

SECTION 3 – DEFINITIONS

Illustrations depicting definitions are provided for clarification and convenience only, and can be found in Appendix C.

A

“**Abattoir**”, means a **building** or **structure**, designed and **used**, or part thereof, for the slaughtering of animals.

“**Accessory**”, means a **use**, **building** or **structure** located on the same **lot**, detached from the **main building**, which is subordinate and incidental to the **main use** and is not **used** for human habitation unless specifically permitted in this By-law. Such **uses** shall include, but are not limited to, a private **garage**, a greenhouse, a pool, a **satellite dish**, or a storage **building**.

“**Adult Entertainment Establishment**”, means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods and/or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

“**Aggregate**”, means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock, other than metallic ores, or other prescribed material pursuant to the Aggregate Resources Act, as amended.

“**Aggregate Processing Facility**”, means a facility **used** to process, crush, screen, wash, store/stockpile, and/or sort **aggregate** resources, and includes an **asphalt plant**, a concrete batching plant, a cement manufacturing plant, a brick and tile manufacturing plant, an **aggregate** transfer station, and stockpiling/blending of recycled **aggregate** resources.

“**Agricultural Use**”, means a **use** of land, **buildings** or **structures** for the growing of crops, including nursery, greenhouse, mushroom, and horticultural crops; raising of livestock and other animals for food, fur or fiber; aquaculture; apiaries; agro-forestry; maple syrup production; research and/or breeding station; riding/training stables, and associated on-farm **buildings** and **structures** (including for packing, treating and storing farm products, a **farm related tourism business**, and a **farm product sales outlet**), but does not include an **abattoir**, a **kennel**, or a rendering plant.

“**Agricultural Service Establishment**”, means the buying or selling of commodities and services that support **agricultural uses** and shall include the sales and service of welding and machinery repair, farm drainage and excavation, well drilling, custom spraying, tillage, planting, harvesting and grading services.

“**Agricultural-Related Business**”, means the supply of goods, materials or services that support *agricultural uses* including, but not limited to, the sale, storage, mixing, distribution or cleaning of seed, feed, fertilizer and chemical products, grain drying, custom spraying, large-animal *veterinary clinic*, and the rental, sales, repair or service of agricultural equipment or implements.

“**Alter**”, when used in reference to a *building* or part thereof, shall mean to change any one or more of the internal or external dimensions of such *building* or to change the type of construction of the exterior walls or roof thereof. When *used* in reference to a *lot*, the word “*alter*” means to change the width, depth or area thereof or to decrease the width, depth or area of any required *yard*, setback, landscaped open space or *parking area*, or to change the location of any boundary of such *lot* with respect to a public highway or *laneway*, whether such alteration is made by conveyance or alienation of any portion of said *lot*, or otherwise. The words “*altered*” and “alteration” shall have corresponding meanings.

“**Amenity Area**”, means an area within a residential development provided for *recreational uses* or enjoyment of the residents, and excludes any portion of a *parking area* or ingress/egress to a *parking area*.

“**Ancillary**,” for the purposes of Section 4.4.1, means a shed, garage, carriage house or barn.

“**Animal Crematorium**”, means a licensed facility limited to the cremation of domestic animals. Domestic animals include such animals as cats, dogs and horses.

“**Asphalt Plant**”, means a facility:

- a) with equipment designed to heat and dry *aggregate* and to mix *aggregate* with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process;
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

“**Assembly Hall**”, means a *building* or part of a *building* in which facilities are provided for athletic, charitable, civic, cultural, educational, political, religious or social purposes, and shall include a *banquet hall*, *private club*, fraternal organization, arena, curling rink, a cinema, a stadium, union hall, or *community centre*.

“**Auction House**”, means a *building* or *structure* or portion thereof where goods, wares, merchandise, effects or the like are offered for sale to the highest bidder, but does not include a livestock auction.

“**Automobile Body/Repair Shop**” means a *building* or other *structure* where motor vehicle(s) may be subject to major repairs, parts or systems replacement, body work or

painting. An **automobile body/repair shop** does not include an **automobile sales establishment**, an **automobile service/gas station**, an **automobile washing establishment**, or a **salvage yard**.

“**Automobile Sales Establishment**”, means a **building** and/or **lot used** for the display and sale/lease of new and **used** motor vehicles, motorized recreational vehicles, motorcycles, light construction and lawn care equipment, and may include the servicing, repair, cleaning, polishing, and lubrication of motor vehicles, the sale of automotive accessories and related products, and the leasing or renting of passenger motor vehicles.

“**Automobile Service/Gas Station**” means a **building** or place where service, maintenance or minor mechanical repair essential to the operation of a motor vehicle is provided and/or gasoline pumps for the sale of gasoline are provided. These primary uses may include the sale of motor vehicle products or convenience products, together with the necessary pump islands, light standards, kiosk, concrete aprons, canopy, storage tanks, **automobile washing establishment**, and related facilities required for the dispensing of gasoline. An **automobile service/gas station** does not include an **automobile body/repair shop**.

