1.0 INTERPRETATION, ADMINISTRATION AND ENFORCEMENT

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1.1 TITLE

This By-law may be cited as the Zoning By-law for the City of Brockville.

1.2 COMPONENTS

a) This By-law is comprised of this text and Schedules “A” and “B” inclusive.

b) Appendices 1 and 2, attached to this By-law, do not form an operative component of the By-law, but are provided for convenience only.

c) The illustrations contained within this text do not form a component of this By-law. The illustrations are provided for convenience only.

1.3 COMPLIANCE WITH THIS BY-LAW

a) No person shall use any land, building, or structure within the City of Brockville and no person shall erect, enlarge, place or alter, in whole or in part, any building or structure within the City of Brockville except in conformity with the provisions of this By-law.

b) Except by decision of the Committee of Adjustment, or as otherwise provided in this By-law, no person shall change the purpose for which any lot, building or structure is used, or erect any new building or sever any lands from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building or structure or lot to be in contravention of the By-law, or increase any existing non-conformity.

c) The requirements of this By-law shall be met before a building permit is issued for the erection, alteration or addition to any building or structure or a change of use, in accordance with the Ontario Building Code.

d) The requirements of this By-law are in addition to any other regulations, permits, legislation or approvals. This shall include, but shall not be limited to, site plan approval by the City of Brockville, approval of a plan of subdivision or plan of condominium, approval of a permit from the Ministry of Transportation, or a permit from the Cataraqui Region Conservation Authority.

e) No person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any lot has or have been conveyed to or acquired by any Public Authority.

1.4 DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given within the By-law shall govern.

1.5 INTERPRETATION

a) For the purpose of this By-law, words used in the present tense include the future tense; words in singular include the plural and words in the plural include the singular.

b) The words “must” or “shall” are mandatory.

c) All linear measurements shall be measured on the horizontal plane, unless the measurement refers to height or this By-law states otherwise.

d) The short form “m” when used in combination with a number shall mean “metres” and the short form “m^2” shall mean square metres.

e) 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.

1.6 INTERPRETATION OF SCHEDULES “A” AND “B”

a) Schedules “A” and “B” attached shall be read with and form part of this By-law, and shall be interpreted in conjunction with the text.

b) For the purposes of this By-law, lands within the City of Brockville have been divided into zones, the boundaries of which are shown on Schedule “A”.

c) The zone classifications are established in Section 4.0 of this By-law.

d) The following applies with respect to the interpretation of the location of the zone boundaries on Schedule “A”:

i) A boundary indicated as following a highway, street, lane, railway right-of-way or watercourse shall be the centre of such highway, street, lane, railway right-of-way or watercourse;

ii) A boundary indicated as following the shoreline of the St. Lawrence River shall be deemed to follow the shoreline, as it is defined in Section 2.0 of this By-law;

iii) A boundary indicated as following lot lines or the municipal boundary of the Corporation of the City of Brockville shall follow such lot lines or municipal boundary;

iv) A boundary which appears to follow a lot line or street line, but is not precisely overlain onto the lot line or street line, shall be interpreted to follow the lot line or street line, provided that the zone boundary is located within +/- 5.0 metres of the lot line or street line, as interpreted from the map;

v) Where two or more zones are clearly shown on a lot and subclause 1.6 d) iv) does not apply, the zone boundary shall be deemed to be a lot line for the purposes of calculating setbacks and lot coverage, and each portion of the lot is required to

satisfy the provisions of this By-law within each applicable zone; and

vi) Where none of the above provisions apply, the zone boundaries shall be scaled from the map and interpreted by the Chief Planning Officer.

e) The following applies with respect to the interpretation of Schedule “B” – Special Lot and Building Requirements for the Downtown and Central Waterfront Area:

i) Schedule “B” shall apply to all lands shown within the boundary indicated as the “Downtown and Central Waterfront Area.”

ii) Where the “minimum 2 storey building height at street edge” is shown to apply to a lot, the provisions of Subsection 3.29 shall apply to the entirety of the lot.

iii) Where a maximum building height is shown to apply to the lot, the maximum building height on the property shall be as shown, subject to the angular plane provisions of Subsection 3.6.

