

**THE CORPORATION OF THE TOWNSHIP OF SOUTHWEST OXFORD
THIS ZONING BY-LAW**

A BY-LAW TO REGULATE THE USE OF LANDS, BUILDINGS AND STRUCTURES IN THE
TOWNSHIP OF SOUTHWEST-OXFORD

The Corporation of the
Township of South-West Oxford
ENACTS as follows:

Section 1.0

TITLE

This Zoning By-Law shall be cited as the "Zoning By-Law".

Section 2.0

DEFINITIONS

In this Zoning By-Law, unless the context requires otherwise:

- 2.1 "ABATTOIR", means a *building or structure*, or portion thereof, where animals are slaughtered for the purposes of processing meat into food for human consumption: and where meat products are produced, processed, handled, stored or sold.
- 2.2 "ACCESSORY", when used to describe a *use, building or structure* means a *use, a building or structure* that is subordinate and exclusively devoted to a main *use, building or structure* and located on the same *lot* therewith.
- 2.3 "ACCESSORY DWELLING UNIT" - See "DWELLING UNIT".
- 2.4 "AIRFIELD", means any land, *lot or building* used for the purposes of landing, storing, taxiing or taking off of private or commercial aircraft pursuant to the regulations of the appropriate authority, but does not include a *private airstrip*.

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- 2.5 "AIRSTRIP, PRIVATE", means land used for the purpose of landing, storing, taxiing or taking-off of private aircraft, pursuant to the regulations of any competent authority having jurisdiction.

(Amended by By-Law 15-2009)

- 2.6 "ALTER", when used in reference to a *building, structure* or part thereof, means to change one or more of the internal or external dimensions of such *building* or to change the type of construction of the exterior walls or roof thereof. When used in reference to a *lot*, the word "alter" means to decrease the width, depth or area thereof or to decrease the width, depth or area of any required *yard, setback, landscaped open space* or *parking area*, or to change the location of any boundary of such *lot* with respect to a *street* or *lane*, whether such alteration is made by conveyance or alienation of any portion of said *lot*, or otherwise. The words "altered" and "alteration" shall have corresponding meanings. When used in reference to a *use*, to discontinue and replace a *use*, in whole or in part, with a *use* as defined herein which is distinct and different from the discontinued *use*.
- 2.7 "ANIMAL KENNEL", means any *lot, building or structure*, on or within which household pets are housed or are to be housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.
- 2.8 "ASSEMBLY HALL", means a *building* or part of a *building* in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes and shall include a banquet hall or private club.
- 2.9 "ASPHALT OR CONCRETE BATCHING PLANT", means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.
- 2.10 "ATTIC", means the portion of a *building* situated wholly or in part within the roof and which is not a one-half *storey*.
- 2.11 "AUTOMOBILE SERVICE STATION", means a retail place of business, the prime function of which is the sale of automotive fuels and products and/or providing repair service, washing and maintenance to *motor vehicles*, excluding body and fender work and painting.

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- 2.12 "BASEMENT", means 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 adjacent *finished grade*.
- 2.13 "BED AND BREAKFAST ESTABLISHMENT", means a *single detached dwelling* in which no more than three *guest rooms* are made available by the resident of the *dwelling* for the temporary accommodation of the travelling or vacationing public. Such establishments may offer light meals to those *persons* temporarily residing at the establishment. A *bed and breakfast establishment* shall not include a *hotel* or *motel* or *eating establishment*, as defined herein.
- 2.14 "BOUNDARY ADJUSTMENT", means the alteration of the *lot area* and/or *lot frontage* of an *existing lot* by a decision of the Oxford County Land Division Committee, or by other legal means, but shall not include any alteration that results in the creation of a new *lot*.

(Added by By-Law 15-2009)

- 2.15 "BUILDING", means any edifice, whether temporary or permanent, used or intended to be used for shelter, accommodation or enclosure of *persons*, animals, or chattels other than a lawful boundary wall or fence.
- 2.16 "BUILDING INSPECTOR/ CHIEF BUILDING OFFICIAL", means any *person* or *persons* appointed by the *Council* of the *Corporation*, who is charged with the duty of enforcing the provisions of the Ontario Building Code and Township By-Laws.

(Amended by By-Law 15-2009)

- 2.17 "BUSINESS OR PROFESSIONAL OFFICE", means an office in which any business is carried on or any profession is practised.
- 2.18 "CARPORT", means a covered *structure* used for the storage of vehicles. The roof of said *structure* shall be supported by piers or columns so that 50 percent or more of its wall area adjacent to the *lot line* is unenclosed.
- 2.19 "CELLAR", means that portion of a *building* between two floor levels which is partly or wholly underground and which has more than one half of its *height*, from finished floor to finished ceiling, below adjacent *finished grade*.

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2.20 "COMMUNICATIONS STRUCTURE", means a *structure* that is intended for transmitting or receiving television, radio, or other telecommunications and an *accessory building*.

(Amended by By-Law 15-2009)

2.21 "CONCRETE BATCHING PLANT", See "ASPHALT OR CONCRETE BATCHING OR MIXING PLANT"

2.22 "CONSERVATION PROJECT", shall mean the use of a *lot, building or structure* by the Federal or Provincial Government, the *County*, the *Corporation*, a conservation authority, or agent thereof or a educational or non-profit group, for the purpose of preserving, managing, or studying natural resources.

2.23 "CONTRACTOR'S SHOP OR YARD", means the premises of a construction company or contractor used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business shop or assembly work and the stockpiling or storage of supplies used in the business and may include the *accessory* wholesale or retail sale of construction materials or supplies or home improvement supplies.

2.24 "CONVERTED DWELLING", - See "DWELLING."

(Amended by By-Law 15-2009)

2.25 "CORPORATION ", means the Corporation of the Township of South-West Oxford.

2.26 "COUNCIL", means the Municipal Council of the Corporation of the Township of South-West Oxford.

2.27 "COUNTY", means the Corporation of the County of Oxford.

2.28 "COUNTY ROAD", means a *street* under the jurisdiction of *County*.

2.29 "DAYCARE CENTRE", means a facility licensed under Provincial statute which accommodates a minimum of 6 children for the purposes of providing temporary care for a period of time not exceeding 24 hours.

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- 2.30 "DEAD STOCK REMOVAL OPERATION" means a facility to which dead animals are delivered for the purpose of obtaining the hide, skin, fats, meat, or other product of the dead animals or for the purpose of selling or delivering the dead animals or parts thereof to a rendering plant.
- 2.31 "DECK", means an unenclosed, uncovered *structure* exceeding an average *height* of **0.3 m** (1 ft) above grade level which is used as outside recreation area.
- 2.32 "DRIVEWAY", means a vehicle access provided from a *street* to a *parking area*, queue space or loading space, or between two *parking areas*, but does not include a *parking aisle*.
- 2.33 "DWELLING", means a *building* occupied or capable of being occupied as the home or residence of one or more *persons*, but shall not include a *trailer*, a *mobile home*, a *motor home* or *recreational vehicle* as defined herein. A *dwelling* may include a *mobile home* for the purposes of a second *accessory dwelling* to a *farm* in the A1 or A2 Zones.
- 2.33.1 "APARTMENT DWELLING", means a *dwelling* of two or more *storeys* containing three or more *dwelling units* sharing a common hall or halls and containing a common entrance at street level or above the first floor.

