
Preamble

Introduction

This preamble explains the purpose of this Zoning By-law and how it should be used. The preamble does not form part of the Zoning By-law. It is intended to make the Zoning By-law more understandable and easier to reference.

Purpose of This Zoning By-law

This Zoning By-law implements the policies of the Town of Ajax Official Plan. The Official Plan contains policies that affect the *use* of land throughout the Town. These policies specify where certain land *uses* are permitted and, in some instances, specify what regulations should apply to the development of certain lands.

The Official Plan is a general document that is not intended to regulate every aspect of the built-form on a private *lot*. In the Province of Ontario, this is the role of the Zoning By-law. Once an Official Plan is in effect, any Zoning By-law passed by *Council* must conform to the Official Plan. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature are to remain in their natural state, the Zoning By-law would prohibit the erection of *buildings* or *structures* on those lands.

The statutory authority to zone land is granted by the Ontario Planning Act. The Planning Act specifies what a By-law can regulate. A Zoning By-law can:

- Prohibit the *use* of land or *buildings* for any *use* that is not specifically permitted by the By-law;
- Prohibit the erection or siting of *buildings* and *structures* on a *lot* except in locations permitted by the By-law;
- Regulate the type of construction and the height, bulk, location, size, floor area, spacing, and *use* of *buildings* or *structures*;
- Regulate the minimum frontage and depth of a parcel of land;
- Regulate the proportion of a *lot* that any *building* or *structure* may occupy;
- Regulate the minimum elevation of doors, windows or other openings in *buildings* or *structures*;
- Require parking and loading facilities be provided and maintained for a purpose permitted by the By-law; and,

- Prohibit the *use* of lands and the erection of *buildings* or *structures* on land that is:
 - Subject to flooding;
 - The site of steep slopes;
 - Rocky, low-lying, marshy or unstable;
 - Contaminated;
 - A sensitive groundwater recharge area or head water area;
 - The location of a sensitive aquifer;
 - A significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;
 - A significant natural corridor or shoreline of a lake, river or stream; or,
 - The site of a significant archaeological resource.

How to Use This By-law

To reference this By-law each of the steps listed below should be followed to determine what permissions apply to a particular property.

1) Locate the Property on a Map

Maps in a Zoning By-law are referred to as 'Schedules'. The first step to using this By-law is to refer to the zone schedules that are contained in Section 8 and at the back of the By-law to determine in which zone category the subject property is located. The zone category will be indicated on the schedules by a symbol or abbreviation. For example, a symbol such as "R1-A" beside a property would indicate that the property is within the 'Residential Type 1 Zone'. The zone symbols or abbreviations used in this By-law are explained on the first page of Section 2 of the By-law. Ajax Planning and Development Services can also be contacted for assistance.

Section 2 also provides assistance to help identify the zone boundaries on the Schedules. For example, if a property appears close to a zone boundary refer to section 2.4 of the By-law.

2) By-law Amendments

A Zoning By-law is not a static document; it is amended over time as development proceeds and policies governing land use change. Before proceeding any further, verify that the property is not the subject of an earlier Zoning By-law amendment, Minister's Zoning Order or a minor variance. Zoning By-law amendments are listed in Section 7 of this By-law and Minister's Zoning Orders are listed in Section 9 of this By-law. More recent amendments may not be included in this version of the By-law.

A minor variance does not amend the Zoning By-law, it simply excuses a property from a specific requirement of the Zoning By-law (such as a minimum *side yard* setback) if the *use* and *structures* on the property conform to all other aspects of the By-law. A minor variance is achieved by submitting an application to the Committee of Adjustment and allows the property owner to obtain a

building permit. Minor variances granted by the Committee of Adjustment are not included in this By-law.

Staff in the Town's Planning and Development Services department will be able to confirm if the property has been subject to a more recent Zoning By-law amendment, Minister's Zoning Order or a minor variance.

3) Permitted Uses

Section 6 of the By-law identifies the *uses* permitted in each zone category within the Town. Definitions for these *uses* are provided in Section 3. Words that are defined in Section 3 are *italicized* throughout the By-law. *Uses* which are not identified as permitted *uses* within a particular zone are not permitted in that zone.

4) Zone Standards

Section 6 of the By-law also identifies the zone standards that apply to the *uses* on a property for each zone in the Town. Standards that typically apply to permitted *uses* include minimum *lot area*, minimum frontage requirements, minimum *yard* requirements, maximum *lot coverage* for *buildings*; maximum permitted *height* of *buildings* and in some cases, the minimum required landscaped open space on the *lot*. In some cases, there may be additional standards beyond those identified in this Preamble.

