

**SECTION 3: INTERPRETATION**

- 3.1 In this By-law, unless the context otherwise requires, the expression “use” or “used” shall include anything done or permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of such owner or occupant, for the purpose of making use of the said land, building or structure.
- 3.2 In this By-law, unless the contrary intention appears, words importing 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.
- 3.3 In this By-law, the word “shall” shall be construed as always mandatory.
- 3.4 Where in Section 2 the act of defining imposes restrictions, regulations or controls, such restrictions, regulations or controls are adopted as restrictions, regulations and controls imposed by this By-law.
- 3.5 When determining the minimum side yard requirements for a Residential Building, these requirements shall be determined by the number of storeys in the building and not by the height of the wall adjacent to the yard.

## **SECTION 4: APPLICATION OF THE BY-LAW**

All of the provisions of this By-law shall apply throughout all of the areas of the Township of Wilmot

From and after the effective date of this By-law, no building or structure shall be erected or altered and no change of occupancy of any building, structure, land or premises shall be made in whole or in part except in conformity with the provisions of this By-law.

### **4.1 Lots Under Size**

Where in any zone on the day of the passing of this By-law, the total area or width of any lot including abutting lots registered in the name of one person is insufficient to meet the requirements of this By-law, or which any lot as indicated on a draft plan of proposed subdivision which has been approved pursuant to the provisions of The Planning Act prior to the day of the passing of this By-law has been subsequently registered in conformity with such approved draft plan, such lot may, notwithstanding the requirements of this By-law, have erected upon it a permitted building or structure provided that:

- 4.1.1 A minimum side yard of 1.0 metres shall be maintained on each side, except in any case where the required off-street parking is to be provided in a side or rear yard, on side yard shall be increased to not less than 3.0 metres.
- 4.1.2 All requirements for such zone are observed, other than the lot width and lot area requirements.

### **4.2 Non-Conforming Uses**

- 4.2.1 Nothing in this By-law shall apply to prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose.
- 4.2.2 Nothing in this By-law shall apply to prevent the erection or use for a purpose prohibited by the By-law of any building or structure the plans for which have, prior to the day of the passing of the By-law, been approved by the municipal architect or building inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the day of the passing of the By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.
- 4.2.3 Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part of any building or structure provided the strengthening or restoration will not change the use of the building or structure.
- 4.2.4 A building destroyed by fire, flood or any act of God may be restored and reconstructed on the same lot provided the yard depths existing at the time prior to the destruction are maintained or are not reduced to a depth lesser than required by this By-law, provided that a building permit for such reconstruction is issued within one (1) year of the date of destruction.
- 4.2.5 Notwithstanding anything contained in this subsection, where, on the day of the passing of this By-law, a building exists which was designed for and is used as a Residential Building – One

Unit, nothing in this By-law, regardless of the zone in which the building is located, shall prevent:

- (a) The construction of a building or structure for a use accessory to a Residential Building in accordance with the regulations for accessory buildings in the zone within which such Residential Building is located.
- (b) The enlarging or extension of the existing Residential Building by not more than twenty-five percent (25%) of the total floor area of the building on the day of the passing of this By-law, so long as such Residential Building when enlarged or extended will conform with the General Regulations contained in Section 6 of this By-law and the specific regulations covering side yards contained in Zone 2 – Z.2 of this By-law.

#### **4.3 Discontinued Non-Conforming Uses**

Where for any reason the use of any land, building or structure for a use not permitted by this By-law, but which was in existence on the day of the passing of this By-law, has ceased, such non-conforming use shall not be resumed and any future use of the land, building or structure shall be in conformity with the regulations covering the zone in which the land, building or structure is located.