(Added by By-Law 15-2009)

- 2.33.2 "BOARDING OR LODGING HOUSE", means a *dwelling* containing not more than four *guest rooms* used or maintain for accommodation of the public, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for three or more *persons* but does not include any other establishment otherwise defined or classified herein.

(Added by By-Law 15-2009)

- 2.33.3 "CONVERTED DWELLING", means a *single detached dwelling* which has been altered or converted to contain not more than two *dwelling units*.

(Added by By-Law 15-2009)

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- 2.33.4 "DUPLEX DWELLING", means the whole of a *dwelling* that is divided horizontally into two separate *dwelling units* each of which has an independent entrance either directly from the outside or through a common vestibule.

(Added by By-Law 15-2009)

- 2.33.5 "DWELLING UNIT", means a suite of two or more rooms, designed or intended to be used for human habitation and to accommodate a single household, in which sanitary conveniences and cooking facilities are provided and which has a private entrance either from the outside of the *building* or through a common hallway.

- 2.33.6 "MOBILE DWELLING" See "MOBILE HOME".

- 2.33.7 "MULTIPLE UNIT DWELLING", means a *dwelling* consisting of three or more *dwelling units*, which are horizontally and/or vertically attached, which may be entered from an internal common place or an access balcony and in which 50% or more of the *dwelling units* have direct access to grade or a roof terrace. A *multiple unit dwelling* includes a triplex, a fourplex, a sixplex and a townhouse, but shall not include a *street fronting townhouse* or *apartment dwelling*.

(Added by By-Law 15-2009)

- 2.33.8 "SINGLE DETACHED DWELLING", means a *building* that was designed and built to contain only one *dwelling unit*.

- 2.33.9 "SEMI-DETACHED DWELLING", means one of a pair of two attached *dwelling units*, divided in whole or in part by a common interior vertical wall with a minimum area above grade of **10 m²**, each of which has an independent entrance either directly from the outside or through a vestibule.

- 2.33.10 "STREET FRONTING TOWNHOUSE DWELLING", means a *dwelling* consisting of three or more *dwelling units* that are aligned horizontally and divided vertically, in whole or in part by common walls, with such wall having a minimum area above grade or **10 m²** (107.6 ft²), and each of which has an independent entrance directly from the outside and fronts onto a public *street*.

(Added by By-Law 15-2009)

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- 2.34 "DWELLING UNIT AREA", means a habitable area contained within the inside walls of a *dwelling unit*, excluding any *private garage, carport, porch, verandah, unfinished attic, cellar* or sun room (unless such sun room is habitable in all seasons of the year) public or common halls or areas, and stairways.
- 2.35 "EATING ESTABLISHMENT", means a *building* or part thereof, where food is offered for sale or sold to the public for immediate consumption and includes such *uses* as a restaurant, cafe, cafeteria, ice cream parlours, tea or lunch room, dairy bar, coffee shop, snack bar, refreshment room or stand.
- 2.36 "ELEVATION, AVERAGE", means the mean *height* above sea level, calculated along the length of a *building or structure*.
- 2.37 "ERECT", when used in this Zoning By-Law includes building, construction, reconstruction and relocation, and without limiting the generality of the word, also includes:
- 2.37.1 any preliminary physical operation, such as excavating, filling or draining;
 - 2.37.2 *altering any existing building or structure* by an addition, enlargement, extension or other structural change; and
 - 2.37.3 any work which requires a building permit.
- 2.38 "ESTABLISHED BUILDING LINE", means the average *setback* from the *street line* of *existing buildings* calculated along one side of one block where more than half of the *frontage* of the said side of the block has been built upon. For the purposes of this Zoning By-Law, a block is not considered to be more than **200 m** (656.2 ft).
- 2.39 "EXISTING", means existing on the date of passing of this By- Law.
- 2.40 "FARM", means any agricultural *use* and includes: apiaries; aviaries, berry or bush crops; breeding, raising or training horses or cattle; commercial greenhouses; kennels or the breeding, boarding or sale of dogs or cats; *farms* devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; flower, vegetable or specialty crops; field crops; research and/or breeding stations; mushroom farms; nurseries, orchards; riding stables; tree crops; wood lots; seasonal farm shows and such *accessory uses* or enterprises as are customarily carried on in the field of primary agriculture. A *farm* may include an *on-farm composting facility* and may also include a bunk house for seasonal farm workers provided they are located on the *farm* on which the seasonal farm workers are employed and are constructed or anchored in accordance with the Building Code. A bunk house shall not be used for more than 6 months in any calendar year
- April/09 (Amended by By-Law 15-2009)

- 2.41 "FARM AUCTION BARN", means a *building or structure* used predominantly as a livestock auction facility and may include the auction of agriculturally related chattels on an incidental or *accessory* basis only.
- 2.42 "FARM IMPLEMENT DEALER", means the *use* of land, *buildings, or structures* where farm vehicles and equipment are stored for the purposes of sale, lease, or hire and where farm vehicles and equipment are repaired or serviced.
- 2.43 "FARM, REGULATED", means a *farm unit* that is regulated under the Nutrient Management Act, 2002, as amended and its regulations or a municipal Nutrient Management By-Law

(Amended by By-Law 36-2007)

Table 2.44 - Deleted by By-Law 36-2007

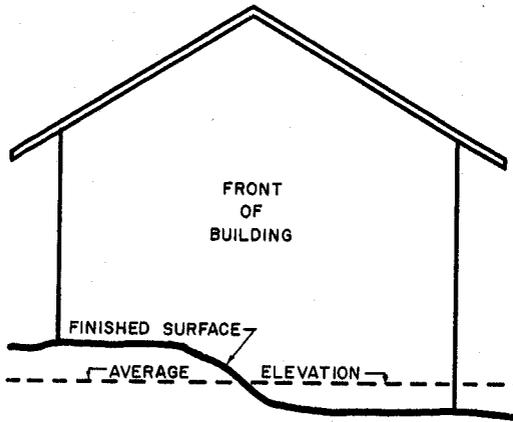
- 2.44 "FARM UNIT", means the composite of all parcels operated as a *farm*, the principal *farm* residence, any *accessory* residences, wood lot, barns and other *structures* necessary to support agricultural and ancillary *uses*.
- 2.45 "FINISHED GRADE", see "GRADE, FINISHED"
- 2.46 "FRATERNAL LODGE OR INSTITUTIONAL HALL", shall mean a *building*, or portion thereof, designed, used, or intended for use as a meeting place or *assembly hall* for the members of an organization, association, fraternal order, or similar group, not operated for profit and wherein athletic facilities, dining rooms and beverage rooms may be provided.
- 2.47 "FRONTAGE" - See "LOT FRONTAGE".
- 2.48 "FRONT YARD" - See "YARD".
- 2.49 "FUEL STORAGE TANK", means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a *retail store* or a tank for storage *accessory* to some other *use* of the premises where such tank is located.
- 2.50 "GARDEN SUITE", means 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.

