

Section 20 DEFINITIONS

20.0 DEFINITIONS

Explanatory Note

For the purpose of this By-law, the definitions and interpretations given in this Section shall govern. In this By-law, the word "shall" is mandatory and not directory; words in the singular include the plural, words in the plural include the singular; the word "used" includes "arranged", "designed" or "intended to be used". The word "occupied" shall include "designed to be occupied" and "arranged to be occupied".

20.A

Abattoir

Shall mean a building, structure or lot or part thereof, licensed, and used for the slaughter of livestock or other animals for the purpose of processing or rendering.

Accessory Building - see Building, Accessory

Accessory

When used to describe a use, building or structure, means a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

Adventure Game

Shall mean an outdoor sport or recreation operated commercially in which participants attempt to capture a flag or some other object and return it to their home base, and may carry one or more of the following equipment: paint pellet pistols with a CO₂ cartridge, paint pellets, safety goggles to prevent pellets from striking participant's eyes, and armbands to identify team participants.

Adult Video Rental Outlet see Video Rental Outlet, Adult

Adverse Effects

Shall mean one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant and animal life;
- c) harm or material discomfort to any person;
- d) an adverse affect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for use by humans;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business. (Provincial Policy Statement)

Aggregate

Shall mean gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*. (Provincial Policy Statement)

Agricultural Product Processing Establishment

Shall mean a use, building or structure where animal or vegetable products derived from an agricultural use are processed or manufactured for subsequent sale or distribution.

Agricultural Use

Shall mean a use of land, building or structure including a farm used for:

- a) the growing of crops, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops;
- b) animal husbandry including the raising, boarding, and keeping of all forms of livestock and fish, and all related activities such as breeding, training, feeding and grazing;
- c) the production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage and sale of the products; and
- d) including the use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Agricultural use shall not be construed to include commercial activities related to agriculture such as abattoirs, tanneries and retail sales outlets, other than a *Farm Produce Outlet*, or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales, but may include the production and incidental sale of maple syrup and maple syrup related products.

Airfield, Private

Shall mean land used for the purpose of landing, storing, taxiing or taking off of private aircraft and uses, buildings and structures accessory thereto, but shall not include a commercial airport or airport governed by the *Aeronautics Act*.

Alter

Shall mean:

- a) When used in reference to a building, structure or part thereof, means:
 - i) to change any one or more of the external dimensions of such building or structure; or
 - ii) to change the type of construction of the exterior walls or roof of such building or structures; or
 - iii) to change the use of such building or structure or the number or types of uses or dwelling units contained therein.
- (b) When used in reference to a lot means:
 - i) to change the boundary of such lot with respect to a street or lane; or
 - ii) to change any dimension or area, relating to such lot; or
 - iii) to change the use of such lot or the number of uses located thereon.
- (c) When used in reference to a shoreline:
 - i) means to change, straighten, divert or interfere in any way with the channel of any watercourse.

Artisan Shop - See Studio

Assembly Hall - see Place of Assembly

Attached

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

Attic

Shall mean that portion of a building immediately below the roof and wholly or partly within the roof framing, which is not used as a habitable room.

Auditorium - see Place of Assembly

Auto Body Shop

Shall mean an establishment where automotive cleaning, polishing, body repair or repainting is conducted, but shall not include a salvage yard.

Auto Repair Garage

Shall mean a building used for the storage, repair and servicing of motor vehicles, having at least one (1) service bay, where repairs essential to the actual operation of a vehicle are performed.

Automotive Sales Establishment

Shall mean a building and/or lot used for the display and sale of new and used motor vehicles and may include the servicing, repair, and cleaning of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other automotive use defined in this By-law.

Automotive Service Station (see also Gasoline Retail Facility)

Shall mean a building where gasoline, propane, oil grease, anti-freeze, tires, spark plugs and other automotive accessories are kept for retail sale, and where motor vehicles may be oiled, greased, or repaired but shall not include any other automotive use defined in this By-law.

20. B

Bank

Shall mean a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

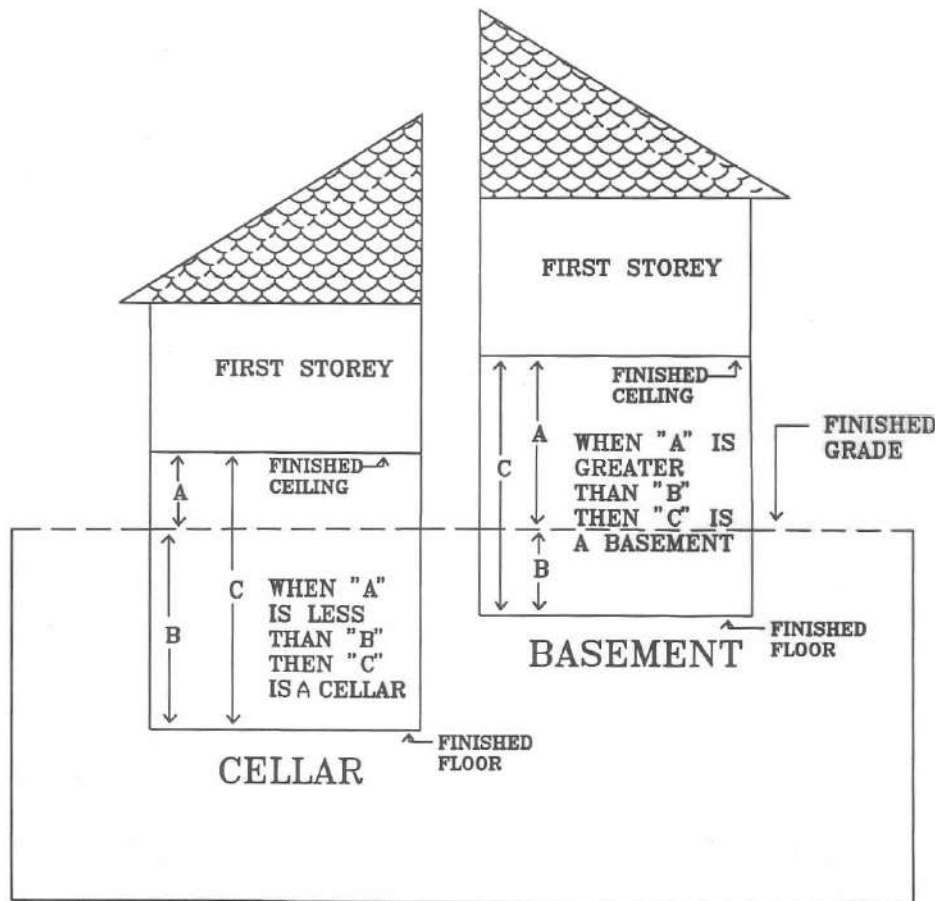
Bake Shop

Shall mean an establishment where the producing, mixing, compounding or baking of bread, biscuits or other bakery products is undertaken and may include the retail sale on the premises of the finished products.

Basement

Shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above the average level of ground adjacent to the exterior walls of the building. (See illustration)

BASEMENT AND CELLAR DEFINITIONS



Batch Plant, Asphalt or Concrete

Shall mean an industrial facility used for the production of asphalt, concrete or similar products, used in building or construction and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process of finished products manufactured on the premises and the storage and maintenance of required equipment

Bed and Breakfast Establishment

Shall mean a dwelling in which guest rooms are made available for the temporary accommodation of the travelling or vacationing public. Such an establishment may offer meals to those persons temporarily residing in the establishment (guests).

Berm

Means a landscaped mound of earth. (See also **Landscaped Open Space**)

Bingo Hall

Shall mean a building or premise or part thereof used for bingo or a bingo event and is duly registered under the *Gaming Control Act* and is in compliance with municipal By-laws and approvals.

Boarding House or Rooming House

Shall mean a dwelling or portion thereof used for the accommodation of up to ten (10) persons in which the owner or head lessee supplies, for compensation, lodging with or without meals but does not include any other establishment otherwise defined in this By-law.

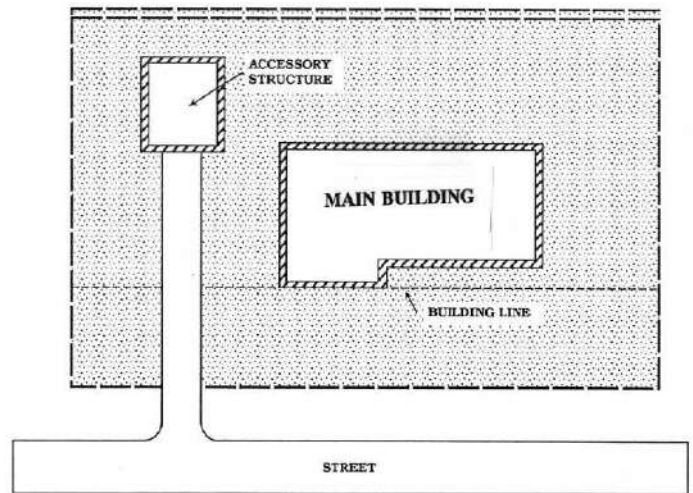
Boat House

Shall mean a building or structure or part thereof not over 4.8 m (15.7 ft.) in height, used for the storage of private boats and equipment accessory to their use, as an accessory use to a residential use, no part of which shall be used for any residential or commercial purpose. Despite anything in the foregoing to the contrary, rooftop decks or patios and screened enclosures (i.e. gazebos) shall be allowed provided that the total aggregate height of all boat house structures does not exceed the maximum height limit by more than 1.2 m (4.0 ft.). This definition shall not be deemed to limit the construction of a boat house or boat livery in association with a marina.

