

THE CORPORATION OF THE
MUNICIPALITY OF LEAMINGTON

ZONING BY-LAW

NO. 890-09

A By-law to regulate the use of land, and the character, location and use of buildings and structures in the Corporation of the Municipality of Leamington.

WHEREAS the Council of the Corporation of the Municipality of Leamington deems it expedient to implement the Official Plan for the Corporation of the Municipality of Leamington;

AND WHEREAS authority is granted under the *Planning Act* to pass this By-law.

NOW THEREFORE the Council of the Corporation of the Municipality of Leamington enacts as follows:

SECTION 1 - GENERAL

1.1 Title

This By-law shall be known as the Corporation of the Municipality of Leamington Zoning By-law.

1.2 Application

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Municipality of Leamington as now or hereafter legally constituted.

1.3 Scope

No lot or lands or any part thereof shall be used or altered and no buildings or structures or any part thereof shall be erected, structurally altered or enlarged, or used, within the Corporation of the Municipality of Leamington except in conformity with the provisions of this By-law.

1.4 Replacement of Existing By-laws

From the coming into force of this By-law, all previous zoning by-laws passed under the *Planning Act*, shall be replaced by the provisions of this By-law except to the extent that any of the said by-laws prohibit the use of any land, building or structure for a purpose that is also prohibited by this By-law.

1.5 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 Ontario Building Code or any other by-law of the Corporation of the Municipality of Leamington in force from time to time or the obligation to obtain any licence, permit, authority or approval required under any by-law of the Corporation of the Municipality of Leamington.

1.6 Greater Restrictions of Others to Govern

Nothing in this By-law shall reduce the severity of restrictions lawfully imposed by a government authority having jurisdiction to make such restrictions.

1.7 Validity

Should any section, clause or provision of this By-law, including any part of the zoning as shown on the Zoning Maps, Schedule "A", be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.8 Effective Date

This By-law shall take effect from the date of passage by the Council of the Corporation of the Municipality of Leamington and shall come into force in accordance with the *Planning Act*.

1.9 Interpretation

1.9.1 General

a) Minimum Requirements

When 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 Corporation of the Municipality of Leamington.

Except for those specifically stated as being maximum, any numerical figures in this By-law shall be the minimum requirements.

b) Meaning of Use

Unless the context otherwise requires, the expression "use" or "to use" in this By-law 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 or consent of such owner or occupant, for the purpose of making use of the said land, building or structure.

c) Meaning of Shall

In this By-law, the word "shall" shall always be construed as mandatory.

d) Meaning of Building or Structure

A "building" or "structure" as defined herein shall include any part thereof.

e) **Number and Gender**

In this By-law, unless the contrary intention appears otherwise, words implying 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.

1.9.2 Special Regulations for Defined Areas

To each defined area within any zone there shall apply such special regulations as may be established by the By-law with respect to such defined area and, in addition to such special regulations, all provisions of this By-law including the general regulations applicable to the zone within which the defined area is located shall apply to the defined area, provided that, unless a contrary intention appears from the special regulations:

- a) if the special regulations are different from the corresponding regulations of this By-law, including the general regulations applicable to the zone within which the defined area is located, the special regulations shall supersede and prevail over such corresponding regulations of this By-law;
- b) if the special regulations establish one or more specifically permitted uses for the defined area, such permitted use or uses shall be the only purpose or purposes for which the defined area may be used; and
- c) if the special regulations specifically permit one or more uses in addition to those otherwise permitted in the zone within which the defined area is located, any and all of the special regulations applicable to the defined area shall apply only to the additional permitted use or uses and not to uses otherwise permitted in the zone.