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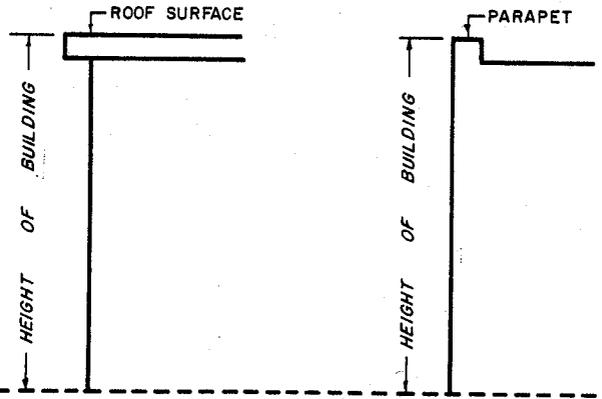
- 2.51 "GOLF COURSE", means a public or private area operated for the purpose of playing golf and may include *accessory uses* such as driving ranges, miniature courses, club houses and similar *uses* operated for commercial purposes.
- 2.52 "GRADE FINISHED", means the average elevation of the finished surface at the ground at the base of a *structure* or of the main front wall of a *building* exclusive of any embankment in lieu of steps.
- 2.53 "GROSS FLOOR AREA", means the aggregate of the horizontal areas of each floor whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the *building or structure* at the level of each floor, exclusive however, of:
- 2.53.1 any part of the *building or structure* below grade which is used for heating equipment, the storage or parking of *motor vehicles*, storage and laundry facilities and;
 - 2.53.2 parts of *buildings* used for mechanical equipment, stairwells, elevators, or any part of the *building* established below grade used for storage purposes.
- 2.54 "GROUP HOME", means a single housekeeping unit in a *single detached dwelling* in which three to ten *persons*, excluding supervisory staff or receiving family, live under supervision consistent with the particular needs of its residents. The group home is licensed or approved under provincial statutes.
- 2.55 "GUEST ROOM", means a room or suite of rooms used or maintained for the accommodation of the public but does not provide any facilities for the cooking or preparation of meals.
- 2.56 "HEIGHT", means the vertical distance between the average elevation of the finished surface of the ground at the front of the *building* and;
- 2.56.1 in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
 - 2.56.2 in the case of a mansard roof, the deck roof line;
 - 2.56.3 in the case of a gable, hip or gambrel roof, the mean *height* between the eaves and the ridge, exclusive of any *accessory* roof construction such as a chimney, tower, solar collector, steeple, television antenna or dish; and

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ILLUSTRATION OF HEIGHTS OF BUILDINGS

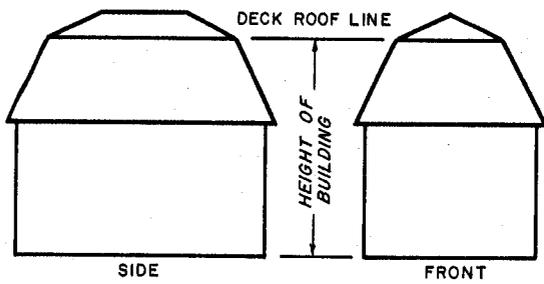


AVERAGE ELEVATION



FLAT

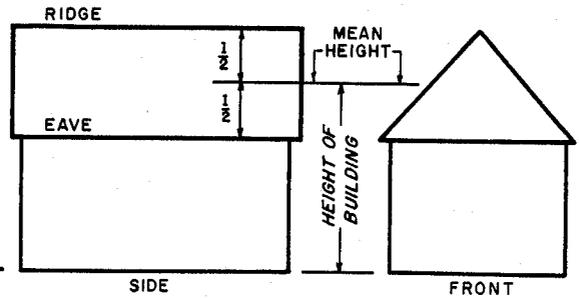
ROOF



MANSARD

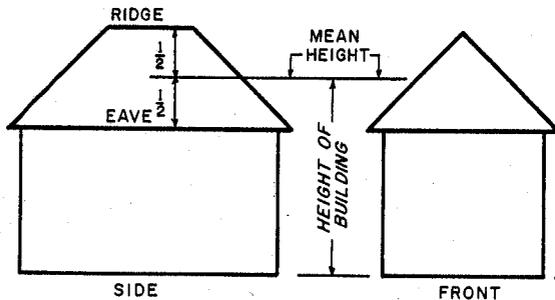
ROOF

AVERAGE
ELEVATION



GABLE

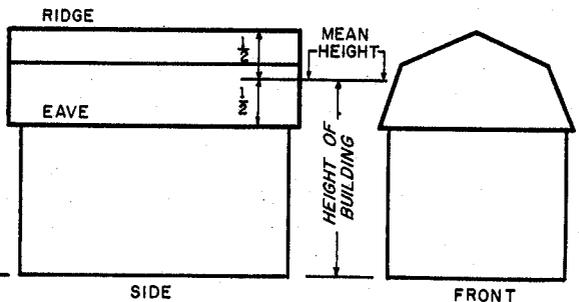
ROOF



HIP

ROOF

AVERAGE
ELEVATION



GAMBREL

ROOF

THE ABOVE ILLUSTRATIONS ARE FOR
CLARIFICATION PURPOSES ONLY AND
DO NOT FORM PART OF THIS BY-LAW.

