

2.0 Definitions

For the purposes of this By-law, the definitions and interpretations outlined in this section shall govern.

Abattoir

Means a *building, structure* or *lot* part thereof used for the slaughter of livestock or other animals for the purpose of processing or rendering for sale.

Accessory Use

Means a use, customarily and normally subordinate to, incidental to and exclusively devoted to a main use of land or a *building* or *structure*, and located on the same *lot*.

Accessory Building

Means a separate *building* or *structure*, the use of which is customarily incidental, subordinate and exclusively devoted to a main use or *main building* located on the same *lot*. A temporary *building* or *structure* such as but not necessarily limited to temporary garages, temporary vehicle enclosures and tarpaulin garages shall be considered to be an *accessory building*. (amended by 548-2008)

Additional Residential Unit

A self-contained residential unit for human habitation designed with private cooking, plumbing and sanitary facilities; which is located within a principle *dwelling unit* or within a *structure* or *building* accessory to the principle *dwelling unit*.

Adult Entertainment Parlour

Means any *premises* in which is provided, in pursuance of a trade, calling, business or occupation, a predominance of goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations; which services include activities, facilities, performances, exhibitions, viewings and encounters, a principle feature or characteristic of which is the nudity or partial nudity of any person, or in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement, and goods, which goods include books, magazines, pictures, slides, film, phonograph records, pre-recorded magnetic tape, digital disks, and any other reading, viewing or listening materials or matters, but does not include a *retail store* or a *convenience retail store* wherein such goods are offered for sale or lease where the *floor area* devoted to the display and sales of such goods comprises less than ten (10) % of the total *floor area* of the *premises*.

Agricultural Code of Practice

Means the code of practice as prepared by the Ministry of Agriculture and Food, the Ministry of Environment and Energy, and the Ministry of Municipal Affairs and Housing as amended, replaced or re-enacted from time to time.

Agricultural Industrial/Commercial Use

Means the use of land and / or *buildings* or *structures* for the manufacturing and wholesale and / or retail sale of goods necessary to support *agricultural uses*. Such goods shall include *farm* machinery and equipment for the tillage of soil, the planting, spraying, harvesting, transporting, treating, processing and storage of *farm* produce, products used for the housing and husbandry of livestock, and the storage, handling or processing of milk, eggs or manure, and the manufacture of sub-surface drainage materials and equipment.

Agricultural Processing Use

Means the use of land and / or *buildings* or *structures* for the processing of products or produce derived from *agricultural uses* as defined in this By-law. Such products and facilities shall include seeds, grains, feeds and the forage, storage and transport of same, fruit and vegetable storage and processing, livestock assembly, sales and transport, a cheese factory or egg grading station and a dead stock removal facility.

Agricultural Produce Sales Outlet

Means an unenclosed fruit, vegetable, flower and / or *farm* produce stand (not including a wholly enclosed *building*) used primarily for the retail sale to the public of produce from local *agricultural uses*, which is open and operated for no more than 8 months during any calendar year.

Agricultural Service Use

Means the use of land and / or *buildings* or *structures* for the buying or selling of commodities or services necessary to support *agricultural uses* as defined in this By-law. Such facilities and services shall include welding and mechanical repair, *farm* drainage or excavation, well-drilling, contracting and trades related to *farm buildings* and *structures*, and custom spray, tillage, breeding, planting and harvesting services, as well as the sale, processing and storage of feed, fertilizer and chemical products, *farm* machinery and equipment sales and service, animal and poultry breeding services, and a fuel supply depot and saw mill.

Agricultural Use

The growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-*farm buildings* and *structures*, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time *farm* labour when the size and nature of the operation requires additional employment. Notwithstanding the foregoing, an *agricultural use* shall not include a *kennel use*; nor a *cannabis production facility* (CPF).

Agriculture-Related Use

Those *farm*-related commercial and *farm*-related *industrial uses* that are directly related to *farm* operations in the area, support agriculture, benefit from being in close proximity to *farm* operations, and provide direct products and / or services to *farm* operations as a primary activity.

Agri-Tourism Uses

Those *farm*-related tourism uses, including limited accommodation such as a *bed and breakfast establishment*, that promote the enjoyment, education, or activities related to the *farm* operation.

Airfield

Means the use of land for the landing, storing, taxiing and take-off of private aircraft as an *accessory use*, but does not include an airport under the regulations of the Ministry of Transport.

Alteration

Means any modification to the structural component of a *building* that results in a change of use, or any increase or decrease in the volume or *floor area* of a *building* or *structure*.

Amusement Machine

Means any mechanical or electronic machine or device intended for use as a game, entertainment or amusement that offer games of skill and competition for the amusement of the public, such as motion simulation rides, virtual reality games, video games, computer games, laser games and similar types of uses for profit or gain and shall include a pinball machine, video game or table, shooting gallery or other similar machine or device, but shall not include any machine used solely for the purpose of vending merchandise or services or playing recorded music.

Animal Hospital

Means a *premises* used for the health, medical or surgical treatment and temporary care of domestic animals and *farm* livestock, but does not include a *veterinary clinic* or the professional office of a doctor located in his or her residence.

Arcade

Means a *premises* predominantly containing and offering *amusement machines* for use by the public, but does not include *casinos* or any other establishment accommodating gambling or gaming activities, wagering or betting, video lottery and gaming machines or any other similar type of gambling use.

Art Gallery, Private

Means a *premises* used for the preservation, exhibition and / or sale of paintings or other works of art, the control of which is not vested in a *public authority*.

Art Gallery, Public

Means a *premises* used for the preservation, exhibition and / or sale of paintings or other works of art, the control of which is vested in a *public authority*.