“**Automobile Washing Establishment**” means a **building** or place for the washing, cleaning or drying of motor vehicles by automatic, manual or self-serve washing equipment.

B

“**Banquet Hall**”, means a service commercial establishment **used** for the purposes of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served on the premises, but does not include a caterer's establishment.

“**Basement**”, shall mean that portion of a **building** which is partly below grade level and which has at least one-half of its **height** from floor to ceiling above grade.

“**Bed and Breakfast Establishment**”, shall mean a dwelling in which the proprietor resides and supplies up to four furnished rooms to overnight guests on a temporary basis for monetary gain. It does not include a **restaurant**, or **hotel**, or **motel**, or **group home** as defined by this By-law.

“**Body Rub Parlour**”, shall mean thereof where a **body rub** is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the treatments performed are for the purpose of medical or therapeutic treatment and are performed or offered by **person** otherwise duly qualified,

licensed or registered so to do under the laws of the Province of Ontario. This **use** does not include any other **use** defined in this Bylaw.

“**Body Rub**”, includes the kneading, manipulating, rubbing, massaging, touching or stimulation, by any means, of a **person’s** body or part thereof, but does not include medical or therapeutic treatment given by a **person** otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario. This does not include any other **use** defined in this By-law.

“**Brewing-on-Premise Establishment**”, means a commercial establishment where individuals produce beer, wine and/or cider, for personal **use** and consumption off the premises, and where beer, wine and/or cider ingredients and materials are purchased and stored.

“**Building**”, means any **structure used** or intended to be **used** for shelter, accommodation or enclosure of **persons**, animals or chattels but does not include a fence, sign, travel trailer or vehicle.

“**Building By-Law**”, means a by-law passed pursuant to the Ontario Building Code Act as amended.

“**Building Supply Outlet**”, means a **building** or **structure** in which building or construction and home improvement materials are offered or kept for sale and may include the fabrication of certain materials related to home improvement.

“**Buffer Strip**”, means an area **used** to visibly separate one **use** from another **use** to shield or block noise, lights, or other nuisances.

“**By-Law Enforcement Officer**”, shall mean a **person**, appointed by the **Council** of the **Corporation** who shall enforce this By-law.

C

“**Campground**”, means a public or privately operated facility catering to short-term guests, but not year-round residents, whose accommodation is a tent, cabin, cottage, lodge, or other **recreational trailer**, and such a facility may include an **office**, variety store catering to guests, picnic shelters, laundry room, games room, swimming area, and other outdoor recreational facilities.

“**Catering Service**”, means a **building** or part of a **building** used for the preparation of food or beverages for consumption off the property and are not served to customers on the property or for take-out.

“**Cellar**”, shall mean that portion of a **building** which is partially or completely underground and which has more than one-half of its **height** from floor to finished ceiling below **finished grade**.

“**Cemetery**”, means a cemetery or crematorium within the meaning of the Cemeteries Act, as amended.

“**Centre Line**”, means that line which bisects the original road allowance of a public **street** or highway.

“**Child Care Centre**”, means a facility licensed under Provincial legislation which accommodates a minimum of five children, for the purpose of providing temporary care for a continuous period of time not exceeding twenty-four hours.

“**Commercial School**”, means a building where instruction is given for hire or gain and includes a music, dance or yoga studio, an art, business or trade educational establishment, and any other such specialized educational business.

“**Commercial Motor Vehicle**”, means any motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, tow trucks, dump trucks, motor buses and farm tractors, but excludes **trailers, recreational trailers, and tractor trailers** as defined herein.

“**Community Centre**”, means a **building** or part of a **building used** for community activities and/or community facilities such as a community **museum**, recreational facility and **banquet hall**, the control of which is vested in the **Corporation**.

“**Composting Yard**”, means a **lot** or part thereof, **used** for the composting of food waste and organic materials.

“**Conservation**”, shall mean **uses** complementary to and compatible with the wise management and preservation of the natural environment, along with any of its significant biophysical features and ecological functions. **Conservation** may include **uses** such as reforestation, forest management, fish and wildlife management, erosion control, flood control and **passive recreation**.

“**Contractor or Tradesperson Establishment**”, means a **building** or part of a **building** from which a service, trade or guild operates or is based from in which manual or mechanical skills are used to install, manufacture, maintain, or repair articles, goods, materials, equipment or real property. The establishment shall include the **buildings, structures** and area wherein vehicles, equipment and supplies are parked, stored and maintained for **use** in the trades, and **accessory office** activities. The establishment does not include the retail or wholesale sale of construction or home improvement materials or supplies.

“**Corporation**”, means the **Corporation** of the Township of Guelph/Eramosa.

“**Council**”, means the **Council** of the **Corporation** of the Township of Guelph/Eramosa.

“**County**”, means the Corporation of the **County** of Wellington.

“**County Road**”, means a **street** under the jurisdiction of the Corporation of the **County** of Wellington.

“**Courier Service**”, means a **building** or **structure used** for courier pick-up or drop-off services.

