or any part thereof other than the part declared to be invalid.

2.12 Relation to Other By-laws and Regulations

In the event of conflict between this By-law and amendments thereto, and any general or special By-law, the most restrictive By-law shall prevail.

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Township of Lanark Highlands, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or by any other restrictions lawfully imposed by an authority having jurisdiction to make such restrictions.

2.13 Repeal of Existing Zoning By-laws

All existing Zoning By-laws passed pursuant to the *Planning Act*, or a predecessor thereof, are hereby repealed and such repeal shall come into effect upon the date this By-law comes into force.

Section 3 CONFORMITY

Explanatory Note

This short section establishes the authority and legitimacy of the By-law. It is composed of two statements which establish the primacy of the regulations stated within. This section also establishes the role of the Committee of Adjustment.

3.0 CONFORMITY REQUIREMENTS

- 3.1** No land, building or structure shall be used and no building or structure shall be erected, enlarged, placed, or altered for any purpose within the Township of Lanark Highlands, except in conformity with the provisions of this By-law.
- 3.2** Subject to the granting of such minor variance(s) as may be necessary to grant relief from the provisions of this By-law, no lands shall be severed from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention of any provision of this By-law.

3.3 Committee of Adjustment

Pursuant to the provisions of Sections 44 and 45 of the *Planning Act*, a duly appointed Committee of Adjustment is authorized to grant relief to any of the provisions of this By-law, by way of granting a minor variance or by giving a permission for the enlargement or extension of a non-conforming use or to permit a change of use of a non-conforming use to a similar or more compatible use.

Explanatory Note

The Committee of Adjustment, as appointed by Council, is duly authorized under Section 45 of the Planning Act, upon the application of the owner of any land, building or structure affected by this By-law, to grant a minor variance from the provisions of this By-law as in its opinion is desirable for the appropriate use of the land, building or structure if the general intent of the Zoning By-law and Official Plan are maintained. Minor variances may, for example, be granted to the lot area, lot frontage, setbacks, height of buildings, parking provisions or any other standard set out in this By-law. Minor generally means a variation that is less than a 25% difference to a zoning standard and does not include a change in any of the permitted uses in a zone.