

## **2.0 DEFINITIONS**

For the purposes of this By-law, the definitions herein shall govern.

### **2.1 ABATTOIR**

shall mean a building erected, used or intended for the slaughtering of animals for the purposes of processing meat into food for human consumption and/or where meat products are produced, processed, handled, sold or stored.

### **2.2 ACCESSORY**

when used to describe a use, building, or structure shall mean a use, building, or structure that is:

- a) incidental, subordinate and exclusively devoted to a main permitted use, building or structure;
- b) located on the same lot as the main permitted use, building or structure;
- c) unless specified otherwise in this By-law, not used for human habitation.

### **2.3 ADULT ENTERTAINMENT ESTABLISHMENT**

shall mean a building or structure erected, used or intended for use in the pursuance of any trade, calling, business or occupation, for the purpose of a live performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations, a principal feature or characteristic of which is the nudity or partial nudity of any person, and in respect of which the word nude, naked, topless, bottomless or sexy, or any other word, picture, symbol or representation having like meaning or implication is used on a sign advertisement or advertisement device and, without limiting the generality of the foregoing, includes any performance, exhibition or activity involving striptease dancers, go-go dancers, exotic dancers, wet clothing contests or best body parts contests and additionally includes a body rub parlour but not a massage therapy establishment.

### **2.4 AGRICULTURAL SALES ESTABLISHMENT**

shall mean the use of land, buildings or structures for the purposes of the sale of goods, materials or services that support or are otherwise associated with agricultural uses including, but not limited to, the sale, processing and storage of feed, fertilizer and chemical products.

### **2.5 AGRICULTURAL USE**

shall mean the cultivation of land, the production of crops and the processing and selling of such products and the breeding, care, raising and keeping of livestock and the selling of such livestock or the products of such livestock and, without limiting the generality of the foregoing, includes apiaries, aquaculture, greenhouses, fish hatcheries, fur farming, market gardening, rabbitries, sod farming, production of maple syrup and the raising and the harvesting of bush, field, tree or vine crops.

## **2.6 AGRICULTURAL USE, RESTRICTED**

shall mean an agricultural use with the exception of the breeding, raising and care of livestock governed by the Nutrient Management Act and regulations pursuant thereto; fur farming and mushroom farming.

## **2.7 AGRI-TOURISM USE**

shall mean the use of land, buildings or structures in agricultural zones for purposes that promote the enjoyment, education or participation in activities related to agriculture or the farm operation.

## **2.8 ALTER**

shall mean, when used in reference to a building or structure, to change any one or more of the internal or external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof, and when used in reference to a lot, shall mean to change the width, depth, or area thereof or to change the frontage, depth, or area of any required yard, setback, or parking area, or to change the location of any boundary of such lot with respect to a road, whether such alteration is made by conveyance or alienation of any portion of the said lot or otherwise.

## **2.9 ANIMAL CLINIC**

shall mean a building erected, used or intended for, use by a veterinarian and his assistants for the purpose of providing for the care and treatment of pets raised or housed for recreational or hobby purposes, and, without limiting the generality of the foregoing, includes dogs, cats, and birds but does not include livestock.

## **2.10 ANIMAL HOSPITAL**

shall mean a building erected, used or intended for use by a veterinarian and his assistants for the purpose of providing for the care and treatment of livestock and may include an animal clinic.

## **2.11 ANIMAL KENNEL**

shall mean the use of land, buildings or structures or combination thereof within which four (4) or more domesticated animals, other than poultry, more than four (4) months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

## **2.12 ART GALLERY**

shall mean a building erected, used or intended for the public display of works of art such as paintings, sculpture, pottery, glass and weaving.

## **2.13 ATTACHED**

shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

## **2.14 AUCTION SALES ESTABLISHMENT**

shall mean the use of land, buildings or structures for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.

## **2.15 BAKE SHOP**

shall mean a building where bakery products are offered for sale, some or all of which may be prepared on the premises.

## **2.16 BALCONY**

shall mean a stage or platform, other than a stoop, projecting from the main wall of a building and accessible only from inside such building.

## **2.17 BANQUET HALL**

shall mean a privately owned and operated building designed, used or intended for use as a meeting place by the public for which rental charges are paid, and may include associated dining rooms and beverage rooms but does not include a club or restaurant as defined elsewhere in this By-law.

## **2.18 BASEMENT**

shall mean that portion of a building partly underground, but having less than one-half (1/2) its clear height below the average lot grade.

## **2.19 BED & BREAKFAST ESTABLISHMENT**

shall mean a single unit detached dwelling in which rooms are made available by the person or persons occupying the said dwelling for the accommodation of the travelling or vacationing public and within which meals may be offered.

## **2.20 BOARDING HOUSE OR ROOMING HOUSE**

shall mean a dwelling, in which the proprietor resides and supplies lodging for hire or gain to more than two (2) persons and may include the provision of meals to such persons.

## **2.21 BUFFER STRIP**

shall mean an area used for no other purpose than the planting of a continuous row of trees or an un-pierced hedgerow of natural evergreens or shrubs, not less than 1.2 metres in height at the time of planting, immediately adjacent to the lot line or portion thereof, along with such planting strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds, man-made landscape materials or a combination thereof and may also contain a closed board, picket or chain-linked fence which is a minimum of 1.2 metres high.

## **2.22 BUILDING**

shall mean a structure, whether temporary or permanent, erected, used or intended for sheltering any use or occupancy and consisting of a wall, roof and floor, or any one or more of

these, or a structural system serving the functions thereof, including all the works, fixtures and service systems appurtenant thereto, but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home or tent.

## **2.23 BUILDING LINE**

shall mean a line within a lot drawn parallel to a lot line which establishes the minimum distance between the lot line and building or structure which may be erected. Where the lot line is a curve, the building line shall be a line drawn parallel to the chord of the arc constituting the lot line.

## **2.24 BUILDING SUPPLY OUTLET**

shall mean the use of land, buildings or structures or combination thereof for the storage, milling and sale of a broad range of building materials, tools and related items.

## **2.25 BULK SALES ESTABLISHMENT**

shall mean the use of land, buildings or structures for the purpose of buying, selling, and storing fuel oil, wood, lumber, building materials or similar bulk commodities but excludes any manufacturing, assembling or processing of these commodities.

## **2.26 BUSINESS OR PROFESSIONAL OFFICE**

shall mean a building erected, used or intended for the management, direction or conducting of an agency, business, profession, labour or fraternal organization but excludes such uses as retail trade; the manufacturing, assembly or storage of goods; or places of assembly and amusement.