Assembly Hall

Means a *premises* used for the gathering together of a number of persons for charitable, civic, cultural, educational, fraternal, political, recreational, social or like purposes, and may include facilities for the consumption of food or drink.

Attached

Means a *building* otherwise complete in itself, which depends for structural support or complete enclosure, upon a division or partition wall or walls shared in common with an abutting *building* or *buildings*.

Auditorium

Means a *building* or part of a *building* in which facilities, generally including fixed seating, are provided for athletic, civic, educational, political, religious or social purposes and shall include an arena, gymnasium or other similar facility or use.

Bake Shop

Means a *premises* where the products of a baker, such as cakes, cookies, bread and pies, are baked and offered for retail sale and may include, as an *accessory use*, a seating area for up to twelve (12) patrons.

Balcony

Means a partially enclosed exterior platform *attached* to or extended horizontally from one (1) or more *Main Walls* of a *Building*.

Banquet Hall

Means a *premises* used for the purpose of catering to banquets, weddings, receptions, or similar functions for which food and beverages are prepared and served.

Basement

Means that portion of a *building* below the *first storey*.

Bed and Breakfast Establishment

Means a dwelling or portion thereof in which the proprietor resides and supplies for hire or gain to other persons, temporary overnight lodging with or without meals, but shall not include a *hotel*, *motel*, apartment, hospital, seniors home, group home or *restaurant* serving the general public.

Boarding or Lodging House

Means a dwelling or portion thereof in which the proprietor resides and supplies for hire or gain to other persons, lodging with or without meals, but shall not include a *hotel*, *motel*, apartment, hospital, *bed and breakfast establishment*, seniors home, group home or *restaurant* serving the general public.

Buffer Strip

Means a planted landscaped area or landscaped earth berm or any combination of these features which serves to provide a continuous visual screen between adjoining properties and land uses.

Building

Means a *structure* occupying an area greater than 10 square metres consisting of any combination of a wall, roof and floor, or a structural system serving the function thereof, including all associated works, fixtures and service systems, but shall not include a *travel trailer*, truck camper, *motor home* or tent.

Building, Apartment

Means a *building* containing three or more *dwelling units* that share a common external access to the outside through a common vestibule and a common corridor system.

Building Area

Means a portion or area of a *lot* within which permitted *buildings* and *structures* may be *erected*, used and maintained. Said area may be designated and outlined on a Zoning By-law Schedule.

Building, Main

Means a *building* in which is carried out the main use for which the *lot* is used.

Building, Rowhouse

Means a *building* that is vertically divided into a minimum of three (3) and a maximum of eight (8) *dwelling units*, each of which has an independent entrance to the front and rear of the *building*.

Building Line

Means a line that regulates the location of the front wall or the exterior side wall of a *building* on a *lot*.

Building Line, Established

Means the average distance from the *street line* of *existing buildings* on one (1) side of a continuous 305 metre strip of land in a residential zone where three (3) or more of the *lots* accessed by the said street have been built upon.

Bulk Storage Tank

Means a tank or container for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane, or flammable liquid or fluid, but does not include a container for flammable liquid, gas or fluid legally and properly kept in a *retail store* or a tank for storage incidental to some other use of the *premises* where the such tank or container is located.

Bunkhouse

Means a *building* used for the accommodation, during the growing or harvesting season, of up to 20 agricultural workers employed on the *farm* property on which the *bunkhouse* is located, and containing at least one bathroom and not less than two (2) habitable rooms providing living, dining and sleeping facilities.

Business or Professional Office

Means a *premises* used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and / or storage of information rather than the production and distribution of goods.

Campground

Means a recreational facility operated by a public or private organization where persons are temporarily accommodated in tents or cabins, but shall not include a *trailer park* or *mobile home park*.

Cannabis Production Facility

Means a facility comprised of one or more *buildings* or *structures*, used for the purpose of growing, producing, cultivating, testing, processing, researching, destroying, storing, packaging or shipping of cannabis by a federal government licensed commercial producer in accordance with federal legislation.

Carport

Means a *building* or *structure* which is not wholly enclosed, and is used for the parking or storage of one (1) or more *motor vehicles*.

Casino

Means a *premises* offering machines, facilities and / or services for gambling, wagering or betting activities, including video lottery machines or facilities, and any other similar type of gambling use, and may include accessory food and beverage service facilities.

Cellar

Means that portion of a *building* which is partly or wholly underground and which has more than half its *height*, from finished floor to the underside of the floor joists of the *storey* next above, below the average finished *grade* level adjacent to the exterior walls of the *building*.

Cemetery

Means a parcel of land used for the interment of human remains, and may contain a crematorium, columbarium or mausoleum.

Centre-Line

Means with reference to a *public street*, a line drawn parallel to and equidistant from the limits of the *public street* and with reference to a *private road*, a line drawn parallel to and equidistant from the edges of the paved or traveled surface of the *private road*.

Commercial Club

Means an athletic, recreational or social club operated for gain or profit.

Commercial Fitness Centre

Means a *premises* in which facilities are provided for recreational or athletic activities such as body-building and exercise classes and may include associated facilities such as a sauna, a *swimming pool*, a *solarium*, a cafeteria and accessory retail uses.

Commercial Greenhouse

Means a *building* or *structure* used for the purposes of the enclosed germinating and growing of plant materials for wholesale or retail sale to the general public; but shall not include a *cannabis production facility*.

Commercial Parking Lot

Means an area of land used for the parking of *motor vehicles* for a fee, with such use forming the principle use of a *lot*.

Commercial Vehicle

Means any vehicle having attached thereto a truck or delivery body and includes an ambulance, hearse, coach bus, tractor, bulldozer, crane, grader, and any vehicle carrying a commercial *motor vehicle* license.