- 2.56.4 in the case of a quonset hut, three-quarters of the distance to the top of the *structure*.
- 2.57 "HOME OCCUPATION", means any occupation or business for gain or profit conducted entirely within a *dwelling* and/or an *accessory building*, but shall not include an *eating establishment* or a *public garage*.
- (Amended by By-Law 15-2009)
- 2.58 "HOSPITAL" See "PUBLIC, HOSPITAL"
- 2.59 "HOTEL OR MOTEL", means any *hotel, motel, inn, or lodge* in one main *building* or in two or more *buildings* on the same site and used mainly for the purposes of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation of not less than four *guest rooms*, which *guest rooms* contain no provisions for cooking, and includes all premises licensed under The Liquor License Act and may include permanent staff accommodation. .
- 2.60 "IMPROVED STREET", means a *street* assumed by the *Corporation*, the *County* or the Province of Ontario which has been constructed in such a manner so as to permit its *use* by normal vehicular traffic and shall include a *street* under construction within a registered plan of subdivision for which a subdivision agreement has been entered into with The *Corporation*. The definition shall not include a *lane* or private right-of-way.
- 2.61 "INFRASTRUCTURE", means physical *structures* that form the foundation for development. Infrastructure includes: sewage and water works, storm sewers, storm water management facilities, waste management systems, electric power (excluding power generation), communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities, but shall not include any other *use* defined herein.
- (Amended by By-Law 15-2009)
- 2.62 "LANDFILL SITE", means a garbage disposal area, operated by the *County*, employing an engineering method of disposing of solid wastes and includes waste transfer stations or storage areas, recycling facilities and resource recovery or reuse operations.
- 2.63 "LANDSCAPED OPEN SPACE", means the open unobstructed space at grade on a *lot* and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping and includes any surfaced walk, patio or similar area but does not include any *driveway* or ramp, whether surfaced or not, any curb, retaining wall, *parking area* or any open space beneath or within any *building or structure*.

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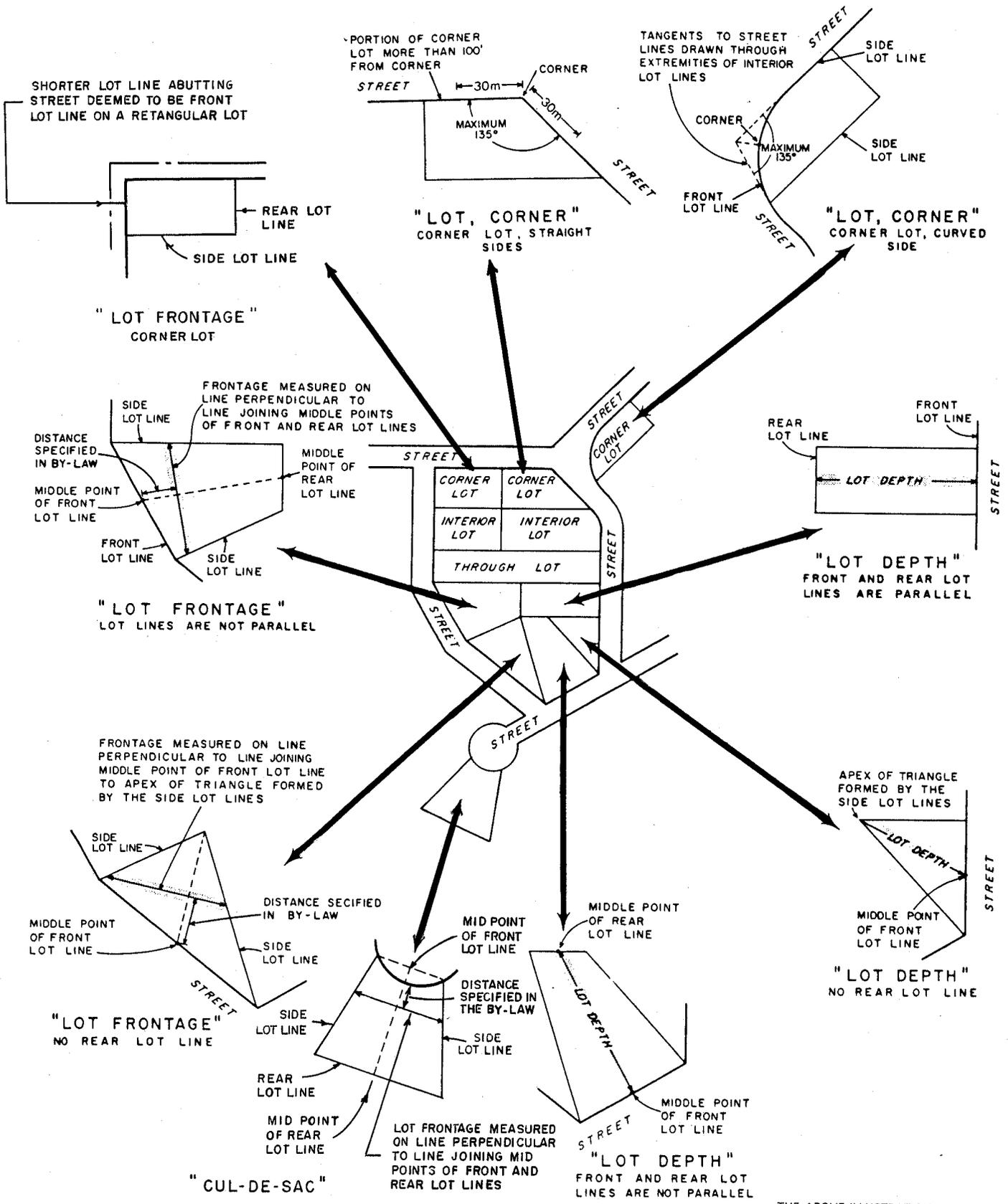
- 2.64 "LANE", means a public thoroughfare which affords only a secondary means of vehicular access to abutting *lots* and which is not intended for general traffic circulation.
- 2.65 "LIVESTOCK ASSEMBLY AND SALES YARD", means any land, *buildings or structures* where livestock are temporarily assembled for subsequent sale or distribution.
- 2.66 "LONG TERM CARE FACILITY", means a *building* in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, may provide nursing, medical or similar care and treatment, if required, and may include a nursing home, rest home, convalescent home, or home for the aged, but does not include any other establishment otherwise defined or classified herein.

(Added by By-Law 15-2009)

- 2.67 "LOT", means a parcel or tract of land;
- 2.67.1 which is a whole *lot* as shown on a registered plan of subdivision, but a registered plan of subdivision for the purposes of this subsection does not include a registered plan which has been deemed not to be a plan of subdivision under a by-law passed pursuant to The Planning Act R.S.O. 1990 or,
- 2.67.2 which is held under separate ownership from adjacent lands according to the registration thereof in the Registry Office or Land Titles Office.
- 2.68 "LOT AREA", means the total horizontal area within the *lot lines* of a *lot*, excluding the horizontal area of such *lot* covered by Environmental Protection One overlay or Environmental Protection Two overlay.
- 2.69 "LOT, CORNER", means a *lot* situated at the intersection of two *streets*, of which two adjacent sides, that abut the intersecting *streets*, contain an angle of not more than one hundred and thirty-five (135) degrees and where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the *street lines*, drawn through the extremities of the *interior lot lines*, provided that:
- 2.69.1 in the latter case, the corner of the *lot* shall be deemed to be that point on the *street line* nearest to the point of intersection of the said tangents; and
- 2.69.2 any portion of a *corner lot* distant more than **30 m** (98.4 ft) from the corner, measured along the *street line* shall be deemed to be an interior *lot*.

