

SECTION 4: APPLICATION OF BY-LAW

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

From and after the effective date of this By-law, no land shall be used and no building or structure shall be erected, altered or used 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:

4.1.1 The total area or width of any vacant lot including abutting vacant lots registered in the name of one person is insufficient to meet the requirements of this By-law or where any lot as indicated on a draft plan of proposed subdivision which has been approved pursuant to the provisions of The Planning Act, R.S.O. 1990, as amended prior to the day of the passing of this By-law has been subsequently registered in conformity with such approved draft plan, such vacant lot may, notwithstanding the requirements of this By-law, have erected upon it a permitted building or structure provided that:

- a) The required side yards are not reduced by more than enough to permit a building, the front horizontal dimension of which is not greater than eighty percent (80%) of the lot width, but in no case shall the side yard be reduced to less than 1 metre (3 feet) on either side nor need it be increased beyond the side yard requirement for a lot which is not undersize. If a garage or carport is not attached to nor forms part of the main building, one side yard shall be not less than 3 metres (10 feet).
- b) Where private water supply and/or private sewage treatment facilities are to be used, that installation of these facilities has been approved by the Waterloo Regional Health Unit.
- c) All other requirements for such zone are observed.

4.1.2 Notwithstanding the foregoing, in any zone where a Residential Building - One Unit is a permitted use, a lot undersize shall be used for the erection of a Residential Building - One Unit only.

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 this 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 or to prevent the erection of any building or structure, the plans for which have prior to the day of the passing of this By-law been approved by the Chief Building Official, 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 buildings or structure is commenced within two (2) years after the day of the passing of this By-law and such building or structure is completed within reasonable time after the erection thereof is commenced.

4.2.2 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.

- 4.2.3 A building destroyed by fire, flood or any act of God may be restored and reconstructed on the same lot provide the yard depths existing at the time prior to the destruction are maintained or are not reduced to a depth less than required by this By-law, provided that a building permit for such restoration or reconstruction is issued within one year of the date of destruction.
- 4.2.4 Notwithstanding anything contained in this sub-section, 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 Section 8.3.3.
- 4.2.5 A livestock building or manure storage structure which does not meet the Minimum Distance Separation (MDS II) requirements of this By-law and which is fully or partially destroyed by fire, flood, or any act of God may be restored and reconstructed on the same lot provided that the MDS compliance is not further reduced from that existing at the time of this By-law's passing.

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 and is not resumed within a six (6) month period of the date of ceasing, 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.