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SECTION 3 – DEFINITIONS

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

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, attached or 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.

“Aggregate Processing Facility”, means a facility used to process, crush, screen, wash, storage / stockpiling, 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 farming or agriculture and includes apiaries; aviaries; berry or bush crops; breeding, raising or training horses or cattle; greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; muck farms; field crops; research and/or breeding station; mushroom farms; nurseries; orchards; riding stables; the raising of sheep or goats, the raising of swine; or the breeding, boarding or sale of domestic animals; tree crops; truck gardening; woodlots; and such uses or enterprises as are customarily carried on in the field of general agriculture, and may include accessory packing, treating, storing, and sale of produce produced on the premises but does not include an abattoir, a kennel, or a rendering plant. A farm includes a detached dwelling house accessory to the main farming or agricultural use.

“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 Supply Establishment”, means the supply of goods, materials or services that support agricultural uses including the sale, storage, mixing, distribution or cleaning of seed, feed, fertilizer and chemical products and the rental, sales, repair

or service of agricultural equipment or implements or any combination of the foregoing.

“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 decrease 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.

“Asphalt Plant, Portable”, 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 clubs, fraternal organization, arena, curling rink, a cinema, a stadium, union hall, or community centre.

“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 station, an automobile washing establishment, a gas bar or a wrecking 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, motorized recreational vehicles, light construction and lawn care equipment, and may include the servicing, repair, cleaning, polishing, and lubrication of motor vehicles, the sale of automotive accessories, gasoline fuel, and related products, and the leasing or renting of motor vehicles.

“Automobile Service Station” means a building or place where service, maintenance or mechanical repair essential to the operation of a motor vehicle is provided and may include the accessory sale of automotive products and/or a gas bar and/or an automobile washing establishment. An automobile service 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

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

“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, hotel, motel, group home, rooming or boarding establishment or any other form of dwelling as defined by this By-law.

“Boarding or Lodging House”, means a dwelling house, containing not more than four rooms used or maintained for the accommodation of the public, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for three or more persons, other than the owner, lessee, or tenant of the dwelling, or members of his immediate family, but does not include any other establishment otherwise defined or classified herein.

“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 Bylaw.

“Brewing on Premises 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 equipment and storage area is used for a fee by the same individuals.

“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 Height or 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.

Building Height shall be exclusive of any accessory roof construction, such as a chimney, tower, solar collector, steeple, or television antenna.

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

materials related to home improvement.

“Business or Professional Office”, shall mean a building or a part of a building in which one or more persons are employed in the management, direction or conducting of a public or private agency, business or brokerage house or where professionally qualified persons are employed for the purpose of giving advice, or consultation.

“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, travel trailer, cabins, cottages, lodges, or other recreational vehicle, 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.

“Category A Uses” includes uses that generate and handle large volumes of potentially hazardous liquid or soluble chemicals and shall include outdoor bulk storage of road salt; bulk storage of chemicals or hazardous substances; bulk storage of tires; lagoons for sewage treatment; sanitary landfill sites; and manufacturing of large volumes of chemicals, resins, paints, varnish, printing inks, adhesives, plastics and reinforced fiberglass plastic.

“Category B Uses”, includes uses that generate and handle moderate volumes of potentially hazardous liquid or soluble chemicals and/or have effective engineering measures to manage chemical usage (or retroactively engineer systems) and/or can effectively

implement hazard prevention measures and/or may reasonably be relocated and shall include manufacturing and dyeing of textiles; manufacturing of agricultural, commercial and industrial machinery; asphalt batching, paving and roofing contractor yards; and facilities that use chemicals, resin, paints, varnish printing inks, adhesives, plastics and reinforced fiberglass plastic, snow dumping (i.e. collection and storage of off-site snow).

“Category C Uses”, includes uses that handle small volumes (if any) of potentially hazardous liquid or soluble chemicals and/or have effective engineering measures to manage chemical usage (or retroactively engineer systems) and/or can effectively implement hazard prevention measures and/or can reasonably be relocated and/or may provide a potential increase to aquifer vulnerability because of the removal by excavation and/or drilling surficial materials and shall include automated manufacturing of soft drinks, distilleries, breweries; automated production of baked goods, dairy, canned goods, frozen foods, processed food and meat; glass and glass products manufacturing; and machinery equipment rental outlets

“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 from time to time.