## **2.27 BUTCHER SHOP**

shall mean a retail store for keeping or preparing fresh or cured meat for sale by retail but shall not include premises where only pre-packaged meat or meat products are offered for sale.

## **2.28 CABIN**

shall mean a building designed, used or intended primarily for sleeping purposes but not including kitchen facilities and usually associated with a campground or trailer park, church camp and similar outdoor uses.

## **2.29 CAMPGROUND OR TRAILER PARK**

shall mean the use of land for seasonal recreational activity as grounds for the camping or parking of tents, motor homes, travel trailers, park models or truck campers but not mobile homes and consisting of at least five (5) camping sites.

## **2.30 CAR WASH**

shall mean a building erected, used or intended for the installation and operation of automatic or semi-automatic equipment for the washing of motor vehicles, machinery and equipment.

### **2.31 CATERER'S ESTABLISHMENT**

shall mean a building in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take-out.

### **2.32 CELLAR**

refer to the definition of **BASEMENT**.

### **2.33 CEMETERY**

shall mean the use of land, buildings, or structures or combinations thereof for the interment of the deceased or in which human bodies have been buried and may include a crematorium, mausoleum and a columbarium.

### **2.34 CLINIC**

shall mean a building, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical, physiotherapeutic or human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, but does not include overnight accommodation or operating rooms.

### **2.35 CLUB**

shall mean a building erected, used or intended for use as a meeting place for the members of an organization, association, fraternal order or similar group, not operated for profit and wherein athletic facilities, banquet facilities, dining rooms and beverage rooms may be provided.

### **2.36 COMMERCIAL FISHING OPERATION**

shall mean an establishment involved in the harvest and processing of marine life, for the purpose of retail or wholesale trade, and shall include all buildings and structures associated with such operation.

### **2.37 COMMERCIAL GREENHOUSE**

shall mean the use of land, buildings or structures or combination thereof where fruits, vegetables, flowers, trees, shrubs or plants are produced by controlled temperature and/or humidity for the purpose of selling such products, and which may include a garden centre as a commercial accessory use.

### **2.38 COMMERCIAL USE**

shall mean the use of land, buildings or structures or combination thereof for the purposes of buying and/or selling commodities and supplying services for profit or intended for profit.

**2.39 COMMUNITY CENTRE**

shall mean a building erected, used or intended for community activities and not for commercial purposes, the control of which is vested in the Township, a local board or trustees.

**2.40 COMMUNITY GARDEN**

shall mean a clearly defined space on a lot, open and accessible to the general public, for the purposes of the growing and harvesting of fruits and vegetables, but does not include the retail sale of such produce.

**2.41 CONSERVATION AREA**

shall mean lands owned by a conservation authority, which may or may not be open to the public, for the protection, maintenance and enhancement of the natural environment including soil, water, vegetation and wildlife.

**2.42 CONSERVATION AUTHORITY**

shall mean the Catfish Creek Conservation Authority, the Kettle Creek Conservation Authority or the Long Point Region Conservation Authority.

**2.43 CONTRACTOR'S YARD OR SHOP**

shall mean the use of land, buildings or structures or combination thereof for use by any building trade or other construction or service contractor for the purpose of:

- a) storing equipment, vehicles, or materials and may include construction and heavy equipment and commercial motor vehicles but not including derelict motor vehicles; or
- b) performing shop work or assembly; or
- c) the base of operations for persons who are employed by or associated with the business, including the assembly or rally of such persons for transportation to a work site off the premises.

**2.44 COUNTY**

shall mean The Corporation of the County of Elgin.

**2.45 CUSTOM WORKSHOP**

shall mean a building, or portion thereof, where goods are produced to special order and sold on the premises, but shall not include a building or structure where the manufacture of goods is performed on a mass production or assembly line basis.

**2.46 DAY CARE FACILITY**

shall mean a premises that receives more than five persons who are not of common parentage, primarily for the purpose of providing temporary care or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours. Care may be provided for children, seniors and/or persons with disabilities.

**2.47 DEAD STOCK DEPOT/TRANSFER STATION**

shall mean the use of land, buildings or structures for the purposes of the collection, storage and disposal of dead farm animals in accordance with the Dead Animal Disposal Act and regulations thereto.

**2.48 DECK**

shall mean a structure made of wood, concrete or other material projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging and other similar accessory uses.

**2.49 DOG POUND**

shall mean the use of land, buildings or structures or combination thereof, for the purpose of impounding dogs pursuant to a by-law of the Township, and where such dogs are kept for a minimum redemption period as defined in the Animals for Research Act.

**2.50 DOMESTICATED ANIMAL**

shall mean a household animal kept for a person's enjoyment and, without limiting the generality of the foregoing, may include dogs, cats, rodents such as gerbils, hamsters, fancy rats, and guinea pigs; avian pets, such as canaries, parakeets, pigeons and parrots; reptile pets such as turtles, lizards and snakes; and aquatic pets such as tropical fish, salamanders and frogs but shall exclude exotic animals and livestock as defined herein.

**2.51 DRIVEWAY**

shall mean a private passageway for a motor vehicle, having at least one end thereof connected to a road, and providing the principal means of vehicular access to a lot.

**2.52 DRY CLEANING ESTABLISHMENT**

shall mean a building erected, used or intended for dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and in which only non-flammable solvents are used which emit no odours or fumes, and in which no noise or vibration causes a nuisance within or outside the premises.

**2.53 DWELLING**

shall mean a building, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons and shall include a factory-built modular dwelling designed and constructed in accordance with the specifications of the Canadian Standards Association CAN/CSA-A277 but shall not include living quarters for a caretaker, watchman, or other person or persons which are accessory to a non-residential building or structure.

**2.54 DWELLING UNIT**

shall mean one or more habitable rooms occupied or capable of being occupied by a person or household as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such person or household, with a private

and secure entrance from outside the building or from a common hallway or stairway inside the building in which the dwelling unit is located.

**2.55 DWELLING UNIT, SECOND**

shall mean a self-contained space or enclosure within a single unit dwelling or within an accessory building erected, used or intended for habitation by a person or household and which contains at least one (1) room, a kitchen and lavatory facilities designated for the use of its occupants.

**2.56 DWELLING, APARTMENT**

shall mean a dwelling, consisting of four (4) or more dwelling units which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls and/or stairs and/or elevators and yards.

**2.57 DWELLING, CONVERTED**

shall mean a dwelling originally designed as a single unit detached dwelling which because of its size or design is or is capable of being converted by partition and the addition of sanitary facilities and cooking facilities into more than one (1) dwelling unit.