Building

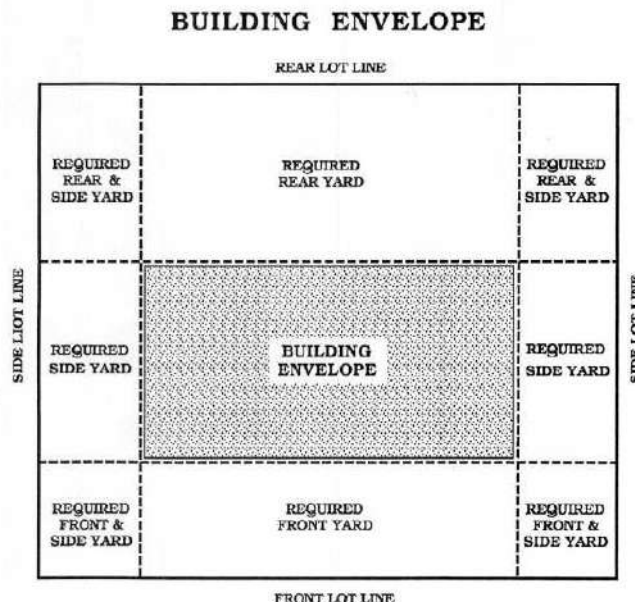
Shall mean a structure used for sheltering any use or occupancy. The word “building” shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Ontario Building Code*.

- a) **Accessory Building** shall mean a building not used for human habitation customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- b) **Attached Building - see Attached**
- c) **Main Building** shall mean a building in which is conducted the principal uses of the lot on which it is situated. In any residential zone a dwelling containing one or more dwelling units shall be deemed to be a Main Building on the lot on which it is situated. (See illustration)
- d) **Temporary Building** shall mean a building or structure intended for removal or demolition within a prescribed time as set out in a building permit.



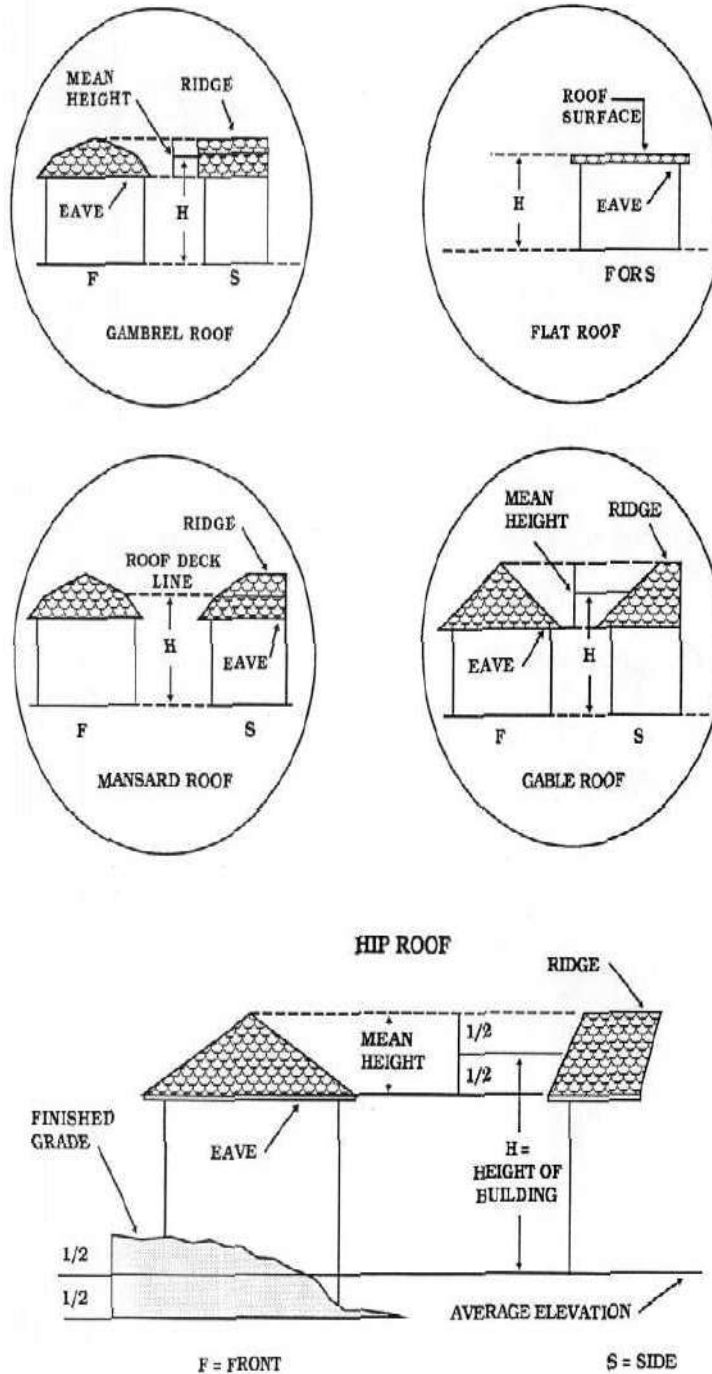
Building Envelope

Means the buildable area on a lot, as defined by all of the required yards and setbacks and the maximum height provisions, within which a building can be erected. (See illustration)



Building Height

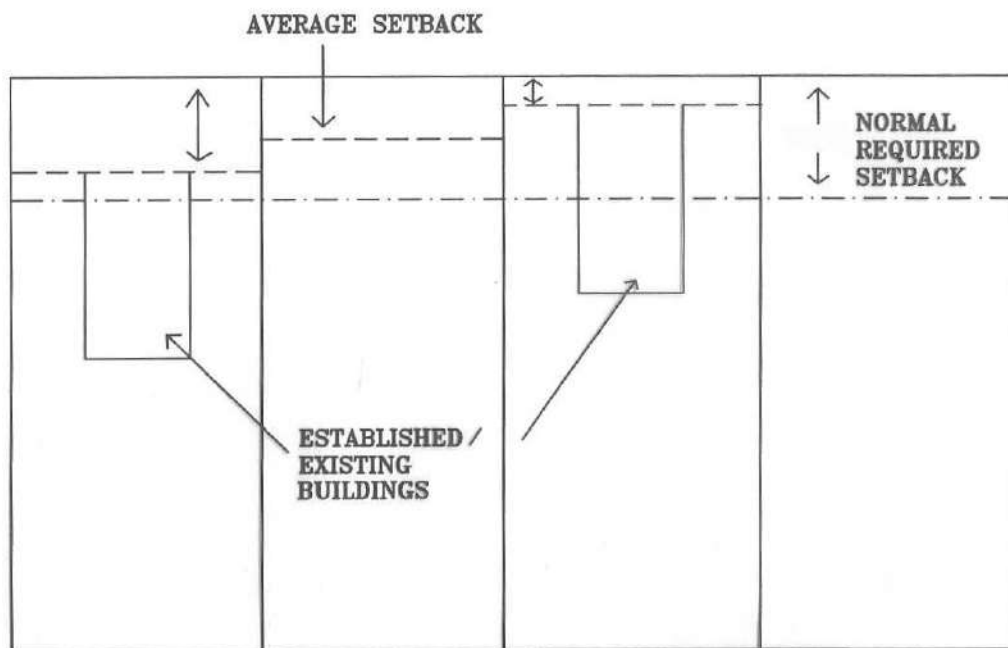
Shall mean the vertical distance between the finished grade and the exterior surface of a flat roof, the deck line of a mansard roof or the mean height between the bottom of the eave and the highest point of the roof surface for any other type of roof. (See illustration)



Building Line

Shall mean a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected under the provisions of this By-law. (See illustration)

ESTABLISHED BUILDING LINES / FRONT YARD REDUCTION



Normal required setback is the greater of the average setback or 14 m from the centre line of a municipal road or 17 m from a County Road. Established setback applies within a village or hamlet only.

Building Official

Shall mean the officer or employee of the Corporation of the Township of Lanark Highlands charged with the duty of enforcing the provisions of the *Building Code Act*.

Building Setback - see Setback

Building Supply Outlet

Shall mean a building or part of a building or a place where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed or kept for sale at retail or wholesale.

Business Office - see Office

20. C

Camp (Hunt Camp, Fishing Camp)

Shall mean a building or structure intended to provide basic shelter and accommodation on a temporary basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation.

Camping Ground

Shall mean a tourist camp owned and operated by the Corporation or the County, any local board of either the Corporation or the County, a Conservation Authority, or any Ministry or Commission of the Governments of Ontario or Canada. (See also **Recreation Camp, Recreational Vehicle Park**)

Campsite

Shall mean a plot or parcel of land within a campground intended for the exclusive temporary occupancy by a recreational vehicle, tent or similar transportable accommodation together with all yards and open space and may include on-site services such as a fire pit, hydro, water and sewage disposal.

Carport

Shall mean covered parking structure, the perimeter of which is open on at least two sides, which is used primarily for storage of one or more vehicles.

Car Washing Establishment

Shall mean a building or portion thereof used for the manual or mechanical washing or cleaning of motor vehicles for gain.

Cellar

Shall mean that portion of a building between two floor levels which is partly underground and which has more than one-half of its height from finished floor to finished ceiling below the grade adjacent to the exterior walls of the building. (See illustration p. 96)

Cemetery

Shall mean land or a structure that is set apart or used as a place for the interment of the dead or in which the remains of human bodies are stored and is governed under the *Cemeteries Act*.

Chief Building Official - see Building Official

Chip Wagon - see Licensed Refreshment Sales Vehicle

Church - see Place of Worship

Cinema/Theatre

Shall mean a building or part of a building used for the commercial presentation of motion pictures, theatrical and other staged entertainment, but specifically excluding drive-in theatres.

Clinic

Shall mean a building or part of a building used for the medical, dental, surgical, or therapeutical treatment of human beings but does not include accommodation for in-patient care, or a public or private hospital.

Club

Shall mean premises used as a meeting place by an association of dues-paying members which owns, hires or leases the premises; the use of such premises being restricted to members and their guests for social, recreational or athletic purposes.

Commercial Fishing or Hunting Camp

Shall mean buildings or premises or a structure intended to provide basic accommodation on an occasional basis for hunting and/or fishing purposes

including a fish farm for angling and which buildings are constructed in accordance with the *Building Code* standards for cottages.

Commercial Garden

Shall mean lands used for the growing of flowers, vegetables, shrubs, trees and similar vegetation for wholesale or retail sale. This definition shall include a building or part of a building or a place where gardening supplies such as gardening equipment, products and planting materials are stored, displayed or kept for sale at retail or wholesale.

Commercial Greenhouse

Shall mean a building used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sale. This definition shall not include any premises for the growing of mushrooms.