D

“**Display Parking Space**”, means a **parking space** provided on-site for the purposes of outdoor display and storage of a motor vehicle, **accessory** to an **automobile sales establishment**. **Display parking spaces** are provided in addition to the minimum parking requirement of a permitted **use** as established in the parking regulations of this By-law.

“**Drive-Thru Establishment**” means a place, with or without an intercom order station, where a product or service is available at a service window for delivery to a vehicle as a component of the **main use**, and shall include an automated bank machine and automatic carwash.

“**Dry Cleaning and Laundering Establishment**”, shall mean a **building used** for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

“**Dwelling, Accessory Second Unit**”, means a residential **dwelling unit** within a **detached** or **semi-detached dwelling** or a **building** or **structure ancillary** to a **detached** or **semi-detached dwelling**. An **Accessory Second Unit** shall contain sleeping accommodations, a kitchen and sanitary facilities for the exclusive use of the occupants, and having a private entrance from outside the **building** or from a common hallway or stairway inside the **building**.”

“**Dwelling, Apartment**”, means a residential dwelling containing three or more **dwelling units** each having independent access either directly from the outside or through a common vestibule.

“**Dwelling, Cluster Townhouse**”, means a **townhouse** situated on a **lot** in such a way that at least one **dwelling unit** does not have legal **frontage** on a public **street**.

“**Dwelling, Detached**”, means a single dwelling house containing one **dwelling unit** and does not include a **mobile home** or a **recreational trailer**.

“**Dwelling, Duplex**”, means a residential dwelling divided horizontally to contain two independent residential **dwelling units** and which have independent entrances either directly from the outside or through a common vestibule. A dwelling that includes an **accessory second unit** is not a **duplex dwelling**.

“**Dwelling, Farm Help**”, means a dwelling that is **used** for the housing of on-site farm labour where the workers assist on the subject farm on a full-time, seasonal basis, where the size and nature of the operation requires additional employment.

“**Dwelling, Garden Suite**”, means a one-unit detached residential **structure** containing bathroom and kitchen facilities that is **accessory** to an **existing detached dwelling**. A **garden suite** is a portable, non-seasonal residential **dwelling unit**. A **mobile home** as defined herein may be **used** as a **garden suite** in Agricultural Zones.

“**Dwelling, Group Home**”, means a staff-supported residence operated by a service agency and licensed or funded under a federal or provincial statute, in which three or more **persons** reside under supervision and receive services and supports from the agency as a single housekeeping unit.

“**Dwelling, Retirement Home**”, means a **building** containing independent **dwelling units** providing accommodation primarily for retired **persons**, and where **accessory** support and health services may be provided, and which may contain **accessory** personal service and **recreational uses** for the residents, but does not include a **long term care facility**.

“**Dwelling, Semi-Detached**” shall mean one of a pair of two attached **dwelling units**, divided by whole or in part by a common vertical wall, each of which has an independent entrance directly from the outside or through a common vestibule.

“**Dwelling, Stacked Townhouse**” means a **building** containing two **townhouse dwelling units** divided horizontally, one atop the other, both with independent access to the **street** or courtyard. A **stacked townhouse** can be either a **street fronting townhouse** or a **cluster townhouse**.

“**Dwelling, Street Fronting Townhouse**”, means **townhouse** located on a **lot** so that each **dwelling unit** has **frontage** on a public **street**.

“**Dwelling, Townhouse**”, means a residential **building** divided vertically to provide three or more **dwelling units**, each unit having independent entrances to a **front** and **rear yard** immediately abutting the front and rear walls of each **dwelling unit**.

“**Dwelling Unit**”, means a room or group of rooms designed, occupied or intended to be occupied as an independent and separate housekeeping unit, for one or more **persons**, providing kitchen and sanitary facilities and sleeping accommodations for the exclusive use of the occupants, and having a private entrance from outside the **building** or from a common hallway or stairway inside the **building**.

E

“**Entertainment/Recreation Establishment**”, means development **used** for indoor and outdoor commercial cultural, athletic, amusement, or **recreational uses** but does not include gambling or **uses** otherwise defined or classified herein.

“**Erect or Construct**”, means to build, reconstruct, place, or relocate and, without limiting the generality of the word, also includes:

- a) any preliminary operation such as excavating, filling or draining;
- b) alteration to any **existing building** or **structure** by an addition enlargement, extension or other structural change; and
- c) any work which requires a building permit.

Constructed and construction shall have corresponding meanings.

“**Existing**”, shall mean legally existing on October 19, 1999, unless otherwise noted.

F

“**Farm Business**”, means those businesses that are limited in area and located on a farm, and depend directly on the farm in order for the business to operate. Examples include: **farm-related tourism business, farm product sales outlet**, cottage wineries, value-added processing or packaging, and pick-your-own operations.

“**Farm Home Industry**”, means an occupation which is carried out on a farm as an **accessory use**, in accordance with the provisions of this By-law.

“**Farm Product Sales Outlet**”, means a **use accessory** to an active agricultural operation on the property, that includes a **building** or **structure** with commercial retail space for the sale of value-added products produced by the farm. The sale of products not produced on the farm or by the farm corporation is prohibited.