iv) Where a continuous street frontage and minimum ground floor height are shown to apply to a lot line or a portion of a lot line, the provisions of Subsection 3.14 and Subsection 3.30 shall apply to that lot line or that portion of the lot line. Where the continuous street frontage and minimum ground floor height are shown to apply to a portion of a lot line on a lot, the applicability shall be scaled from the map.

v) “Where an intermittent street frontage and minimum ground floor height are shown to apply to a lot line or a portion of a lot line the provisions of Subsection 3.25 and Subsection 3.30 shall apply to that portion of the lot line. Where the intermittent street frontage and minimum ground floor height are shown to apply to a portion of a lot line on a lot, the applicability shall be scaled from the map.”

vi) Where an intermittent street frontage only is shown to apply to a lot line or a portion of a lot line, the provisions of Subsection 3.25 shall apply to that lot line or that portion of the lot line. Where the intermittent street frontage is shown to apply to a portion of a lot line on a lot, the applicability shall be scaled from the map.

1.7 SCOPE

This By-law applies to all land within the boundaries of the Corporation of the City of Brockville.

1.8 SEVERABILITY

If any section, clause or provision of this By-law, including anything contained on any of the schedules attached to and forming part of this By-law is for any reason declared by a court of competent jurisdiction or the Ontario Land Tribunal, or any successor thereto to be invalid or not in effect, the same shall not affect the validity or effect of the By-law as a whole or part thereof, other than the section, clause or provision, including anything contained on the Schedules so declared to be invalid. It is hereby declared that all the remaining sections, clauses or provisions including anything contained on the Schedules of this By-law shall remain in full force and effect until repealed or amended, notwithstanding that one or more provisions shall have been declared to be invalid or not in effect.

1.9 ADMINISTRATION

This By-law shall be administered and enforced by the person or persons appointed by By-law from time to time by the Corporation.

1.10 CERTIFICATE OF OCCUPANCY

No person shall change the use of any lot covered by this By-law, or of any building or structure on any such lot or of any part of such lot, building or structure without having applied for and received a Certificate of Occupancy, issued by the Corporation or its appointed agent. Issuance of such Certificate of Occupancy by the Corporation will imply that the proposed use is in compliance with this By-law. Applications for Certificate of Occupancy shall be made on the prescribed forms and shall be known as Certificate of Zoning Compliance.

1.11 VIOLATIONS AND PENALTIES

a) Every person who uses any lot, or erects or uses any building, structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits a violation of the By-law, shall be guilty of an offence and upon conviction is liable,

   i) on a first conviction to a fine of not more than $25,000.00 nor less than $1,000.00; and

ii) on a subsequent conviction to a fine of not more than $10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he/she was first convicted.

b) When a corporation is convicted of a contravention of this By-law, the maximum penalty that may be imposed is:

i) on a first conviction to a fine or not more than $50,000.00 nor less than $2,000.00; and

ii) on a subsequent conviction to a fine of not more than $25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided in clause a).

iii) In accordance with Section 431 of the *Municipal Act*, S.O. 2001, c.25, the Provincial Offences Court (Criminal Division), or any court of competent jurisdiction, may issue an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any fine imposed on the person convicted.

1.12 APPLICATIONS FOR AMENDMENT TO ZONING BY-LAW

Applications for amendments to this By-law shall be made on forms prescribed from time to time and shall be accompanied by the appropriate fee.

1.13 TRANSITION PROVISIONS

a) Except as specifically provided in Subsection 1.13, the provisions of this By-law shall apply.

b) **Applications in Process**

Nothing in this By-law shall prevent the erection or use of a building or structure for which an application for a building permit, minor variance, consent, site plan or plan of subdivision was made prior to the date of the enactment of this By-law, provided that the application complies, or is amended to comply, with the provisions of Zoning By-law 194-94 and all amendments thereto.

c) **Building Permits**

Nothing in this By-law shall prevent the erection or use of a building or structure in accordance with a building permit application submitted prior to the date of passing of this By-law and deemed complete,

provided the building permit is in accordance with all prior zoning by-laws that affected the lot before July 31, 2026.

d) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Section 1.13 c).

e) **Approved Minor Variances**

All minor variances which have received final approval pursuant to the *Planning Act* shall be modified to the extent necessary to give effect to the minor variance as if they were minor variances to this By-law.

f) **Approved Consents**

Where:

i) A consent to sever which has received final approval pursuant to the *Planning Act* and the consent results in the creation of a new lot;

ii) The land has been conveyed prior to the enactment of this By-law, or, if the land has not been conveyed prior to the enactment of this By-law, a certificate of compliance has been issued under Section 53(42) of the *Planning Act* and the consent has not lapsed; and

iii) The new lot does not comply with the provisions of this By-law with respect to minimum lot frontage or minimum lot area,

Nothing in this By-law shall prevent the construction of a building or structure on the lot, provided that the lot complied with the minimum lot frontage and minimum lot area and such building was permitted under Zoning By-law 194-94.

g) **Site Plan, Subdivision and Condominium Agreements**

Where a Site Plan, Subdivision and Condominium Agreement has been entered into prior to the effective date of this By-law, and the timeframes specified in the Agreement have not yet lapsed, the provisions of this By-law, as they apply to such land, building or structure, shall be deemed to be modified to the extent necessary to give effect to such Site Plan, Subdivision or Condominium Agreement.

h) Clauses 1.13 a) through f) inclusive are hereby repealed three (3) years after the date of enactment of this By-law.

1.14 TECHNICAL REVISIONS TO THE ZONING BY-LAW

Changes to appendices, footnotes, headings, table of contents, page numbering, reference information, and illustrations which do not form a component of this by-law and are editorially inserted for convenience of reference only;

Adding or revising technical information on maps or schedules that does not affect the zoning of lands, including but not limited to color, scale, legend and infrastructure information such as a street name or a highway; and,

Correcting of grammar, punctuation, typographical errors or revisions to format in a manner that does not change the intent of the provisions."

1.15 LEGAL NON-CONFORMING USES AND LEGAL NON-COMPLYING BUILDINGS AND STRUCTURES

Nothing in this By-law shall apply:

a) 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 this By-law, so long as it continues to be used for that purpose;

b) to prevent the erection or use for a purpose prohibited by the By-law of any building or structure for which a permit has been issued pursuant to the *Building Code Act*, prior to the day of the passing of this By-law, 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 permit has not been revoked pursuant to the *Building Code Act*;

c) to prevent an extension, addition, repair or replacement being made to all or part of a use, building or structure which legally existed at the date of passing of this By-law and which is a permitted use for the zone in which it is located, but which does not comply with one (1) or more of the Zone Provisions of this By-law (Sections 5.0 – 7.0), provided that:

   i. such extension, addition, repair or replacement does not further reduce the front yard, interior side yard, exterior side yard or rear yard setback that does not comply with this By-law;

ii. such extension does not further reduce the minimum required setback from the Environmental Protection (EP) Zone, in accordance with Subsection 3.27; and

iii. all other applicable provisions of this By-law are satisfied.

d) to prevent the installation of exterior cladding, with or without insulation, to a maximum depth of 0.25 metres to a building or structure even though the installation of such cladding would create a non-complying yard or further decrease a legal non-complying yard. The resulting noncomplying yard shall be deemed to comply with the provisions of this By-law;

e) to permit an extension or addition to non-conforming uses, buildings or structures, except by amendment to this By-law in accordance with Section 34 of the Planning Act, or in accordance with a decision of the Committee of Adjustment;

f) to permit the erection of any new freestanding building where the land, building or structure is non-conforming with respect to use in the zone. Further, the Committee of Adjustment shall not grant any such permission; or

g) to prevent the repair of legal non-conforming uses, provided their dimensions (height, size and volume) are not increased.

h) A non-complying building destroyed by any means beyond the control of the owner may be replaced and rebuilt to the same extent in its former location provided that construction is commenced within one (1) year from the date of destruction and provided that the building is completed within a reasonable time thereafter. The Chief Building Official shall have regard for the clear intent of the Owner to reconstruct the damaged building in considering the issuance of a Building Permit in accordance with the aforementioned requirements."

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