Community Centre, Private

Means a *premises* used for community activities, the control of which is not vested in a *public authority*.

Community Centre, Public

Means a *premises* used for community activities, the control of which is vested in a *public authority*.

Conservation Use

Means the use and / or management of land and / or water for the purposes of planned natural resource management.

Contractor's Yard

Means a *yard* of any contractor where equipment and materials are stored or where a contractor performs shop or assembly work, but does not include any other use or activity otherwise defined or classified herein.

Convenience Retail Store

Means a *premises* where food, tobacco, drugs, periodicals and similar items of household necessity are sold directly to the public but shall not include a *retail store*. For the purposes of this By-law, a *convenience retail store* may contain a maximum of 6 *amusement machines* as an *accessory use*.

Corporation

Means the *Corporation* of the Municipality of Brighton.

Council

Means the *Council* of the *Corporation*.

Coverage

See *Lot Coverage*.

Day Nursery

Means a *premises* where more than five (5) children are provided with temporary care and / or guidance for a continuous period not exceeding twenty-four hours and are licensed under provincial statute.

Deck

Means an unenclosed *structure* that is accessory to a *residential use* and used as an outdoor living area, with a foundation holding it *erect* and a floor which is above finished *grade* and shall not include a landing or a stair.

Demolish

Means any action in the removal of a *building* or *structure* or any material portion thereof. For the purposes of this By-law, the term “demolition” shall have a corresponding meaning.

Driveway

Means a defined area providing access for *motor vehicles* from a *public street*, *private road* or a *lane* to facilities such as a *parking area*, parking lot, *loading space*, *private garage*, *building* or *structure*.

Dry Industrial Use

Means a manufacturing or processing use which, by the nature of its process, operation or fabrication of raw materials or service rendered, does not require a water supply other than from within the limits of the *lot* upon which the use is located, and from which the only waste water discharges are one or more of the following:

- i. sanitary sewage provided by normal sanitary and eating facilities required for employees; and,
- ii. stormwater drainage; water used for indirect cooling of equipment.

Dwelling, Apartment

Means a *dwelling unit* in an *apartment building*.

Dwelling, Duplex

Means a *dwelling unit* in a *building* that is divided horizontally into two (2) *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule.

Dwelling, Fourplex

Means a *dwelling unit* in a *building* that is divided horizontally or a combination of vertically and horizontally into four (4) *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule.

Dwelling, Semi-Detached

Means a *dwelling unit* in a *building* that is divided vertically into two *dwelling units* that shares a common wall above *grade*.

Dwelling, Single Detached

Means a *building* containing only one (1) *dwelling unit*.

Dwelling, Rowhouse

Means a *dwelling unit* in a *rowhouse building*.

Dwelling, Triplex

Means a *dwelling unit* in a *building* that is divided horizontally or a combination of horizontally and vertically into three *dwelling units*, each of which has an independent entrance to the outside or through a common vestibule.

Dwelling Unit

Means a *suite* which functions as a housekeeping unit used or intended to be used as a domicile by one or more persons; containing cooking, eating, living, sleeping and sanitary facilities; and having a private entrance from outside the *building* or from a common hallway or stairway inside or outside the *building*.

Dwelling Unit, Accessory Apartment (added by By-law 220-2004)

Means a *dwelling unit* that is accessory to the main permitted use on a *lot*.

Enclosed Walkway

Means a *structure* connecting a detached *accessory building* and the *main building* on the *lot*.

Erect

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

Established Building Line

Means the average distance from the *street line of existing buildings* located on the same side of the street where three (3) or more of the *lots* having street access and located within 300 metres of each other have been built upon.

Existing

Means, in reference to a use, *building* or *structure*, legally *existing* as of the date of passing of this By-law.

Extraction Pit

Means a facility where unconsolidated sand, gravel, clay, earth, *fill*, mineral or other material is removed by open excavation, and includes *accessory uses* including the processing of extracted materials on site by crushing, screening, washing, and the stockpiling of materials.

Farm

Means land used for the growing of trees, sod, grains, vegetable or fruit crops, the grazing, pasturing or dairying of livestock, and may include a *farm dwelling* and *accessory farm buildings* and *structures*.

Farm Building

Means a *building* or part thereof not containing a *dwelling unit*, which is associated with, and located on land devoted to an *agricultural use* and predominantly used for the housing or storage of equipment, livestock or poultry, or the processing or production of agricultural or horticultural produce or feeds.

Fill

Means soil, rock, rubble, or organic material or any combination thereof that is transported and placed on the natural surface of a soil, rock or organic terrain.

Financial Institution

Means a *premises* in which financial services are offered to the public and includes a bank, credit union, trust company, savings office or any other retail banking operation.

First Storey

Means the *storey* with its floor closest to established *grade* and having its ceiling more than 1.8 metres above *grade*.

Floor Area

Means the total area of all floors in a *building*, measured between the exterior faces of the exterior walls of the *building* at each floor level, or from the centre line of common walls separating individual *premises* within multiple unit *buildings*.

Floor Area, Gross

Means the aggregate of the *floor areas* of a *building* above or below established *grade*, but excluding car *parking areas* within the *building* that are below established *grade*.

Floor Area, Gross Leasable

Means the aggregate of the *floor areas* of a *shopping centre* that are leased to the tenants of the *shopping centre* for their exclusive use, above or below established *grade*.

Floor Area, Net

Means the aggregate of the *floor areas* of a *building* above or below established *grade*, but excluding car *parking areas* within the *building*, stairways, elevator shafts, service / mechanical rooms and penthouses, washrooms, garbage / recycling rooms, staff locker and lunch rooms, loading areas, any space with a floor to ceiling *height* of less than 1.8 metres and any part of a *basement* that is unfinished, is used solely for storage purposes and is not accessible to the public.

