

OFFICE CONSOLIDATION

TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended

(This Office Consolidation Edition is prepared for purposes of convenience only.

For accurate reference recourse should be had to the original by-law(s) and amendments and Orders of the Ontario Municipal Board.)

SECTION 1 - APPLICATION AND INTERPRETATIONS

1.1 TITLE OF BY-LAW

This By-law shall be cited as the "Zoning By-law" of the Town of Pelham.

1.2 SCOPE OF THE BY-LAW

(a) LANDS SUBJECT TO BY-LAW

The provisions of this By-law shall apply to all those lands lying within the corporate limits of the Town of Pelham.

(b) CONFORMITY WITH BY-LAW

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be changed in whole or in part, except in accordance with the provisions of this By-law.

(c) EXISTING USES CONTINUED

Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

(d) BUILDING PERMIT ISSUED

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved by the Chief Building Official prior to the date of passing of this By-law, provided that:

- (i) when the building or structure is commenced within one year of the date of passing of this By-law and is completed within six months after the erection thereof is commenced, and provided such building permit has not been revoked under Section 6 of *The Building Code Act*, as amended from time to time.

(e) COMPLIANCE WITH OTHER RESTRICTIONS

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the most restrictive, or the By-law imposing the higher standards, shall govern and apply.

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Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any By-law of the Municipality or the Regional Municipality of Niagara, or Canada, including any regulation under the provisions of the *Conservation Authorities Act*, or any regulation or any other applicable Act of the Province of Ontario or Canada. Nothing in this By-law shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities essential to the supply and operations of public utilities as defined in *The Public Utilities Corporation Act*, as amended from time to time, provided that any such use, building or structure shall be in compliance with the relevant provisions of this By-law.

Nothing in this By-law shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority subject to the Municipality's sign by-law and as amended from time to time.

1.3 INTERPRETATION OF THE BY-LAW

(a) DEFINED AREAS

The extent and boundaries of all zones are shown on Schedule "A" and all such zones are hereby defined as areas to which the provisions of this By-law shall respectively apply.

(b) ZONE BOUNDARIES

When determining the boundary of any zone as shown on any schedule forming part of this By-law, the following provisions shall apply.

- (i) A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane. In the event that a street or lane which forms the boundary between such zones is closed, the boundary between such zones shall be construed as the former centre line of the said closed street or lane.
- (ii) A boundary indicated as following a right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such right-of-way.
- (iii) A boundary indicated as following a shoreline shall be construed as the high water mark, or in the case of a watercourse, creek or stream, the centre line thereof.

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- (iv) A boundary indicated as approximately following lot lines shown on a registered plan of subdivision or lot and concession lines shall follow such lines.
- (v) A boundary indicated as following a closed road, lane or railway shall imply that the property formerly in the said road, land or railway shall be included within the zone of the adjoining property on either side of the said closed road, lane or railway. In the event that the said road, lane or railway was a zone between two or more different zones, the new boundary shall be the former centre line of the said closed road, lane or railway.
- (vi) Where a boundary is indicated as approximately parallel to a street line or other feature indicated in clauses (i), (ii) or (iii) of this subsection, and the distance from such street line or other feature is not indicated, and clause (iv) or (v) above are not applicable, such boundary shall be construed as being parallel to such street line or other feature and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule.
- (vii) A boundary indicated as following the limits of the Municipality shall follow such limits.
- (viii) The limit of any map comprising any Schedule forming part of this By-law as shown on the Key Map of such Schedule shall be deemed to be the boundary of the zone adjoining such limit.

(c) DEFINITIONS

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Section 5 hereof shall apply.

(d) SINGULAR AND PLURAL WORDS AND GENDERS

In this By-law, unless the context requires otherwise:

- (i) words used in the singular number include the plural;
- (ii) words used in the plural include the singular number; and,
- (iii) words used in the masculine gender shall include the feminine.

(e) "SHALL" IS MANDATORY

In this By-law, the word "shall" is mandatory.

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(f) "USE" and "OCCUPY"

In this By-law, unless the context requires otherwise:

- (i) the verb "use" shall include "design to be used", "arrange to be used" and "permit to be used"; and,
- (ii) the verb "occupy" shall include "design to be occupied" and "permit to be occupied".