**2.58 DWELLING, DOUBLE DUPLEX**

shall mean a dwelling that is divided horizontally into four (4) dwelling units each of which has an independent entrance either directly or through a common vestibule.

**2.59 DWELLING, DUPLEX**

shall mean a dwelling that is divided horizontally into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.

**2.60 DWELLING, SEASONAL FARM**

shall mean a dwelling designed and intended for the housing of seasonal farm labour, and their families, who are employees of the owner or operator of a farm and may include a mobile home, bunkhouse or similar dwelling.

**2.61 DWELLING, SEMI-DETACHED**

shall mean a dwelling that is divided vertically above grade into two (2) dwelling units, each of which has an independent entrance either directly or through a common vestibule.

**2.62 DWELLING, SINGLE UNIT**

shall mean a completely detached dwelling used or intended for occupancy by not more than one (1) household living independently.



**2.63 DWELLING, TOWNHOUSE**

shall mean a dwelling that is divided vertically into three (3) or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

**2.64 DWELLING, TRIPLEX**

shall mean a dwelling that is divided horizontally and/or vertically into three (3) separate dwelling units each of which has an independent entrance either directly from the outside or through a common entrance but excludes a converted dwelling.

**2.65 EFFECTIVE DATE**

shall mean the date that this By-law shall be deemed to come into full force and effect pursuant to the provisions of the Planning Act.

**2.66 ERECT**

shall mean to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**2.67 ESTABLISHED BUILDING LINE**

shall mean the average distance from the street line of existing buildings on one side of one block where more than one-half of the lots having street access upon the said side or the block have been built upon.

**2.68 EXISTING**

shall mean existing as of the date of the passing of this By-law.

**2.69 EXOTIC ANIMALS**

shall mean wild and/or non-domesticated animals regardless of whether they are raised or kept in captivity and, without limiting the generality of the foregoing, may include bears, wolfs, lions, tigers, bobcats, cougars, raccoons, crocodiles, venomous snakes, constricting snakes, venomous lizards or venomous spiders but shall exclude domesticated animals and livestock as defined herein.

**2.70 FACTORY OUTLET**

shall mean a building accessory to an industrial use wherein products manufactured, produced, processed or stored on the premises are kept or displayed for wholesale or retail sale, or wherein orders are taken for the delivery of such products.

### **2.71 FARM OR IRRIGATION POND**

shall mean a body of water located outdoors, contained by natural or artificial means and designed, used or intended for agricultural purposes including irrigation and watering for livestock but not for recreational purposes.

### **2.72 FARM EQUIPMENT SALES & SERVICE**

shall mean the use of land, buildings or structures or combination thereof where farm vehicles and equipment are stored for the purpose of sale, lease, or hire and where such vehicles and equipment are repaired or serviced for purposes of being maintained in an operable condition.

### **2.73 FARM FUEL SALES**

shall mean the use of land, buildings or structures or combination thereof where fuel specifically intended for use in farm vehicles and equipment is stored in bulk for the purpose of dispensing and sale, and may include the storage and sale of gasoline, diesel fuel, propane, natural gas and lubricants.

### **2.74 FARM MARKET**

shall mean the use of lands, buildings or structures where fruit, vegetables and meats produced by the local farm community and accessory to an agricultural use are offered for sale to the general public, and may include areas for dry storage, cold storage and office space accessory to the farm market use.

### **2.75 FARM PRODUCE OUTLET**

shall mean a use which is permitted on a seasonal basis, and is accessory to a permitted farm, which consists of the retail sale of agricultural products produced in the area which such outlet is located, and which does not include any permanent buildings or structures.

### **2.76 FEED MILL**

shall mean a building erected, used or intended for use for the preparation, processing, preserving, grading or storing of agricultural products for eventual consumption by livestock or domestic pets, and may include the retail and wholesale sale of such products.

### **2.77 FIRST STOREY**

shall mean the storey that has its floor closest to grade and its ceiling more than 1.8 m above grade.

### **2.78 FITNESS CENTRE**

shall mean a building erected, used or intended for facilities, machines and equipment made available to the public or to members, for a fee, for the purposes of physical training and improving physical health and fitness.

## **2.79 FLEA MARKET**

shall mean the use of lands, buildings or structures or combination thereof where stalls or areas are partitioned off and rented or otherwise provided for the selling of articles, goods or things that are either homemade, homegrown, handcrafted, old, obsolete, antique or used and may include the selling of food prepared and intended for consumption on the premises.

## **2.80 FLOOR AREA**

shall mean the sum of the areas of all floors of a building measured from the outside of all exterior walls exclusive of any attic, basement, garage, verandah, porch or sunroom unless such enclosed porch or sunroom is an integral part of the building and habitable in all seasons, and excluding any floor area with a floor to ceiling height of less than two (2.0) metres.

## **2.81 FLOOR AREA, NET**

shall mean that portion of the floor area of a building which is used exclusively for a non-residential use defined or specifically permitted herein but excluding:

- a) any part of such building used for any other non-residential use defined herein or specifically permitted elsewhere in this By-law;
- b) any part of such building used as a dwelling unit, a public concourse or a common hallway or stairway not used exclusively by the said non-residential use;
- c) any part of such building used solely for the storage of electrical equipment or of equipment to heat, cool or otherwise control the environment of such building or a portion thereof; or
- d) the thickness of any exterior walls of such building.

## **2.82 FOOD PROCESSING PLANT**

shall mean a building in which agricultural products are prepared, processed, preserved, graded or stored for eventual human consumption.

## **2.83 FORESTRY USE**

shall mean the raising and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products.

## **2.84 FRUIT AND VEGETABLE STAND**

shall mean a structure designed, used and intended for the purpose of the sale of agricultural products and readily portable and open to the air on at least one side, accessory to an agricultural use.

## **2.85 FUNERAL HOME**

shall mean a building erected, used or intended for the preparation of corpses by a licensed undertaker for interment and includes facilities for accommodating the public.

**2.86 GARAGE, PRIVATE**

shall mean a building or structure, erected, used or intended for the storage of a motor vehicle and the storage of household equipment incidental to residential occupancy, wherein no service for profit is rendered; and where such building or structure is within two (2.0) metres of the main building, it shall be deemed to be attached to or part of the main building and not an accessory building.

**2.87 GARDEN CENTRE**

shall mean the use of land, buildings or structures or combination thereof for the purpose of selling trees, shrubs and plants, lawn and garden equipment, furnishings and supplies.