Commercial Sports or Recreation Facility

Shall mean a use of land, buildings or structures for the provision of facilities such as golf driving ranges, mini-golf, water slides, go-kart tracks and batting cages.

Commercial Vehicle

Shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulance, hearses, fire apparatus, police patrols, motor buses, tractors, transport trucks (rigs), delivery vans, courier services and similar vehicles used for a commercial trade.

Communications Facility

Shall mean an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone, cellular telephone tower, radio or television broadcast tower or similar facility.

Community Center - see Place of Assembly

Condominium

Shall mean land and or buildings under the control of a corporation under the *Condominium Act* in which the land or the units and their appurtenant common interests are held in fee simple or be leasehold by the owners.

Conservation Use

Shall mean the use of land which is intended to remain open in character, with the

priority use given to the preservation of its natural state or special environmental quality and may include commercial and non-commercial recreational uses, forestry and agriculture only if conservation of the resource is not jeopardized.

Contractor's Yard

Shall mean premises used for the storage of materials and the parking and storage of vehicles and equipment used in undertaking construction, trades and similar projects, including accessory uses such as an office.

Convenience Store

Shall mean a building or part of a building used primarily for the sale of grocery and confectionery items and incidentally for the sale of such other merchandise as is required to fulfil the day to day needs of a surrounding area.

Converted Dwelling - see Dwelling, Converted

Corporation

Shall mean the Corporation of the Township of Lanark Highlands.

Council

Shall mean the Council of the Corporation of the Township of Lanark Highlands.

County

Shall mean the Corporation of the County of Lanark.

Custom Workshop

Shall mean a building or part of a building where non-offensive, non-dangerous custom production of articles or things is carried on but does not include an establishment where the manufacture of goods is performed on a mass production or assembly line basis nor any industrial use otherwise defined in this By-law.

20. D

Day Nursery

Shall mean a day nursery as defined in the *Day Nurseries Act*.

Deck

Shall mean a structure abutting a dwelling or building with no roof or walls except

for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Deer Yard

Shall mean an area where deer concentrate during the winter months.

Density

Shall mean the ratio between the number of dwelling units and the total lot area.

Derelict Motor Vehicle

Shall mean a motor vehicle that is inoperable as a means of transportation and does not qualify to be licensed under the *Highway Traffic Act*.

Detached

When used in reference to a building, shall mean a building which is not dependent on any other building for structural support or enclosure.

Development

Means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*; but does not include activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the *Drainage Act*.
(Provincial Policy Statement)

Dock, Floating

Shall mean an accessory structure used for the mooring of marine vessels which is designed to float freely on the surface of the water body and which may be secured to the shoreline. (See illustration p. 106)

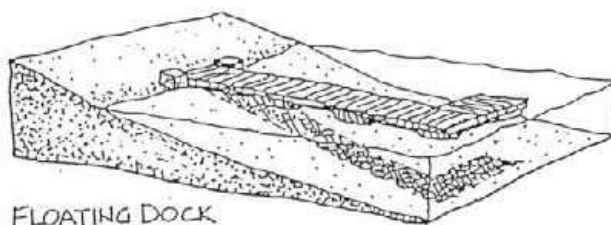
Dock, Permanent

Shall mean an accessory structure used for the mooring of marine vessels which is secured to the shoreline and/or the bottom of the water body by concrete, metal or wood pillars or such other foundation, the design of which facilitates the construction of a more or less permanent structure. (See illustration p. 106)

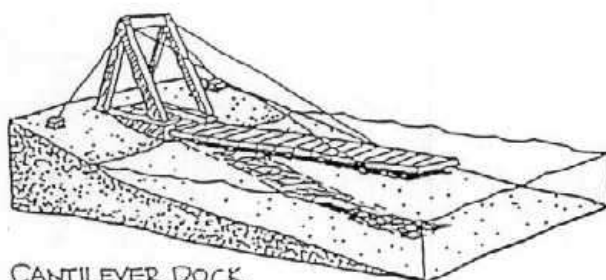
Driveway

Shall mean an unobstructed passageway used to provide vehicular access to one lot to a public highway, right-of-way or private road. This definition shall include

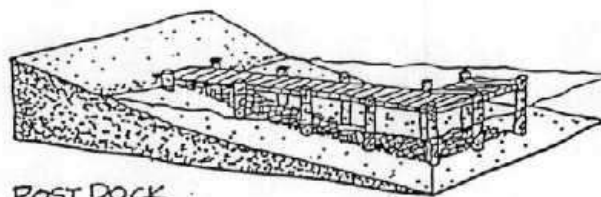
DOCKS



FLOATING DOCK



CANTILEVER DOCK



POST DOCK

shared driveway where such driveway provides access to no more than two lots.

Dry Cleaning/Laundry Outlet

Shall mean a building used for the purpose of receiving goods of fabric primarily for distribution to a Dry Cleaning/Laundry Plant. Such establishment may also include the cleaning, minor tailoring or repair and associated processing on site of such goods of fabric as are brought by the household customer but shall not include the cleaning or associated processing of such goods of fabric as brought in bulk by non-household customers.

Dwelling

Shall mean a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on, but shall not include any uses specified under **Section 4.17 - Home Based Businesses** of this By-law or any tourist establishment as defined herein.

Dwelling, Accessory

Shall mean a single detached dwelling which is accessory to a permitted non-residential use, located on the same lot therewith and is occupied either by the family of the owner of such non-residential use or by the family of a person employed on the lot where such dwelling is located.

Dwelling, Accessory Apartment

Shall mean a separate and self-contained dwelling unit (e.g. includes cooking, sanitation and sleeping facilities) in or added to a single detached dwelling unit and which has a separate entrance. Examples include an apartment in a house or a basement apartment.

Dwelling, Apartment

Shall mean a building consisting of four or more independent dwelling units which have a common entrance from street level and are served by a common corridor.

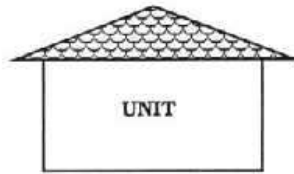
Dwelling, Converted

Shall mean a building originally constructed as a single detached dwelling unit which has been converted but not enlarged by partition and/or the addition of sanitary and cooking facilities into two dwelling units.

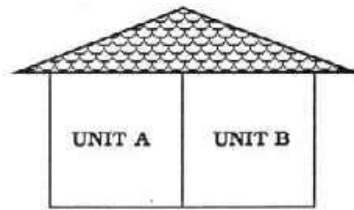
Dwelling, Duplex

Shall mean a building that is divided horizontally into two separate dwelling units each of which has an independent entrance. (See illustration)

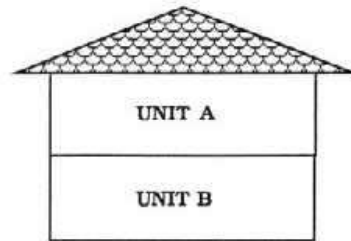
ILLUSTRATIONS OF DWELLING TYPES



DETACHED UNIT

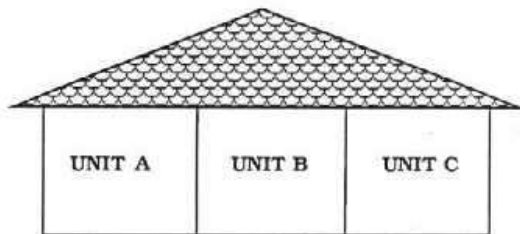


SEMI-DETACHED

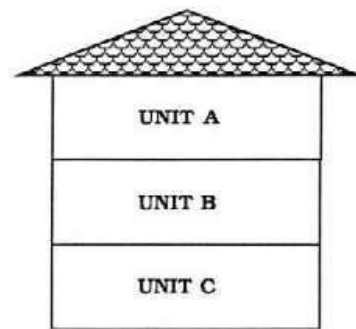


DUPLEX

TRIPLEX



OR



Dwelling, Mobile Home

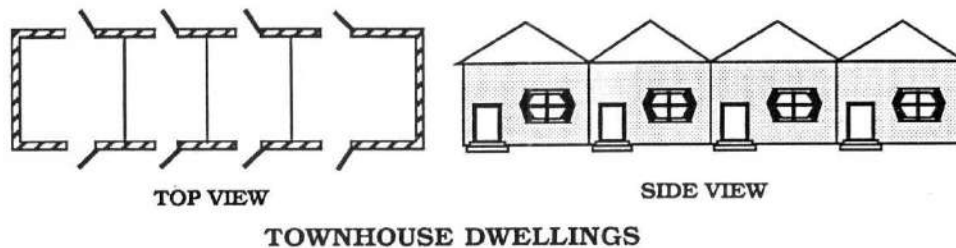
Shall mean any dwelling that is designated to be made mobile, and constructed or manufactured in accordance with current CSA standards and the provisions of the *Building Code* to provide a residence for one or more persons, but does not include a park model unit, a travel trailer, tent trailer or trailer otherwise designed.

Dwelling, Park Model Trailer

Shall mean a manufactured building designed and constructed in conformance with CAN/CSA-Z241 Series M “Park Model Trailer” as set out in the *Building Code*, and is used or intended to be used for accommodation on a seasonal or recreational basis only.

Dwelling - Row or Townhouse

Shall mean a building consisting of a series of three (3) or more dwelling units in a continuous row divided vertically into separate units by a common wall above grade. (See illustration)



Dwelling, Seasonal

Shall mean a single detached dwelling used as an occasional resort for vacation, recreation, rest and relaxation purposes by a person who regularly resides at another location.

Dwelling, Semi-detached

Shall mean a building that is divided vertically into two dwelling units, each of which has an independent entrance. (See illustration p. 108)

Dwelling, Single detached

Shall mean a detached building of not more than one dwelling unit. (See illustration p. 108)

Dwelling, Triplex

Shall mean the whole of a dwelling that is divided horizontally and/or vertically into three separate dwelling units each of which has an independent entrance either directly from the outside or through a common entrance. (See illustration p. 108)

Dwelling Unit

Shall mean a building occupied or capable of being occupied as the home or residence of one or more persons, where food preparation and sanitary facilities are provided, but shall not include a boarding house, hotel, motel, rental cottage or cabin or similar commercial use of a private or semi-private institution.

