

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

- 4.1 "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.
- 4.2 "ACCESSORY", when used to describe a *use, building* or *structure* means a *use, a building* or a *structure* that is subordinate and exclusively devoted to a main *use, building* or *structure* and located on the same *lot* therewith.
- 4.3 "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*, means 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*.
- 4.4 "AMENITY AREA", means an area or areas intended for *use* for recreation or aesthetic purposes within the boundaries of a *lot* and may include *landscaped open space, patios, balconies, communal lounges, swimming pools, recreation facilities* and any other areas which may be used for recreational or aesthetic purposes, but shall not include any *driveway* or *parking area*.
- 4.5 "ANIMAL KENNEL", means any *lot, building* or *structure*, where household pets, excluding exotic pets, are housed or are to be housed, groomed, bred, boarded, trained or sold and which may offer provisions for medical treatment.
- 4.6 "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.
- 4.7 "ASPHALT OR CONCRETE BATCHING PLANT", means an industrial facility used for the production of asphalt or concrete 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.

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- 4.8 "ATTIC", means the portion of a *building* situated wholly or in part within the roof and which is not a one-half *storey*.
- 4.9 "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.
- 4.10 "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*.
- 4.11 "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.
- 4.12 "BOARDING OR LODGING HOUSE", See "DWELLING"
- 4.13 "BOUNDARY ADJUSTMENT", means the alteration of the *lot area* and/or lot frontage and/or lot depth 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*.
- (Amended by By-Law 06-2009-Z)
- 4.14 "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 or as defined in the Building Code Act, R.S.O. 1992, as amended.
- 4.15 "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.
- 4.16 "BUSINESS OR PROFESSIONAL OFFICE", means an office in which any business is carried on or any profession is practised.

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- 4.17 "CARGO CONTAINER", means an industrial, standardized reusable vessel that was:
- a) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
 - b) designed for or capable of being mounted or moved on a rail car; and/or;
 - c) designed for or capable of being mounted on a chassis or bogie for movement by truck-trailer or loaded on a ship.

(Added by By-Law 7-2014-Z)

- 4.18 "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.
- 4.19 "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*.
- 4.20 "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 06-2009-Z)

- 4.21 "COMMUNICATIONS ESTABLISHMENT", means any *building*, plant, works, equipment or infrastructure which is used for the purpose of providing a telephone or telecommunication service and associated office and administrative functions, including television and radio stations, cable companies, telephone and wireless service providers and other similar *uses*.
- 4.22 "CONCRETE BATCHING PLANT", See "ASPHALT OR CONCRETE BATCHING PLANT"
- 4.23 "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.
- 4.24 "CONSULTANT IN AGRICULTURE", means a practicing agricultural professional specializing in all aspects of sound agronomical, economical and environmental crop production who has been certified and/or recommended by the Ontario Ministry of Agriculture and Food (OMAF).

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- 4.25 "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.
- 4.26 "CONVERTED DWELLING", - See "DWELLING".
- 4.27 "CORPORATION ", means the Corporation of the Township of Norwich.
- 4.28 "COUNCIL", means the Municipal Council of the Township of Norwich.
- 4.29 "COUNTY", means the Corporation of the County of Oxford.
- 4.30 "COUNTY ROAD", means a *street* under the jurisdiction of the Corporation of the County.
- 4.31 "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.
- 4.32 "DEAD STOCK REMOVAL OPERATION" means a facility, *building* or *structure*, or part thereof, used for the purposes of obtaining the hide, skin, fats, meat, or other products of dead animals, or for the purposes of procuring, selling, or delivering dead animals or parts thereof to a *rendering plant*.
- 4.33 "DECK", means an unenclosed, uncovered platform *structure* which exceeds an average *height* of **0.3 m** (1 ft) above grade level, projecting from a *building* or freestanding, which is used as a private *amenity area*. A *deck* is not to be included when calculating *lot coverage*.
- 4.34 "DEPARTMENT STORE", means a *building* or part of a *building* used for the retail sale of a wide variety of goods, wares, merchandise and services, generally displayed or offered on a departmental basis and including, but not limited to, family clothing and apparel, furniture, appliances and home furnishings, sporting goods, pharmaceuticals, garden supplies and other similar goods and merchandise and may include, as *accessory uses*, an *eating establishment*, an automotive parts and service centre, offices, warehousing and outdoor sales and display areas.
- 4.35 "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*.