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ILLUSTRATION OF LOT DEFINITIONS



THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION PURPOSES ONLY AND DO NOT FORM PART OF THIS BY-LAW.

- 2.70 "LOT COVERAGE", means that percentage of the *lot area* covered by the horizontal projections of the area of all *buildings*, but excluding the area covered by balconies, canopies and overhanging eaves which are two meters or more in *height* above *finished grade*.
- 2.71 "LOT DEPTH", means the horizontal distance between the *front* and *rear lot lines*. If the *front* and *rear lot lines* are not parallel, "lot depth" means the length of a straight line joining the middle of the *front lot line* with the middle of the *rear lot line*. When there is no *rear lot line*, "lot depth" means the length of a straight line joining the middle of the *front lot line* with the apex of the triangle formed by the *side lot lines*.
- 2.72 "LOT FRONTAGE", means the horizontal distance between the *side lot lines*, such distance being measured perpendicularly to the line joining the middle of the *front lot line* with either the middle of the *rear lot line* or the apex of the triangle formed by the *side lot lines* and at a point therein distant the required minimum *front yard depth* from the *front lot line*.
- 2.73 "LOT, INTERIOR", means a *lot* other than a *corner lot*.
- 2.74 "LOT LINE", means any boundary of a *lot* or the vertical projection thereof.
- 2.75 "LOT LINE, FRONT", means, in the case of an interior *lot*, the line dividing the *lot* from the *street*. In the case of a *corner lot*, the shorter *lot line* abutting a *street* shall be deemed the *front lot line* and the longer *lot line* abutting a *street* shall be deemed an exterior *side lot line*. In the case of a *through lot*, the *lot line* where the principal access to the *lot* is provided shall be deemed to be the *front lot line*.
- 2.76 "LOT LINE, REAR", means the *lot line* farthest from and opposite to the *front lot line*.
- 2.77 "LOT LINE, SIDE", means a *lot line* other than a *front* or *rear lot line*.
- 2.78 "LOT, THROUGH", means a *lot* bounded on two opposite sides by *streets*.
- 2.79 "MEDICAL CENTRE", means a *building* or part thereof, other than a *hospital*, used solely for the purpose of consultation, diagnosis and treatment of human patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, or drugless practitioners, together with their qualified assistants, and without limiting the generality of the foregoing, the *building* may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the centre and shall not include accommodation for in-patient care or rooms for major surgery. The area for the sale of medical related products shall not exceed **90 m²** (968.8 ft²).

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- 2.80 "MINIMUM DISTANCE SEPARATION FORMULAE (MDS I AND MDS II)", means formulae developed by the Ministries of Agriculture, Food and Rural Affairs and Environment to separate *uses* so as to reduce incompatibility concerns about odour from livestock facilities.
- 2.81 "MOBILE HOME", means a prefabricated *dwelling unit*, with a minimum **65 m²** (700 ft²) of *gross floor area*, constructed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), on a flatbed, or in or on other *trailers*, designed and equipped for year-round occupancy and containing suitable sanitary facilities including a flush toilet, shower or bathtub within the unit, but does not include a *trailer* as defined in this Zoning By-Law. All new *mobile homes* shall comply with the CAN/CSA Z-240 standard as referenced in the Ontario Building Code.

(Amended by By-Law 15-2009)

- 2.82 "MOBILE HOME LOT", means a parcel of land within a *mobile home park* which shall be used only for the placement of one single or double width *mobile home* and for the exclusive use of the occupants.
- 2.83 "MOBILE HOME PARK", means an area of land, not less than **1.5 ha** (3.7 ac) and not more than **12.0 ha** (29.7 ac), used exclusively for the siting of *mobile homes*, including any *building*, *structure* or enclosure of such *mobile home park* and which remains under single ownership.
- 2.84 "MOTOR HOME", means a self-propelled vehicle designed for the temporary accommodation of *persons*, but does not include a *mobile home*.
- 2.85 "MOTEL", means a *hotel* as defined herein.
- 2.86 "MOTOR VEHICLE", includes an automobile, truck, motorized construction equipment, farm tractor, motorized farm equipment, *motor home*, or *recreational vehicle*, and also includes a *trailer* and any vehicle drawn or propelled by any kind of power, but does not include any other type of *motor vehicle*, a bicycle, or any other device powered solely by means of human effort.

(Amended by By-Law 15-2009)

- 2.87 "MOTOR VEHICLE, COMMERCIAL", means a *motor vehicle* having attached thereto a truck or delivery body and also includes ambulances, hearses, tow-trucks, motor buses, fire apparatus, farm vehicles (including farm tractors), and tractor trailers or any part thereof which are used for hauling purposes on the highways.

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- 2.88 "MUNICIPAL DRAIN", means drainage system constructed under an engineers report and adopted by a by-law passed under the authority of the Drainage Act and shall include surface and subsurface drainage, but does not include a *sanitary sewer* as defined herein.

(Amended by By-Law 15-2009)

- 2.89 "MUNICIPAL YARD", means any land, *buildings or structures* used for the purpose of storing materials, vehicles and equipment which are necessary to the daily operations of the *Corporation, County* or Province and includes such items as sand, salt, trucks and plows.

- 2.90 "NON-CONFORMING", means a *use, building or structure* which was lawfully used and/or existed at the date of passing of this Zoning By-Law, but does not conform with the permitted *uses* of this Zoning By-Law for the zones in which such *use, building or structure* is located.

(Amended by By-Law 15-2009)

- 2.91 "NON-COMPLYING USE", shall mean a permitted *use* of land, *building or structure* which is permitted by this Zoning By-Law, and lawfully existed at the date of passing of this Zoning By-Law, but which does not comply with one or more provisions of this Zoning By-Law.

(Amended by By-Law 15-2009)

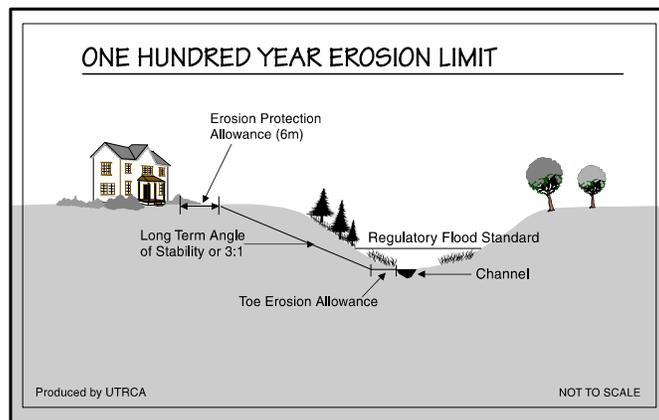
- 2.92 "NURSERY, RETAIL OR WHOLESALE", means the *use* of lands, *buildings or structures*, or portions thereof, where trees, shrubs, or plants are grown for the purpose of retail or wholesale trade. A *nursery* may include the *accessory* sale of soil, planting materials, fertilizers, garden equipment, ornaments and similar materials.