20.E

Easement

Shall mean the legal right acquired by contract to pass over, along, upon or under the lands of another.

Equestrian Establishment

Shall mean an establishment primarily engaged in the operation of a riding academy or riding stables.

Equipment Rental Establishment

Shall mean land, buildings or structures wherein the primary use is the rental of machinery, equipment, furniture and fixtures or other goods.

Erect

Shall mean build, construct, reconstruct, remove or relocate and shall include any preliminary physical operations such as cutting, grading, excavating, filling or draining, or any altering of an existing building by an addition, extension, or other structural change or the doing of any work for which a building permit is required under the Building By-law of the Corporation. The words "erected" and "erection" shall have corresponding meanings.

Established Building Line

Shall mean the average setback from the centre line of a street of existing buildings on one side of a continuous 300 m (984.2 ft.) strip of land where three (3) or more of the lots having street frontage upon the said side of the street or road have been built upon. Such definition shall apply only to a village or hamlet. (See illustration p. 16)

Established Grade

Shall mean:

- a) when used with reference to a building, the average elevation of the finished level of the ground adjoining a wall of the building, measured along the length of the wall, exclusive of any artificial embankments or berms or steps.
- b) when used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;
- c) when used with reference to a street, road or highway, the elevation of the street, road or highway.

Existing

Shall mean existing on the day of the final passing of this By-law by Council.

Exterior Side Lot Line - see Lot Line, Exterior Side

20. F

Fairgrounds

Shall mean an area maintained for the purpose of presenting an annual fair and may include exhibit buildings, livestock buildings, the stabling of horses, the storage and sales (*e.g. auction sales, trade shows*), booths and refreshment pavilions, public and private parks including temporary camping facilities solely associated with functions on the fairgrounds, recreational activities (*e.g. midway*) associated with a fair and ancillary uses.

Farm Implement Sales and Repair Establishment

Shall mean a building, structure or area where farm equipment and farm supplies are kept for sale, lease or loan and where such equipment may be repaired or serviced.

Farm Produce Outlet

Shall mean a use accessory to a farm which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

Farmer's Market

Shall mean an establishment or premises where the farm products of a local farming community are sold at retail from covered or uncovered areas designed for individual retailers.

Feed Mill

Shall mean a building or structure used for the processing, sale or distribution of food products, meal or feeds including other nutritional or dietary products specifically produced for domestic livestock or domestic pets.

Fence

Shall mean any barrier or structure constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines. A fence may include a solid or continuous hedge as a component.

Fish Habitat

Shall mean the spawning grounds and nursery, rearing, food supply, and migration areas which fish depend directly or indirectly in order to carry out their life processes. (Provincial Policy Statement)

Fishing or Hunting Camp - see Camp

Flea Market

Shall Mean

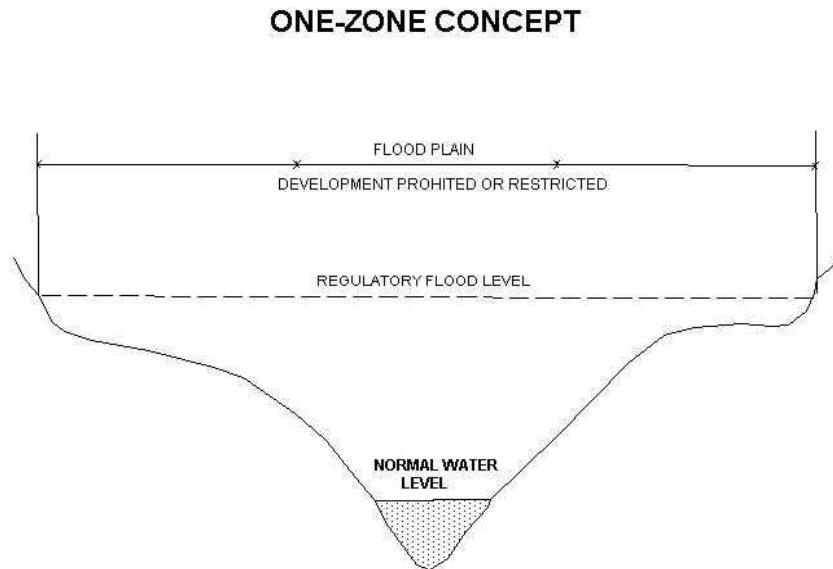
- a) a building or part of a building where second hand goods, articles and antiques are offered or kept for retail sale to the general public but shall not include any other retail establishment otherwise defined herein;
- b) an occasional or periodic market or sales event held in an open area, which may include a street, or within a building or structure where independent sellers offer goods, new and used, for sale to the public, but not including private garage sales;

- c) a building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either home grown, home made, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Ancillary uses to a flea market shall include administrative services, food concessions and recreational facilities.

Flood Plain

Shall mean the area usually low lands, adjoining a watercourse which has been, or may be subject to flooding hazards (see illustration). (Provincial Policy Statement)



Flooding Hazards

Shall mean the inundation by the 100 year flood of lands or areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water.

Flood Proofing

Shall mean a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings,

structures or properties subject to flooding so as to reduce or eliminate flood damages.

Floor Area

Shall mean the horizontal area of a storey, measured between the exterior faces of the exterior walls and at the floor level of such storey.

a) Dwelling Unit Area

Shall mean the aggregate of the floor areas of all habitable rooms in a dwelling unit, but excluding the thickness of any exterior walls.

b) Gross Floor Area

Shall mean the aggregate of all of the floor areas of a building or structure.

c) Ground Floor Area

Shall mean the floor area of the ground floor of a building, and in the case of a dwelling, excludes any portion of such first storey which is not a habitable room.

Forestry Use

Shall mean the planting, managing and harvesting of timber resources including the cultivation of Christmas trees.

Front Lot Line - see Lot Line, Front

Front Yard - see Yard, Front

Frontage - see Lot Frontage

Fuel Depot

Shall mean land, building or structures used for the bulk, storage, distribution and sale of gasoline, propane, heating oil, motor oil or other fuels.

Funeral Home

Shall mean a building or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories, memorial services, provided such activities are clearly secondary and incidental to the main undertaking service.

20. G

Garage

Shall mean an enclosed accessory building or portion of a main building used for the parking or storage of motor vehicles and household equipment incidental to the residential occupancy.

Garden Centre

Shall mean an establishment used for the retail sale of gardening equipment, products and planting materials.

Garden Suite

Shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

Gasoline Retail Facility (Gas Bar)

Shall mean an establishment where the retail sale of gasoline or other petroleum products for motor vehicles constitutes the sole use, such as a gas bar, or an accessory use such as a self serve facility in combination with a retail store. This definition shall not include an automotive service station. (See also **Automotive Service Station**)

Gazebo

Shall mean a freestanding, roofed accessory structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation, normally in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined or classified in this By-law.

Golf Course

Shall mean a public or private area or premises operated for the primary purpose of playing golf but may also include such uses, buildings and structures as are necessary for the operation and maintenance of the golf course such as a club house, restaurant, banquet, conference and other uses of a social, recreational and entertainment nature normally associated with a golf course. A golf course shall also include a driving range.

Grade - see Established Grade

Ground Floor

Shall mean the floor that is level with or immediately above grade.

Group Home

Shall mean a single housekeeping unit in a residential dwelling in which three (3) to ten(10) persons (exclusive of supervisory staff or operating staff) live under supervision consistent with the particular needs of its residents and which is licensed and/or approved under Provincial Statutes and in compliance with municipal By-laws.

20. H

Habitable Room

Shall mean a room designed for living, sleeping, eating, or food preparation, including a den, library, sewing room, or enclosed sun room.

Hamlet or Village

Shall mean lands within the boundaries of a built-up community, as described and illustrated in the Official Plan for the Corporation, where development is concentrated and includes vacant lots and vacant lands.

Height - see Building Height

Heliport

Shall mean a designated public or private landing pad where helicopters can land or take off.

High Water Mark

Shall mean the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

Highway (see also Public Highway)

Shall mean a public improved road under the jurisdiction of the Province of Ontario.

Hobby Farm

Shall mean a lot primarily used for residential purposes where accessory uses may include small scale market gardening for retail sale, a Farm Produce Outlet and/or the keeping of up to five (5) farm animals for the personal use or breeding by the residents living thereon.

Holding Zone

Shall mean a zone established under the enabling authority of Section 36 of the *Planning Act* where uses may be permitted subject to meeting certain conditions set out in the Official Plan.

Home Based Business

Shall mean a legal business or occupation conducted for gain in a dwelling unit or an accessory building, which is an accessory use or clearly secondary to the principal residential use and falls within any of the following categories:

- a) Professional and Consulting Services
- b) Personal Services
- c) Instructional Services
- d) Home Craft Businesses
- e) Private Daycare
- f) Offices for Contractors and Trades Businesses
- g) Repair Services
- h) Information or High Technology Services
- i) Transportation Services
- j) Distribution sales offices or mail order sales
- k) Maple Syrup production and value added products
- l) Tourist Outfitting for outdoor recreation
- m) Farm Produce Outlet

Home for the Aged, Nursing Home, or a Long Term Care Facility

Means a building or premises used in accordance with the provisions of the *Nursing Homes Act*, or the *Homes for the Aged and Rest Homes Act*, the *Long-Term Care Act* or a home for the aged as provided for under the *Charitable Institutions Act* respectively, and amendments thereto. (See also **Retirement Home**)

Home Occupation - see Home Based Business

Hotel

Shall mean a separate building, or two or more connected or adjacent buildings,

used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six (6) bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging such as a boarding house.

20. I

Industrial Use shall mean the use of land, building, or structure for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services.

Class I Industry - Light Industrial

Shall mean a place of business for a small scale, self contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. Examples include electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply.

Class II Industry - Medium Industrial

Shall mean a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractors yard.

Class II Industry - Medium Industrial

Shall mean large scale industries with substantial variations in industrial processes, shift operations, large production volumes, outdoor storage of raw and finished products and therefore emissions e.g., noise vibration, odour, particulate and gaseous discharges or combinations may be anticipated. Examples of heavy industries include refineries, salvage yard, pulp and paper mill etc.