**2.88 GAS BAR**

shall mean the use of land, buildings or structures or combination thereof for the sale of gasoline, propane, oil and allied products for motor vehicles and the introduction of such liquids into motor vehicles and may include the sale of small items required for the operation of motor vehicles, but does not include provisions for motor vehicle repairs, oil changes, lubrications, or similar mechanical services.

**2.89 GOLF COURSE**

shall mean the use of land for the purpose of playing golf and buildings and structures accessory thereto and without limiting the generality of the foregoing, includes a driving range, a miniature golf course or combination thereof.

**2.90 GRADE**

shall mean the average elevation of proposed or finished ground adjoining or adjacent to all exterior walls of a building.

**2.91 GRAIN HANDLING FACILITY**

shall mean the use of land, buildings or structures or combination thereof for the commercial drying, cleaning, handling or storing of crops.

**2.92 GROUP HOME**

shall mean a dwelling in which a minimum of three (3) and a maximum of five (5) persons, excluding staff or the receiving household, live under responsible supervision consistent with their needs and licensed or approved under the laws of the Province of Ontario or the Government of Canada or otherwise under the jurisdiction of the Ontario Ministry of Community and Social Services and, without limiting the generality of the foregoing, may include satellite residences for seniors and accommodation for persons with developmental disabilities.

**2.93 HALF STOREY**

shall mean the portion of a building located wholly or partly within a sloping roof, having side walls not less than one (1.0) metre in height, and a ceiling with a minimum height of two (2.0) metres over an area equal to at least fifty (50) percent of the area of the floor next below.

## **2.94 HALFWAY HOUSE**

shall mean a dwelling in which a maximum of five (5) persons, excluding staff or the receiving household, live under responsible supervision consistent with their needs and licensed or approved under the laws of the Province of Ontario or the Government of Canada for psychiatric patients who are transitionally or permanently discharged from a psychiatric hospital; persons who have been placed on probation under the provisions of the Probation Act, the Criminal Code of Canada, the Young Offenders Act, or who have been released on parole under the provisions of the Ministry of Correctional Services Act or the Parole Board of Canada or persons who have been charged under the Young Offenders Act but who have been placed in open or secure custody.

## **2.95 HAZARD LAND**

shall mean land that is subject to flooding or land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils, and includes lands lying below the regulatory floodline and hazardous lands as defined by the Provincial Policy Statement, 2014.

## **2.96 HEIGHT**

shall mean, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

- a) the highest point of the roof assembly in the case of a building with a flat roof, a deck roof or a domed roof;
- b) the average level of a sloped roof, between ridges and the eaves, provided that such roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
- c) in a multi-peaked sloped roof, the average level between the ridge of the highest peak and the eaves;
- d) the average level between eaves and ridges in the case of a roof type not covered in subsections a), b) or c).

## **2.97 HEREIN**

shall mean within this By-law.

## **2.98 HOME OCCUPATION**

shall mean an occupation, accessory to a residential use, for gain or support and owned, managed and conducted by persons residing on the lot on which the home occupation is conducted along with those persons whom reside elsewhere as may be specified herein. Where a home occupation is permitted within a dwelling, such uses may include the offices, workrooms or consulting rooms of a business profession, trade, craft or hobby but such uses do not include or permit group instruction or a retail store with the exception of the sale of arts, crafts and other handmade articles or things. Where a home occupation is permitted within an accessory building, such uses may also include a carpentry shop, a welding shop, a machine shop, a service shop or a contractor's yard or shop.

## **2.99 HOTEL**

shall mean a building, erected, used or intended for the purposes of catering, for gain or profit, to the needs of the public by supplying food and furnishing sleeping accommodation consisting of not less than six (6) guest rooms and may include a tavern.

## **2.100 HOUSEHOLD**

shall mean a single and independent housekeeping unit occupying and using only one dwelling unit.

## **2.101 INDUSTRIAL MALL**

shall mean a building or group of buildings erected, used or intended for use which are held in single ownership or by members in a condominium corporation or cooperative, and divided into units for separate and independent occupancy by industrial uses for which common loading and parking facilities and other common services may or may not be provided.

## **2.102 INDUSTRIAL USE**

shall mean the use of land, buildings or structures or combination thereof for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, distributing, warehousing, storing or adapting for sale any goods, substance, article or thing, including the storage of building and construction equipment and materials.

## **2.103 INSTITUTIONAL USE**

shall mean the use of land, buildings or structures or combination thereof for public or social purposes but not for the purpose of gain or profit and may include governmental, religious, educational, charitable, philanthropic or other similar but non-commercial uses.

## **2.104 LANDING STRIP**

shall mean the use of land, accessory to an agricultural or residential use, for the purpose of those residing thereon for the landing and taking off of non-commercial aircraft and may include buildings and structures accessory thereto.

## **2.105 LANDSCAPED OPEN SPACE**

shall mean the use of land for the growth and maintenance of grass, flowers, shrubbery and other landscaping materials, both natural and artificial, accessory to a building or structure, and includes any surfaced walk, patio, or similar area, but does not include any access driveway or ramp, parking lot, deck or any open space beneath or land within any building or structure.

## **2.106 LAUNDRY ESTABLISHMENT**

shall mean a building erected, used or intended for the drying, ironing and finishing of laundered goods and where no odours, fumes, noise or vibration which create a nuisance outside the business are emitted and may include a self-service, coin operated laundromat.

## **2.107 LIBRARY**

shall mean a library, branch library, bookmobile, or distributing station operating under the Public Libraries Act.

## **2.108 LIGHT ASSEMBLY AND FABRICATION**

shall mean the use of land, buildings, or structures for the manufacturing, assembling, or processing of component parts to produce finished products suitable for retail, wholesale or service trade, and including repairing, servicing, distributing, warehousing, storing or adapting for sale any good, substance, article or thing but excluding any uses which emit any noise or noxious smell that can be detected outside of the building or on land adjacent to the lands occupied by the light assembly and fabrication use.

## **2.109 LIVESTOCK**

shall mean farm animals kept for use, for propagation or intended for profit or gain and without limiting the generality of the foregoing include beef cattle, birds, dairy cattle, deer and elk, fur-bearing animals, game animals, goats, horses, poultry, ratites, sheep, swine and other animals identified by the Ministry of Agriculture, Food and Rural Affairs as constituting livestock but shall exclude domesticated animals and exotic animals as defined herein.

## **2.110 LIVESTOCK MARKETING YARD**

shall mean the use of land, buildings or structures or combination thereof for the temporary confinement of livestock for the purpose of sale, auction and distribution.

