

## **SECTION 1 ADMINISTRATION AND INTERPRETATION**

### **1.1 TITLE**

This By-law may be cited as "The Zoning By-law of the Town of Aurora".

### **1.2 AREA RESTRICTED**

The lands affected by this By-law shall comprise the whole of the Town of Aurora as established on January 1st, 1971 by The Regional Municipality of York Act.

### **1.3 ADMINISTRATION**

This By-law shall be administered by the Town of Aurora municipal staff as delegated by Council.

### **1.4 APPLICATION OF BY-LAW**

No person shall within any area or *Zone* of the Town of Aurora delineated on Schedule "A" to this By-law use any *building*, *structure* or land or erect, enlarge or use any *building or structure* or subdivide any lands except in conformity with the provisions of this By-law relating to such *Zone* in which the land, *building or structure* is located.

### **1.5 COMPLIANCE WITH OTHER LEGISLATION**

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Town of Aurora or any other regulation of the Regional Municipality of York, Province of Ontario or Government of Canada that may otherwise affect the use of land, buildings or *structures*.

### **1.6 PENALTY**

- 1.6.1** Every person who contravenes the provisions of this By-law is guilty of an offence and on conviction is liable:
- a) on a first conviction to a fine of not more than \$25,000; and

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- b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.
- 1.6.2** Every corporation who contravenes the provisions of this By-law is guilty of an offence and on conviction is liable:
- a) on a first conviction to a fine of not more than \$50,000; and
  - b) on a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

**1.7 SEVERABILITY**

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

**1.8 BY-LAWS REPEALED**

From the date of the coming into force of this By-law, Town of Aurora Zoning By-law 2213-78, as amended, and all previous By-laws passed under Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, or any predecessor thereof, are repealed in their entirety, including all sections, schedules, and amendments that apply to all lands subject to By-law 2213-78, save and except for those lands that are:

- Governed by Municipal Servicing By-law 5632-14, as amended
- Minor Variances previously applied for and granted under By-law 2213-78

- 1.8.1  
(6190-19)** Any minor variances to By-law Number 6000-17, as amended, that have been approved within the Stable Neighbourhood Area are not impacted by this By-law.

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**1.9 TRANSITION MATTERS**

Notwithstanding Sections 1.4 and 1.8 of this By-law, a building permit may be issued in accordance with Section 1.9 of this By-law for the following scenarios.

For the purposes of determining zoning compliance for matters covered by Section 1.9 of this By-law, the provisions of Zoning By-law 2213-78, as amended, as it read on the effective date of this By-law shall apply.

**1.9.1 Building Permit Issued**

This By-law shall not prevent the erection or use for a purpose prohibited by this By-law of any building or structure for which a permit has been issued under the *Building Code Act, 1992*, as amended, 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 under the *Building Code Act, 1992*, as amended.

**1.9.2 Previously Approved Planning Applications under By-law 2213-78**

The requirements of this By-law do not apply on a *Lot* where the following applications were approved by the Town of Aurora or the Ontario Municipal Board on or after the date of passing of this By-law:

- a) A Site Plan Approval was approved on or before the effective date of this By-law and a building permit for the applicable project has not yet been issued
- b) A provisional consent has been given and a building permit for the applicable project has not yet been issued, the *Lot* has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title

**1.9.2.1 Previously Approved Planning Applications  
(6190-19)**

The requirements of this By-law do not apply on a *Lot* where the following applications were approved by the Town of Aurora or the former Ontario Municipal Board or the Local Planning Appeal Tribunal:

- a) A Site Plan Approval was approved on or before the effective date of By-law Number 6190-19, being a by-law to amend By-law Number 6000-17, as amended, to implement the recommendations of the Stable Neighbourhood Study and a building permit for the applicable project has not yet been issued.

- b) A provisional consent has been given on or before the effective date of By-law Number 6190-19, being a by-law to amend By-law Number 6000-17, as amended, to implement the recommendations of the Stable Neighbourhood Study and a building permit for the applicable project has not yet been issued, the *Lot* has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title.

**1.9.3      Cessation of Section 1.9 Relief**

- a) Once a permit, agreement, or approval has been granted in accordance with Section 1.9, the provisions of Zoning By-law 2213-78, as amended shall cease to be in effect.
- b) Notwithstanding subsection a) above, the relief provided by Section 1.9 of this By-law ceases to be in effect on the date of the applicable approval
  - i. For a site plan, two years from the date of final approval; and,
  - ii. For a provisional consent, three years from the date of approval

**1.10      CERTAIN WORDS**

In this By-law words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular; and the words "used" and "occupied" shall where the context indicates be interpreted to mean "intended, arranged or designed to be used or occupied"; the word "shall" is mandatory and not directory

**1.11      SITE PLAN CONTROL**

The Town of Aurora is hereby designated as a Site Plan control area pursuant to Section 41 of the *Planning Act*.

**1.12      ROUNDING  
(6365-21)**

Unless otherwise stated, the following shall apply in determining the rounding digit:

- a) For a provision shown as a whole number (e.g. 220), the rounding digit is the first whole number left of the decimal place.

- b) For a provision shown to the first decimal place (e.g. 3.0), the rounding digit is the first digit right of the decimal place.
- c) For a provision shown to the second decimal place (e.g. 3.50), the rounding digit is the second digit right of the decimal place. For a provision that is calculated by multiplying or dividing by a percent or a ratio or by averaging two or more numbers, or for a provision where no explicit numerical value is provided, the provision shall be rounded to the first decimal place and the rounding digit is the first digit right of the decimal place.

**1.13  
(6365-21)**

**TECHNICAL REVISIONS**

Provided that the purpose, effect, intent, meaning and substance of this By-law are no way affected, the following technical revisions to this By-law are permitted without a zoning amendment:

- a) Changes to the numbering, cross-referencing, format and arrangement of the text, tables, schedules and maps;
- b) Additions to and revisions of technical information on maps and schedules including, but not limited to: infrastructure and topographic information, notes, legends, shading and title blocks;
- c) Alterations of punctuation or language; and
- d) Correction of grammatical, dimensional, boundary, mathematical or typographic errors.