

SECTION 3

DEFINITIONS

For the purpose of this By-law, the definitions that are provided in this Section shall govern unless specifically indicated otherwise in other parts of this By-law.

- 3.1 Accessory** means a use or a detached building or structure that is naturally and normally incidental, subordinate and exclusively devoted to supporting the principle use, building or structure and located on the same lot therewith, but does not include a dwelling unless otherwise specified.
- 3.2 Adult Entertainment Parlour** shall mean any premises or part thereof used, in pursuance of any trade, calling, business or occupation, for the purpose of a live performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations, and includes, without limiting the generality of the foregoing, uses wherein a principal feature or characteristic is the nudity or partial nudity of any person, and in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word, picture, symbol or representation having like meaning or implication may be used in any sign, advertisement, or advertisement device, and without limiting the generality of the foregoing, includes any performance, exhibition, or activity involving striptease dancers, go-go dancers, exotic dancers, table dancers, wet clothing contests or best body parts contests. It shall also include an adult entertainment parlour as defined in Section 154 of the Municipal Act, S.O. 2001.
- 3.3 Agricultural Use** means a use of land, building, or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, maple syrup production, fruit farming, horticulture, pasturage, poultry-keeping, or any other farming use, and includes the growing, raising, packing, treating, storing, and sale of produce produced on the premises.
- 3.4 Airfield** means a facility used for the landing, departure and storage of small privately owned aircraft for personal use and shall not include a commercial Airport.
- 3.5 Alter** when used in reference to a building, structure, or part thereof, means to change any one or more of the internal or external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof, or a change from one type of occupancy to another, or a structural alteration or change thereto.

When used in reference to a lot, the word “alter” means a change in use, or a decrease in the width, depth, or area thereof or to decrease or increase 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.

- 3.6 Amusement Arcade** means any building or portion thereof in which is used or provided four (4) or more amusement devices in pursuance of any trade, business, calling, occupation, or for hire.
- 3.7 Amusement Device** means any machine, device or contrivance used for playing any game of chance or skill, or which is used to afford entertainment or amusement to the operator and, without limiting the generality of the foregoing, includes what is commonly known as a pinball game, an electronic game, and a video game, but shall not include any lottery machine or device licensed or approved by the provincial or federal government.
- 3.8 Animal Clinic** means the premises of a veterinary surgeon where domestic animals, birds, or other livestock are treated and/or kept. Animal clinic does not include a kennel.
- 3.9 Auction Establishment** means a building or part thereof used for the retail sale of articles or goods to members of the public bidding the highest offer for the article during the selling proceedings.
- 3.10 Automobile Repair Establishment** means a building or other structure where the repairing, rebuilding, or reconditioning of motor vehicles or parts thereof, including body and fender work, painting, and steam cleaning, is carried on but does not include an automobile service station or a salvage or wrecking yard.
- 3.11 Automobile Sales and Service Establishment** means a building and/or lot used for the display and selling/leasing/renting of new and/or used motor vehicles and the servicing, repair, cleaning, rust-proofing, polishing, and greasing of these products, the sale of automotive accessories and related products, and the retail sales of automotive fuels and lubricants.
- 3.12 Automobile Service Station** means a building designed, intended, or used for the sale of automotive fuels and lubricants and/or providing minor repairs essential to the running of a motor vehicle, and/or the washing of motor vehicles.
- 3.13 Bakery** means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products. The sale of goods produced on the premises shall be permitted as an accessory use.

3.14 Barn, Livestock/Poultry see Livestock Facility

3.15 Basement means that portion of a building between two floor levels which is partly below the finished grade level and which has at least one-half of its height, measured from finished floor to finished ceiling (or the underside of the floor joists where the ceiling is not finished), above the finished grade level.