## **2.111 LOT**

shall mean a parcel or tract of land which is

- a) the whole of a lot on a registered plan of subdivision, so long as such registered plan or portion thereof is not deemed, pursuant to the Planning Act, not to be a registered plan of subdivision; or,
- b) all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land, or
- c) a unit in a registered plan of condominium.

## **2.112 LOT, CORNER**

shall mean a lot situated at the intersection of and abutting upon two (2) roads which intersect at an angle of not more than one hundred and thirty-five (135) degrees.

## **2.113 LOT, INTERIOR**

shall mean a lot other than a corner lot.

#### **2.114 LOT, THROUGH**

shall mean a lot bounded on two opposite sides by roads; provided, however, that if any lot qualifies as being both a corner lot and a through lot, such lot shall be conclusively deemed to be a corner lot.

#### **2.115 LOT AREA**

shall mean the total horizontal area within the lot lines of a lot, except in the case of a corner lot having street lines rounding at the corner, where the lot area of such lot shall be calculated as if the lot lines were projected to the intersection.

#### **2.116 LOT COVERAGE**

shall mean that percentage of the area of a lot covered by the perpendicular projection onto a horizontal plane of all buildings and roofed or otherwise covered structures but excluding arbors, pergolas, trellises and similar structures and balconies, canopies and overhanging eaves which are two (2.0) metres or more in height above finished grade.

#### **2.117 LOT FRONTAGE**

shall mean the horizontal distance between the side lot lines of a lot measured at right angles. Where such side lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the mid-point of the front and the centre of the rear lot line at a point six (6.0) metres back from the front line, and where such side lot lines meet, lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines and a point six (6.0) metres back from the front lot line.

#### **2.118 LOT DEPTH**

shall mean the horizontal distance between the front and rear lot lines. Where these lines are not parallel, the lot depth shall mean the length of a straight line joining the mid-points of the front lot line and the rear lot lines. Where there is no rear lot line, lot depth shall mean the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

#### **2.119 LOT LINES**

shall mean the boundary lines of a lot defined as follows:

- a) Front Lot Line, shall mean, except in the case of a corner lot, the line dividing the lot from the street. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed to be the side lot line. In case each of such lot lines should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction. In the case of a through lot, the shorter boundary dividing the lot from the street shall be deemed the front lot line and the opposite longer boundary shall be deemed the rear lot line. In case each of such lot lines should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction.
- b) Rear Lot Line, shall mean the lot line of a lot having four (4) or more lot lines which is farthest from or opposite to the front lot line.



- c) Side Lot Line, shall mean a lot line other than a front or rear lot line. In the case of a corner lot, the side lot line dividing the lot from the street shall be deemed to be the exterior side lot line and the other side lot line shall be deemed to be the interior side lot line.

**2.120 MACHINE SHOP**

shall mean a building erected, used, or intended for the servicing or repair of equipment and machinery and/or small engines.

**2.121 MAIN BUILDING**

shall mean the building erected, used or intended for the permitted and principle use of the lot or part thereof.

**2.122 MAIN WALL**

shall mean the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.

**2.123 MARINA**

shall mean the use of land, buildings or structures or combination thereof for the storage and rental of boats, and/or where boats, boat motors or boat accessories are sold, repaired or refueled, and may include buildings and structures for the sale of boating accessories, supplies and/or refreshments.

**2.124 MARKET GARDEN**

shall mean the use of land, buildings or structures or combination thereof for the purpose of buying and selling fruits and vegetables.

**2.125 MICRO BREWERY**

shall mean a building or structure erected, used or intended for the making of beer and/or wine and offered for retail sale for consumption off the premises.

**2.126 MINIMUM DISTANCE SEPARATION (MDS I AND MDS II)**

shall mean formulae used for the purposes of determining, in the case of MDS I, the minimum distance required for non-agricultural uses establishing or expanding in proximity to livestock facilities located on a separate lot, and in the case of MDS II, the minimum distance required for establishing or expanding livestock facilities in proximity to non-agricultural uses located on a separate lot.

**2.127 MINI-STORAGE WAREHOUSE**

shall mean a building containing individual storage units accessible by the user and used for the storage of goods, wares, merchandise, non-perishable foodstuffs, substances, articles or things but shall not include the storage of fuels, solvents, paints or other inflammable substances.

## **2.128 MOBILE FOOD OUTLET**

shall mean a self-propelled motor vehicle or a unit towed by a motor vehicle, from which food and refreshments are made available to the general public for a fee.

## **2.129 MOBILE HOME**

shall mean a building designed and constructed in accordance with the specifications of the Canadian Standards Association CAN/CSA-Z240 for occupancy as a dwelling; transported or designed to be transported on its own or in one (1) or more separate sections or modules each on its own wheels, on a flatbed or by other means and joined together to form one (1) dwelling unit and its running gear comprising the hitch and wheel assembly, if any, removed and placed on a totally enclosed concrete foundation which extends below the frost line and which is constructed in accordance with the Ontario Building Code or equivalent.

## **2.130 MOBILE HOME PARK**

shall mean the use of land for the placement of mobile homes on leased sites.

## **2.131 MOTEL**

shall mean a building, or two (2) or more detached buildings erected, used or intended for the purpose of catering, for gain or profit, to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food.

## **2.132 MOTOR HOME**

shall mean a motor vehicle chassis designed to provide temporary living quarters for recreation, camping and travel purposes.

## **2.133 MOTOR VEHICLE**

shall mean a wheeled self-propelling device for the transportation of passengers and goods and without limiting the generality of the foregoing, includes automobiles, trucks, buses, ambulances, hearses, motor homes and tractors.

## **2.134 MOTOR VEHICLE BODY SHOP**

shall mean the use of land, buildings or structures or combination thereof for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but shall not include a motor vehicle sales establishment, motor vehicle service establishment, impounding yard or a gas bar.

## **2.135 MOTOR VEHICLE REPAIR GARAGE**

shall mean the use of land, buildings or structures or combination thereof for the repair or replacement of parts in a motor vehicle and, without limiting the generality of the foregoing, includes the repair, replacement or reconditioning of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, tires, wheels, windshields, windows and other

mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement and includes the sale of automobiles ancillary to motor vehicle repair garage functions, but does not include a motor vehicle body shop, a motor vehicle service establishment or a gas bar.

**2.136 MOTOR VEHICLE SALES ESTABLISHMENT**

shall mean the use of land, buildings or structures or combination thereof where motor vehicles are kept for sale and where motor vehicles may be oiled, greased and where repairs essential to the operation of motor vehicles are performed.