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

“Church”, 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 church hall, a church auditorium, a convent,

an office of a clergyman, a Sunday School, a parish hall, a rectory or manse or a day nursery as accessory uses.

“Club, Private”, 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.

“Commercial Greenhouse”, shall mean a building or structure used for the growing of plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such buildings or structure, but are sold directly from such lot to the general public.

“Commercial School”, means a school where instruction is given for hire or gain and includes a studio of a dance or music teacher, an art, business or trade school, and any other such specialized school conducted for hire or gain.

“Commercial Motor Vehicle”, means any motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, tow trucks, motor buses and farm tractors, but excludes trailers, motor homes 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 public library, museum, recreational facilities and banquet or reception halls, the control of which is vested in the municipality.

“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 Tradesman Establishment”, means a building or part of a building from which a service operates or is based from in which manual or mechanical skills are used to install, maintain or repair articles, goods, materials, equipment or real property.

“Contractor’s Yard”, means the buildings, structures and yard wherein vehicles, equipment and supplies are parked, stored and maintained for use in the construction and/or renovation trades. Office use, as well as minor maintenance and assembly work normally considered to be accessory to the trade are permitted. It does not include the retail or wholesale sale of construction or home improvement materials or supplies.

“Convenience Store”, shall mean a retail store having a floor area of not more than 300 m² (3229.3 ft²) wherein various convenience goods and items of day to day use or necessity are kept and offered for retail sale and may include a gas bar as defined herein.

“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.

“Custom Workshop”, means a building, or part of a building, used by a trade, craft or guild for the manufacture of small quantities of made-to-measure clothes or articles and includes upholstering but does not include woodworking or furniture

manufacture, or any other factory or shop production otherwise defined in this By-law.

- b) in which noise or vibration do not cause a nuisance or inconvenience within or outside the premises.

D

“Daylighting Triangle”, also known as “Sight Triangle”, means an area free of buildings or structures and which area is to be determined by measuring from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and adjoining such points with a straight line. The triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines, is the sight triangle.

“Day Nursery”, shall mean premises that receives more than five (5) children 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, as defined in the Day Nurseries Act, as amended.

“Density Net”, shall mean the ratio of dwelling units to lot area.

“Dry Cleaning 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.

“Dry Cleaning Plant”, shall mean a building where dry cleaning, cleaning or pressing of articles or goods of fabric is carried on and

- a) in which only non-flammable solvents are or can be used which do not emit noxious odours or fumes and

“Dwelling, Apartment”, means a residential dwelling containing five or more dwelling units each of which access is obtained through a common entrance at street level and through a common corridor or hallway from the inside. **Accessory Apartment** shall mean a residential dwelling unit, as defined herein, which is fully contained within a single-detached or a semi-detached dwelling or when accessory to a commercial use shall be located above or behind the main commercial use.

“Dwelling, Converted”, shall mean a dwelling house that existed prior to the passing of this By-law, which has been altered or converted into two (2) or more dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

“Dwelling, Detached”, means a single dwelling house containing one (1) dwelling unit only and does not include a mobile home or a travel trailer

“Dwelling, Duplex”, means a residential dwelling divided horizontally to contain two residential dwellings and which have independent entrances either directly from the outside or through a common vestibule.

“Dwelling, Fourplex”, means a residential dwelling divided vertically into two **duplex** dwellings.

“Dwelling House”, shall mean a building containing one or more dwelling units, occupied or capable of being occupied as a home or residence, but shall not include a travel trailer, mobile home, or a group home as defined in this By-law.

“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 vestibule.

“Dwelling, Townhouse”, means a residential building divided vertically to provide four 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. A **street townhouse** shall be so located on a lot so that each dwelling unit has frontage on a public street. The dwelling units of a **cluster townhouse** do not require frontage on a public street.

“Dwelling, Triplex”, means a residential dwelling divided horizontally to provide three residential dwelling units each having independent entrances either directly from the outside or through a common vestibule.

“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

“Erect or Construct”, means to build, construct, 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 existing on the day of the passing of this By-law.