3.16 Bed and Breakfast Establishment means a single-detached dwelling in which not more than three (3) guest rooms are made available for the temporary accommodation of the travelling or vacationing public and within which meals may be provided to those persons temporarily residing therein. Bed and breakfast establishments shall:

- (a) be clearly secondary to the main use of the dwelling for residential purposes and not change the character of the dwelling as a private residence;
- (b) satisfy all applicable requirements of the appropriate Health authority and all requirements for sanitary/septic systems approved by the appropriate authority;
- (c) have no external evidence that the bed and breakfast establishment exists with the exception of a single sign not greater than .85 square metres in area;
- (d) be operated only by a person(s) residing in the dwelling;
- (e) comply with all applicable requirements of this By-law (including parking requirements), and all other applicable laws; and
- (f) not include a restaurant or eating establishment.

3.17 Building means any structure, whether temporary or permanent, fixed to or supported by the soil and which is designed, used, or intended to be used for the accommodation, storage, or shelter of persons, animals, or chattels. A building shall not include a boundary wall, fence, retaining wall, light standard, head stone, or sign.

3.18 Building Height means the vertical distance measured from the finished grade level of the building to:

- (a) in the case of a flat roof, the highest point of the roof surface or parapet, whichever is greater.
- (b) in the case of a mansard roof, the roof deckline.

(c) in the case of a gable, hip, gambrel, or other roof type, the mean height between the eaves and the ridge.

(d) in the case of a building not having a roof, the top part of any building.

The building height definition shall not apply to any ornamental dome, tower, cupola, steeple, church spire, chimney, smoke stack, ventilating device, air conditioning duct, skylight, aerial, transmission tower, satellite dish when located on the roof of a non-residential building, windmill, silo, or grain elevator.

The building height definition shall not apply to photovoltaic panels or solar heating panels provided that such panels do not exceed the maximum allowable height for the building/structure they are affixed to by not more than 1.0 metre.

3.19 Building, Main means the building or buildings designed and/or intended to accommodate the principal use on a lot as permitted by this By-law.

3.20 Building Official, Chief (Building Inspector) means the Chief Building Official or other employee of the Corporation being charged with the duty of enforcing the provisions of the Building By-law and the Ontario Building Code, or any other by-law of the Corporation from time to time in force for the purpose of regulating the erection, alteration, or repair of buildings.

3.21 Bus Depot means a facility for the boarding and debarking of passengers from buses and may include accessory uses such as a public washroom or rest area, bus ticket sales area, and office area.

3.22 Business or Professional Office means any building or part of a building in which professionally qualified persons, technical assistants and clerical staff are employed and where clients or patients go for advice, consultation, or treatment. A business or professional office shall include, but is not limited to, an accountant, advertising agent, architect, auditor, chiropractor, dentist, engineer, insurance agent, lawyer, optometrist, physician, real estate agent, or surveyor.

3.23 Carport means a building or structure or part thereof, of which at least 40 percent of the area of the perimeter faces is open and unobstructed by any wall, door, post, pier, and:

(a) which is used for the temporary parking or storage of private passenger motor vehicles; and

(b) wherein neither the servicing nor repairing of motor vehicles is carried on for remuneration or for commercial use.

An attached carport shall be considered as part of the main building whereas a detached carport shall be considered as an accessory building or structure.

- 3.24 Cellar** means that portion of a building between two floor levels which has more than one-half of its height, measured from finished floor to finished ceiling (or the underside of the floor joists where the ceiling is not finished), below the finished grade level.
- 3.25 Cemetery** means land set aside to be used for the interment of human remains and includes a mausoleum, columbarium or other structure intended for the interment of human remains.
- 3.25.1 Cemetery, Closed** means a cemetery that no longer receives human remains for interment.
- 3.26 Church** means a building dedicated to religious worship.
- 3.27 Club, Private** means a building or part of a building used as a meeting place for members of an organization and includes a lodge, fraternity or sorority house, labour union hall, and country club.
- 3.28 Commercial Motor Vehicle** means any motor vehicle capable of or having attached hereto a truck or delivery body or trailer and without limiting the generality of the foregoing includes truck tractors and/or trailers, delivery vans, hearses, buses, farm tractors and/or trailers used for hauling, and delivery trucks, but excludes travel trailers and motor homes as defined in this By-law.
- 3.29 Commercial Use** means the use of land, buildings, or structures for the purpose of buying and selling commodities, and/or supplying of services, but does not include industrial uses.
- 3.30 Community Centre** means a building or structure owned and operated entirely by the Corporation or by the Corporation in conjunction with neighbouring municipalities and which provides social, recreational, or other facilities for use by the general public.
- 3.31 Complying and Conforming**
Complying, when used to describe a use, building, or structure, means a use, building, or structure which agrees with, meets or satisfies all of the requirements of this By-law for such use, building, or structure.