Floor Space Index

Means the gross *floor area* of all *buildings* on a *lot* divided by the *lot area*.

Forestry Use

Means the planting, management and harvesting of timber resources and shall include the establishment of only a portable sawmill.

Funeral Home

Means a *premises* used for furnishing funeral supplies and services to the public including facilities intended for the preparation of the human body for internment, and may also include a chapel.

Garage, Private

Means an enclosed *building*, or part thereof, designed and used for the storage of one (1) or more *motor vehicles*.

Garage Width

Means the width of a private garage measured between the interior faces of the walls of the private garage.

Gas Bar

Means a *premises* used only for the sale of *motor vehicle* fuels and *motor vehicle* accessories, and not for the performance of minor running repairs essential to the actual operation of *motor vehicles*. A *gas bar* may include an associated retail kiosk with a maximum *floor area* of 100 square metres.

Golf Course

Means an outdoor public or private area operated for the purpose of playing golf including a par three (3) *golf course*, a miniature *golf course* and putting greens, and may include associated clubhouse and *banquet hall* facilities.

Golf Driving Range

Means an indoor or outdoor public or private facility dedicated to the driving of golf balls from fixed golf tees.

Grade

Means the level of the ground adjacent to the outside wall of a *building* or *structure*.

Grade, Established

Means the average surface elevation at the outside walls of any *building* or *structure*, which is determined by taking the arithmetic mean of the levels of the finished ground surface at every corner of the *building* or *structure*.

Group Home - Type One (1)

Means a *dwelling unit* used for the accommodation of three to six persons exclusive of members of the staff of the operator, who by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well being, and who are living under the supervision of a member or members of the staff of the operator who is or are normally present at the *dwelling unit* at all times, where such facility is funded wholly or in part by any government and is licensed or approved under Provincial Statute, but shall not include:

- i. a facility maintained and operated primarily for the temporary care of, and occupied by inmates, or adults or youth placed on probation or released on parole;
- ii. a facility maintained and operated primarily for the temporary care of, and occupied by transient or homeless persons; or,

- iii. a facility maintained and operated primarily for treatment and rehabilitation of, and occupied by persons addicted to drugs or alcohol.

A *dwelling unit* with five (5) or more foster children under the care of a foster care operator who is licensed or approved under Provincial Statute shall also be considered a Group Home – Type One (1) for the purposes of this By-law.

Group Home - Type Two (2)

Means a *dwelling unit* used for the accommodation of three to eight (8) persons exclusive of members of the staff of the operator, who by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well being, and who are living under the supervision of a member or members of the staff of the operator who is or are normally present at the *dwelling unit* at all times, where such facility is funded wholly or in part by any government, and is licensed or approved under The Young Offenders Act, The Probation Act, The Ministry of Correctional Services Act, or The Criminal Code of Canada, and shall include:

- i. a facility maintained and operated primarily for the temporary care of, and occupied by inmates, or adults or youth placed on probation or released on parole; as well as,
- ii. a facility maintained and operated primarily for the temporary care of, and occupied by transient or homeless persons; and,
- iii. a facility maintained and operated primarily for treatment and rehabilitation of, and occupied by persons addicted to drugs or alcohol.

Guest Room

Means a room or *suite* of rooms which is used for gain or hire by the public on a temporary basis.

Height

Means with reference to a *building* or *structure*, the vertical distance measured from the established *grade* of such *building* or *structure* to:

- i. the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- ii. the deckline of a mansard roof;
- iii. the mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof; and,
- iv. in case of a *structure* with no roof, the highest point of the said *structure*.

Notwithstanding the above, any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of *height*. Mechanical features, such as *structures* containing the equipment necessary to control an elevator, are permitted to project a maximum of 5 metres above the highest point of the roof surface, regardless of the *height* of the *building*.

High Watermark

The highest elevation of the water surface of a body of water or a watercourse, including seasonal flooding, as evidenced by changes in *shoreline* vegetation or residual water marks left on *buildings*, *structures*, vegetation or other *shoreline* features as a result of flood events.

Home Industry

Means a use supplying goods or services to the public located within a *single detached dwelling* or *accessory building* on *lot* in a residential, agricultural or rural zone. A *home industry* may be conducted wholly within an *accessory building* or *structure* and may include a carpentry shop, a metal working shop, a welding shop, an electrical shop, an antique shop or a tea room but shall not include *motor vehicle repair shop* or a *motor vehicle* body shop operation.

Home Occupation

Means an *accessory use* conducted for gain in a *dwelling unit* or a detached *accessory building* on a *lot* in a residential, agricultural or rural zone, subject to the provisions of Section 4.7 of this By-law.

Hotel

Means a *premises* that contains rooms that are rented on a temporary basis to the public or *dwelling units*, or a combination of both, equipped to be occupied as temporary accommodation for the public, and which contains a public dining area and which also may contain meeting rooms and accessory banquet facilities.

Industrial Use

Means a *premises* used for the warehousing of goods and materials, the assembly of manufactured goods, the manufacturing of goods, the repair and servicing of goods and similar uses. For the purposes of this definition, research laboratories and printing establishments are considered to be *industrial uses*.

Institutional Building

Means a *building* containing institutional uses.

Kennel

Means a *premises* where domestic pets and animals, excluding livestock associated with an *agricultural use*, are bred, kept, boarded and / or raised for sale, gain or profit.

Landscaped Open Space

Means

- i. any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, retaining features, fencing, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property, and / or to provide a visual or other screen for adjacent land uses; and,
- ii. does not include *parking areas*, walkways, *driveways* or ramps.