F

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

“Farm Implement Outlet”, means a building, structure or use accessory to an operating farm or permitted agricultural use for the sale of agricultural products, produced on or by the farm or agricultural use, to the general public.

“Farm Sales Outlet”, means a building, structure or use accessory to an operating farm or permitted agricultural use for the sale of agricultural products, produced on or by the farm or agricultural use, to the general public.

“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, 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 at finished grade measured between the exterior faces of the exterior walls exclusive of 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, and unenclosed verandas, sunrooms or porches.

“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 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.

“Food Vendor”, means a person who sells food from a vehicle or cart which is temporarily located on a road or sidewalk in a location selected for its access to public travelling by foot or vehicle

“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.

“Furniture Store”, means a retail store where furniture and related items are displayed, stored and offered for sale.

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 buying or selling lawn and garden equipment, furnishings, supplies, and may include a greenhouse.

“Garden Suite”, means a one-unit detached residential structure containing bathroom and kitchen facilities that is accessory to an existing single-detached residential unit. A garden suite is intended to serve the “temporary” needs of adult children, elderly parents, farm help, etc. A garden suite is a factory-built, portable, and non-seasonal residential dwelling unit. A mobile home as defined herein may be used as a garden suite in Agricultural zones.

“Gas Bar” means a building or place which is used for the sale of automotive fuels containing one or more fuel pumps together with the necessary pump islands, canopy, storage tanks and kiosk having a gross floor area of not more than 18.6 m² (200.2 ft²) which may be used for the sale of small automotive accessories and fluids and convenience products.

“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, swimming pool and tennis courts; and may include 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.

“Group Home”, means a single housekeeping unit in a residential dwelling in which a range of three to ten persons excluding supervisory staff or receiving family live under supervision and who by reasons of their emotional, mental, social, or physical condition or legal status, require a group living arrangement for their well-being. The group home must be licensed or approved under an Act of the Parliament of Canada or the Province of Ontario.

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. Non-habitable 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.

“Home Industry, Rural”, means any occupation which is carried on within a farm as an accessory use and only by a farmer and/or by the members of the family residing on the farm, provided that:

- a) this definition shall include a retail outlet for farm produce or farm supplies, an insurance or real estate office, contractors and tradesmen establishment, or a

service shop but shall not include any use otherwise defined or classified herein.

- b) there are no persons employed other than members of the family and one additional employee;
- c) there is no display, other than a sign, to indicate to persons outside, that any part of the dwelling house, or accessory structure or lot is being used for such purposes;
- d) such rural home occupation is clearly secondary to the main agricultural use and does not change the agricultural character of the farm unit nor create or become a public nuisance, in particular in regard to noise, traffic, or parking;
- e) there shall be no open storage of materials, supplies, tools, equipment or goods which are used for, or result from, the rural home occupation;
- f) all buildings, structures, parking and loading areas used for the purpose of a rural home industry shall not occupy an area exceeding 0.4 hectares in area.

“Home Occupation”, means any occupation for gain or support conducted entirely within a dwelling house or unit by members of the family residing in such dwelling house or unit provided that:

- a) there is no external display or advertising other than a fascia or ground sign having a maximum area of 0.2 m² which does not include changeable copy or internal illumination;
- b) there is no external storage or display of goods or materials;
- c) there are no persons employed other than members of the family and one additional employee;
- d) there is no mechanical or other equipment used except that which is customarily employed in dwellings for domestic or household purposes or for use by a dentist, drugless practitioner,

physician, or other professional persons;

- e) not more than 25% of the gross floor area of the dwelling house or unit is used for the purposes of home occupation uses;
- f) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling house or unit nor create or become a public nuisance in particular in regard to noise, traffic or parking;
- g) the parking requirements of this By-law shall apply to any home occupation use;
- h) notwithstanding any other provisions contained in this By-law, no accessory buildings or yards can be used in conjunction with a home occupation.

“Hospital”, means a hospital as defined in The Private Hospitals Act, as amended, or a sanatorium as defined in The Private Sanatorium Act as amended or a hospital as defined in The Public Hospitals Act .

“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 a boarding or lodging house, 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 in their operation and which do not

produce significant amounts of effluent.

“Industrial Mall”, means a building or a group of buildings designed, developed, owned and managed as a unit in which separate spaces are leased or occupied by permitted industrial uses.