Conforming, when used to describe a use, building, or structure, means a use, building, or structure which falls within the uses permitted in the zone category in which such use, building, or structure is located.

- 3.32 Conservation** means the protection, maintenance and improvement of components of the natural environment, including land, soil, water and vegetation.
- 3.33 Contractor's Yard or Shop** means the use of land, buildings, or structures for the purpose of:
- (a) storing equipment, vehicles, or material associated with the excavation, drainage, construction or building trades; and/or
 - (b) performing shop work or assembly work by any excavation, drainage, construction or building trades contractor.
- 3.34 Corporation** means the Corporation of the Township of Perth East.
- 3.35 Council** means the Municipal Council of the Corporation.
- 3.36 County** means the Corporation of the County of Perth.
- 3.37 Day Nursery** means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance, for a continuous period not exceeding twenty-four hours, where the children are:
- (a) under eighteen years of age in the case of a day nursery for children with a development handicap; and
 - (b) under ten years of age in all other cases, but does not include,
 - (c) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act.
- 3.38 Day Nursery, Private-home Day Care** means the temporary care for reward or compensation of five children or fewer, who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.
- 3.39 Daylight Triangle or Sight Triangle** means an area free of buildings and structures formed by measuring from the point of intersection of lot lines abutting a street on a corner lot, the distance required by this By-law along each such lot line abutting the street and joining such points with a straight line. The triangular-shaped land area between the intersecting lot lines abutting a street and the

straight line joining the points the required distance along said lot lines is the daylight or sight triangle.

- 3.40 Development** means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.
- 3.41 Drainage Works** includes a drain constructed by any means, including the improving of a natural water course, and including works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake, or pond, and includes a dam, embankment, wall, protective works or any combination thereof.
- 3.42 Dry Cleaning Depot or Establishment** means a building or part of a building used for the purpose of collection and distribution of articles or goods or fabric for the on or off-site process of dry cleaning, dry dyeing, cleaning, spot and stain removal, and for the pressing of such articles or goods.
- 3.43 Dwelling** means a building or part thereof containing one or more dwelling units. For the purpose of this By-law, permitted dwelling types are classified as follows:
- 3.43.1 **Dwelling, Accessory** means a dwelling which is accessory to a use as specifically permitted in this By-law.
- 3.43.2 **Dwelling, Apartment** means a dwelling containing 4 or more dwelling units, each of which may have an independent entrance from a common corridor within the building.
- 3.43.3 **Dwelling, Boarding or Lodging House** means a dwelling in which the proprietor resides and supplies lodging to 3 or more tenants, with or without meals, for monetary gain, but which is not open to the general public, and does not include a motel, hotel, apartment dwelling, nursing home, or group home.
- 3.43.4 **Dwelling, Converted** means a dwelling which, because of its design and size, has been or is capable of being altered or converted to provide two or more dwelling units.
- 3.43.5 **Dwelling, Duplex** means a separate building of two or more storeys divided horizontally into not more than two (2) dwelling units, each of which is completely on a separate storey(s) with an independent entrance either directly from the outside or through a common vestibule.
- 3.43.6 **Dwelling, Garden Suite** means a temporary, movable, detached dwelling unit

situated on the lot with the main dwelling.

3.43.7 **Dwelling, Group Home** means a single-detached dwelling operated as a single housekeeping unit for persons with special social, mental, or physical needs in which not more than 10 persons, not including staff, reside under appropriate and responsible care and supervision consistent with their needs, and provided the group home:

- (a) is required to meet a local need;
- (b) is licensed or approved by the Province of Ontario;
- (c) is registered by the municipality;
- (d) meets all other applicable requirements of this By-law and other municipal by-laws; and
- (e) does not include a place of detention, correction or probation for persons with a criminal history or record.