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(Amended by By-Law 7-2014-Z)

- 4.36 "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.
- 4.36.1 "APARTMENT DWELLING", means a *dwelling* of two or more *storeys* containing three or more *dwelling units* sharing a common hall or halls and a common entrance at street level or above the first floor.
- 4.36.2 "BOARDING OR LODGING HOUSE", means a *dwelling*, containing not more than four *guest rooms* used or maintained 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.
- 4.36.3 "CONVERTED DWELLING", means a *single detached dwelling* which has been altered or converted to contain not more than two *dwelling units*, unless otherwise specified in this By-law.
- 4.36.4 "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.
- 4.36.5 "MOBILE DWELLING" See "MOBILE HOME".
- 4.36.6 "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 independent entrance directly from the outside or from an internal common space or an access balcony and in which 50% or more of *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*.
- 4.36.7 "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** (107.6 ft²), each of which has an independent entrance either directly from the outside or through a vestibule.
- 4.36.8 "SINGLE DETACHED DWELLING", means a *building* that was designed and built to contain only one *dwelling unit*. This term excludes a *mobile home*.

- 4.36.9 "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 a minimum area above grade of 10 m² (107.6 ft²), and each of which has an independent entrance directly from the outside and fronts onto a public street.
- 4.37 "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.
- 4.38 "DWELLING UNIT AREA", means a habitable area contained within the inside walls of a *dwelling unit*, excluding any *private garage, carport, porch, veranda, unfinished attic, cellar, or sun room* (unless such sun room is habitable in all seasons of the year) and public or common halls or areas, and stairways.
- 4.39 "EATING ESTABLISHMENT", means a *building* or part thereof, where food is offered for sale or sold to the public for immediate consumption on or off the premises and includes such *uses* as a restaurant, licensed tavern, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar, refreshment room or stand.
- 4.40 "ELEVATION, AVERAGE", means the mean *height* above sea level, calculated along the length of a *building* or *structure*.
- 4.41 "ERECT", when used in this By-Law includes *building, construction, reconstruction* and relocation, and without limiting the generality of the word, also includes:
- 4.41.1 any preliminary physical operation, such as excavating, filling or draining;
- 4.41.2 altering any *existing building* or *structure* by an addition, enlargement, extension or other structural change; and
- 4.41.3 any work which requires a building permit.
- 4.42 "ESTABLISHED BUILDING LINE", means the average *setback* of *existing main buildings* from the street line, where at least two other main *buildings* have been erected on any one side of a street in either direction from the *existing* subject main *building*.
- 4.43 "EXISTING", means *existing* on the date of passing of this By- Law.
- 4.44 "FACILITY FOR SOLID OR LIQUID WASTES", means a facility which provides for the handling, transfer, processing, composting, recycling or temporary storage of solid or liquid wastes, but shall not include a *landfill site, garbage disposal area or manure storage facility*.

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(Amended by By-Law 7-2014-Z)

- 4.45 "FARM", means any agricultural *use* and includes: apiaries; aviaries, berry or bush crops; breeding, raising or training horses or cattle; commercial greenhouses; *animal kennels*; 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 that the bunkhouse is located on the farm on which the seasonal farm workers are employed and the bunkhouse is constructed or anchored in accordance with the Ontario Building Code Act A bunk house shall not be used for more than 11 months in any calendar year.
- 4.45.1 "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.
- 4.46 "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.
- 4.47 "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.
- 4.48 "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*.
- 4.49 "FINISHED GRADE", see "GRADE, FINISHED"
- 4.50 "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, that is not operated for profit and wherein athletic facilities, dining rooms and beverage rooms may be provided.
- 4.51 "FRONTAGE" - See "LOT FRONTAGE"
- 4.52 "FRONT YARD" - See "YARD"

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(Amended by By-Law 7-2014-Z)

- 4.53 "FUEL STORAGE TANK", means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or flammable liquid or fluid but does not include a container for flammable 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
- 4.54 "GARAGE, PRIVATE", means a detached *accessory building* or portion of a *dwelling house* 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*.
- 4.55 "GARAGE, PUBLIC", means a *building* or place where *motor vehicles* are washed, cleaned, serviced, painted or otherwise repaired and/or where *motor vehicles* are leased, rented, sold or kept for hire. A *public garage* does not include any *use* otherwise defined or classified herein.
- 4.56 "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.
- 4.57 "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.
- 4.58 "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.
- 4.59 "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, excluding however:
- 4.59.1 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
- 4.59.2 parts of *buildings* used for mechanical equipment, stairwells, elevators or any part of the *building* established below grade used for storage purposes.
- 4.60 "GROUP HOME", means a single housekeeping unit in a permitted *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 home is licensed or approved under provincial statutes.