Lane

Means a subsidiary thoroughfare which is not intended for general traffic circulation and which provides a secondary public or private means of vehicular access to an abutting property.

Library

Means a *premises* containing printed, electronic and pictorial material for public use for purposes of study, reference and recreation.

Loading Space

Means an unobstructed area of land which is used for the temporary parking of one (1) or more commercial *motor vehicles* while merchandise or materials are being loaded or unloaded from such vehicle.

Lot

Means a parcel of land that abuts a *public street* that is registered as a legally conveyable parcel of land in the Registry Office.

Lot of Record, Existing

Means a parcel of land that is registered as a legally conveyable parcel of land in the Registry Office as of the date of passing of this By-law.

Lot Area

Means the total horizontal area within the *lot lines* of a *lot*.

Lot, Corner

Means a *lot* at the intersection of two (2) or more *public streets* or upon two (2) parts of the same *public street* with such street or streets containing an angle of not more than 135 degrees or a *lot* upon which the tangents at the street extremities of the *interior side lot lines* contain an angle of not more than 135 degrees. The corner of a *lot* on a curved corner shall be that point on the *street line* nearest the point of intersection of the said tangents.

Lot Coverage

Means that percentage of the *lot* covered by all *buildings* and shall not include that portion of such *lot area* which is occupied by a *building* or portion thereof which is completely below established *grade*. *Lot coverage* in each zone shall be deemed to apply only to that portion of such *lot* which is located within said zone.

Lot Frontage

Means the horizontal distance between the *interior side* and / or *exterior side lot lines*, with such distance being measured perpendicularly to the line joining the mid-point of the *front lot line* with the mid-point of the *rear lot line* at a point on that line 6 metres from the *front lot line*.

In the case of a *lot* with no *rear lot line*, the point where two *interior side lot lines* intersect shall be the point from which a line is drawn to the mid-point of the *front lot line*. In the case of a *corner lot* with a daylighting triangle, the *exterior side lot line* shall be deemed to extend to its hypothetical point of intersection with the extension of the *front lot line* for the purposes of calculating *lot frontage*.

For the purposes of this By-law, the *Water Frontage* of a *lot* as defined in this By-law shall constitute *lot frontage* for a *lot* within a Shoreline Residential (SHR) Zone.

Lot, Interior

Means a *lot* situated between adjacent *lots* and having access to one *public street*.

Lot Line, Interior Side

Means a *lot line*, other than a *rear lot line* that does not abut a *public street*.

Lot Line

Means a line delineating any boundary of a *lot*.

Lot Line, Exterior Side

Means the *lot line* of a corner *lot*, other than the *front lot line*, which divides the *lot* from a *public street*.

Lot Line, Front

Means the line which divides the *lot* from the *public street*, but, in the case of:

- i. a *corner lot*, the shortest of the *lot lines* that divides the *lot* from the *public street* shall be deemed to be the *front lot line*;
- ii. a *corner lot* where such *lot lines* are of equal length and where both *lot lines* abut a *public street* under the same jurisdiction, the *Corporation* may designate either *street line* as the *front lot line*;

- iii. a *lot* that is separated from a *public street* by a *public park* and provided the *lot* is accessed by a *lane*, the shortest *lot line* that abuts the *public park* shall be deemed to be the *front lot line*;
- iv. a *through lot*, the longest of the *lot lines* which divide the *lot* from the *public streets* shall be deemed to be the *front lot line*. If both such *lot lines* are of equal length, the *Corporation* may designate either *street line* as the *front lot line*;

Lot Line, Rear

Means the *lot line* opposite to, and most distant from, the *front lot line*.

Lot, Through

Means a *lot* bounded on opposite sides by a *public street*. However, if the *lot* qualifies as being both a *corner lot* and a *through lot*, such *lot* is deemed to be a *corner lot* for the purposes of this By-law.

Lot, Through Waterfront

Means a *lot* which has no access from a *public street* or a *private road*, but has access from more than one (1) *shoreline*.

Main Building

Means the *building* within which the principle use of the *lot* is conducted.

Main Entry Feature

Means a platform, with at least one (1) side open, covered by either a roof, *balcony* or enclosed space, with or without a foundation and / or *basement* that provides access to the *dwelling unit*.

Main Front Entrance

Means the door which is designed as the primary access point into the *dwelling unit*.

Main Wall

Means the exterior front, side and / or rear wall of a *building* and all structural components essential to the support of a fully enclosed space or roof.

Manure Facility, Liquid

Means a *building*, *structure* or pit in which animal waste is stored in a liquid state.

Manure Facility, Solid

Means a *building*, *structure* or pit in which animal waste is stored in a solid state.

Marina

Means a *premises* where boats and other marine craft and related facilities and accessories are berthed, stored, serviced, repaired and offered for sale or rent.

Marine Facility

Means an *accessory building* or *structure* used to take a boat into or out of a waterbody, to moor, berth or store a boat, and shall include a launching ramp, boat lift, dock or boathouse, but shall not include any *building* used for human habitation or any boat service, repair or sales facility.

Medical Clinic

Means a *premises* used for the medical, dental, surgical and / or therapeutic treatment of human beings, but does not include a public or private hospital or professional office of a doctor located in his or her residence.

Mobile Home

A prefabricated dwelling designed to be transported after fabrication, on its own wheels, on a flatbed, or on detachable wheels, and which is suitable for occupancy as a *dwelling unit*, placed on a foundation or *mobile home* stand, but does not include a *travel trailer* or a trailer otherwise designed, a secondary residential unit or a *single detached dwelling* constructed in parts and designed to be transported to a *lot* where the parts are joined as integral units and placed on a foundation.