“Farm-Related Tourism Business” means those agriculturally-related tourism **uses** that promote enjoyment, education, or activities related to the agricultural operation. The **main** activity on the property must be an **agricultural use**. As such, **uses** must:

- a. Be dependent on the existence of the agricultural operation,
- b. Use products that are produced on the property or related to agriculture,
- c. Enhance the agricultural nature of the property, and
- d. Not present any limitation to future agricultural activities.

Such activities could include hay or corn maze, petting zoo, hay/sleigh rides, pumpkin chucking, farm tours, and processing demonstrations.

“Farmer’s Market”, means an establishment or premises where the farm products of the local farming community are sold from covered or open air areas designated for individual retailers.

“Financial Institution”, means the premises of a bank, credit union, trust company, loan or mortgage company, investment firm, or financial consultants.

“Flood Control Project”, means land **use** practices or **structures** deemed necessary by the Grand River Conservation Authority for the reduction or prevention of flooding.

“Floor Area, Gross”, means the sum total of the horizontal areas of each floor whether any such floor is above or below grade measured between the exterior faces of the exterior walls of the **building** or **structure** of the level of each floor, but excluding

- a) a **cellar**
- b) any part of the **building** or **structure** which is **used** for mechanical or heating equipment, the storage or parking of motor vehicles, locker storage and laundry facilities, unenclosed verandas, internal/external stairs, sunrooms or porches or an attic;
- c) enclosed malls, courts or atriums for non-residential **uses** between individual **uses**.

“Floor Area, Ground”, means the maximum area of a **building** or **structure** at **finished grade** measured between the exterior faces of the exterior walls.

“Food Processing Plant”, means a **building** or part thereof, other than a **restaurant** or catering service, in which agricultural products are prepared, processed, preserved, graded or stored for eventual human consumption, and includes licensed medical marijuana facilities, but does not include an abattoir or any premises **used** for the slaughtering of animals. A **food processing plant** shall be “dry” **uses** which do not use significant amounts of water in their operation and which do not produce significant amounts of effluent.

“Fuel Storage Establishment”, means an establishment where petroleum gasoline, fuel oil, gas, propane, or other fuels are stored in tanks for wholesale distribution or bulk sales but does not include facilities for the sale of fuels for private motor vehicles.

“Funeral Home”, shall mean a **building** or part of a **building** established or maintained for the purpose of providing funeral services or funeral supplies limited to the disposition of human remains.

G

“Garage”, means an **accessory building** or that part of a **main building used** for the storage of a motor vehicle(s) of the owner, tenant or occupant of the **lot** upon which such **garage** is located and includes a carport.

“Garden Centre”, shall mean a **building** or part of a **building** and/or adjacent land **used** for the purpose of growing of plants, shrubs, trees and similar vegetation, buying or selling lawn and garden equipment, furnishings, and supplies, and may include a greenhouse.

“Golf Course”, means a public or private area operated for the purpose of playing golf, including associated **accessory recreational uses** such as a club house, driving ranges, miniature courses and similar **uses** operated for commercial purposes.

“Grade, Finished”, means the average level of the finished ground adjoining a **building** or **structure** at all exterior walls.

H

“Habitable Room”, shall mean any room in a residential unit **used** or capable of being **used** by one or more **persons** for living, sleeping, eating, food preparation or sanitation.

“Height”, shall mean the vertical distance between the **finished grade** of the centre of the front of the **building**, and;

- a) in the case of a flat roof, the highest point of the roof surface or parapet wall;
- b) in the case of a mansard roof, the ridge;
- c) in the case of a gabled, hip, gambrel or one-slope roof, the average level between eaves and ridge, except that a one-slope roof having a slope of less than 20 degrees from the horizontal shall be considered a flat roof for the purposes of this By-law.

In calculating the **height** of a **building**, any construction used as ornament or for the mechanical operation of the **building**, such as a mechanical penthouse or a chimney, tower, cupola, steeple, spire, belfry, water tank, clock tower, farm **building**, windmill, flag pole, ventilator, or antenna, is not to be included.

“Home Occupation”, means any occupation, profession, business, trade or craft conducted for profit or gain as an **accessory use**, conducted entirely within a **dwelling unit** by a **person** who is a resident of such **dwelling unit**.

“Hospital”, means a **hospital** as defined in the Private Hospitals Act, as amended, or the Public Hospitals Act, as amended.

“Hotel or Motel”, means a **building** or a group of connected **buildings used** primarily for the purpose of catering to the needs of the public by furnishing sleeping accommodation and which may supply food but does not include an apartment, a guest house or a dwelling house. **Accessory uses** may include a **restaurant**, a lounge, a convenience store, a gift store, or a recreation facility.

I

“Industrial Use”, means the manufacturing, processing, production, fabrication, packaging, assembly, stamping, treating, finishing, testing or warehousing of goods or raw materials. Industrial **uses** shall be “dry” **uses** which do not use significant amounts of water and which do not produce significant amounts of effluent.