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(Amended by By-Law 7-2014-Z)

- 4.61 "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.
- 4.62 "HEIGHT", means the vertical distance between the average elevation of the finished surface of the ground at the front of the *building* and;
- 4.62.1 in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater; or
- 4.62.2 in the case of a mansard roof, the deck roof line; or
- 4.62.3 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; or
- 4.62.4 in the case of a Quonset hut, three-quarters of the distance to the top of the *structure*.
- 4.63 "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*.
- 4.64 "HOSPITAL, PUBLIC", means a *public hospital* within the meaning of the Public Hospitals Act
- 4.65 "HOSPITAL, PRIVATE", means a *private hospital* within the meaning of the Private Hospitals Act
- 4.66 "HOTEL OR MOTEL", means any *building* or *structure*, or part thereof, 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.
- 4.67 "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.

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(Amended by By-Law 7-2014-Z)

- 4.68 "LANDFILL SITE", means a garbage disposal area, operated by the *County*, employing an engineering method of disposing of solid wastes and may include ancillary *uses* such as waste transfer stations or storage areas, recycling facilities and resource recovery or reuse operations.
- 4.69 "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*.
- 4.70 "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.
- 4.71 "LIVESTOCK ASSEMBLY AND SALES YARD", means any land, *buildings* or *structures* where livestock are temporarily assembled for subsequent sale or distribution.
- 4.72 "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.
- 4.73 "LOT", means a parcel or tract of land which is a whole parcel or tract as shown on a registered plan of subdivision where the said registered plan of subdivision is not subject to a deeming by-law passed pursuant to the Planning Act or, a whole parcel or tract which is held under separate ownership from adjacent lands according to the registration thereof in the Registry Office or Land Titles Office.
- 4.73.1 "CORNER LOT", 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:
- 4.73.1(a) 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
- 4.73.2(b) 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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(Amended by By-Law 7-2014-Z)

- 4.73.2 "INTERIOR LOT", means a *lot* other than a *corner lot* or a *through lot*.
- 4.73.3 "THROUGH LOT", means a *lot* bounded on two opposite sides by *streets*, provided, however, that if any *lot* qualifies as being both a *corner lot* and a *through lot*, as herein defined, such *lot* shall be deemed to be a *corner lot*.
- 4.74 "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 1 overlay or Environmental Protection 2 overlay.
- 4.75 "LOT COVERAGE", means that percentage of the *lot area* covered by the horizontal projections of the area of all *buildings* on the *lot*, but excluding the area covered by uncovered decks, balconies, canopies and overhanging eaves which are two meters or more in *height* above *finished grade*.
- 4.76 "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*.
- 4.77 "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*.
- 4.78 "LOT LINE", means any boundary of a *lot* or the vertical projection thereof.
- 4.78.1 "FRONT LOT LINE", means:
- (a) in the case of an *interior lot*, the line dividing the *lot* from the *street*;
 - (b) in the case of a *corner lot*, the shorter *lot line* abutting a *street*;
 - (c) in the case of a *through lot*, the *lot line* where the principal access to the *lot* is provided.
- 4.78.2 "REAR LOT LINE", means the *lot line* farthest from and opposite to the *front lot line*, unless the *lot* has only 3 *lot lines*, in which case the *lot* shall be deemed to have no *rear lot line*;
- 4.78.3 "SIDE LOT LINE", means a *lot line* other than a *front* or *rear lot line*.

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(Amended by By-Law 7-2014-Z)

- 4.78.4 "EXTERIOR SIDE LOT LINE" means a *side lot line* abutting a *street*.
- 4.79 "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, 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).
- 4.80 "MINIMUM DISTANCE SEPARATION FORMULAE (MDS I AND MDS II)", means formulae developed by the Ministries of Agriculture and Food and Environment to separate *uses* so as to reduce incompatibility concerns about odour from livestock facilities.
- 4.81 "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), 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 by-law. All new *mobile homes* shall comply with the CAN/CSA Z-240 standard as referenced in the Ontario Building Code, as amended.
- 4.82 "MOTOR HOME", means a self-propelled motor vehicle designed for the temporary accommodation of *persons*, but does not include a *mobile home*.
- 4.83 "MOTEL", see "HOTEL OR MOTEL".
- 4.84 "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 06-2009-Z)