3.43.8 **Dwelling, Non-Permanent** means a dwelling that is designed, constructed, installed, and intended to be portable and capable of being easily transported from site to site. A non-permanent dwelling may be placed on a foundation wall, cement pad, or posts/piers, but shall not have a basement or cellar. A non-permanent dwelling shall include, but shall not be limited to, a mobile home. A non-permanent dwelling may include enclosed additions not exceeding 20 percent of the floor area of the prefabricated dwelling unit.

3.43.9 **Dwelling, Nursing Home** means any premises maintained and operated for persons requiring nursing care or in which such care is provided to two or more unrelated persons, but does not include any premises falling under the jurisdiction of,

- (a) the Charitable Institutions Act,
- (b) the Child and Family Services Act,
- (c) the Homes for the Aged and Rest Homes Act,
- (d) the Mental Hospitals Act,
- (e) the Private Hospitals Act, or
- (f) the Public Hospitals Act.

3.43.10 **Dwelling, Row or Townhouse** means a separate building that has been divided vertically into three (3) or more dwelling units each of which has a separate and independent entrance and which are separated from the adjoining unit or units by a common unpierced wall with no interior access between the units.

3.43.11 **Dwelling, Semi-Detached** means a separate building containing two (2) dwelling units that are divided vertically by a common unpierced wall extending from the foundation through to the roof with no interior access between the units

and where each unit has a separate independent entrance directly from the outside.

3.43.12 **Dwelling, Single-Detached** means a separate building which contains one (1) dwelling unit in which entrance is gained only by a private entrance directly from outside. Single-detached dwellings shall not include a mobile home.

3.43.13 **Dwelling, Triplex** means a separate building of two or more storeys divided horizontally into not more than three (3) dwelling units, each of which is completely on a separate storey(s) with an independent entrance either directly from the outside or through a common vestibule.

(revised by By-law No. 209-2002)

3.44 **Dwelling Unit** means one or more habitable rooms occupied or capable of being occupied on a permanent basis by one or more persons as an independent and separate housekeeping unit in which kitchen and sanitary facilities and sleeping accommodation are provided for the exclusive use of such person or persons.

3.45 **Dwelling Unit Area** means the habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, unfinished attic, cellar or sunroom (unless such sunroom is habitable in all seasons of the year), and unenclosed porches and verandahs. The area of any common or public halls, stairways, and the thickness of the outside walls shall not be considered as dwelling unit area.

(revised by by-law 220-2008)

3.46 **Eating Establishment, Restaurant** means a building or part thereof used for the serving of food or refreshments to the public, with the serving and consumption of food or refreshments taking place on the premises. A restaurant eating establishment shall include a café, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, donut shop, or snack bar, but does not include a drive-in eating establishment, a bed and breakfast establishment, or a drive through or take-out eating establishment as defined in this By-law.

(revised by by-law 220-2008)

3.47 **Eating Establishment, Dive through or Take-Out** means a building or part thereof where food is offered for sale or sold to the public from a counter area and/or through a delivery or pick-up window and where ordering and pickup of food may take place from a motor vehicle.

3.48 **Erect** when used in this By-law includes building, constructing, and reconstructing, and without limiting the generality of the foregoing, also includes the following:

- (a) any preliminary physical operation such as excavating, filling, or draining.
- (b) altering any existing building or structure by an addition, enlargement, extension, or other structural change.
- (c) the moving of any building or structure from one location to another.
- (d) any work which requires a building permit under the Building By-law of the Corporation.

The words “erected” and “erection” shall have a corresponding meaning.