**2.137 MOTOR VEHICLE SERVICE ESTABLISHMENT**

shall mean the use of land, buildings or structures or combination thereof for the sale of gasoline, propane, oil, grease, antifreeze, tires, batteries and other accessories for motor vehicles where motor vehicles may be oiled, greased or cleaned, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the operation of motor vehicles are performed.

**2.138 MUNICIPAL DRAIN**

shall mean a drainage works as defined by the Drainage Act.

**2.139 MUNICIPALITY**

shall mean the Corporation of the Township of Malahide.

**2.140 MUSEUM**

shall mean a building erected, used or intended for use as a repository for historical artifacts, relics or documents which may be periodically placed on display for public viewing.

**2.141 MUSHROOM FARM**

shall mean the use of land for the purpose of growing mushrooms for gain or profit.

**2.142 NORMAL FARM PRACTICE**

shall mean a practice that is conducted by a farm business in a manner consistent with

(a) proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances, and

(b) any standards prescribed by the Province of Ontario,

and includes a practice that makes use of innovative technology in a manner consistent with proper advanced farm management practices and with any standards prescribed by the Province of Ontario.

**2.143 NON-AGRICULTURAL**

shall mean a use, building or structure which is used, intended or designed for purposes other than those of an agricultural use.

**2.144 NON-COMPLYING**

shall mean a building or structure which is not in compliance with the regulations herein but does not include a non-conforming use, building or structure.

**2.145 NON-CONFORMING**

shall mean a use, building or structure which is not a use, building or structure permitted in the zone in which the said use, building or structure is situated.

**2.146 OCCUPANCY**

shall mean to reside in as owner or tenant on a permanent or temporary basis.

**2.147 OUTDOOR AMENITY AREA**

shall mean contiguous landscaped space accessible to a dwelling or dwelling unit and situated on the same lot therewith, designed, used or intended to be used for the passive enjoyment and recreational needs of the occupants.

**2.148 OUTDOOR FURNACE**

shall mean an outdoor appliance designed, used or intended for burning solid fuel for the purpose of the heating of buildings but shall not include a heating device used in the operation of a sugar bush or the production of maple syrup.

**2.149 OUTSIDE STORAGE**

shall mean the storage of goods, materials or equipment in the open air on a lot or portion thereof.

**2.150 PAINTBALL PARK**

shall mean the use of lands for the purposes of organized outdoor recreational activity in which the participants engage in interactive play using low speed paint ball guns firing or capable of firing non-hazardous, environmentally friendly propellant, protective gear and other equipment as may be necessary or required, where members of opposing teams attempt to secure a common flag, or variations thereof.

**2.151 PARKING LOT**

shall mean an area, whether or not enclosed, exclusive of aisles, entrances and exit lanes, accessible to an aisle, street or road and designed, used or intended for the purposes of the temporary parking of motor vehicles.

## **2.152 PARKING SPACE**

shall mean a space, whether or not enclosed, having a minimum width and a minimum length as prescribed herein, exclusive of aisles, entrance and exit lanes, accessible to a street or road and designed, used or intended for the purpose of the temporary parking or storage of a motor vehicle.

## **2.153 PARKING SPACE, ACCESSIBLE**

shall mean a parking space designed, used or intended for the purpose of the temporary parking or storage of a motor vehicle by persons who require or use wheelchairs, canes, crutches, walkers or other mobility assistance devices and who may require additional aisle space to accommodate a lift or ramp.

- a) Type A Parking Space shall mean an accessible parking space intended to accommodate a motor vehicle equipped with a mechanical lift and/or wheelchair ramp, and which incorporates a delineated space adjacent to the motor vehicle for the deployment of the lift and/or ramp.
- b) Type B Parking Space shall mean an accessible parking space intended to accommodate a motor vehicle which does not require additional space to accommodate a lift and/or ramp.

## **2.154 PARK MODEL**

shall mean a dwelling, designed and constructed in accordance with the specifications of the Canadian Standards Association CAN/CSA – Z241 for occupancy as a dwelling.

## **2.155 PARK, PRIVATE**

shall mean a park other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but excludes an amusement park.

## **2.156 PARK, PUBLIC**

shall mean lands owned and maintained by a public authority for the enjoyment, health and well-being of the public and normally open to the public and may include a conservation area.

## **2.157 PERMITTED**

shall mean permitted by this By-law.

## **2.158 PERSON**

shall include an individual, an association, a firm, a partnership, an incorporated company, municipal corporation, agent or trustee and their heirs, executors, or other legal representatives of a person to whom or which the context of this By-law may apply according to law.

## **2.159 PERSONAL CARE ESTABLISHMENT**

shall mean a building wherein a service is performed directly to an individual and includes, without limiting the generality of the foregoing, a barber shop, a beauty salon, a tanning salon

and the premises of a manicurist, beautician, chiropractor, massage therapist and similar personal care services but excludes a clinic.

**2.160 PERSONAL SERVICE ESTABLISHMENT**

shall mean a building wherein a service is provided for the alteration, care, making of and repair of wearing apparel and includes, without limiting the generality of the foregoing, a shoe repair shop, and a tailor or dressmaking shop.

**2.161 PIT OR QUARRY**

shall mean any opening or excavation of or in the ground pursuant to a license issued under the Aggregate Resources Act for the purposes of removing soil, rock, sand, gravel, earth, clay, muck or limestone or any combination thereof and may include the processing thereof such as screening, sorting, washing, crushing, stockpiling and other similar operations; the importation of asphalt and concrete for recycling /resale purposes and site rehabilitation.

**2.162 PIT OR QUARRY, WAYSIDE**

shall mean a pit or quarry opened and used by a public road authority, its agents or contractors, in accordance with a permit issued under the Aggregate Resources Act, solely for the purpose of a particular project or road construction contract.

**2.163 PLACE OF ENTERTAINMENT OR AMUSEMENT**

shall mean a building erected, used or intended for use as a bowling alley, billiard or pool room, amusement arcade, internet café or any combination thereof.

**2.164 PLACE OF WORSHIP**

shall mean a building erected, used or intended for religious worship and may include a church hall, church auditorium, parish hall, church day nursery, mosque or synagogue.

**2.165 PLANT NURSERY**

shall mean the use of land, buildings or structures where trees, shrubs or plants are grown for the purpose of buying and selling of such products, and which may include a garden centre as a commercial accessory use.

**2.166 PORCH**

shall mean a roofed, open gallery or portico attached to the exterior of a building.

**2.167 PROPANE TRANSFER FACILITY**

shall mean the use of land where propane is stored for the purpose of dispensing and sale, and may include such facilities which are accessory to a campground or trailer park.