- 2.93 "NUTRIENT MANAGEMENT PLAN", means the science-based process for optimizing the relationship between the land-based application of nutrients, farm management techniques, crop requirements, and land use and is consistent with the nutrient management review criteria of the Ontario Ministry of Agriculture, Food and Rural Affairs as well as the Best Management Practices pertaining to nutrient management published from time to time by the Ontario Ministry of Agriculture, Food and Rural Affairs.

(Amended by By-Law 15-2009)

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- 2.94 "ON-FARM DIVERSIFIED USE", means any *use* on a *farm* conducted for gain or profit which is secondary and incidental to the principal *use* of the property for primary agriculture and may include but is not limited to the sale of seed, value-added processing or packing operations, the assembly or fabrication of finished products, warehousing, a contractor or tradesman's shop, a welding/vehicle repair operation, a craftsman, an artist or a *personal service establishment*, or farm vacation establishment, but shall not include a *home occupation* as defined herein.
- 2.95 "ON-FARM COMPOSTING FACILITY", means a *structure* used exclusively for the composting of dead livestock and poultry and other organic materials generated on the *farm unit*.
- (Added by By-Law 56-2003)
- 2.96 "ONE HUNDRED YEAR EROSION LIMITS", for lands adjacent to ravines, river valleys and streams, the approved standards involving the combined influence of stable slope, 100 times the average annual recession rate, and an erosion allowance to define the erosion limits for regulatory purposes.



- 2.97 "OPEN STORAGE", means the storage of raw or finished goods, equipment, or other materials, but not the parking or storage of *motor vehicles*, in an area of a *lot* which is not enclosed within a *building or structure*.

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- 2.98 "OUTDOOR COMMERCIAL RECREATIONAL FACILITY", means any *lot* or part of a *lot* used to provide outdoor commercial recreational activities for a fee, such as ice skating rinks, roller skating and roller-blading *parks*, watersport facilities, commercial swimming pools, baseball batting cages, ski hills, lawn bowling greens, or other similar *uses*, but shall not include a *seasonal trailer park or campground* as defined herein, a go-kart track or any other *use* which may create a nuisance in terms of odour or noise.

(Added by By-Law 15-2009)

- 2.99 "PARK", means an area of land, consisting primarily of *landscaped open space*, used for active or passive recreational purposes or as a conservation area, with or without related recreational *buildings, structures* or facilities which may include a playground, a play area, a refreshment room, a community centre, a field house, a bandstand, bleachers, a skating rink, a horticultural greenhouse, a bowling green, a tennis or badminton court, a sports field, a running track, a swimming area, a wading pool, a boating pond or lake, or a picnic area, but not including a *seasonal trailer park or campground, a mobile home park* or any other *use* separately defined or listed herein.

- 2.100 "PARK, PASSIVE USE", means an area of land, consisting of *landscaped open space*, which is used for recreational purposes that do not involve large concentrations of people or activity on a regular basis, such as walking trails, conservation projects, ponds and picnic areas.

(Added by By-Law 15-2009)

- 2.101 "PARK, PRIVATE", means a *park* other than a *public park*.
- 2.102 "PARK, PUBLIC", means a *park* owned or controlled by the *Corporation*, the *County*, the Province, or by any Board, Commission or other Authority established under any statute of the Province of Ontario.
- 2.103 "PARKING AISLE", means a portion of a *parking area* which abuts, on one or more sides, *parking spaces* to which it provides access, and which is not used for the parking of vehicles.
- 2.104 "PARKING AREA", means an area provided for the parking of *motor vehicles* and may include *parking aisles, parking spaces* and ingress and egress *lanes*, but shall not include any part of a public *street*. *Parking area* may include a *private garage*.
- 2.105 "PARKING LOT", means any *parking area* whether or not such *parking area* is required pursuant to the provisions of this Zoning By-Law.

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- 2.106 "PARKING SPACE", means an area having an adequate means of ingress and egress to and from a public *street, lane* or *parking aisle* for the temporary parking or storage of *motor vehicles*, and may include a *private garage*.
- 2.107 "PERMITTED", means "permitted by this Zoning By-Law".
- 2.108 "PERSON", means any human being, association, firm, partnership, incorporated company, *Corporation*, agent or trustee, and the heirs, executors or other legal representatives of a *person* to whom the context of this Zoning By-Law can apply according to law.
- 2.109 "PERSONAL SERVICE ESTABLISHMENT", means a *building*, or part thereof, in which *person* are employed in providing services and otherwise administering to the individual and personal needs of *persons*, including but not necessarily restricted to a barber, hairdresser, beautician, massage therapist, tailor, dressmaker and shoemaker, dry cleaning establishment, sun tanning shop and formal rental shop, but does not include any establishment otherwise defined or classified herein. The sale of merchandise shall be permitted only as an *accessory use* to the personal service provided.

(Amended by By-Law 15-2009)

- 2.110 "PLACE OF ENTERTAINMENT", means a motion picture or other theatre, amusement arcade, arena, auditorium, public hall, billiard or pool room, bowling alley, or dance hall; but does not include any *place of entertainment* or amusement otherwise defined or classified herein.
- 2.111 "PLACE OF WORSHIP", means a *building* dedicated to religious worship and may include a church hall, church auditorium, Sunday School, convent, monastery, parish hall, or *daycare centre*.

(Added by By-Law 15-2009)

- 2.112 "PRIVATE GARAGE", means a detached *accessory building* or portion of a *dwelling* which is designed or used for the sheltering of private *motor vehicles* and storage of household equipment incidental to the residential occupancy and which is fully enclosed, but excludes a *carport*.
- 2.113 "PRIVATE HOSPITAL", means a *private hospital* within the meaning of The Private Hospitals Act.

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2.114 "PROCESSING PLANT FOR AGRICULTURAL PRODUCTS AND/OR BY-PRODUCTS", means a *lot, building or structure* used for the processing of products directly derived from agriculture and may include the processing, storage and transport of such products, but does not include a rendering plant, or an abattoir.

(Amended by By-Law 15-2009)

2.115 "PROVINCIAL HIGHWAY", means a *street* under the jurisdiction of the Province of Ontario.

2.116 "PUBLIC GARAGE", means a *building* or place where *motor vehicles* are hired or kept or used for hire, or where such vehicles and gasoline or oils are stored or kept for sale, or a *building* or place used as a motor vehicle repair and service shop or for washing or cleaning *motor vehicles*, but does not include any *use* otherwise defined or classified herein.

2.117 "PUBLIC HOSPITAL", means a *public hospital* within the meaning of The Public Hospitals Act.