Influence Area

Shall mean an area adjacent to an industrial use, waste management facility, septage site, waste water treatment facility, or an area outside of lands licensed as a pit or quarry where a sensitive land use may be subject to one or more adverse effects.

Institutional Use

Shall mean a building used for non-commercial purposes and operated by an organized body or society, including churches, schools, day care centres, municipal service facilities, homes for the aged, facilities for charitable organizations, social service clubs and public hospitals.

20. J

Junk Yard - see Salvage or Wrecking Yard

20. K

Kennel shall mean any premises where domestic pets, birds or other livestock are kept or boarded or bred as a commercial service.

20. L

Lane

Shall mean a subsidiary public thoroughfare or way which affords a secondary means of access to abutting property.

Landscaped Open Space

Shall mean a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use but does not include parking areas, traffic aisles or driveways or ramps for vehicles.

Laundromat

Means a building or structure where coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

Licensed Refreshment Sales Vehicle

Shall mean a vehicle which is currently licensed pursuant to the *Highway Traffic Act* and which is equipped for the preparation, storage, heating, cooking, cooling or sale of foodstuffs or beverages within or from the vehicle and may include exterior seating e.g. picnic tables.

Livestock Facility

Shall mean livestock barns where animals or poultry are housed, including beef feedlots, and the associated storage of manure. (Provincial Policy Statement)

Livestock Sales Outlet

Shall mean a building or structure where livestock such as cattle, goats, sheep, horses or the young thereof are bought and sold.

Loading Space

Shall mean a space or bay located on a lot or within a building which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials in connection with the use of the lot or any building thereon, and which has unobstructed access not necessarily in a straight line to a street or lane.

Lot

Shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the *Planning Act*.

Lot Area

Shall mean the total horizontal area within the lot lines of a lot.

Lot, Corner

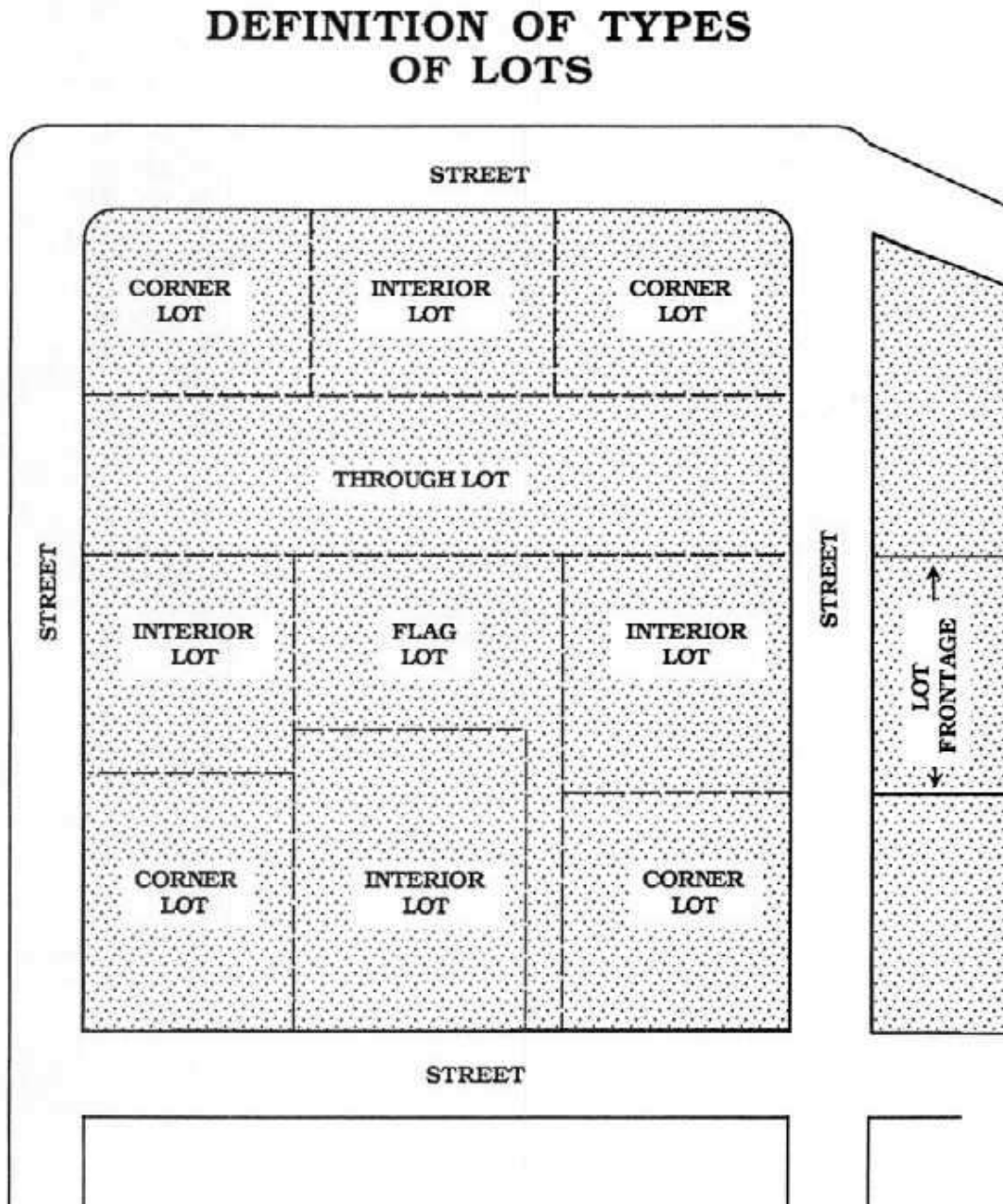
Shall mean a lot situated at the intersection of two or more streets or on the inner side of a bend in a single street having an angle of intersection or bend of not more than one hundred and thirty-five degrees. (See illustration p. 121.)

Lot Coverage

Shall mean the percentage of lot area covered by the ground floor area of all buildings located thereon.

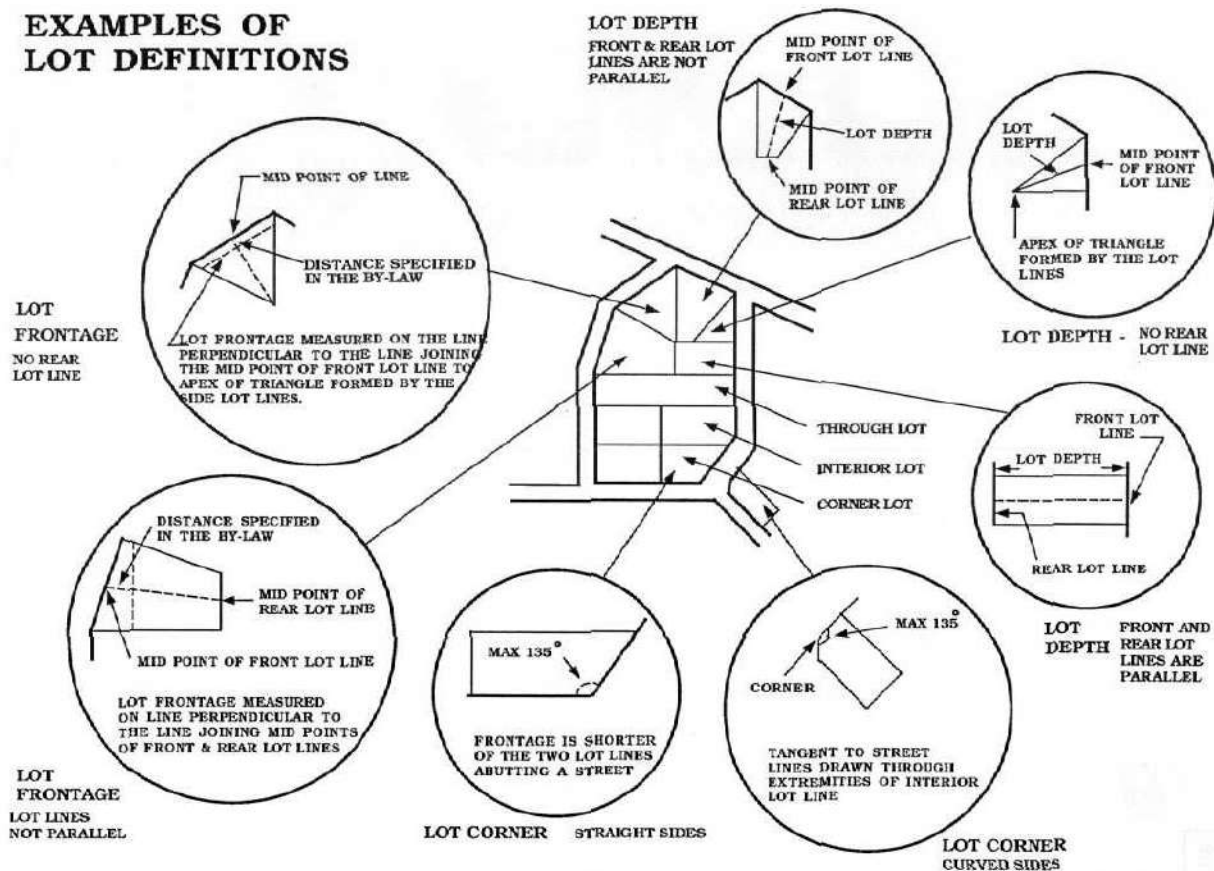
Lot Depth

Shall mean 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. If 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. (See illustration p. 122.)