5) General Provisions

Section 4 of this By-law provides a more generic set of standards known as 'General Provisions' that apply to all properties in all zones throughout the Town unless otherwise specifically governed by zone standards or exceptions referred to elsewhere in the By-law. For example, the General Provisions include standards to regulate the construction and location of accessory *buildings*. These standards apply to all properties regardless of where in the Municipality the property is located.

6) Parking and Loading

There is one final section of the By-law that should be consulted when determining what permissions apply to a specific property. Section 5 provides the parking and loading requirements for all permitted *uses* in the Town.

7) Explanatory Notes

A series of drawings are provided in the back of this document to assist the reader in interpreting certain Zoning By-law provisions. These drawings are for illustration purposes only and do not form part of the actual By-law.

Description of By-law Components

This By-law contains eleven sections which together, provide the zoning standards applicable to all lands within the Town of Ajax. These sections are as follows:

- Section 1 – Interpretation and Administration
- Section 2 – Establishment of Zones
- Section 3 – Definitions
- Section 4 – General Provisions
- Section 5 – Parking, Loading and Queuing Requirements
- Section 6 – Zone Provisions
- Section 7 – Exceptions
- Section 8 – Special Schedules
- Section 9 – Holding Provisions, Temporary *Use Zones*, and Interim Control Zones
- Section 10 – Minister’s Zoning Orders
- Section 11 – Enactment

The purpose of each of these sections is described below.

Section 1 – Interpretation and Administration

This Section specifies:

- The lands that are subject to this By-law;
- That every parcel of land governed by this By-law is to conform and comply with the By-law; and,
- The penalties to be levied against a person or a corporation for contravention of any provision in the By-law.

Section 2 - Establishment of Zones

This Section establishes the zones that apply to the lands governed by this By-law. This Section also describes how to determine the location of the zone boundaries on the schedules.

Section 3 - Definitions

It is necessary to define words in a Zoning By-law because it is a legal document which, if necessary, can be enforced in a court of law. These definitions are intended to clarify the intent of the By-law and ensure that the By-law is interpreted consistently.

Section 4 - General Provisions

This Section contains regulations that apply to certain types of *uses, buildings or structures* regardless of where in the municipality or in what zone they are located. For example, this Section contains provisions dealing with the construction of accessory *buildings* in any zone and provisions to regulate the operation of *home based businesses*.

Section 5 – Parking, Loading, and Queuing Requirements

Parking and loading facilities are required for almost all permitted *uses*. This Section establishes requirements for parking and loading facilities including such regulations as the number of spaces required for permitted *uses*, minimum *driveway* width, minimum *parking space* size and the location of parking facilities on a *lot*.

Section 6 – Zone Provisions

This Section lists the *uses* permitted within each zone. The effect is to only permit certain *uses* in specified locations within the Town. The only *uses* permitted in a zone are those that are specified in the By-law. If a *use* is not specifically identified as a permitted *use* then it is not permitted. Similarly, if a *use* is defined in Section 6 of the By-law but does not appear as a permitted *use* in any zone, then it is not a *use* permitted within any zone.

This Section also contains regulations that control the placement, massing and *height* of a *building* on a *lot*. This includes regulations such as minimum *lot* size, minimum frontage, maximum *building height* or the maximum coverage of a *building* on a *lot*.

Section 7 – Exceptions

This Section contains regulations applicable to one property or a specific group of properties in the Town. Exceptions are denoted on the Exceptions Schedules by a bold outline and a numeric reference which guides the reader to the applicable Section of the By-law.

Section 8 – Special Schedules

This Section contains a map illustrating the Greenbelt Natural Heritage System Boundary for the purpose of determining *accessory dwelling unit* permissions for properties in the Town's Rural Area/Greenbelt Plan Area.

Section 9 – Holding Provisions, Temporary *Use* Zones, and Interim Control Zones

This Section provides a consolidated list of properties that are subject to Holding Provisions (H), Temporary *Use* By-laws and Interim Control By-laws.

Section 10 – Minister's Zoning Orders

This section contains Minister's Zoning Orders for specific properties in the Town.

Section 11 – Enactment

This Section contains the signatures of the Mayor and the Clerk who signed the By-law when it was passed by *Council* in accordance with Section 34 of the Planning Act, R.S.O. 1990.