2.118 "PUBLIC LIBRARY", means a public library within the meaning of The Public Libraries Act.

2.119 "PUMP ISLAND", means that portion of an *automobile service station, public garage* or portion of non-residential *use* for the retail sale of gasoline that includes the gas pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any *building* for the repair or service of *motor vehicles*.

2.120 "RECREATIONAL OR ATHLETIC FACILITY OR CLUB", means a *building* designed and intended to accommodate various forms of indoor sports and recreation and shall include an arena, gymnasium, fitness centre, ice rink or curling facility, tennis, squash, handball and badminton courts and roller rinks.

2.121 "RECREATIONAL TRAIL", an area used for hiking, horseback riding, cross country skiing or other similar forms of non-motorized recreational travel.

2.122 "RECREATIONAL VEHICLE", means any registered vehicle and shall include only the following; a snowmobile, a boat, a *motor home*, a *trailer* as defined herein; or a *trailer* for the hauling of snowmobiles or boats.

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2.123 "RENDERING PLANT", means a premises at which dead animals are processed into hides, meat bone meal, meat meal or inedible fats, as per the Dead Animal Disposal Act, R.S.O. 1990 as amended.

(Added by By-Law 15-2009)

2.124 "RETAIL STORE", means a *building*, or part of a *building*, in which goods, wares, merchandise, or articles are offered for sale, but does not include any establishment otherwise defined or classified herein.

2.125 "SALVAGE YARD", means an establishment where goods, wares, merchandise, and articles are dismantled or recycled for further use and where such goods, wares, merchandise and articles are stored and kept for sale wholly or partly in the open and shall be restricted to a junk yard, a scrap metal yard, and an automobile wrecking yard, and may include an *accessory building*. Such goods, wares, merchandise, and articles shall not include hazardous waste, except compounds such as fuel, oil, and freon, which are necessarily collected as part of the dismantling or recycling operation, provided that the handling of such compounds is in accordance with all applicable Federal and Provincial environmental requirements.

2.126 "SAND OR GRAVEL PIT", means any pit or excavation made for the removal of any soil, sand or gravel for commercial and/or municipal purposes, but shall not include a *stone quarry* or a topsoil or peat extraction operation, an excavation incidental to the erection of a *building or structure* for which a building permit has been granted by the *Corporation*, an excavation incidental to the construction of any public works, or a soil processing operation.

2.127 "SANITARY SEWER", means a system of underground conduits, operated either by the *County* or the Province of Ontario, which carries sewage to a place of treatment.

2.128 "SCHOOL", means an educational establishment, including:

2.128.1 "PUBLIC SCHOOL", means a *school* under the jurisdiction of a public agency.

2.128.2 "PRIVATE SCHOOL", means a *school*, other than a *public school* or a *commercial school*, under the jurisdiction of a private board of trustees or governors, a religious organization or a charitable institution.

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- 2.128.3 "COMMERCIAL SCHOOL", means a *school* where instruction is given for hire or gain and includes the *studio* of a dance or music teacher, an art, business or trade *school*, and any other such specialized *school* conducted for hire or gain.
- 2.129 "SEASONAL TRAILER PARK OR CAMPGROUND", means the *use* of land, from April 15 until October 31, for the purpose of recreational camping, and *buildings* and *structures accessory* thereto, where people are temporarily accommodated in tents, *motor homes*, or *trailers*, but shall not include *mobile homes*, park model trailers or any *dwelling* or *dwelling unit* designed, used or intended for year-round residential occupancy, unless specified otherwise by this Zoning By-Law.
- 2.130 "SEMI-DETACHED DWELLING" - See "Dwelling".
- (Amended by By-Law 15-2009)
- 2.131 "SERVICE SHOP", means a *building* or part of a *building* not otherwise defined or classified herein for the servicing or repairing of articles, goods or materials.
- 2.132 "SETBACK", means the horizontal distance from the centreline of the *street* allowance, measured at right angles to such centreline to the nearest part of any *building or structure* on the *lot*.
- 2.133 "SOIL PROCESSING OPERATION", means the *use* of any land, *building or structure* for the purpose of storing, mixing, composting and packaging any soil, soil conditioning agents, wood chips and related materials, compost or manure.
- 2.134 "STONE QUARRY", means any open excavation and/or underground mine made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial, or manufacturing purposes, but shall not include a *sand or gravel pit*, 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.
- 2.135 "STOREY", means the portion of a *building*, other than an *attic* or *cellar*, included between any floor level and the floor, ceiling or roof next above it.
- 2.136 "STREET", means a public highway or public road which affords the principal means of access to abutting *lots* but does not include a *lane* or a private right-of-way. "PROVINCIAL HIGHWAY", "COUNTY ROAD" and "TOWNSHIP ROAD" mean a *Provincial Highway*, *County Road* and *Township Road* as defined herein.

