

SECTION 3: INTERPRETATION**3.1 Statutory References**

In this By-law, statutory references are to statutes of Ontario and the regulations made thereunder, and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.

In this by-law, reference to a public authority is to an agency having jurisdiction for the administration of a statute of Ontario and the regulations made thereunder, and shall be deemed to refer to such agency or delegated authority having jurisdiction from time to time.

3.2 Use of the Word "Section"

In this By-law, the word "Section" may be applied to any numbered and/or lettered provision of this By-law and shall, as the context may require, mean and include:

- (1) an entire Section including all its subsection, e.g. Section 5;
- (2) a particular subsection of a section, e.g. Section 5.1; Section 5.1.4; Section 5.1.4.2; or
- (3) a particular sub-clause or subdivision of a subsection, e.g. Section 5.2.1.4 (a); Section 5.2.1.4 (a) (iii).

3.3 Gender and Number

This By-law shall be read with all changes of gender and number required by the context or circumstances.

3.4 Conformity to Official Plan

This By-law shall be construed and applied so as to conform to any applicable Official Plan

3.5 Relation to Other Laws

- (1) Where any provision of this By-law conflicts with any other lawful provision, the more restrictive provision shall in every case apply.
- (2) Nothing in this By-law shall exempt any person from compliance with any applicable municipal, provincial or federal law or regulation.

3.6 Setback Measurement

3.6.1 The measurement of every setback required by this By-law shall be made along a line which is:

- (1) parallel to the plane of the earth, as near as possible to ground level, and
- (2) perpendicular to the applicable lot line. Where the lot line is a curve, the perpendicular shall be measured radially.

3.6.2 Where any residential setback required by this By-law is to be determined by reference to the number of storeys, the determination shall be made by reference only to the number of storeys closest to the applicable lot line.

3.6.3 Where part of a lot is taken or assumed for street-widening purposes, the measurement of every setback for purposes of this By-law shall be made;

- (1) in the case of a building or structure erected on the lot prior to the street-widening, from the applicable street line as it existed prior to such widening;
- (2) in the case of a building or structure, actual or proposed, erected on the lot after the street-widening, from the applicable street line as it exists after such widening.

3.6.4 Where a lot is within more than one zone and a permitted use requires one or more setbacks, the lot (for the purposes of setback measurements) shall be deemed to consist only of that part of the lot which is within the zone(s) in which such use is permitted.

3.7 Calculation of Lot Area

3.7.1 For purposes of this By-law, the area of a lot (lot area) means the area enclosed by the lot lines, but excluding therefrom any portion of such area which is:

- (1) covered by water or marsh;
- (2) beyond the rim of a river bank or watercourse; or
- (3) between the top and toe of a cliff or embankment of thirty degrees (30°) or more from horizontal.

3.7.2 Where a lot is within more than one zone, and a permitted use requires a minimum lot area, the lot area (for purposes of calculation of minimum lot area) shall be deemed to be only that part of the lot area (calculated in accordance with Section 3.7.1) which is within the zone(s) in which such use is permitted.

3.8 Conflict of By-law Provisions

3.8.1 In any case where a provision of this By-law applicable to a particular use, building or structure conflicts with a similar provision in this By-law of more general application, the provision applicable to the particular use, building or structure shall apply to that use, building or structure and the more general provision shall be deemed not to apply.