“Institutional Uses”, means religious, charitable, educational, health or welfare **uses**. Examples include, but are not limited to: **place of worship, medical clinic, social service establishment, long term care facility, school, or child care centre**.

K

“Kennel”, means a place where a minimum of three dogs or four cats are housed, boarded, bred, trained, sold or kept and which is licensed by the Township under the provisions of the Municipal Act, but does not include a **Veterinary Clinic** as defined herein. Accessory retail sales and accessory **Pet Grooming** are permitted. Notwithstanding, the definition of **Kennel** does not apply to where dogs are kept as working dogs associated to a **Livestock Facility** as defined. The limit shall be four dogs where the Township is satisfied this criterion has been met.

L

“Landscaped Area”, shall mean the open unobstructed space from ground to sky at grade on a **lot** accessible by walking from the **street** on which the **lot** is located and which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping

and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, any curb, retaining wall, **parking area**, outdoor storage, or any open space beneath or within any **building** or **structure**, whether surfaced or not.

“**Lane**”, shall mean a public or private thoroughfare or way, which affords only a secondary means of access to abutting property, and includes a **laneway**, but does not include a **street**.

“**Library**”, means a library, branch library, or library distributing station that is approved under the Provincial legislation.

“**Livestock Facility**”, means one or more barns or permanent **structures** intended for keeping or housing of livestock with livestock occupied portions, which are areas of the **structure** where the livestock spend a majority of their time thus allowing substantial amounts of manure to accumulate. A **livestock facility** also includes all manure or material storages and anaerobic digesters. For the purposes of this definition livestock includes animals identified in the Ontario Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Implementation Guidelines.

“**Loading Space**”, means an off-street space on the same **lot** with a **building** or on a **lot** contiguous to a **building** or group of **buildings** for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials pertinent to such permitted **use**.

“**Long Term Care Facility**”, means a **building** where residents who require long term personal support services, restorative care, and/or nursing care dwell with supervision without individual cooking facilities, and on a long-term basis, and the facility is licensed in accordance with the Long-Term Care Homes Act, as amended.

“**Lot**”, means a parcel or tract of land:

- a) which is a whole **lot** as shown on a Registered Plan of Subdivision. A Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to The Planning Act; or
- b) is a separate parcel of land without any abutting lands being owned by the same owner or owners; or
- c) the description of which is the same as in a deed which has been given consent pursuant to the Planning Act; or
- d) is the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to the Planning Act.

“**Lot Area**”, means the total horizontal area within the **lot lines** of a **lot**.

“**Lot, Corner**”, means a **lot** situated at the intersection of two or more **streets**, provided that the angle of intersection of such **streets** is not more than one hundred and thirty-five degrees.

“**Lot Coverage**”, means the percentage of the **lot area** covered by the **ground floor area**. For the purposes of calculating **lot coverage, parking areas**, patios, decks, outdoor swimming pools, steps or balconies shall not be considered.

“**Lot Depth**”, means the horizontal distance between the **front** and **rear lot lines**. If the **front** and **rear lot lines** are not parallel, **lot depth** means the length of a straight line joining the middle of the **front lot line** with the middle of the **rear lot line**. When there is no **rear lot line**, **lot depth** means 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**.

“**Lot Frontage**”, means the horizontal distance between the **side lot lines**, such distance being measured perpendicularly to the line joining the middle of the **front lot line** with either the middle of the **rear lot line** or the apex of the triangle formed by the **side lot lines** and at a point equal to the setback of the required minimum **front yard depth** from the **front lot line**.

“**Lot, Interior**” means a **lot** abutted by **lots** on directly opposite sides.

“**Lot Line**”, means any boundary of a **lot**.

“**Lot Line, Exterior**”, means a **side lot line** which abuts a **street**.

“**Lot Line, Interior**”, means a **lot line** which does not abut a **street**

“**Lot Line, Front**”, means in the case of an **interior lot**, the line dividing the **lot** from the **street**. In the case of a **corner lot**, the shorter **lot line** abutting a **street** shall be deemed the **front lot line** and the longer **lot line** abutting a **street** shall be deemed an **exterior side lot line**. In the case of a through **lot**, the **lot line** where the principal access to the **lot** is provided shall be deemed to be the **front lot line**. In the case of a **corner lot** where the length of the **lot lines** abutting a **street** are equivalent or there are three abutting **streets** the **front lot line** shall be deemed to be the **lot line** where the face of the **building** intended to be the front is located.

“**Lot Line, Rear**”, shall mean the **lot line** farthest from and opposite to the **front lot line**.

“**Lot Line, Side**”, means a **lot line** other than a **front** or **rear lot line**.

“**Lot, Through**”, means a **lot** bounded on two opposite sides by improved **streets**.

M

“**Machine Shop**”, means a workshop in which work is machined to size and assembled.

“**Main**”, when *used* to describe a *use*, a *building* or a *structure*, means a *use*, *building* or a *structure*, which constitutes or within which a principal *use* of the *lot* is conducted.