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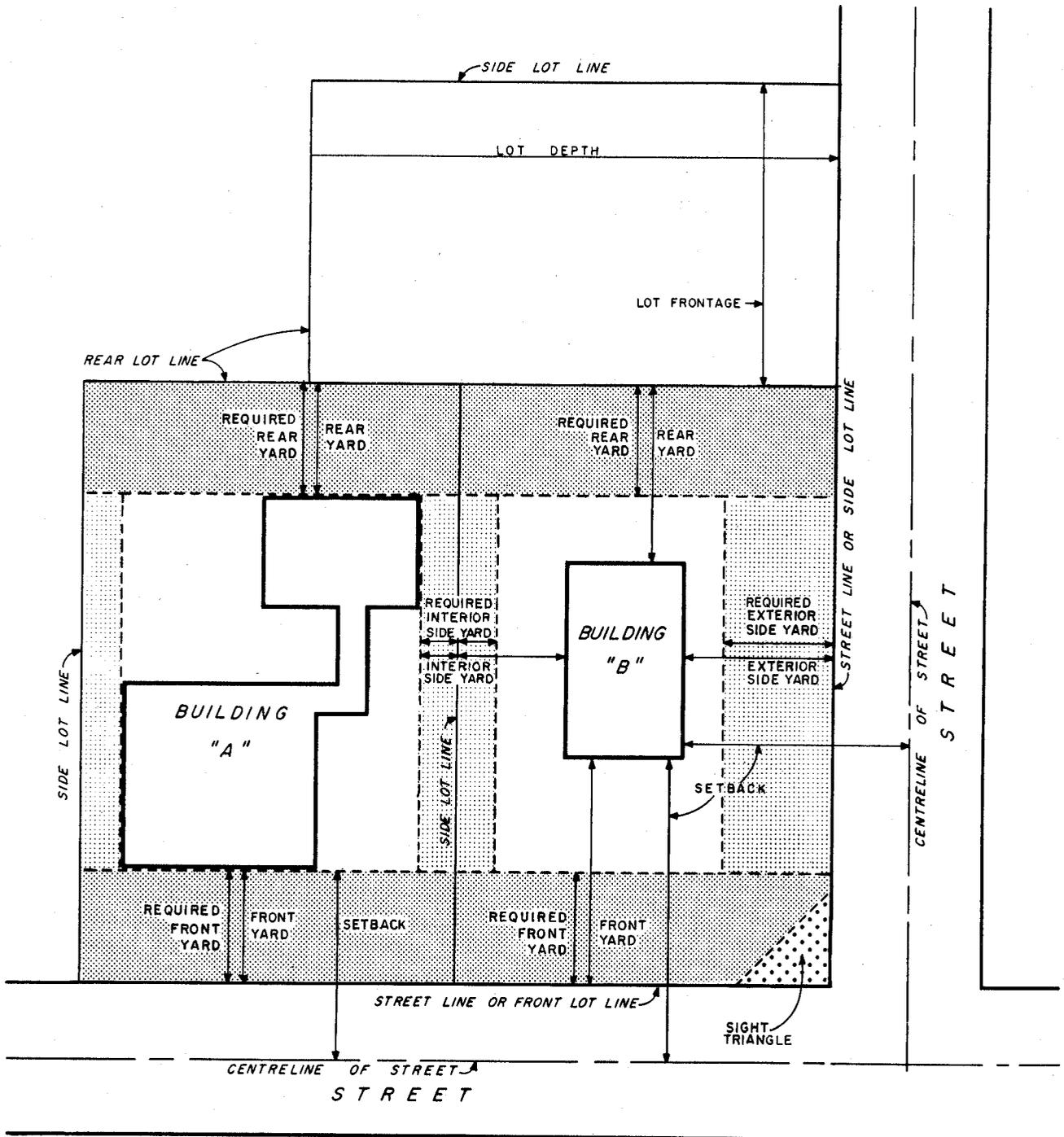
- 2.137 "STREET LINE", means the limit of the *street* allowance and is the dividing line between a *lot* and a *street*.
- 2.138 "STRUCTURE", means anything constructed or *erected*, the use of which requires location on the ground, or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a vehicle as defined in The Highway Traffic Act but does not include a *parking area*.
- 2.139 "STUDIO", means a *building* or part thereof used as the work place of a photographer, craftsman or artist or for the instruction of art, music, dancing, languages or similar disciplines.
- 2.140 "TOWNSHIP ROAD", means a *street* under the jurisdiction of the *Corporation*.
- 2.141 "TRAILER" means any portable unit so constructed as to be suitable for attachment to a *motor vehicle* e.g. travel trailer or tent trailer and capable of being used for the temporary accommodation of *persons*. This definition shall not include a *mobile home*.
- 2.142 "TRUCK TRANSPORTATION TERMINAL", shall mean the *use* of land, *buildings*, or *structures* where *commercial motor vehicles* are loaded or unloaded, stored, serviced, rented, leased, kept for hire, or parked for remuneration or from which *commercial motor vehicles* are dispatched as common carriers, or where goods are stored temporarily for further shipment.
- 2.143 "USE", when used as a noun, means the purpose for which a *lot* or a *building or structure*, or any combination thereof is designed, arranged, intended, occupied or maintained and "USES" shall have a corresponding meaning. "USE", when used as a verb, or "TO USE" shall have a corresponding meaning.
- 2.144 "VETERINARY CLINIC", means a *building* or part thereof, wherein animals of all kinds may be treated or kept for treatment by a registered veterinarian and where such animals may be temporarily boarded.
- 2.145 "WAREHOUSE", means a *building* or part thereof which is used for the storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuff, substances or articles, but does not include a *fuel storage tank* except as an *accessory use*.
- 2.146 "WATERCOURSE", is a stream of water which flows along a defined channel, with beds and banks, for a sufficient time to give it substantial existence. This may include streams that dry up periodically.

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- 2.147 "WATER SUPPLY", means a distribution system of underground piping and related storage, including pumping and purification appurtenances operated by the *Corporation*, the *County* and/or the Province of Ontario and/or any public utilities commission.
- 2.148 "WAYSIDE PIT OR QUARRY", means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a road construction project and not located on the road right-of-way.
- 2.149 "YARD", means an area adjacent to a *building*, *structure* or excavation, located on the same *lot* as the *building*, *structure* or excavation, and which area is open, uncovered and unoccupied from the ground to the sky, except for such *accessory buildings*, *structures* or *uses* as are specifically permitted elsewhere in this Zoning By-Law.
- 2.150 "YARD, FRONT", means an area extending across the full width of the *lot* between the *front lot line* of the *lot* and the nearest part of any excavation, or main *building* on the *lot*.
- 2.151 "FRONT YARD DEPTH", means the least horizontal dimension between the *front lot line* of the *lot* and the nearest part of any *building*, *structure* or excavation on the *lot*, or the nearest *open storage use* on the *lot*.
- 2.152 "YARD, REAR", means an area extending across the full width of the *lot* between the *rear lot line* of the *lot* and the nearest part of any excavation or main *building* on the *lot*.
- 2.153 "REAR YARD DEPTH" means the least horizontal dimension between the *rear lot line* of the *lot* and the nearest part of any *building*, *structure* or excavation on the *lot*, or the nearest *open storage use* on the *lot*.
- 2.154 "YARD, REQUIRED", means an area with the minimum *front yard depth*, *rear yard depth* or *side yard width* required by the provisions of this Zoning By-Law. A required *side yard* shall extend from the required *front yard* to the required *rear yard*.
- 2.155 "YARD, SIDE", means an area extending from the *front yard* to the *rear yard* and from the *side lot line* of the *lot* to the nearest part of any excavation or main *building* on the *lot*. In the case of a *lot* which has no *rear lot line*, the *side yard* shall extend from the *front yard* to the opposite *side yard*.
- 2.156 "SIDE YARD WIDTH" means the least horizontal dimension between the *side lot line* of the *lot* and the nearest part of any *building*, *structure* or excavation on the *lot*, or the nearest *open storage use* on the *lot*.

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ILLUSTRATION OF YARD DEFINITIONS



BUILDING "B" VOLUNTARILY INCREASED
FRONT YARD, SIDE YARDS, REAR YARD
AND SETBACK ON CORNER LOT

THE ABOVE ILLUSTRATIONS ARE FOR
CLARIFICATION PURPOSES ONLY AND
DO NOT FORM PART OF THIS BY-LAW.

2.157 "YARD, SIDE, EXTERIOR", means a *side yard* immediately adjoining a public *street*.

2.158 "YARD, SIDE, INTERIOR", means a *side yard* other than an *exterior side yard*.

2.159 "ZONING OFFICER", means a *person* or *persons* appointed by the *Council* of the *Corporation* and who is charged with the duties of enforcing the provisions of The Zoning By-Law.

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