- i. *Mobile home, Single Wide* means a *mobile home* designed to be towed in a single load;
- ii. *Mobile home, Double Wide* means a *mobile home* unit consisting of two (2) sections separately towable or transportable; and
- iii. Does not include an *additional residential unit*.

Mobile Home Park

Means a *lot* containing two or more *mobile home sites* which is under a single management and ownership and contains recreational, service and convenience commercial facilities for residents.

Mobile Home Site

Means a parcel of land within a *mobile home park*, not a separate and legally conveyable *lot*, to be occupied by one *mobile home* in accordance with all associated *yards* and open space required by this By-law.

Modular Home

Means a prefabricated dwelling equipped for year-round occupancy and placed upon a permanent foundation.

Motel

Means a *premises* that contains rooms that are rented on a temporary basis to the public with each room being accessed directly from the outside, and may include associated *restaurant* and food service facilities.

Motor Home

Means a self-propelled vehicle providing temporary living, eating, sleeping and other occupant accommodation.

Motor Vehicle

Means an automobile, motorcycle, motor-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power.

Motor Vehicle Body Shop

Means a *premises* used for the painting and / or repairing of the exterior and / or the undercarriage of *motor vehicle* bodies.

Motor Vehicle, Commercial

Means a *motor vehicle* which is designed for the transport of goods and which is used for business, employment or commercial purposes.

Motor Vehicle, Derelict

Means a *motor vehicle* within the meaning of The Highway Traffic Act, as amended, whether or not same is intended for use as a private passenger *motor vehicle*, which is inoperable and has no value or potential use as a means of transportation.

Motor Vehicle Repair Shop

Means a *premises* where the services performed or executed on *motor vehicles* for compensation shall include the installation of exhaust systems, repair of the electrical systems, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, *motor vehicle* diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a *motor vehicle service station* and *motor vehicle* rentals for the convenience of the customer while the *motor vehicle* is being repaired, but does not include a *motor vehicle body shop*.

Motor Vehicle Sales Establishment

Means a *premises* used for the sale or rental of *motor vehicles*.

Motor Vehicle Service Station

Means a *premises* used for the sale of *motor vehicle* fuels and which may include the following *accessory uses*: the sale of *motor vehicle* parts and accessories, retail and personal service uses, *motor vehicle* rental, the servicing and repairing of *motor vehicles* and car washes.

Motor Vehicle Storage Compound

Means the predominant use of land and / or a *building* or *structure* for the parking and storage of operable *motor vehicles*, but does not include a *parking area*, parking lot, or a *salvage* or *wrecking yard*.

Multi-Suite Residence

Means a *building* containing four (4) or more *residential suites* with or without a bath, having common dining amenity and related services.

Museum, Private

Means a *premises* owned and operated by a private entity and used for the preservation of a collection of paintings and / or other works of art and / or objects of natural history and / or mechanical scientific and / or philosophical inventions, instruments, models and / or designs and which may also include libraries, reading rooms, laboratories and accessory offices.

Museum, Public

Means a *premises* owned by a *public authority* and used for the preservation of a collection of paintings and / or other works of art and / or objects of natural history and / or mechanical scientific and / or philosophical inventions, instruments, models and / or designs and which is open to the public and which may also include libraries, reading rooms, laboratories and accessory offices.

Net Hectare

Means an area of land measured in hectares for the purposes of *building* or residential density calculations which does not include any portion of the lands devoted to road allowances or *public parks*.

Nightclub

Means a *premises* whose primary function is the provision of theatrical performances, pre-recorded music, or live musical entertainment, whether such pre-recorded music or live music is provided for listening or dancing by the patrons, or any combination of the above functions, and whose accessory function is the sale and consumption on the *premises* of food and alcoholic beverages, but does not include a *restaurant* or an *adult entertainment parlour*. For the purposes of this By-law, a *nightclub* may contain a maximum of 6 *amusement machines* as an *accessory use*.

Non-Complying

Means a *building, structure* or *lot* that does not comply with one or more of the regulation(s) of this By-Law.

Non-Conforming Use

Means a use which is not a permitted use in the zone in which the said use is situated.

Nursing Home

Means a *premises* used as a *nursing home* within the meaning of the Nursing Home Act of Ontario, as amended.

Obnoxious Use

Means a use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material generated by the use, and without limiting the generality of the foregoing, shall include any uses which may be declared to be a noxious or offensive trade or business under provincial statute.

Office Building

Means a *building*, the main use of which is *business and professional offices*.

On-Farm Diversified Use

Uses that are secondary to the principle *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, *home occupations, home industries, agri-tourism uses*, and uses that produce value-added agricultural products.

Outdoor Display and Sales Area

Means an area of land used in conjunction with a business located within a *building* or *structure* on the same *lot*, for the display or sale of produce, merchandise or the supply of services.

Outdoor Storage

Means an area of land used in conjunction with a business located within a *building* or *structure* on the same *lot*, for the storage of goods and materials.

Outdoor Furnace (added by By-law 220-2004)

Means an *accessory building* or *structure* that operates as a heat source for domestic heat and / or hot water for associated *main buildings*.

Outdoor Storage Use

Means an *outdoor storage* area forming the main use of a *lot*, such as a construction equipment and / or materials yard, but does not include a *motor vehicle storage compound*, or a *salvage or wrecking yard*.

Park, Public

Means any area of land under the jurisdiction of a *public authority* that is designed and / or maintained for recreational purposes. Without limiting the generality of the foregoing, a park may include municipal parks and playgrounds, *golf courses*, *swimming pools*, tennis courts, bowling greens, arenas, boating facilities and sports fields and ancillary retail uses.

Park, Private

Means an open space or recreational area other than a *public park*, operated on a commercial and / or private member basis, and which includes one or more of the following facilities or activities:

- i. Areas for walking, horse-riding and cross-country skiing; and,
- ii. Recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields and *accessory buildings* which may include change rooms, meeting rooms and washrooms.