- 3.49 Existing** means lawfully existing on the date of passing of this By-law.
- 3.50 Farm Produce Sales Outlet** means a fruit, vegetable, flower, or farm produce stand used for the sale of agricultural produce.
- 3.51 Farm Use** means the use of a parcel of land for the purpose of agriculture having a lot area of not less than 33 hectares.
- 3.52 Farm Vacation Establishment** means a Bed and Breakfast Establishment as defined by this By-law, as well as vacation activities involving the day to day operation of the farm property.
- 3.53 Finished Grade Level** means the average elevation of the finished surface of the ground adjoining the base of a building or structure.
- 3.54 Floor Area, Gross** means the sum total of the gross horizontal areas of the several storeys of a building or other structures on a lot measured from the exterior faces of the exterior walls of the building or structure at the floor level of each storey or from the centre line of a common wall separating two buildings or other structures, and basement floor area but excludes the floor area of a cellar or areas used for parking and loading within the building or structure.

(added by By-law No. 209-2002)

- 3.54A Floor Area, Ground** means the floor area of the lowest storey of a building or structure, approximately at or first above the finished grade level, measured between the exterior faces of the exterior walls of the building or structure. In the case of a dwelling, the floor area of any private garage or carport, porch, verandah, or sunroom (unless such sunroom is habitable in all seasons of the year) shall not be included in the calculation of ground floor area.
- 3.55 Forestry** means the management of trees, woodlots and forests for the sustainable production and harvesting of wood and wood products, and subject

to the Perth County Tree By-law.

- 3.56 Garage, Attached** means a private garage located on the same lot as a dwelling, attached to that dwelling by a common wall and/or common roof structure, and which is designed for the sheltering of private passenger motor vehicles of the occupants of the dwelling and the storage of household equipment. An attached garage does not include a carport. No facilities for the repairing or servicing of motor vehicles for remuneration or for commercial use shall be permitted in an attached garage. For the purpose of determining front yard, rear yard, and side yard setbacks, an attached garage shall be considered as part of the main building.
- 3.57 Garage, Detached** means a private garage which is accessory to a permitted dwelling, located on the same lot as the dwelling, is a separate building that is fully enclosed, and which is designed for the sheltering of private passenger motor vehicles of the occupants of the dwelling and the storage of household equipment. A detached garage does not include a detached carport. No facilities for the repairing or servicing of motor vehicles for remuneration or for commercial use shall be permitted in a detached garage. For the purpose of determining front yard, rear yard, and side yard setbacks, a detached garage shall be considered an accessory building.
- 3.58 Garage, Public Works** means a municipal or Provincial facility used for the storage and servicing of road construction and maintenance equipment and materials.
- 3.59 Golf Course** means an area for the purpose of playing golf and includes a driving range, and associated recreational uses such as a club house and tennis courts.
- 3.60 Golf Course, Miniature** means an area for the purpose of playing miniature golf, and associated facilities such as equipment rental building and refreshment stand.
- 3.61 Greenhouse, Commercial** means a building or structure used for the growing of flowers, plants, shrubs, trees, and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.
- 3.62 Habitable Room** means any room within a dwelling unit used or capable of being used for living, eating, and sleeping, but excluding a cellar or any portion thereof, bathroom, toilet room, serving or storage pantry, laundry area, and corridor.

3.63 Home Occupation means an occupation and/or a profession conducted entirely within a dwelling unit and subject to the following criteria:

- (a) such home occupation must be clearly secondary to the main use of the dwelling for residential purposes.
- (b) such home occupation must not change the character of the dwelling as a private residence.
- (c) such home occupation shall be conducted only by a person(s) residing in the dwelling.
- (d) there shall be no external evidence of the home occupation from outside of the dwelling, including window displays, with the exception of a single sign measuring not greater than 0.85 square metres in area.
- (e) there shall be no external display or storage of goods, materials, wares or merchandise on the lot on which the dwelling containing the home occupation is located.
- (f) no external alteration of the dwelling shall be permitted so as to accommodate a home occupation, such as the inclusion of any specialized structure, ramps, or oversize doorways which will tend to change the character of the dwelling as a private residence.
- (g) such home occupation shall not create nor become a nuisance or hazard to neighbours by reason of noise, vibration, dust, smoke, fumes, odour, heat, debris, refuse, fire, lighting interference, hours of operation, traffic, or parking.
- (h) not more than one home occupation is permitted in a dwelling unit and no home occupation shall occupy more than 25.0 square metres of floor area or 25 percent of the gross floor area of the dwelling (excluding an attached garage), whichever is lesser. The area of the dwelling not being used for home occupation must comply with the applicable floor area requirements of this By-law.
- (i) no home occupation shall be carried on in an accessory building or structure or in an attached garage.
- (j) such home occupation shall meet all of the applicable requirements of this By-law, including parking requirements.