**2.168 PUBLIC AUTHORITY**

shall mean the:

- a) Township of Malahide,
- b) County of Elgin,
- c) Government of Canada,
- d) Province of Ontario,
- e) Catfish Creek Conservation Authority,
- f) Kettle Creek Conservation Authority,
- g) Long Point Region Conservation Authority

and any other agency, board, commission, committee or other body established or exercising any power or authority under any general or special statute of Ontario or the Government of Canada with respect to any of the affairs or purposes of the Township or a portion thereof, and includes any committee or local authority established by by-law of the Township.

## **2.169 RECREATIONAL FACILITIES**

shall mean a building designed and intended to accommodate one or more leisure or sporting activities and shall include an arena, aquatic centre, tennis, squash and racquetball courts, dance studios and fitness centres.

## **2.170 REGULATORY FLOODLINE**

shall mean the limits of the floodplain established from time to time by the conservation authority having jurisdiction.

## **2.171 REQUIRED**

shall mean required by this By-law.

## **2.172 RESIDENTIAL USE**

shall mean the use of a lot, a building or structure as a dwelling.

## **2.173 RESTAURANT**

shall mean a building erected, used or intended for the serving of food or refreshments to the public where the serving and consumption of food or refreshments takes place entirely within such building or at outside tables immediately adjacent to such building and may include a dining lounge licensed under the Liquor License Act.

## **2.174 RESTAURANT, TAKE-OUT**

shall mean a building, erected, used or intended for the serving of food or refreshments to the public where the servicing and consumption of food or refreshments takes place entirely off the premises.

## **2.175 RESTAURANT, DRIVE-THROUGH**

shall mean a building, erected, used or intended for the sale of food or refreshments to the general public, and where such food or refreshment may be made available to a person while in

his motor vehicle or while within the building, and where provision may be made for the consumption of such food or refreshment by the person while in his motor vehicle, within the building or elsewhere on a lot.

**2.176 RETAIL STORE**

shall mean a building, erected, used or intended for the selling or buying of goods, wares, merchandise, articles, or things at retail and/or the providing of a service, primarily to or from the public.

**2.177 RETAIL STORE, CONVENIENCE**

shall mean a retail store supplying groceries and other daily household necessities to an immediate surrounding residential area.

**2.178 RETAIL STORE, GENERAL**

shall mean a retail store within which is conducted the selling of groceries, cigarettes, tobacco, confectionery goods, sundry items and other general merchandise, and may include part of a motor vehicle service establishment or gas bar.

**2.179 RETIREMENT HOME**

shall mean a building in which the proprietor supplies lodging and provides nursing, medical and similar care and treatment, if required and includes any retirement home as defined by the Retirement Homes Act, 2010.

**2.180 RIDING SCHOOL**

shall mean the use of land, buildings, or structures or combination thereof for the purpose of riding, training, showing, and boarding of horses and where persons are given instructions in the riding of horses and other aspects of horsemanship.

**2.181 ROAD**

shall mean an open common and public road, lane, highway or commons vested in the Township, the County, the Province of Ontario or any other public authority having jurisdiction over the same, and includes a bridge or any other structure forming part of a road on, over, or across which a road passes, and a road constituting a common element in a registered plan of condominium, but does not include an unopened road allowance.

**2.182 ROAD, ARTERIAL**

shall mean a road, under the jurisdiction of the County, constructed and maintained to accommodate high volumes of vehicular traffic over long distances, where maintaining traffic flow is given priority over access to abutting properties.

**2.183 ROAD, COLLECTOR**

shall mean a road, under the jurisdiction of the County, constructed and maintained to provide linkages between arterial roads and local roads where maintaining traffic flow and access to abutting properties are given equal priority.



**2.184 ROAD, LOCAL**

shall mean a road, under the jurisdiction of the Township, constructed and maintained to accommodate low volumes of vehicular traffic and provide linkages to arterial roads and to collector roads where access to abutting properties is given priority over maintaining traffic flow.

**2.185 ROAD, PRIVATE**

shall mean an improved highway, street or road which affords the principal means of vehicular access to a lot and which is not under the jurisdiction of the Township, the County or the Province.

**2.186 SALVAGE YARD**

shall mean the use of land, buildings or structures or combination thereof, where motor vehicles, merchandise, articles, goods or things are stored for the purpose of salvage, kept for sale and/or processed and/or re-cycled for further use and, without limiting the generality of the foregoing, may include a junk yard, a scrap metal yard, and a motor vehicle wrecking yard.

**2.187 SATELLITE DISH**

shall mean a parabolic or spherical antenna used for the purposes of receiving television or microwave transmissions or other signals from orbiting satellites or other similar devices.

**2.188 SAWMILL**

shall mean the use of land, buildings or structures for the sawing, planing, sanding and finishing of wood and wood products and may include the sale of wood and wood products.

**2.189 SCHOOL, PRIVATE**

shall mean a school, other than a public school or commercial school, recognized as a private school under the Education Act and under the jurisdiction of a board of trustees or governors and may include a boarding school.

**2.190 SCHOOL, PUBLIC**

shall mean a school operated by and under the jurisdiction of a public authority.

**2.191 SECONDARY FARM OCCUPATION**

shall mean an agriculturally-related occupation conducted on a lot, where the main use of the lot is for agricultural purposes, within an accessory building by persons residing in a dwelling situated on the said lot along with those persons who reside elsewhere as may be specified herein.

**2.192 SERVICE SHOP**

shall mean a building where appliances and household machinery are sold, serviced, or repaired and includes the business premises of a tradesman such as a carpenter, an electrician, a plumber and similar trades but excludes any manufacturing, processing or wholesaling.

### **2.193 SETBACK**

shall mean the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line, to the nearest part of any building or structure on a lot.

### **2.194 SETTLEMENT AREA**

shall mean areas identified in the Township's Official Plan as settlement areas namely the Village of Springfield, the Village of Port Bruce and the Hamlets of Avon, Calton, Copenhagen, Kingsmill Corners, Luton, Lyons, Mount Salem, Orwell, South Gore and Summers Corners as delineated on Schedule "B" through Schedule "O" inclusive to this By-law.

### **2.195 SEWAGE TREATMENT PLANT**

shall mean the use of land, buildings or structures or combination thereof for the collection and treatment of sanitary sewage, in accordance with a 'Certificate of Approval' issued by the Ministry of the Environment, Conservation and Parks.

### **2.196 SHIPPING CONTAINER**

shall mean a container designed and constructed in accordance with the International Organization for Standardization (ISO) or similar organization intended for and used in the transportation and shipping industry which may be used for the storage of goods, wares, merchandise, substances, articles or things accessory to an agricultural, commercial or industrial use.