Parking Area

Means an open area of land not located on a *public street*, private street or *lane* which is used for the parking of *motor vehicles* with or without a fee being charged, but shall not include any area where *motor vehicles* for sale or repair are kept or stored.

Parking Garage

Means a *building*, or part thereof, used for the storage or parking of *motor vehicles*.

Park Model Trailer

Means a recreational unit which is built on a single chassis, mounted on wheels designed to facilitate relocation from time to time, is designed as living quarters for temporary / seasonal living accommodations, as per CSA Z241 standards, and may be connected to those utilities necessary for operation of installed fixtures and appliances.

Parking Space

Means an unobstructed space for the parking of a *motor vehicle*.

Parking Space, Tandem

Means a *parking space* that has access to a *driveway* or an aisle in a *parking area* and which is used to access one other *parking space*.

Personal Service Shop

Means a *premises* in which services involving the care of persons or their apparel are offered and includes a barber shop, a hair dressing shop, a beauty shop, a tanning studio, masseuse, a shoe repair establishment, a dry cleaning or personal laundry establishment, or similar service establishment.

Place of Entertainment

Means an *auditorium*, planetarium, concert hall and other similar uses but shall not include an *arcade*, an *adult entertainment parlour*, any use entailing the outdoor operation or racing of animals or motorized vehicles, a *casino* or other establishment providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other type of gambling use.

Place of Worship

Means a *premises* used by a charitable religious group(s) for the practice of religious rites.

Porch

Means a *structure* abutting a *main wall* of a *building* having a roof but with walls that are generally open and unenclosed.

Premises

Means an area of a *building* occupied or used by a business or enterprise. In a multiple tenancy *building* occupied by more than one (1) business, each business area shall be considered a separate *premises*. Each individual unit proposed and / or registered in a draft Plan of Condominium shall also be considered an individual *premises*.

Private Club

Means a *premises* used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social or cultural purposes. This definition does not include uses that are normally carried out as a commercial enterprise.

Private Home Daycare (amended by By-law 220-2004)

Means a private residence where the temporary care for reward or compensation of five (5) children or less who are under ten (10) years of age where such care is provided. Such private residence is not the home of a parent or guardian of any such child. The care shall be for a continuous period not exceeding 24 hours.

Private Road or Right-of-Way

Means a road providing access for *motor vehicles* to abutting *lots* which is not owned, operated or maintained by the *Corporation* or any other *public authority*.

Public Authority

Means any Provincial, Regional or Municipal commission, board, or authority.

Quarry

Means a facility where consolidated rock or stone is removed by open excavation, but does not include a *wayside pit* or open pit metal mine.

Racetrack

Means a predominantly outdoor facility with accessory food and beverage service facilities within enclosed *buildings*, for the competitive racing of animals, but does not include any facility involving the use or racing of motorized vehicles.

Recreational Trailer or Vehicle

Means any vehicle that is suitable for being attached to a *motor vehicle* for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping or eating accommodation of human beings and includes a *travel trailer*, pick-up camper, motorized camper or tent trailer.

Recreational Use

Means a use of land, *building* or *structure* that has been designed and equipped for the conduct of sports and leisure time activities such as a bowling alley, a curling rink, a billiard hall, an indoor *golf driving range* and other such uses, outdoor hiking, biking or ski trail uses, but does not include a *commercial fitness centre*, any use requiring the outdoor operation of *motor vehicles* or any other sports or leisure time use otherwise defined by this By-law.

Repair Shop

Means a *premises* used primarily for the repair of household articles but shall not include shops for the repair of internal combustion engines, *motor vehicles* or other similar uses.

Reserve

Means a strip of land abutting a *public street* and owned by the authority having jurisdiction over such a *public street*. For the purposes of this By-law, a *lot* separated from a *public street* by a *reserve* shall be deemed to abut such a *public street*.

Residential Use

Means the use of land and *buildings* for human habitation.

Residential Suite

Means a *dwelling unit* (not self-contained) not having full dining-kitchen facilities. Such space shall generally not exceed 45 square metres of *floor area*.

Residential Care Facility

Means a *building* designed and intended wholly or partly for the purpose of providing residents with assisted living services. Residential care facilities provide housing and services to residents in private or semi-private bedrooms in *buildings* with common living areas and dining areas. This may include a *retirement home*, a long-term care facility or a *nursing home* but does not include a shared home.

Restaurant

Means a *premises* in which the principle business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the *building* and which may include the preparation of food in a ready-to-consume state for consumption off the *premises*.

Restaurant, Drive-Through

Means a *premises* designed and used for the sale of food or refreshments to the public for consumption off the *premises* with no associated indoor or outdoor seating area for patrons.

Restaurant, Take-Out

Means a *premises* designed and used for the sale of food or refreshments to the public for consumption off the *premises* and may include, as an *accessory use*, a seating area for up to 12 patrons.

Retail Store

Means a *premises* in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the general public. For the purposes of this By-law, a *retail store* may contain a maximum of 6 *amusement machines* as an *accessory use*.

Retirement Home

Means a *premises* that provides accommodation primarily to retired persons or couples where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

Salvage or Wrecking Yard

Means a facility where used goods or articles are processed for further use where such goods or articles are stored wholly or partly outdoors, and includes an automobile wrecking yard and a scrap metal yard

Sanitary Landfill Site

Means a facility on land upon, onto or through which waste is deposited or processed under controlled circumstances but does not include the treatment or disposal of liquid industrial or hazardous waste.

School, Public

Means a *premises* used as an academic school under the jurisdiction of a local School Board or other similar provincially approved educational institution or parochial school operated on a non-profit basis.