- 4.84.1 "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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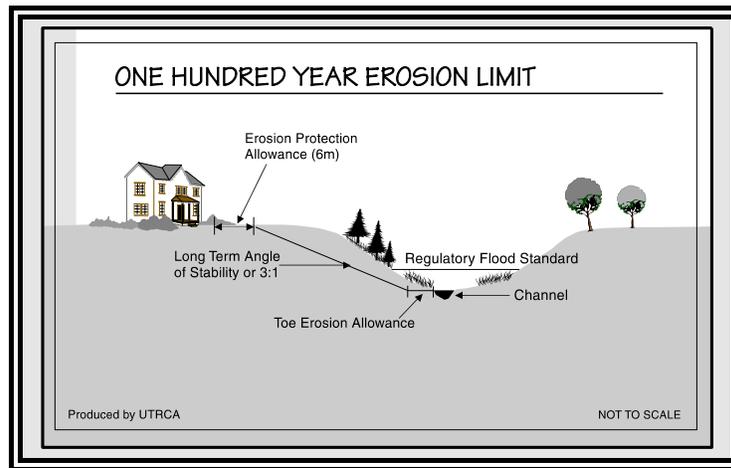
(Amended by By-Law 7-2014-Z)

- 4.85 "MUNICIPAL DRAIN", means a 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.
- 4.86 "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, plows and a *fuel storage tank*.
- 4.87 "NON-CONFORMING", means a *use, building* or *structure* which was lawfully used at the date of passing of this By-Law, but does not conform with the permitted *uses* of this By-Law for the zone in which such *use, building* or *structure* is located.
- 4.88 "NON-COMPLYING", means a *use* of land, *building* or *structure* which is permitted by the By-Law and that lawfully existed at the date of passing of the By-Law, but which does not comply with one or more provisions of this By-Law.
- 4.89 "NURSERY", 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.
- 4.90 "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.
- 4.91 "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."
- 4.92 "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.

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(Amended by By-Law 7-2014-Z)

- 4.93 "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.



- 4.94 "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*.
- 4.95 "OUTDOOR COMMERCIAL RECREATION 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 other 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-cart track or any other *use* which may create a nuisance in terms of noise or odour.
- 4.96 "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.
- 4.96.1 "PARK, PRIVATE", means a *park* other than a *public park*.

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- 4.96.2 "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.
- 4.97 "PARK, PASSIVE USE", means an area of land consisting of *landscaped open space*, which is used for recreational purposes which do not involve large concentrations of people or activity on a regular basis, such as walking trails, conservation projects, ponds and picnic areas.
- 4.98 "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 motor vehicles and has dimensions per Table 5.21.1.6.
(Amended by By-Law 02-2016-Z)
- 4.99 "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 *landscaped open space* or part of a public *street*. *Parking area* may include a *private garage*.
- 4.100 "PARKING LOT", means any *parking area* whether or not such *parking area* is required pursuant to the provisions of this By-Law.
- 4.101 "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*.
- 4.102 "PERMITTED", means "permitted by this By-Law".
- 4.103 "PERSON", means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a *person* to whom the context of this By-Law can apply according to law.
- 4.104 "PERSONAL SERVICE ESTABLISHMENT", means a *building*, or part thereof, in which *persons* 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, aesthetician, 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.
- 4.105 "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 establishment otherwise defined or classified herein.

- 4.106 "PLACE OF WORSHIP", means a *building* dedicated to religious worship and may include a church hall, church auditorium, Sunday School, convent, monastery, or parish hall, within the church building.
- 4.107 "PRIVATE AIRFIELD", means any *lot* or *building* used for the purposes of landing, storing, taxiing or taking off of private aircraft pursuant to the regulations of any competent authority having jurisdiction.
- 4.108 "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*.
- 4.109 "PROVINCIAL HIGHWAY", means a *street* under the jurisdiction of the Province of Ontario.
- 4.110 "PUBLIC LIBRARY", means a *public library* within the meaning of the Public Libraries Act.
- 4.111 "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*.
- 4.112 "RECREATIONAL FACILITY OR CLUB FOR INDOOR SPORTS", 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.
- 4.113 "RECREATIONAL TRAIL", an area used for hiking, horseback riding, cross country skiing or other similar forms of non-motorized recreational travel.
- 4.114 "RECREATIONAL VEHICLE", means a registered vehicle which is one of the following; a snowmobile, a boat, a *motor home*, a *trailer* as defined herein or any unit designed to be towed by a motor vehicle for the purpose of transporting goods, materials or things.
- 4.115 "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;