EXAMPLES OF LOT DEFINITIONS



Lot Frontage

Shall mean the width of a lot measured between the points of intersection of the side lot lines with a line 7 m (22.9 ft.) back from and parallel to the front lot line. Where such lot lines are not parallel the lot frontage shall be measured perpendicularly from the line joining the centre of the front and rear lot lines at a point 7 m (22.9 ft.) from the front lot line. (See illustration above and p. 121)

Lot, Interior

Shall mean a lot situated between adjacent lots and having frontage on only one street. (See illustration p. 121)

Lot Line

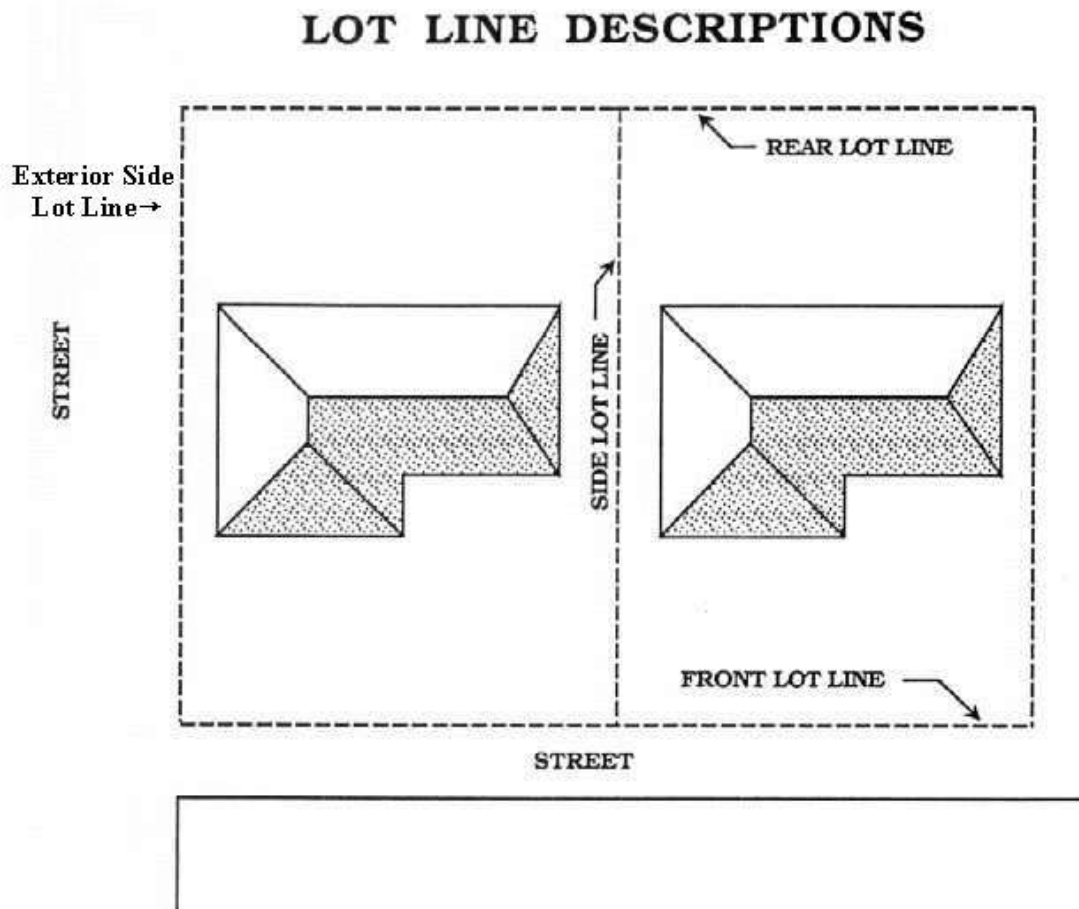
Shall mean the boundary of a lot or the vertical projection thereof.

Lot Line - Exterior Side

Shall mean a lot line located between the front and rear lot lines and dividing the lot from a street. (See illustration below)

Lot Line, Front

Shall mean the lot line that divides a lot from the street, provided that in the case of corner or through lot, the shorter lot line abutting a street shall be deemed to be the front lot line. In the case of a through lot or corner lot where the lot lines are the same length, 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 standard waterfront lot, the shoreline shall be deemed to be the front lot line. In the case of a through waterfront lot, the shortest shoreline shall be deemed to be the front lot line. (See illustration below)



Lot Line, Rear

Shall mean the lot line furthest from and opposite to the front lot line. If a lot has less than four lot lines there shall be deemed to be no rear lot line. (See illustration p. 123.)

Lot Line, Interior Side

Shall mean any lot lines other than the front lot line and the rear lot line. (See side lot line illustration p. 123.)

Lot, Through

Shall mean a lot bounded on two opposite sides by streets. (See illustration p. 121.)

Lot Width

Shall mean the average horizontal dimension between the two longest opposite sides.

Lumber Yard

Shall mean a lot and accessory buildings or structures where the primary use is the storage of construction grade wood and building supplies for sale at retail or wholesale.

20. M

Main Building - see Building, Main

Main Wall

Shall mean any exterior walls of a building and all structural members essential to the support of fully enclosed space of roof exclusive of permitted projections.

Maple Syrup Processing Establishment

Shall mean land, buildings and/or structures used to collect, manufacture, and/or store maple syrup products produced on the property where such use is established. This also includes the retail sales of maple syrup (value-added) products as well as a building or structure used as a pancake house style restaurant in operation.

Marina

Shall mean a lot, building and/or structure on a water body with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the accessory facilities for the sale of marine fuels, lubricants, parts and boating accessories may be provided.

Marine Facility

Shall mean a non-commercial building or structure which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, dock or boat house, but does not include any building used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure.

Maximum shall mean the greatest number or amount permitted.

Medical Clinic- see **Clinic**

Medical Practitioner

Shall mean a doctor, dentist, chiropractor, osteopath, optometrist, or oculist duly qualified and licensed to practice medicine but does not include a veterinarian.

Mine

Shall mean a mine as defined in the *Mining Act*. Mining shall have a similar meaning

Mine Hazard

Shall mean any feature of a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated. (Provincial Policy Statement)

Miniature Golf Course

Shall mean an area of land, building or structure or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to stimulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range.

Minimum

Shall mean the least or smallest amount or number permitted.

Mini Warehouse and Public Storage

Shall mean a commercial building or part of a building wherein general merchandise, vehicles, furniture and household goods are stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Minimum Distance Separation Formulae I and II

Shall mean the "Minimum Distance Separation I and II" of the Ontario Ministry of The Environment and the Ontario Ministry of Agriculture and Food (March 1998 and any subsequent amendments thereto).

Mobile Home - see Dwelling, Mobile Home

Mobile Home Lot or Site

Shall mean an area, similar to a lot, located in a mobile home park, intended to be occupied or occupied by a mobile home or a permitted accessory use.

Mobile Home Lot or Site Line

Shall mean a line similar to a front lot line, rear lot line, interior or exterior side lot line as if it were applied to a Mobile Lot of Site.

Modular Home

Means a single detached dwelling consisting of two or more modules which has been prefabricated or manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a mobile home or a Park Model Trailer as otherwise defined.

Motel or Motor Inn - see Hotel

Motor Home - see Recreational Vehicle

Multiple Dwelling - see Dwelling, Apartment

Municipality shall mean the Corporation of the Township of Lanark Highlands.

20. N

Natural Heritage Features

Means features and areas, such as significant wetlands, fish habitat, significant

portions of the habitat of endangered and threatened species, significant wildlife habitat and significant areas of natural and scientific interest, which are important for their environmental and social value as a legacy of the natural landscapes of an area. (Provincial Policy Statement)

Negative Impacts

Shall mean:

- a) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity.
- b) in regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified. (Provincial Policy Statement)

Non-complying

Shall mean a use, building or structure which is listed as a permitted use in the zone in which it is located but which contravenes one or more of the regulations or zone requirements of the By-law for the zone in which such use, building or structure is located, as of the date of passing of this By-law.

Non-conforming

Shall mean a use which does not conform with the list of permitted uses in a particular zone or zones of this By-law as of the date of its final passing by Council.

Noxious Use

Shall mean an offensive trade or industrial nuisance, or dangerous manufacturer, within the meaning of the *Health Protection and Promotion Act* or any regulations issued by the Ministry of Environment and Energy or any use which is offensive or dangerous by means of the emission of odour, smoke, dust, noise, gas fumes, vibration or refuse matter.

Nursery

Means land and structures used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale. (See also **Commercial Garden, Garden Centre**)

Nursing Home - see Home for the Aged, Nursing Home or a Long Term Care Facility

20. O

Office

Shall mean a building or structure or part thereof used for the purpose of providing accommodation for the office of a professional person or other persons and for any purpose incidental thereto.

Officer

Shall mean a person duly appointed by the Corporation to enforce the provisions of this By-law or other By-laws under the *Planning Act*.

Official Plan

Shall mean the Official Plan of the Corporation of the Township of Lanark Highlands.

Open Space - see Landscaped Open Space

Open Storage

Shall mean the storage of goods, merchandise or equipment on a lot or portion thereof, including such uses as building materials supply yards but does not include the outdoor display of goods, merchandise or equipment for the purpose of sales or advertisement except for the storage of vehicles for sale.

20. P

Park

Shall mean any area of land, whether enclosed or not, maintained by the Corporation or other public authority for the enjoyment, health and well-being of people and open to the public with or without charge.

Parking Lot or Parking Area

Shall mean any open space, other than streets, used or intended to be used for the temporary storage of more than four (4) motor vehicles.

Parking Space

Shall mean a space, exclusive of driveways, ramps or columns, to park one vehicle for purposes other than the display or offering for sale of commodities.

Parking Space, Handicapped

Shall mean a parking space specifically designated for the exclusive use of a person, holding a permit, who has a physical or other disability.

Permitted

Shall mean permitted by this By-law.

Person

Shall include an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

Personal Service Establishment

Shall mean a building or part of a building in which persons are employed in furnishing services and otherwise administering to individual and personal needs of patrons. Examples are: barber shops, beauty parlours, hair dressing shops, and shoe repair shops.

Pit

Shall mean any licensed open excavation made for the removal or aggregate (as defined) but shall not include 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.

Pit, Wayside

Shall mean a temporary pit opened and used by or for a public authority solely for the purpose of a particular project or contract or road construction and not located on the road right of way. (Provincial Policy Statement)

Place of Assembly

Shall mean a building specifically set aside for and primarily engaged in the operation of arts and craft shows, trade fairs, fashion shows, public meetings, conference meetings and similar activities.