### **2.197 SHOPPING CENTRE**

shall mean a building or group of buildings designed, erected and managed as a unit and which building or buildings are designed to function as a unit accommodating a minimum of five (5) separate and independent commercial uses.

### **2.198 SIGN**

shall mean a name, identification, description, device, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.

### **2.199 STORAGE CONTAINER**

shall mean a pre-fabricated, heavy gauge steel, fully assembled structure intended for the storage of goods, wares, merchandise, substances, articles or things accessory to an agricultural, commercial or industrial use.

### **2.200 STOREY**

shall mean the portion of a building:

- a) that is situated between the top of any floor and the top of the floor next above it, or
- b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

## **2.201 STREET**

refer to the definition of **ROAD**.

## **2.202 STREET LINE**

shall mean the limit of the road allowance and is the dividing line between a lot and a road.

## **2.203 STRUCTURE**

shall mean any material, object or work erected as a unit or constructed or put together of connected or dependent parts or elements whether located under, on, or above the surface of the ground, and includes a car shelter and similar structures but does not include an air conditioning unit, a boundary wall, fence, hot tub, sign or swimming pool.

### **2.203.1 SUPPLEMENTARY FARM HOUSING**

*(Amended by By-law No. 19-08 General Amendment)*

shall mean a single unit dwelling or mobile home located on a farm, which due to its size and nature of operation requires additional farm labour, and is used for the accommodation of such persons employed as additional farm labour.

## **2.204 SWIMMING POOL**

shall mean any in-ground swimming pool regulated under the Swimming Pool Safety Act.

## **2.205 TARGET RANGE**

shall mean the use of land, buildings or structures or combination thereof licensed by the Chief Firearms Officer of Ontario, for the purposes of the recreational discharge of fire arms, and may include an indoor/outdoor rifle range, shotgun range, pistol range, trap range, skeet range, air rifle range, air pistol range and archery range.

## **2.206 TAVERN**

shall mean a building erected, used or intended for the sale of alcoholic beverages to the public to be consumed on the premises and operating under the Liquor License Act.

## **2.207 TOP-OF-BANK**

shall mean a line determined at a point where the oblique plane of the slope meets the horizontal plane.

## **2.208 TRAVEL TRAILER**

shall mean a portable structure, including a camping trailer, designed, used, or intended for the living, sleeping, eating, or accommodation of persons therein for seasonal recreational activity and constructed such that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle.

## **2.209 TRUCK CAMPER**

shall mean a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, and capable of providing temporary living quarters for recreation, camping or travel use.

## **2.210 TRUCK TERMINAL**

shall mean the use of land, buildings or structures where trucks, buses and/or transports are stored, rented, leased, kept for hire, or parked for remuneration or from which trucks and/or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.

## **2.211 USE**

shall mean, when used as a noun, the purpose for which any land, building or structure is erected, used, or intended to be used, or for which it is occupied, used or maintained. When used as a verb, or as in the expression “to use”, shall mean anything done or permitted to be done by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building, or structure.

## **2.212 UTILITY STATION**

shall mean the use of land, buildings or structures or combination thereof associated with the supply and distribution of utilities and, without limiting the generality of the foregoing, may include a water or sewage pumping station, a water storage reservoir, an electric power transformer station, a telephone repeater station and a micro wave tower.

## **2.213 WAREHOUSE**

shall mean a building erected, used or intended for the storage of goods, wares, merchandise, articles or things and may include the selling or distribution thereof at wholesale.

## **2.214 WASTE DISPOSAL SITE**

shall mean any land, or land covered by water, licensed under the Environmental Protection Act, upon, into, or through which, or building or structure in which, waste is deposited or processed, and any machinery and equipment or operation required for the treatment or disposal of waste.

## **2.215 WATERCOURSE**

shall mean a natural channel for the flow of water but does not include a drain as defined under the Drainage Act.

## **2.216 WETLAND**

shall mean lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface such that the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants, but shall not include periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics.

## **2.217 WILDLIFE PRESERVE**

shall mean lands where plants, animals and other organisms, excluding fish, survive in self-sustained populations, and from which they derive services such as cover, protection or food.

## **2.218 WIND FARM**

shall mean any devices and related equipment that is used, or designed to be used, for the commercial production of electrical power where wind is the energy source, including one or more wind turbines, vertical axis wind turbines and horizontal axis wind turbines but excluding power poles, power lines, data lines and equipment such as transformers and switching stations related to the transmission or distribution of power from a Wind Farm.

## **2.219 WINERY, ESTATE**

shall mean a building or structure accessory to a vineyard and situated on the same lot therewith, where the vineyard occupies a minimum of 2 hectares, for the production of wine including the retail sale of wine and wine related products and hospitality facilities as accessory uses not exceeding four hundred (400) square metres of floor area in total and where food and wine may be prepared and served for the enjoyment of the general public.

## **2.220 WINERY, FARM**

shall mean the use of land, buildings, structures and equipment for the making of wine from fruit grown primarily on the premises including fermentation, storage and aging and may include storage, display, processing, wine tasting, a tied house licensed by the Alcohol and Gaming Commission of Ontario, and retail, administrative facilities and outdoor patio area, but shall not include a restaurant, banquet facility, or on-site commercial kitchen.

## **2.221 YARD**

shall mean a space, appurtenant to a building or structure, located on the same lot as the main building or structure, and which space is open, structurally uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted by this By-law.

## **2.222 YARD, EXTERIOR SIDE**

shall mean a side yard immediately adjoining a road.

## **2.223 YARD, FRONT**

shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest main wall of any main building or structure on the lot. **FRONT YARD DEPTH** shall mean the least horizontal dimension between the front lot line of the lot and the nearest part of the main wall of any main building or structure on the lot.

## **2.224 YARD, INTERIOR SIDE**

shall mean a side yard other than an exterior side yard.

#### **2.225 YARD, REAR**

shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot. **REAR YARD DEPTH** shall mean the least horizontal dimension between the rear lot line of the lot and the nearest part of the main wall of any main building or structure on the lot.

#### **2.226 YARD, SIDE**

shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest main wall of any main building or structure on the lot. **SIDE YARD WIDTH** shall mean the least horizontal dimension between the side lot line of the lot and the nearest part of the main wall of any main building or structure on the lot.

#### **2.227 ZONE**

shall mean an area delineated on a Zone Map and established and designated by this By-law for a specific use.

#### **2.228 ZONE MAP**

shall mean a map or maps incorporated in this By-law and showing graphically the location, size and boundaries of zones established by this By-law together with other explanatory text and symbols.