

Part 1 | Administration and Interpretation

1.1 Title

This By-law may be cited as “the Zoning By-law” for the *City*.

1.2 Administration

This By-law shall be administered by the City’s Director of Planning and Development Services or designate.

1.3 Defined Area

This By-law applies to all lands within the City of Thorold except for those lands subject to the *Niagara Escarpment Planning and Development Act, R.S.O. 1990*, as amended. Lands within the *Niagara Escarpment Planning and Development Act, R.S.O. 1990*, as amended, are subject to the regulations made pursuant to the *Niagara Escarpment Planning and Development Act, R.S.O. 1990*, as amended.

1.4 Definitions

Unless otherwise defined in Part 2 - Definitions, the words and phrases used in this By-law have their common meaning.

Italicized words throughout this By-law are defined in Part 2- Definitions with the exception of legislation references.

1.5 Schedules

The Schedules attached to this By-law form part of this By-law. Schedule “A” shows the *zones* and *zone* boundaries.

1.6 Compliance with this By-law

- a) No *person* shall *use* any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with all applicable provisions of this By-law.
- b) No *person* shall change the purpose of which any land or *building* or *structure* is *used* or *erect* any new *building*, *structure* or *addition* to any *existing building* or *structure* or sever any lands from an *existing* parcel if the effect of such action is to cause the original adjoining or remaining *buildings*, *structures* or lands to be in contravention of this By-law.
- c) Any *use* not specifically permitted by this By-law is not permitted. A *use* defined in Part 2 – Definitions but not identified as a permitted *use* in any *zone* or by a site specific exception is not permitted.

1.7 Enforcement

Any person or corporation that contravenes any regulation of this By-law is guilty of an offense and upon conviction is liable to the penalties as provided for in the *Planning Act, R.S.O. 1990*, as amended.

1.8 Severability

A decision of a court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other regulations or parts of the regulations of this By-law.

1.9 Clarifications and Convenience

- a) In this By-law, the following abbreviations are used:
 - i) “m” means metres;
 - ii) “ha” means hectares; and,
 - iii) “m²” means square metres.
- b) Examples, margin notes, and illustrations are for the purpose of explanation, clarification, and convenience and do not form part of this By-law.
- c) Any numbers in parentheses following any item in any table indicates that one or more additional regulations apply to the *use, zone*, or standard indicated. These additional regulations are listed below the applicable table.
- d) The following character styles are provided for the purpose of convenience. Their usage or omission shall not be considered an interpretive statement by the *City*:
 - i) Terms that are defined in Part 2 - Definitions of this By-law have been italicized.
 - ii) Titles of Federal or *Provincial* legislation have been italicized but not defined.
- f) Any reference to legislation or regulations or sections thereof approved by another *public authority* shall include any amendments to or successions thereof.
- g) In this By-law:
 - i) Words used in the present tense include the future and vice versa;
 - ii) Words used in the singular number include the plural and vice versa;
 - iii) The word "*used*" includes arranged, designed or intended to be *used*; and,
 - iv) The word “shall” signifies a mandatory requirement.

- h) In this By-law, illustrations are provided to assist in the reader's understanding of the term or concept and do not form part of the Zoning By-law.

1.10 Relationship to Other Laws and Regulations

- a) Nothing in this By-law shall exempt any person from any obligation to comply with the requirements of any other municipal, *regional*, *provincial* or federal law, by-law or regulation. Without limiting the generality of this section, this includes compliance with the Ontario Building Code (Ontario Regulation 350/06), and the permitting regulations of the Niagara Peninsula Conservation Authority (Ontario Regulation 155/06).
- b) In the event of conflict between this By-law and any other by-law, regulation or law, the more restrictive requirements shall apply.

1.11 Interpretation of Zone Boundaries

Where determining *zone* boundaries as shown on the Schedules forming part of this By-law, the following shall apply:

- a) A boundary indicated as following a *street*, *lane*, railway, *highway corridor*, right-of-way, *utility corridor*, *unimproved road* allowance, or *watercourse* shall be understood to be the centre-line of the applicable feature;
- c) An environmental *zone* (EP1, EP2, EP3) boundary indicated as following the limits of a *natural heritage feature* or *natural hazard lands* shall follow such limits as located through survey or other similar means. In the event of a natural change to the limits of a *natural heritage feature* or *natural hazard lands* defined more precisely through Watershed Studies, Environmental Planning Studies or Environmental Impact Studies (EIS), or mapping approved by the Niagara Peninsula Conservation Authority and other government or regulatory authority, the environmental *zone* (EP1, EP2, EP3) boundary shall move with the change to the limits as so defined.
- d) A boundary shall follow a shoreline and in the event of a natural change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- e) A boundary indicated as following the municipal boundaries of the *City* shall follow such municipal boundary;
- f) A boundary indicated as following the limit of lands regulated by the *Niagara Escarpment Planning and Development Act, R.S.O.1990*, as amended, then this limit shall be the *zone* boundary; and,
- g) Where none of the above provisions apply, the *zone* boundary shall be scaled from the mapping schedules forming part of this By-law.

1.12 Split Zoning

- a) Where a *lot* falls into two or more *zones*, each portion of the *lot* shall be subject to the applicable *use* permissions and regulations for the applicable *zone* applying to that portion of the *lot*.
- b) *Notwithstanding* subsection (a) above, *parking spaces* and *stacking spaces* required by this By-law may be provided anywhere on a *lot* that falls into two or more *zones* except that portion of a *lot* in any environmental *zone*.
- c) A *zone* boundary dividing a *lot* into two or more *zones* is not a *lot line* for the purposes of this By-law.

1.13 Special Zone Symbols

1.13.1 Site Specific Exception Zones (-X)

Where a *zone* symbol shown on Schedule “A” is followed by a dash (-) and a number (e.g., -1), the lands shall be subject to the site specific exceptions under the relevant *zone* category. The lands shall be subject to all regulations of the relevant *zone* category and all other regulations within this By-law except as otherwise stated in the site specific exceptions.

1.13.2 Holding Symbol (H)

Where any *zone* symbol is followed by a holding (H) symbol, the lands shall be subject to a holding provision. The requirements to satisfy the removal of the holding (H) symbol shall be identified within Part 13 – Site Specific Exceptions, Holding (H) Provisions, and Temporary Uses.

1.14 Public Uses

1.14.1 Nothing in this By-law shall prevent the use of any land, nor the erection and use of any building or structure for any public use, undertaking, purpose or service, including linear walkways, recreational, athletic, social and community purposes or services by the Corporation, by a local Board thereof as defined in the Municipal Act, by the Regional Municipality of Niagara, by any Ministry or department of the governments of Ontario or Canada, by Ontario Power Generation Inc., St. Lawrence Seaway Management Corporation, or any railway company or by any telephone or gas company.

1.154 Transition Provisions

1.154.1 Nothing in this By-law shall prevent the development or *use* of a *lot*, *building(s)* or *structure(s)* for which a complete application as per the Ontario Building Code, as amended for a building permit was received by the *City* on or before the date of passing of this By-law, if the development or *use* complies with the regulations of the Zoning By-law that affected the *lot*

before ~~this By-law came into effect~~, the Local Planning Appeal Tribunal approved the applicable section(s) of the by-law.

1.154.2 Where a complete application was received by the City prior to approval of the by-law by the Local Planning Appeal Tribunal ~~the effective date of this By-law~~ for the development or use of a lot, building(s) or structure(s), approval may be granted, if the application meets the Zoning By-law that affected the lot before ~~this By-law came into effect~~ the Local Planning Appeal Tribunal approved the applicable section(s) of the by-law for the following applications:

- a) Minor variance pursuant to Section 45 of the *Planning Act, R.S.O.1990*, as amended;
- b) Site plan control pursuant to Section 41 of the *Planning Act, R.S.O.1990*, as amended;
- c) Consent pursuant to Section 53 of the *Planning Act, R.S.O.1990*, as amended; or,
- d) Part lot control exemption pursuant to Section 50 of the *Planning Act, R.S.O.1990*, as amended.

1.154.3 Where the development or use of a lot, building(s) or structure(s) qualifies under Section 1.153.2, a building permit may be issued after final approval is received for all required applications and if the development or use complies with the provisions of the Zoning By-law that affected the lot before ~~this By-law came into effect~~ the Local Planning Appeal Tribunal approved the applicable section(s) of the by-law.

1.15.4 Section 1.15.1, 15.2, 15.3, 1.15.4 ~~are~~ repealed ~~in its entirety~~ three five years from the date of enactment of this By-law.

1.145.5 Section(s) of the By-law that are approved by the Local Planning Appeal Tribunal shall only be effective as of the day after the Section(s) was approved by the Local Planning Appeal Tribunal.