(revised by by-law 220-2008)

- (k) for greater clarity, a home occupation shall include but not be limited to an office or consulting room for a professional person or agent; an office for a

trade such as a builder, a plumber, an electrician; an office for a charitable organization; a workroom for a dressmaker or a tailor; a studio for a teacher of music, art, or academic subjects, a photographer or a commercial artist; a private-home day care; a hairdresser; a dog groomer and any other use of a similar nature which satisfies all of the criteria of this section of the By-law; but shall not include a kennel, the boarding of dogs over night, a boarding house, a clinic, a workshop, a plant for any trade, or a retail store (except that a sales use accessory to a permitted home occupation shall be permitted provided that the area occupied by such accessory sales use does not exceed 15 percent of the permitted home occupation floor area).

- 3.64 Hospital** means any institution, building or other premises or place established for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved under the Hospital Act as a public hospital.
- 3.65 Hospital, Private** means a house in which four or more patients are or may be admitted for treatment, other than:
- (a) a hospital or other establishment or institution supported in whole or in part by provincial aid;
 - (b) an institution for the reclamation and cure of habitual drunkards established under the Municipal Act;
 - (c) a children's residence licensed under Part IX (Licensing) of the Child and Family Services Act; and
 - (d) a lodging house licensed under a municipal by-law.
- 3.66 Hotel** means any hotel, tavern, inn, or public house in a building or buildings which is used principally for the purpose of catering to the needs of the public by supplying food and furnishing sleeping accommodation of not less than six (6) bedrooms, and shall include a hotel within the meaning of the Liquor License Act, but does not include a boarding house dwelling or a motel.
- 3.67 Industrial Mall** means a building or group of buildings designed, developed, owned, and managed as a unit containing three or more separated spaces for lease or occupancy by industrial uses as permitted by this By-law.
- 3.68 Industrial Use** means the use of any land, buildings, or structures designed, used, or intended for the purpose of manufacturing, assembling, processing, constructing, printing, preparing, finishing, treating, repairing, shipping, wholesaling, storing, or warehousing any goods, substances, articles, or things.

(revised by By-law No. 209-2002)

3.69 Institutional Use means the use of any land, buildings, or structures for some public purpose and may include governmental, religious, educational, charitable, hospital, other similar use, but shall not include any commercial or industrial use.

(revised by by-law 220-2008)

3.70 Kennel means a place, building, or structure where dogs and/or other animals, excepting livestock, are bred, raised, sold, groomed, trained, housed, kept for sale and/or show, and/or are boarded but does not include an animal clinic.

3.71 Landscaped Open Space means open space comprised of lawn and/or ornamental shrubs, flowers, and trees and may include space occupied by paths, walks, courts, and patios, but shall not include any parking area, traffic aisles, driveways, or ramps.

3.72 Livestock means dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds, and other animals identified in Table 1 of the Minimum Distance Separation formulae, but does not include domestic pets.

3.73 Livestock Facility means one or more barns or structures with livestock-occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or anaerobic digesters.

3.73.1 Livestock Facility, Expanded means any building activity to construct or expand a livestock facility that requires a building permit and results in an increase, or decrease, in Nutrient Unit capacity on a lot, where there already was some existing Nutrient Unit capacity.

3.73.2 Livestock Facility, First means any building activity to construct a livestock facility that requires a building permit and results in an increase in Nutrient Unit capacity on a lot, where there was no existing Nutrient Unit capacity.

