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.

3.6 If, subsequent to the construction of a building or structure, a setback regulation contained within this By-law is determined to be deficient to meet the requirements of this By-law, 0.1 metres is the factor within which it is deemed that the regulations of this By-law are met within a reasonable tolerance.

3.7 Where any legislation or portion thereof is referenced herein, it is intended that such references should be interpreted to include any subsequent legislation and related regulations that may amend or replace the specific statute.

3.8 In this By-law, the notation “%” shall mean percent, the notation “m” shall mean metres, the notation “m^2” shall mean square metres, and the notation “ha” shall mean hectares.

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 a Recognized Lot does not comply with the minimum lot area, width or frontage of the zone in which the Recognized Lot is located or as contained within a subsection of Section 22 of this By-law, the minimum lot area, width and frontage shall be the lot area, width and frontage of the Recognized Lot as existed on the day of passing By-law 2020-026.

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 is 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 or natural disaster 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 – Single Detached, 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 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.