“**Medical Clinic**”, means a *building* or part thereof, *used* exclusively by physicians, dentists, drugless practitioners, their staff and patients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a clinic may include administrative offices, waiting and treatment rooms, laboratories and dispensaries directly associated with the clinic, but shall not include accommodations for in-patient care or operating rooms nor include a *veterinary clinic* as defined herein.

“**Mobile Home**”, means a prefabricated dwelling house *constructed* to be towed on its own chassis (notwithstanding that its running gear is or may be removed), designed and equipped for year-round occupancy and containing suitable sanitary facilities including a flush toilet, shower or bathtub within the unit but does not include a motor home or travel trailer as defined herein.

“**Mobile Home Park**”, means a *lot used* exclusively for the siting of two or more *mobile homes*, together with potential *accessory uses* which may include a convenience store, laundry room or other commercial *use* catering to *mobile home park* residents and may also include indoor and outdoor recreational facilities for the *use* of *mobile home park* residents.

“**Municipal Drain**”, means a watercourse or sewer which carries storm surface water and drainage as defined by the Ontario Drainage Act.

“**Museum**”, means an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.

N

“**Non-Conforming**”, means a *use*, a *building* or a *structure* which legally existed at the date of the passing of this By-law and which does not comply with the permitted *uses* and/or other provisions of this By-law for the Zone(s) in which such *use*, *building* or *structure* is located.

“**Non-habitable Room**”, means any room located within a *dwelling unit* that is not a *habitable room*, including, but not so as to limit the generality of the foregoing, a laundry room, pantry, lobby, corridor, stairway, closet, veranda, porch, balcony, private *garage*,

unfinished attic, **cellar**, boiler room and any space **used** for the service and maintenance of such dwelling or for vertical travel between **storeys**.

O

“**Office**”, means a **building** or part of a **building** in which a business is conducted or a profession is practiced including associated clerical, administrative, consulting, advisory or training services, but does not include a **medical clinic**, or **veterinary clinic**.

“**Outdoor Display and Sales Area**”, means a portion of a **lot, used** in conjunction with a business located within the **building** or **structure** on the same property, for the exhibiting or selling of seasonal produce, merchandise or the supply of services.

“**Open Storage**”, shall mean the storage of raw materials, equipment, vehicles or other materials which are not enclosed within a **building** or **structure**, but does not include a **parking lot**.

P

“**Passive Recreation**”, shall mean the **use** of land and/or water for the purpose of passive leisure activity such as walking, hiking and cycling where **buildings** and **structures** are limited to those necessary to support the passive leisure activities. **Passive recreation** may also include a woodlot, a wildlife sanctuary, and a **conservation** area.

“**Park**”, means an open area, playground or playfield including therein one or more athletic fields, field houses, **community centres**, bleachers, swimming pools, wading pools, greenhouses, bandstands, skating rinks, tennis courts, bowling greens, curling rinks, skiing, refreshment rooms, arenas or similar **uses**.

“**Parking Aisle**”, means a portion of a **parking area** which abuts **parking spaces** to which it provides access and which is not used for the parking of vehicles.

“**Parking Area**”, means an area provided for the parking of motor vehicles and may include aisles, **parking spaces** and related ingress and egress lanes but shall not include any part of a public **street** and may include a private **garage**.

“**Parking Lot**”, means an open area, other than a **street** or **lane**, where the primary **use** of the **lot** is the temporary paid parking of motor vehicles for clients or customers, and includes associated **parking spaces**, driveways, and **parking aisles**. Temporary parking does not allow the continuous parking of any vehicle for more than one 24 hour period. A **parking lot** does not include areas where vehicles for sale or repair are kept or stored, or

where impounded, wrecked or otherwise inoperable vehicles are stored. This does not include **accessory parking areas** or **parking areas** associated with residential **uses**.

“**Parking Space**”, means an area exclusive of any aisles or ingress or egress lanes, for the temporary parking or storage of motor vehicles, and may include a private **garage** or residential driveway. Required visitor parking may not occur within a residential driveway.

“**Person**”, means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context of this By-law can apply according to law.

“**Pet Grooming**”, means the grooming of a domestic animal, including bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming but shall exclude veterinary services, breeding, boarding, and overnight accommodation.

“**Pit**”, means land or land under water where unconsolidated **aggregate** material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, and has not been rehabilitated, but shall not include a **quarry** as defined herein, an excavation incidental to the **erection** of a **building** or **structure** for which a building permit has been granted by the **Corporation**, or an excavation incidental to the **construction** of any public works.

“**Place of Worship**”, shall mean a **building used** by a religious congregation or organization and dedicated exclusively to worship and related religious, social and charitable activities and may include a hall, an auditorium, a convent, an **office** for religious leaders, a children’s activity room, and an attached **dwelling unit** for a religious leader as **accessory uses**.

“**Plaza Complex**”, means a group of commercial or industrial establishments which is planned, developed, managed and operated as a unit with shared on-site parking and containing three or more separated spaces for lease and/or occupancy.