Place of Worship

Shall mean a building or an open area dedicated to religious worship and may

include a church hall, church auditorium, Sunday School, parish hall and church day nursery.

Playground - see Park

Porch

Shall mean a covered entrance to a building usually with a separate roof and unenclosed and used as an outdoor living area.

Portable Asphalt Plant

Shall mean 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. (Provincial Policy Statement)

Printing and Publishing Establishment

Shall mean a building or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, maps and similar publications and also includes the sale and servicing of printing and duplicating equipment.

Private Club - see Club

Private Road

Shall mean a road under private ownership which provides access or serves two or more legally conveyable lots and may include a right-of-way registered on title. (See also **Driveway**)

Provincial Highway - see Highway (see also Public Highway)

Public Access Point

Shall mean public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body.

Public Body

Shall mean a municipality, a local board, a ministry, department, board,

commission, agency or official of a provincial or federal government.

Public Highway (see also Highway)

Shall mean all allowances for roads or streets made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads or streets on which public money has been expended for opening them or on which statute labour has been usually performed, all roads passing through Indian lands, all roads or streets dedicated by the owner of the land to public use, all alterations and deviations of and all bridges over any such allowance for road, highway or street. (See also **Lane**)

Public Service Use

Shall mean a building, structure or lot used for public services by the Township of Lanark Highlands or the County of Lanark and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario and Canada, any telephone, communications or railway company, any company supplying natural gas, Ontario Power Generation, Hydro One Networks Inc., any Conservation Authority, Public Utilities Company or similarly recognized agencies.

Public Utility

Shall mean a public utility as defined in the *Public Utilities Act*.

20. Q

Quarry

Shall mean any licensed open excavation made for the removal aggregate (as defined), but shall not include 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.

Quarry, Wayside

Shall mean a temporary quarry opened and used by or for a public authority solely for the purpose of a particular project or contract or road construction and not located on the road right of way. (Provincial Policy Statement)

20. R

Recreation Camp

Shall mean a facility operated by a private or public organization where children

and/or adults are temporarily accommodated in tents, cabins, cottages and/or lodge houses and may include such uses as a church camp, a day camp or a scout camp.

Recreational Commercial Establishment

Shall mean an establishment, premises, or building where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or covered skating or curling rinks, ski lodge, pools, open or covered badminton or tennis courts, fitness centre, squash courts, bowling alleys, gymnasias, band shell or open theatre, and other similar uses.

Recreational Facility

Shall mean any building or structure or specific area planned for, used for, or related to recreational activities and shall include picnic areas, beaches, change rooms, outdoor shelters, playground areas and equipment, hiking trails, sports fields and similar uses.

Recreational Vehicle

Means any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for living, sleeping, eating or accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home or a park model trailer, as defined. For the purposes of this definition, a recreational vehicle, shall be considered a structure for the purposes of establishing setbacks only. A recreational vehicle shall not be deemed to include a mobile home or a manufactured home. The definition of a recreational vehicle shall not be interpreted to include recreational equipment such as boats, boat or vehicle trailers, personal water craft, snowmobiles, all terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a lot.

Recreational Vehicle Park

Means an establishment comprising land, buildings, structures or premises which is used to provide temporary or seasonal accommodation for recreational vehicles and tents and where accessory uses, buildings and structures are permitted including administrative facilities, comfort stations, laundry facilities, sewage pump-out facilities, recreational and commercial facilities primarily designed to service patrons of the recreational vehicle park and the incidental sale of recreational vehicles.

Recreational Vehicle Sales and Storage and Repair

Shall mean land, buildings or structures used for the display, storage, repair and/or sale of boats, trailers, campers, snowmobiles and other recreational vehicles.

Redevelopment

Shall mean the removal or rehabilitation of buildings or structures and the construction, reconstruction, or erection of other buildings or structures in their place. (See also **Development**)

Registered Plan

Means a plan legally registered as per the *Registry Act* or the *Land Titles Act*.

Rental Establishment

Shall mean a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture and fixtures.

Restaurant

Shall mean a building or structure where food is prepared and offered for sale to the public for consumption within the premises and may include a take-out facility secondary to the principle use.

Retail Store

Shall mean a building or part of a building wherein merchandise, goods or wares is offered or kept for retail sale upon the premises but does not include any establishment otherwise defined or classified within this By-law. Storage of limited quantities of such merchandise, sufficient only to service such store and the servicing of such merchandise may be permitted in a retail store as ancillary uses, provided such uses are necessary and secondary to the main retailing function of the store.

Retirement Home

Shall mean a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and medical care facilities may also be provided. Such a facility shall be for adults who are capable of living independently without nursing care. (See also **Home for the Aged, Nursing Home, or a Long Term Care Facility**)

Right-of-Way - see Easement

Road - see Public Highway, Highway

Row House - see Dwelling, Row or Townhouse

Rural Cooperative

Shall mean a single planned development on a property owned in common including an incorporated cooperative, non-profit organization, land trust or family farm, where the ownership and responsibility for the maintenance of all land uses, buildings, structures, services rests with the members.

20. S

Safari

Means a zoo or the use of land where wild, exotic or domestic animals are kept and are displayed or shown to the public and may include organised walking tours or vehicle excursions therein by guides and may include accessory uses e.g. administrative facilities, restaurant, retail outlet.

Sales or Auction Barn

Shall mean any land, buildings or structure used predominantly as a livestock auction or sales facility and may include the auction of agriculturally related chattels on an incidental or accessory basis.

Satellite Dish/Receiver

Shall mean a structure designed, used or intended to be used to send or receive signals to or from a satellite.

Salvage or Wrecking Yard

Shall mean land, buildings or structures where derelict, discarded, abandoned or inoperable motor vehicles and/or other goods, wares, merchandise, articles or things are stored, recycled and/or sold wholly or partly in the open. This definition shall include a junk yard, a scrap yard or any automobile wrecking yard, but shall not include any solid waste landfill site.

Sauna

Means an accessory building or structure wherein facilities are provided for the purpose of a sauna or steam bath and may include a change room and shower and may be constructed as part of a boat house.

Sawmill

Shall mean a building, structure or uses of land where timber or logs are debarked, cut, sawed, either to finished lumber or as an intermediary step.

Sawmill, Portable

Shall mean equipment which is portable (e.g. may be drawn by a vehicle) and is used on a temporary basis for the cutting of saw logs.

School

Shall mean a building or part of a building used for the purpose of teaching academic subjects and maintained for educational, philanthropic, or religious purposes.

School, Private

Shall mean any school other than a public school.

School, Public

Shall mean any school established and maintained at public expense.

Seat

Shall mean a place on or in which one sits, and where provided by benches, forms or pews, each 0.60 m (1.96 ft.) of such seating shall be the equivalent of one seat.

Sensitive Land Use

Means buildings, amenity areas or outdoor spaces where routine or normal activities occurring as reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby facilities and includes a dwelling, day care centre, an educational or health facility.

Service Shop

Shall mean a building or part of a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles, or materials, but not the manufacturing thereof. Automobile repairs and services are not permitted under this definition. This definition shall be deemed to include a welding shop.

Setback

Shall mean:

- a) with reference to a public highway, highway or street, the least horizontal distance between the centre line of the street allowance and the nearest building line, measured at right angles to such centre lines;
- b) with reference to a private road or right-of-way, the least horizontal distance between the boundary of the right-of-way and the nearest building line;
- c) with reference to a water body, the least horizontal distance between the high water mark and the nearest building line.
- d) with reference to a lot, the least horizontal distance between the lot line and the nearest building line, measured at right angles to such lot line.
- e) with respect to a pit or quarry, shall mean the least horizontal distance between a lot line and the face of an excavation as prescribed by under the *Aggregate Resources Act*.

Sewage and Water Systems

a) Full Municipal Sewage and Water Services:

Shall mean piped sewage and water services that are connected to a centralized water and waste water treatment facility. (Provincial Policy Statement)

b) Communal Services

Shall mean sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water but which:

- are not connected to full municipal sewage and water services;
- are for the common use of more than five residential units/lots;
- are owned, operated, and managed by a municipality or, another public body, or a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the *Planning Act*, providing for municipal/public body assumption of the communal services in the event of default by the owner.

(Provincial Policy Statement)

c) **Individual On-Site Systems**

Shall mean individual autonomous water supply and sewage disposal systems, that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five residential units/lots.(Provincial Policy Statement)

d) **Partial Services**

Shall mean connection to one communal service or full municipal service where the other connection will be to an individual on-site system.
(Provincial Policy Statement)

Shooting Range or Rifle Club

Means land buildings, structures or premises used for recreational target practice, skeet shooting, gun or hunter safety instruction and is operated by a club or organization.

Shopping Centre

Shall mean a group commercial and service establishments or retail stores which are designed, developed and managed as a unit, usually in a single building, having the off-street parking provided on the site.

Shoreline

Shall mean those lands extending from the average annual water level which have potential and direct significant impact on near shore waters and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

Sight Triangle

Shall mean a triangular area of a lot formed by two intersecting street lot lines or their projection and a straight line joining points on the street lot lines at a distance from that intersection.(See illustration p. 34)

Sign

Shall mean an advertisement by means of painting on, or attaching bills, letters, lights, or numerals to any building, structure or device and shall include the structure or device upon which the advertisement is painted, placed or attached.

Significant

Shall mean:

- a) in regard to *wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.
- b) in regard to other features and areas in policy 2.3, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. Criteria for determining significance may be recommended by the Province, but municipal approaches that achieve the same objective may also be used.
- c) in regard to other matters, important in terms of amount, content, representation or effect.

Sleep Cabin

Shall mean an accessory building or structure, located on the same lot as the principal building or structure, the accessory use being for sleeping accommodation in which sanitary facilities may be provided, but shall not contain cooking facilities.

Solarium

Shall mean a glassed-in structure or room projecting from an exterior or main wall of a building which may be used for sunning, therapeutic exposure to sunlight, or for a use where the intent is to optimize exposure to sunlight.