K

“Kennel”, means a place where a minimum of three (3) and a maximum of fifty (50) dogs are housed, groomed, 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. 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 (4) dogs where the Township is satisfied this criteria 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, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

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

“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 dairy, beef, swine, poultry, horses, goats, sheep, ratites, furring animals, deer & elk, game animals, birds and other 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.

“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 (135) degrees.

“Lot Coverage”, means the percentage of the lot area covered by the area of all buildings and structures measured at the ground. For the purposes of calculating lot coverage, 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” shall mean the side lot line which abuts a street.

“Lot Line, Interior”, shall mean 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.

“**Mini-warehouse/self-storage**”,

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.

“**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.

“**Motor Home**”, means a self-propelled vehicle designed for temporary living, sleeping and eating accommodation of persons and includes a camper pick-up and camper van.

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

“**Museum**”, shall mean 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 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.

O

“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 a park, 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. A `parking area` may include a private garage.

“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.

“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.

“Personal Service Shop”, means a building or part of a building in which persons are employed in providing services and otherwise administering to the individual and personal needs of persons, and shall include but not be limited to a barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, tanning salon, photography studio, laundromat, depots for collecting dry cleaning and laundry, health clinics, and service or repair shops. The accessory sale of merchandise shall be permitted only as a secondary use to the personal service provided.

“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 Entertainment or Recreation”, means a lot and/or building or part thereof used for gatherings, meetings and activities of a cultural, athletic, amusement or recreational nature such as a theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, skating rink, dance hall or music hall, digital gaming but does not include any gambling or uses otherwise defined or classified herein.

“Plaza Complex”, means a group of commercial and / or industrial business establishments (excluding manufacturing, warehouse, or wholesaling) 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.

“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 Uses”, means the use of land for such uses as public or private parks and facilities, and shall include: playgrounds, playfields, racquetball club, tennis courts, lawn bowling greens, indoor and outdoor

skating rinks, athletic fields, change rooms, washrooms, equipment rooms, golf courses, miniature golf, golf driving ranges, trails for snowmobiles, picnic areas, swimming pools, wading pools, day camps, community and recreation centres, bleachers, bandstands, outdoor theatres, skiing, fishing, hunting, agricultural fairs, exhibits and displays and all similar uses, together with necessary and accessory buildings and structures, but does not include a track for the racing of animals, motor vehicles, snowmobiles, all-terrain vehicles or motor cycles.

“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 a video rental outlet or the rental of motor or recreational vehicles.

“Restaurant”, a building 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 through service.

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

“Retail Food 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.

“Retirement Home”, shall mean a building or part of a building providing accommodation primarily for retired persons with or without meals where common lounges, recreation rooms and medical care facilities may be

provided and shall include a home for the aged or rest home as within the meaning of The Homes For The Aged and Rest Homes Act, and a nursing home within the meaning of the Nursing Homes Act but shall not include a hotel as defined 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.

“Sawmill”, means a building, structure or area where timber is cut or milled, and temporarily stored either to finished lumber, or as an intermediary step.

“School”, means a school under the jurisdiction of a Board as defined in The Ministry of Education Act.

“Service Shop”, means a building or part of a building not otherwise defined or classified herein for the servicing or repairing of articles, goods or materials.

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

“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.

“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 principal 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

“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.

“**Trailer, Recreational**”, 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, tent trailers, motor homes, camper pick-up, camper vans. It does not include a park model trailer.

“**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 The Veterinarian Act, and includes facilities where animals can be temporarily boarded.

“**Video Rental Outlet**”, means an establishment where electronic entertainment media such as video cassette tapes, DVD’s, Blu-ray Discs or current media storage formats and video games are rented or sold and where equipment necessary for the use of such media may be rented or

sold and may also include the sale, rental or service of electronic equipment such as televisions, stereos, mobile phones and computers.

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.

“**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.

“**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, Front Depth**”, means the least horizontal dimension between the front lot line of the lot or the chord of the front lot line of the lot and the

nearest part of any building, structure or excavation on the lot.

“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, Rear Depth”, means the least horizontal dimension between the rear lot line of the lot and the nearest part of any building or excavation on the lot.

“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.