School, Commercial

Means a *premises* used as a school conducted for gain, including a studio of a dancing teacher or a music teacher, an art school, a golf school, school of calisthenics, business or trade school and any other such specialized school.

School, Private

Means a *premises* used as an academic school which is provincially approved and secures the major part of its funding from sources other than government agencies.

Self-Storage Facility

Means a *premises* used for the temporary storage of household items and seasonal, recreational or *commercial vehicles*, boats and trailers in secured storage areas or lockers which are generally accessible by means of individual loading doors.

Separation Distance

Means the horizontal distance between *buildings* or *structures* measured from the closest points on the exterior walls of such *buildings* or *structures*.

Shared Housing

A form of housing where individuals share accommodation either for economic, support, long-term care, security, or lifestyle reasons. Forms of *shared housing* include small scale dwellings with no more than ten (10) people or large scale within more than ten (10) people. Shared housing may include 24 hour supervision and / or 24 hour nursing care.

Shopping Centre

Means a *building* containing a group of commercial uses which has been designed, developed and managed as one unit by a single owner or tenant, or group of owners and tenants, as distinguished from a business area comprising unrelated individual uses.

Shoreline

Means any *lot line* or portion thereof which abuts a waterbody.

Sidewalk

Means a paved area within a municipal *right-of-way* that is designed for predominant use by pedestrians, but does not include separate hard-surfaced facilities designed to accommodate bicycle or other similar paths or trails.

Sight Triangle

Means the triangular space formed by the *street lines* of a *corner lot* and a line drawn from a point in each *street line* 9 metres from the intersection of the *street lines*, measured along the *street lines*. Where the two (2) *street lines* do not intersect at a point, the point of intersection shall be deemed to be the intersection of the linear projection of the *street lines* or intersection of the tangents of the *street lines*.

Solarium

Means a predominantly glazed *structure attached* to a *main building* that has walls and a roof which permit sunlight to enter.

Soil Processing or Reclamation Facility

Means land and facilities used for the chemical or biological restoration and reuse of the organic composition of soils partially contaminated by fuels, oils, industrial or commercial lubricants, or other noxious or flammable chemicals or substances, and may include associated air, ground or water pollution control and treatment equipment, but does not include a sanitary landfill site.

Storey

Means that portion of a *building* between the surface of a floor and the floor, ceiling or roof immediately above. Any portion of a *building* partly below *grade* level shall be deemed a *storey* where its ceiling is at least 1.8 metres above established *grade*. Any portion of a *storey* exceeding 4.2 metres in *height* shall be deemed to be an additional *storey*.

Street, Public

Means a roadway owned and maintained by a *public authority* and for the purposes of this By-law does not include a *lane* or any private street.

Street Line

Means the boundary between a *public street* and a *lot*.

Street Centreline

Means the centreline of a *public street* or highway which has been assumed by the Province of Ontario, County of Northumberland or the *Corporation*.

Street, Improved

Means a street assumed by the Province of Ontario, County of Northumberland or the *Corporation* which is maintained so as to provide access to adjacent properties throughout the year.

Structure

Means anything that is *erected*, built or constructed of parts joined together and *attached* or fixed permanently to the ground or any other *structure*. For the purpose of this By-law, a fence that has a *height* of 1.8 metres or less, a retaining wall that has a *height* of 1 metre or less, a light standard and a sign shall be deemed not to be *structures*.

Suite

Means a single room or series of rooms of complementary use, operated under a single tenancy and includes *dwelling units*, individual *guest rooms* in *motels*, *hotels*, *boarding houses*, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

Supermarket

Means a *building*, or part thereof, containing a departmentalized food store.

Swimming Pool

Means any body of water contained by artificial means located outdoors on privately owned property in which the depth of the water at any point can exceed 0.6 metres and shall include any accessory *deck* or support *structure*.

Theatre

Means a *premises* with fixed seating that is used for the showing of motion pictures or for dramatic, musical or live performances, but does not an *adult entertainment parlour*.

Top-of-Bank

Means a line delineated at points where the oblique plane of a slope meets the horizontal plane.

Travel Trailer

Means a vehicle designed to be towed by a *motor vehicle* and providing temporary living, sleeping and eating accommodation for persons, but shall not include a *mobile home*.

Trailer Park

Means land used to locate *travel trailers* occupied on a seasonal or temporary basis.

Veterinary Clinic

Means a *premises* used for the treatment and temporary accommodation of animals and livestock.

Water Frontage

Means the straight line horizontal distance between the two most widely separated points on any one *shoreline* of a *lot*.

Wayside Pit

Means a temporary facility for the excavation or extraction of unconsolidated sand, gravel, or stone.

Yard

Means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as specifically permitted in this By-law.

Yard, Exterior Side

Means the *yard* of a *corner lot* extending from the *front yard* to the *rear yard* between the *exterior side lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.

Yard, Front

Means a *yard* extending across the full width of the *lot* between the *front lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.

Yard, Interior Side

Means a *yard* other than an *exterior side yard* which extends from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.

Yard, Maximum

Means the maximum distance of a *building* wall from a *lot line*. In calculating the maximum *yard*, the minimum horizontal distance from the respective *lot line* shall be used.

Yard, Minimum Required

Means the minimum distance of a *yard* required from a *lot line*. No part of a required minimum *yard* for a *building* or *structure* shall be included as part of a required minimum *yard* for another *building* or *structure*. In calculating *minimum required yards*, the minimum horizontal distance from the respective *lot lines* shall be used.

Yard, Rear

Means a *yard* extending across the full width of the *lot* between the *rear lot line* and the nearest *main walls* of the main *building* or *structure* on the *lot*.