3.73.3 Livestock Facility, Housing Capacity: means the maximum livestock capacity for all facilities on a lot at any time, even if currently empty but able to house livestock.

3.74 Loading Space means an off-street area for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

3.75 Lot means:

- (a) a parcel of land or contiguous parcels of land under one ownership, having frontage on a public street and which is described in a deed or other document legally capable of conveying an interest in land and which is on record in the Land Registry Office No. 44; or
- (b) a parcel of land shown as a whole lot or block on a registered plan of subdivision within the meaning of the Planning Act, but a registered plan of subdivision for the purpose of this paragraph does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a by-law passed by the Council pursuant to the Planning Act.

For the purpose of this definition, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or had been conveyed to or acquired by the Corporation, Her Majesty in Right of Ontario, or Her Majesty in Right of Canada.

3.76 Lot Area means the total horizontal area within the boundary lines of a lot.

3.77 Lot, Corner means:

- (a) a lot situated at the intersection of two or more streets, or a lot abutting on one or more parts of the same street, in which an interior angle of less than 135 degrees is contained, between the front and side lot lines abutted by the said street or streets; or
- (b) a lot located on the curve of a street where the angle of intersection of the projection of the tangents of the street line does not exceed 135 degrees and for which the corner of the lot shall be deemed to be the corner point of that part of the arc of the street line upon which the lot abuts.

(revised by by-law 220-2008)

3.78 Lot Coverage means the area of a lot covered by buildings and structures, excluding overhanging structures which do not project more than 1 metre from the main wall, decks which are 0.61 m or less above the average grade, accessory buildings which are less than 10 m² and excluding uncovered swimming pools.

3.79 Lot Depth means the horizontal distance between the front and rear lot lines of a lot. Where these lines are not parallel, the lot depth shall be determined by calculating the length of a straight line joining the midpoints of the front and rear lot lines. Where there is no rear lot line, the lot depth shall be determined by calculating the length of a straight line joining the midpoint of the front lot line with the apex of the triangle formed by the intersection of the side lot lines.

3.80 Lot Frontage means the horizontal distance between the side lot lines of a lot measured along the front lot line of said lot. Where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be determined by measuring the length of a line that is parallel to, and located at the required front yard distance of the zone from, the cord of the lot frontage established by joining the two points where the side lot lines intersect the front lot line.

3.81 Lot, Interior means a lot other than a corner lot.

3.82 Lot Line means any boundary of a lot or the vertical projection thereof.

3.83 Lot Line, Front means in the case of:

- (a) an interior lot, the lot line that abuts the street;
- (b) a corner lot, the shorter lot line abutting the street shall be the front lot line and the longer lot line abutting the street shall be the exterior side lot line;
 - (i) where the lot lines abutting the street are of equal length, the lot line that abuts the street governed by the government with the higher jurisdiction shall be the front lot line while the other lot line shall be the exterior side lot line.
 - (ii) where the lot lines abutting the street are of equal length and the abutting streets are under the same jurisdiction, the lot line over which the principal means of access to the lot is obtained shall be the front lot line while the other lot line shall be the exterior side lot line.
- (c) a through lot, the shorter lot line abutting a street shall be the front line and the longer of the lot lines abutting a street shall be the rear lot line;
 - (i) where the lot lines abutting the street are of equal length, the lot line that abuts the street governed by the government with the higher jurisdiction shall be the front lot line while the other lot line abutting a street shall be the rear lot line.
 - (ii) where the lot lines abutting the street are of equal length and are under the same jurisdiction, the front lot line shall be the front lot line as established in the block by prior construction while the other lot line abutting a street shall be the rear lot line.