“**Private Club**”, means a **building** or part of a **building used** as a meeting place for members of a chartered organization, not operated for profit, and may include a lodge, service club, fraternal organization.

“**Provincial Highway**”, means a **street** under the jurisdiction of the Ministry of Transportation Ontario.

Q

“**Quarry**”, means land or land under water where consolidated **aggregate** has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, and that has not been rehabilitated, but shall not

include a ***pit*** as defined herein, an excavation incidental to the ***erection*** of a ***building*** or ***structure*** for which a building permit has been granted by the ***Corporation*** or an excavation incidental to the construction of any public works.

R

“Recreational Trailer”, means any portable unit so ***constructed*** as to be suitable for attachment to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle; and which is capable of being ***used*** for the temporary living, sleeping, or eating accommodations, but not occupied continuously or as a principal residence. It may include travel trailers, tent trailers, motor homes, camper pick-ups, or camper vans. It does not include a ***mobile home***.

“Recreational Use”, means the ***use*** of land for public or private ***parks*** and their ***accessory*** facilities, such as: indoor and outdoor skating rinks, athletic fields, change rooms, picnic areas, swimming pools, outdoor theatres, agricultural fairs and all similar ***uses***, excluding a track for the racing of any sort of animals or vehicle.

“Recycling Plant”, means a place where materials such as paper, plastic, cardboard, metal and glass are delivered stored, separated, and processed in order to salvage and reuse material, but does not include ***uses*** otherwise defined or classified herein.

“Rental Outlet”, means a ***building*** or part thereof ***used*** for the rental of tools, appliances, office machines, recreation equipment, light construction equipment, party supplies or similar items, but does not include the rental of motor or recreational vehicles.

“Restaurant”, a ***building*** or ***structure*** or part thereof, where food or refreshments are prepared and offered for retail sale to the public for immediate consumption either on or off the premises, take out or drive thru service, but does not include a ***catering service***.

“Retail Store”, means a ***building*** or ***structure*** or part thereof in which food, goods, wares, merchandise, substances, or articles are offered or kept for sale at retail, but does not include any establishment otherwise defined or classified herein.

S

“Salvage Yard”, means an establishment where goods, wares, merchandise, and articles are dismantled or processed for further use and/or where such goods, wares, merchandise and articles are stored and kept for sale wholly or partly in the open and shall include a junk yard, a scrap metal yard, and an automobile wrecking yard.

“Satellite Dish”, means an antenna intended for or capable of being used for receiving or collecting communication signals from a satellite.

“**School**”, means a school under the jurisdiction of a school board as defined by Provincial legislation.

“**Scientific Research Establishment**”, means an establishment where scientific or medical experiments, tests, or investigations are conducted, and where drugs, chemicals, glassware, or other substances or articles pertinent to such experiments, tests, or investigations are manufactured or otherwise prepared for **use** on the premises.

“**Seasonal Equestrian Camp**”, means a facility which operates from May 1 to October 1 and provides equestrian instruction and **accessory** recreation programming in an overnight camp setting catering to short term guests.

“**Section 59 Notice**” refers to the requirement under Section 59 of the Clean Water Act, which requires issuance of a notice from the Risk Management Official, as appointed by the Township, before permitting an activity that is considered a restricted land use as identified in the Grand River Source Protection Plan.

“**Self-storage Facility**”, means a **building** or group of **buildings** divided into separate self-contained compartments and leased or rented on an individual basis for temporary storage of individuals’ property.

“**Service Shop**”, means a **building** or part of a **building** in which services are provided including but not be limited to a cosmetic services, photography studio, and service or repair shops. The **accessory** sale of merchandise shall be permitted only as a **accessory use** to the service provided.

“**Setback**”, means the horizontal distance from the **lot line**, measured at right angles, to the nearest part of any **building** or **structure** on the **lot**.

“**Shipping Container**” means an intermodal freight container that is designed for the transportation and storage of goods and materials which are loaded onto trucks, trains or ships for the purpose of moving of goods and materials. For the purpose of this definition a **shipping container** does not have wheels and does not include a truck body, trailer or transport trailer.

“**Sign**”, means 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.

“**Sight Line Triangle**”, means an area free of **buildings, structures**, or plantings that measure 1 m or higher.

- In the case of a **corner lot**, the area is to be determined by measuring from the point of intersection of **street lines** on a **corner lot**, 7.6 m along each such **street line** and adjoining such points with a straight line.
- In the case of a driveway, the area is to be determined by measuring the point of intersection formed within a **lot** by the intersection of any driveway line and a **lot line**, 4.5 m from their point of intersection, and adjoining such points with a straight line.
- The triangular-shaped land between the intersecting lines and the straight line joining the points is the **sight line triangle**.

“**Significant Drinking Water Threat**” means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a significant risk (Clean Water Act).

“**Social Service Establishment**” means a **building** or **structure** in which clerical, administrative, consulting, counseling, distributive, and recreation functions for a non-profit social service agency are conducted, but does not include facilities in which overnight accommodation is provided.