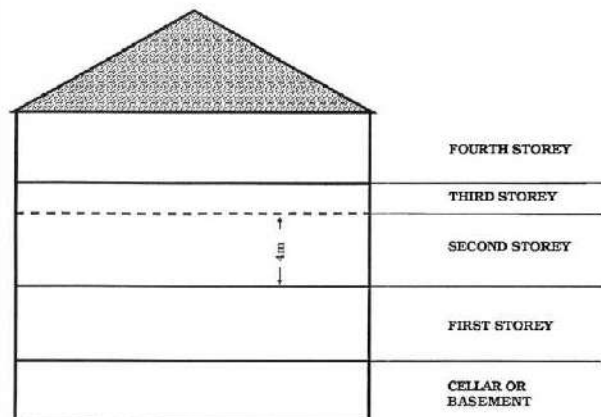
Solid Waste Disposal Site - see Waste Management Facility

Storey

Shall mean that portion of a building, other than a cellar, between the surface of any floor and the surface of the floor, ceiling or roof next above it. A basement may be counted as a partial storey. (See also

ILLUSTRATION DEFINITION OF "STOREY"

WHERE DISTANCE BETWEEN FLOORS EXCEEDS 4 METRES



Basement or Cellar)

Storey, First

Shall mean the lowest storey of a building, wherein the floor is generally at grade elevation. (See illustration p. 138)

Street - see Public Highway or Highway

Street Line

Shall mean the limit of the road or street allowance and the dividing line between a lot and a street (see also **Lot Line, Front**).

Structure

Shall mean anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground and for the purposes of this By-law, shall include a sewage disposal system whether it is an on-site or communal system, also a swimming pool, a deck, a dock and a recreational vehicle.

Studio

Shall mean a building or part thereof used,

- a) as the workplace of a photographer, artist, or artisan or
- b) for the instruction of art, music, languages or similar disciplines.

Swimming Pool

Shall mean an open or covered pool which is at least 50 cm (19.6 inches) in depth and may include a hot tub or whirl pool.

20. T

Temporary Cement and Concrete Batching Plant

Shall mean a mobile cement and concrete batching plant that conforms to the on-site inspection carried out by the Ministry of Environment and Energy, is in operation for not more than a 24 month period commencing on the date of the establishment of the use on site and shall be of a form such that a building permit is not required to erect and operate the unit.

Temporary Living Quarters

Shall mean a recreational vehicle, mobile home, camper trailer or similar vehicle or shelter, utilized as living quarters on a short term basis only and occupied by a contractor or householder while a permanent residence or a non-residential building is being constructed on the same lot, such temporary use being valid only for the life of the building permit for the permanent structure as determined by the Building Official.

Tent and Trailer Park - see Recreational Vehicle Park

Theatre - see Cinema

Tourist Campground

Shall means any parcel of land which is used to provide temporary accommodation for the public or members of an organization, in tents, where electrical service to individual campsites is not provided, whether or not a fee is charged or paid for such accommodation.

Tourist Establishment

Shall mean premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a hotel, motel, cabin, or lodge or bed and breakfast, including accessory uses such as dining, meeting and beverage rooms and similar uses.

Townhouse - see Dwelling, Row or Townhouse

Trailer, Travel trailer or Tourist Trailer - see Recreational Vehicle

Transportation Depot or Truck Terminal

Shall mean land, or a structure or a building where commercial vehicles are kept for hire, rental and/or lease, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers and where such land, structure or building may be used for the storage and/or distribution of goods, wares, and merchandise.

Transfer Station or Depot

Shall mean land, buildings or parts of buildings used for the temporary storage, and subsequent dispersal of garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste or hazardous waste.

20. U

Use

Shall mean the purpose for which any land, building, structure, or any combination thereof is designed, arranged, occupied, or maintained. "Uses" shall have a corresponding meaning. "Use" when used as a verb, or "to use" shall have corresponding meanings.

Utility

Shall mean a public utility as defined by the *Public Utilities Corporation Act*.

20. V

Veterinary Establishment

Shall mean a building or a part of a building used by a veterinary surgeon for treating domestic animals, birds, or other livestock but shall not include a commercial kennel or research facility unless otherwise zoned.

Verandah - see Porch

Video Rental Outlet

Shall mean a building or part of a building wherein the primary use is the rental of video tapes and may include the rental of video cassette recorders, video cameras and video games.

Video Rental Outlet, Adult

Shall mean an establishment where pre-recorded video tape, DVD's, video discs, game cartridges, video cameras or video players/recorders are offered for rent or rented as a principal or accessory business activity and includes the sale of electronic home entertainment products, computer disks, software, CD-ROMs or other computerized systems designed or advertised as designed to appeal to erotic or sexual appetites or inclinations.

20. W

Warehouse

Shall mean a building or part of a building used primarily for the operation of general merchandise warehousing, cold storage and other storage facilities and also includes a centre for the distribution of wholesale goods and commodities for resale to retailers; to industrial, commercial institutional or professional users; to

other wholesalers.

Waste Management Facility

Shall mean a site which is licensed or approved by the Ministry of the Environment and/or its agents where garbage, refuse, domestic or industrial waste, excluding radioactive or toxic chemical wastes is disposed of or dumped. This definition shall include waste transfer stations, recycling depots and composting.

Water Frontage

Shall mean a lot which has one or more lot lines abutting a water body

Water body

Shall mean any lake, river, stream, bay, natural watercourse or canal whether seasonally or permanently covered by water, but excludes a drainage or irrigation channel.

Wayside Pit - see Pit, Wayside

Wayside Quarry see Quarry, Wayside

Wetland

Shall mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Lands being used for agricultural purposes, that are periodically "soaked" or "wet", or which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition. (Provincial Policy Statement)

Wholesale Outlet

Shall mean a building used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, or materials for resale or business use.

Wildlife Habitat

Shall mean areas where plants, animals and other organisms live, and find adequate amounts of food, water shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species

concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non-migratory species. (Provincial Policy Statement)

Woodlands

Shall mean treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance. (Provincial Policy Statement)

Workshop - see Custom Workshop

Wrecking Yard - see Salvage Yard

20. X

20. Y

Yard

Shall mean an open, uncovered space appurtenant to a building or structure, on the same lot as the building or structure. (See illustration p. 145 and 146)

Yard, Front

Shall mean a yard extending across the full width of a lot between the front lot line and the nearest part of any main building or structure for which such yard is required. (See illustration p. 145 and 146)

Yard, Rear

Shall mean a yard extending across the full width of a lot between the rear lot line and the nearest part of any main building or structure for which such yard is required. (See illustration p. 145 and 146)

Yard, Side

Shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure for which such yard is required. (See illustration p. 145 and 146)

Yard, Exterior Side

Shall mean a side yard immediately adjacent to a street. (See illustration p. 145)

and 146)

Yard, Interior Side

Shall mean a side yard other than an exterior side yard. (See illustration p. 145 and 146)

Yard, Required

Shall mean a yard, the minimum depth or width of which is regulated by this By-law.

20. Z

Zone

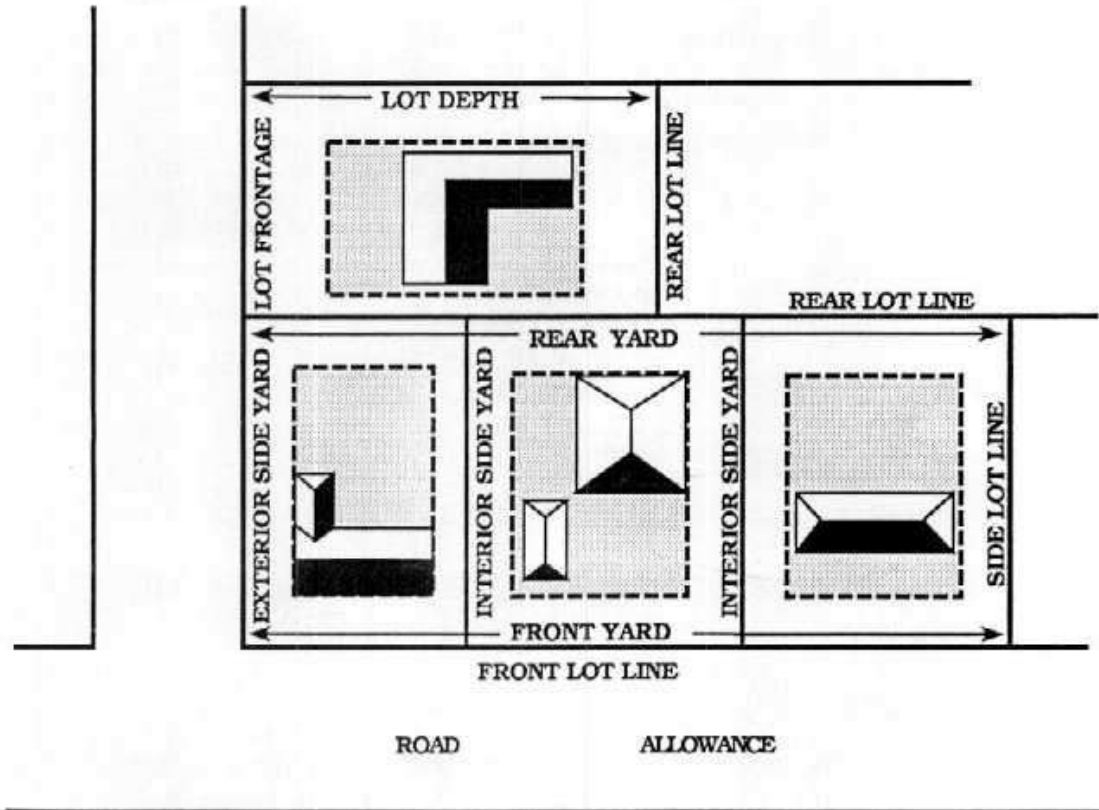
Shall mean:

- a) a land use category as defined and regulated in this By-law;
- b) a designated area of land use shown on any Schedule to this By-law.

Zoning

Shall mean the demarcation of an area into zones and the establishment of regulations to govern the use of the land within these zones, etc., and the location, bulk, height, shape, use and coverage of structures within each zone. The terms "zone provisions" and "zone requirements" shall have corresponding meanings.

EXAMPLE OF YARD DEFINITIONS



DEFINITION OF YARD