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- 4.116 "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.
- 4.117 "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.
- 4.118 "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*.
- 4.119 "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.
- 4.120 "SCHOOL", means an educational establishment, including:
- 4.120.1 "PUBLIC SCHOOL", means a *school* under the jurisdiction of a public agency.
- 4.120.2 "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.
- 4.120.3 "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.
- 4.121 "SEASONAL TRAILER PARK OR CAMPGROUND", means the *use* of land, from April 15th until October 31st, 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 by-law.

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(Amended by By-Law 7-2014-Z)

- 4.122 "SEMI-DETACHED DWELLING" - See "DWELLING".
- 4.123 "SERVICE SHOP", means a *building* or part of a *building* not otherwise defined or classified herein for the servicing, repairing and renting of articles, goods or materials.
- 4.124 "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*.
- 4.125 "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.
- 4.126 "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.
- 4.127 "STOREY", means the portion of a *building*, other than an *attic*, *basement* or *cellar*, included between any floor level and the floor, ceiling or roof next above it.
- 4.128 "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.
- 4.128.1 "STREET, IMPROVED", means a *street* assumed by the *Corporation*, the *County* or the Province of Ontario which is maintained year round at a reasonable standard of construction 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.
- 4.129 "STREET LINE", means the limit of the street allowance and is the dividing line between a *lot* and a *street*.
- 4.130 "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*.

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- 4.131 "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.
- 4.132 "THIRD PARTY REVIEW", means a review of a Nutrient Management Plan by staff of the Ontario Ministry of Agriculture and Food or a Consultant in Agriculture, and includes confirmation that a Nutrient Management Plan is consistent with the nutrient management review criteria standards and practices of the Nutrient Management Plan Best Management Practices published from time to time by the Ontario Ministry of Agriculture and Food.
- 4.133 "TOWNSHIP ROAD", means a *street* under the jurisdiction of the *Corporation*.
- 4.134 "TRAILER" means any portable unit so constructed as to be suitable for attachment to a *motor vehicle* and capable of being used for the temporary accommodation of *persons*, but does not include a *mobile home* as defined herein.
- 4.135 "TRUCK TRANSPORT TERMINAL", means the *use* of land, *buildings*, or *structures* where trucks and/or transports are loaded or unloaded, stored, serviced, rented, leased, kept for hire, or parked for remuneration or from which trucks and/or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.
- 4.136 "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.
- 4.137 "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.
- 4.138 "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*.
- 4.139 "WATERCOURSE", means an identifiable depression in the ground in which a flow of water regularly or continuously occurs, including a *municipal drain*.
- 4.140 "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.

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(Amended by By-Law 7-2014-Z)

- 4.141 "WAYSIDE SAND OR GRAVEL PIT OR STONE QUARRY", means a temporary *sand or gravel pit* or *stone quarry* opened and used by the Corporation, the County or the Province of Ontario solely for the purpose of a road construction project and not located on the road right-of-way.
- 4.142 "WHOLESALE OUTLET", means an establishment in which goods, wares, merchandise, substances, articles or things are offered or kept for sale in large quantities for sale to commercial and industrial users. A wholesale outlet does not include a *retail store*.

(Added by By-Law 07-2014-Z)

- 4.143 "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, except for such *accessory buildings, structures* or *uses* as are specifically permitted elsewhere in this By-Law.
- 4.143.1 "FRONT YARD", 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*.
- 4.143.2 "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*.
- 4.143.3 "REAR YARD", 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*.
- 4.143.4 "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*.
- 4.143.5 "SIDE YARD", 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*.
- 4.143.6 "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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- 4.143.7 "EXTERIOR SIDE YARD", means a *side yard* immediately adjoining a public *street*.
- 4.143.8 "INTERIOR SIDE YARD", means a *side yard* other than an *exterior side yard*.
- 4.144 "YARD, REQUIRED", means the minimum *front yard depth*, *rear yard depth* or *side yard width* required by the provisions of this By-Law.
- 4.145 "ZONING OFFICER/BY-LAW ENFORCEMENT 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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(Amended by By-Law 7-2014-Z)