“**Source Protection Plan**” means a drinking water source protection plan prepared under the Clean Water Act (Clean Water Act).

“**Specialty Store**” means a **retail store** which falls into one of the following categories and is built at a scale not appropriate for the Village Commercial Zones: **auction house**; antique shop; beer, wine or liquor store; convenience store; furniture and appliance establishment; or lumber yard.

“**Stacking Lane**”, means the portion of a **parking area** exclusively **used** as an unobstructed internal space for queuing motor vehicles utilizing a **drive-thru establishment**.

“**Storey**”, means that portion of a **building** which is situated between the top of any floor and the top of the floor next to it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it. It does not include a **basement**, **cellar** or attic.

“**Street**”, shall mean a public thoroughfare, other than a **lane**, which is maintained by a public road authority and which is open and passable during all seasons. For the purposes of applying the **setback** provisions of this By-law to development on an **existing lot** a **street** shall include any adjacent unopened road allowance or private road that serves as the legal main access to the **lot**

“**Street Line**”, means the limit of the **street** allowance and is the dividing line between a **lot** and a **street**.

“**Structure**”, means anything **constructed** or **erected**, either permanent or temporary, which is fixed to or resting on or below the ground.

T

"**Taxi or Bus Depot**", means a **structure used** for the boarding or disembarkment of buses or taxis by fare-paying passengers.

“**Tractor Trailer**”, means a truck consisting of a self-propelled cab designed to have temporarily attached thereto, a trailer consisting of one or more axles designed to be pulled by the cab for the purpose of carrying goods or materials. Both the cab and trailer component individually or together are considered a **tractor trailer** for the purposes of apply the provisions of this by-law. This definition shall not include a **commercial motor vehicle** as defined herein.

“**Transport Establishment**”, means the **use** of land, **buildings, structures** or parts thereof, where trucks and transports or buses are rented, leased, serviced, repaired, loaded or unloaded, kept for hire, stored or parked for dispatching as common carriers, or where goods are temporarily stored for further shipment.

U

“**Use**”, means the purpose for which a **lot** or a **building** or **structure**, or any combination thereof, is designed, arranged, intended, occupied, or maintained and "**uses**" shall have a corresponding meaning. "**Use**" when used as a verb, or "to **use**", shall have a corresponding meaning.

V

“**Veterinary Clinic**”, means a **building** or part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian within the meaning of Provincial legislation, and includes facilities where animals can be temporarily boarded while undergoing treatment.

W

“**Warehouse**”, means a **building** or part thereof which is **used** primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food stuff, substances, articles or things.

"**Waste Disposal Area**", means a facility operated by or for the **Corporation** or the **County**, or authorized by the Ministry of Environment, where garbage, refuse or domestic or industrial waste is disposed of or dumped, and shall include a sewage treatment plant or sewage lagoon.

"**Waste Transfer Station**", means a place authorized by the Ministry of Environment where waste material is collected, sorted, prepared and/or transferred into containers for shipment to a land fill site, recycling facility or other waste disposal facility.

"**Wayside Pit or Quarry**", shall mean a temporary **pit** or **quarry** opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on a road right-of-way.

"**Wellhead Protection Area**" means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats (Ontario Regulation 287/07).

"**Wholesale Outlet**", means a **building** or part of a **building** in which goods, wares, merchandise or articles are offered or kept for sale to **persons** for resale purposes and/or to industrial or commercial users.

Y

"**Yard**", means a space appurtenant to a **building, structure** or excavation, located on the same **lot** as the **building, structure** or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such **accessory buildings, structures** or **uses** as are specifically permitted elsewhere in this By-law.

"**Yard, Front**", means a **yard** extending from **side lot line** to **side lot line** and from and parallel to the **street line**, to the nearest wall of **building** or **structure** on the **lot**, disregarding open or uncovered terraces or steps or minor architectural projections.

"**Yard, Rear**", means a **yard** extending from **side lot line** to **side lot line** and from **rear lot line** (or apex of the **side lot lines** if there is no **rear line**), to the nearest part of the **main building** or **structure** on the **lot**, disregarding open or uncovered terraces or steps or minor architectural projections.

"**Yard, Side**", means a **yard**, extending from the required **front yard** to the required **rear yard** and from the **side lot line** to the nearest part of the **main building** or **structure** on the **lot**, disregarding open or uncovered terraces or steps or minor architectural projections. In the case of a **lot** with no **rear lot line**, the **side yard** shall extend from the **front yard** to the opposite **side yard**.

"**Yard, Side – Exterior**", means a **side yard** immediately adjoining a public **street**.

“**Yard, Side – Interior**”, means a **side yard** other than an **exterior side yard**.

“**Yard, Side Width**”, means the least horizontal dimension between the **side lot line** of the **lot** and the nearest part of any **building, structure** or excavation on the **lot**.

“**Yard, Required**”, means a **yard** with the minimum **front yard depth, rear yard depth,** or **side yard** width as required by this By-law. A required **side yard** shall extend from the required **front yard** to the required **rear yard**.