

PREAMBLE

i. Introduction

The preamble is intended to assist the reader in understanding and interpreting the Zoning By-law for the Town of Pelham and is provided for convenience purposes only. It does not form part of the Zoning By-law.

ii. Purpose of the By-law

The Zoning By-law regulates the use of land, buildings and structures in the Town of Pelham. The by-law implements and conforms to the policies of the Town of Pelham Official Plan.

iii. Authority to Prepare the By-law

The Zoning By-law is prepared in accordance with Section 34 of the *Planning Act*, R.S.O., 1990, c.P.13, as amended. Generally speaking, the *Planning Act* allows the Council of the Town of Pelham to pass zoning by-laws to restrict the use of land, and to regulate the size, location and character of buildings and structures within the Town.

iv. Structure of the By-law

The Zoning By-law consists of the following sections:

Section 1: Interpretation and Administration

Section 1 describes how the Zoning By-law is to be interpreted, and how the By-law is to be administered by the Town of Pelham.

Section 2: Definitions

Section 2 provides specific definitions for commonly used terms in the By-law, many of the permitted uses, and other technical terms used in the Zoning By-law. These definitions ensure that the Zoning By-law is being interpreted and applied consistently.

Where a word is not specifically defined, it is intended that the common, general definition of the term within Webster's Dictionary is applicable. Certain definitions are also supported by illustrations to help clarify, the illustrations do not form part of the Zoning By-law but are intended to assist in understanding the meaning of a definition.

Section 3: General Provisions

Section 3 provides general provisions which may be applicable to all zones, one or more categories or zones, or to specific uses, and additional requirements for specific situations. The reader should identify all general provisions that are applicable to their situation.

Section 4: Parking Requirements

Section 4 provides the minimum parking, loading and bicycle parking requirements for uses permitted in the Zoning By-law.

Sections 5-9: Zone Categories (Permitted Uses and Zone Regulations)

The Zoning By-law establishes a number of zones which permit certain uses, as well as requirements for the location and character of buildings and structures. Sections 5 to 9 detail the permitted uses and zone regulations in each zoning category. Each of the permitted uses is subject to the applicable zone regulations, general provisions (Section 3), parking requirements (Section 4) and zone exceptions (Section 10).

This By-law is exclusionary, which means that if a use is not specifically identified within a zone, then the use is not permitted.

The zones are organized into categories as follows:

- Section 5: Agricultural/Rural Zones
- Section 6: Residential Zones
- Section 7: Greenfield Development Zones
- Section 8: Commercial Zones
- Section 9: Other Zones

Section 10: Zone Exceptions

Most lands in the Town of Pelham are zoned by a base zone, which is represented by symbols such as "A", "R1" etc. However, some lands are also zoned by a site-specific exception, which is denoted as a base zone symbol followed by a hyphenated numeric suffix. For example, A-1 is Exception number 1 to the A Zone. All zone Exceptions are contained in Section 10 of the Zoning By-law.

Schedules A-E: Maps

Schedules A through E identify the zoning for all lands in the Town of Pelham. In addition, the maps also identify areas which are subject to provisions related to the Niagara Escarpment Plan. The mapping is subject to change and may be amended from time to time to reflect amendments to the Zoning By-law as well as mapping changes due to technical adjustments.

Niagara Escarpment Plan Area

The Regulated Area of the Niagara Escarpment Plan is illustrated on Schedules A and C. Development within this area may require development permit approval from the Niagara Escarpment Commission before a building permit can be issued. The area identified on Schedules A and C is primarily intended for information purposes only as the Regulated Area of the Niagara Escarpment Plan may change from time to time. The reader should consult with the Town of Pelham and the Niagara Escarpment Commission

to confirm whether a development permit will be required prior to any development or site alteration. Section 3.20 in the General Provisions provides additional information on the Niagara Escarpment Plan Area.

Interpretation of the Schedules

Section 1.4 describes how the schedules are to be interpreted. The zone boundaries are not intended to be absolute as they are illustrated. In most cases, the boundaries are intended to follow lot lines or the boundaries of roads and of natural heritage features.

v. Use of the Holding “H” Symbol

Certain lands are also subject to holding provisions. Lands subject to holding provisions are denoted by the symbol (H), added as a suffix to the zone. A holding symbol may be added to a base zone (i.e. A(H)) or to an exception zone (i.e. A-1(H)).

Where a holding symbol is shown, the general provisions of Section 3.14 apply. Where a holding symbol is applied to lands, the lands may not be used or developed according to the requirements of the underlying base zone until such time as the holding symbol is removed. Lands subject to a holding symbol are typically only permitted to be used for those uses which legally existed prior to the addition of the holding symbol. The reader should consult with the Town to confirm the permitted uses and the requirements for removing the holding symbol.

vi. Minor Variances

The Committee of Adjustment has the authority to approve minor variances to the Zoning By-law, which may provide minor relief from specific zoning provisions or similar use permissions of one or more properties. Minor variances previously granted are not reflected in the Zoning By-law and are not shown in Section 10: Exceptions. A minor variance approved by the Town of Pelham Committee of Adjustment granted in relief to the provisions of the former By-law will remain in effect and a building permit may be issued by the Chief Building Official up to two-year from the effective date of this By-law. The reader should contact the Town of Pelham to identify whether there are any approved minor variances applicable to a property.

vii. Non-Conformity and Non-Compliance

A use is considered to be legal non-conforming if it was legally established (existing use) prior to the passing of the Zoning By-law but is no longer permitted by the Zoning By-law. The Zoning By-law does not prevent the continued legal use, alteration or expansion of buildings and structures that no longer conform to the permitted uses in the Zoning By-law.

Buildings and structures are considered to be legal non-complying if they were established legally prior to the passing of the Zoning By-law but no longer comply with the new provisions of the Zoning By-law. The Zoning By-law may have implemented

different lot provisions than were previously required and as such, buildings and structures that previously complied may no longer comply with the new standards.

Please refer to Section 3.21 and 3.22 of the Zoning By-law for provisions regarding non-conformity and non-compliance.

viii. Confirming with the Town

It is always a good idea to pre-consult with the Town of Pelham about your construction project prior to the submission of a complete application. Town Staff will help you to determine whether your project will comply with the applicable provisions of the Zoning By-law, or if there are any approved minor variances which are applicable to the property. For significant developments, consultation with other applicable agencies may also be required.

ix. Relationship to Other By-laws, Regulations and Legislation

The Zoning By-law does not supersede or surmount any other legislation, regulations or municipal by-laws. In fact, depending on your proposal or the use of your property, other laws may apply. It is the property owners' responsibility to understand what laws will apply to their land use or their construction project.

The Town administers other by-laws that are related to the Zoning By-law. For example the Town administers a Clean Yards By-law which sets out provisions for the maintenance of buildings and yards, ensuring safe, clean and sanitary conditions, along with enforcement of violations within the Town. These additional by-laws essentially build on the Zoning By-law's requirements and are to be considered "in addition to" the Zoning By-law's requirements.

The laws and regulations of the Province, the Federal Government and other agencies may also apply. Some uses may be subject to Provincial/Federal Licensing or regulation. It is not the role of the Zoning By-law to integrate with the regulations or laws of other levels of government however, the Town can help you identify what other laws and regulations might apply to your project.