3.84 Lot Line, Rear means the lot line farthest from and opposite to the front lot line.

- 3.85 Lot Line, Side** means a lot line other than a front or rear lot line. For the purpose of this By-law, there shall be two types of side lot lines which are classified as follows:
- 3.86 Lot Line, Exterior Side** means a side lot line that abuts a street or a reserve.
- 3.87 Lot Line, Interior Side** means a side lot line that abuts a neighbouring lot, block, or parcel of land.
- 3.88 Lot of Record** means a lot or parcel of land that can legally be conveyed and which was legally created prior to the passing of this By-law. Subject to the above, a lot of record shall include only the following:
- (a) a lot or block shown on a registered plan of subdivision.
 - (b) a lot or parcel of land created by consent in accordance with the provisions of the Planning Act, or
 - (c) any other separate and distinct land holding, the deed to which is registered in the Land Registry Office No. 44.
- For the purpose of this definition, lots of record shall not include those lots on a registered plan of subdivision which has been deemed not to be a registered plan of subdivision in a by-law passed by the Council pursuant to the Planning Act.
- 3.89 Lot, Through** means a lot bounded on two opposite sides by streets. Where a lot qualifies as being both a corner lot and a through lot such lot shall be conclusively deemed to be a corner lot.
- 3.90 Main Wall** means the exterior front, side, or rear wall of a building, and all structural members that are essential to the support of a roof or fully enclosed space.
- 3.91 Medical Clinic** means a building where members of the medical profession such as physicians, dentists, chiropractors, drugless practitioners, or occupational therapists and their staff provide diagnosis and treatment to the general public without overnight accommodation. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, reception areas, examining and treatment rooms, x-ray facilities, and a dispensary provided that such are part of or accessory to the medical clinic and provided that the only access to such is from the interior of the building.
- 3.91.1 Minimum Distance Separation (MDS I)** means a tool to determine a

required distance for new development from existing livestock facilities as determined by the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario, as amended from time to time.

- 3.91.2 Minimum Distance Separation (MDS II)** means a tool to determine a required distance for a new or expanding livestock facility from an existing use or approved development area as determined the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario, as amended from time to time.
- 3.92 Mobile Home/Modular Home** means a prefabricated dwelling unit designed and intended to be transported or portable for movement from site to site, and includes enclosed additions thereto not exceeding 20 percent of the floor area of the prefabricated dwelling unit.
- 3.93 Mobile Home/Modular Home Community** means a lot, cared for, and managed by a community operator, where individual sites for locating mobile/modular homes or single-detached dwellings are rented or leased and where ownership and responsibility for the maintenance and development of the site facilities, including underground services (e.g. water supply, sanitary sewers, storm sewers), access roads, communal areas and buildings, together with general community management (e.g. snow clearing and removal, garbage or waste collection), rests with the community operator(s).
- 3.94 Mobile/Modular Home Site** means an area of land described on a reference plan located within a mobile home/modular home community used for the placement of a mobile/modular home or a single-detached dwelling.
- 3.95 Motel** means a building or group of two or more detached buildings designed and used for the purpose of catering to the travelling public by furnishing sleeping accommodation of not less than six (6) bedroom units and may include living accommodation for permanent staff, dining, dancing, convention, and other public rooms licensed under the Liquor License Act, as amended, parking facilities, and recreational facilities. Each bedroom unit must be capable of being entered directly from the exterior of the building. A motel shall not include a boarding or lodging house dwelling or a hotel.
- 3.96 Motor Home/Travel Trailer** means a self-propelled vehicle or any unit suitable for attachment to a motor vehicle for towing and capable of being used for temporary living, sleeping, and eating accommodation, and shall not include a mobile/modular home.
- 3.97 Motor Vehicle** means an automobile, truck, motorcycle, motorized snow vehicle, and motorized all-terrain vehicle, but does not include cars or engines running on

railway tracks, farm tractor, or self-propelled farm machinery or road building equipment.

3.98 Municipal Drain means a watercourse or sewer which carries storm surface water and drainage and includes a storm sewer, but does not include a sanitary sewer.

3.99 Non-Complying means an existing use, building, or structure permitted by the zone in which such use, building, or structure is located, but which does not meet one or more of the zone provisions with respect to lot area, lot frontage, yards, parking, or other provisions applicable to such zone.

3.100 Non-Conforming means an existing use, building, or structure not permitted by the zone in which such use, building, or structure is located.

3.101 Nursery School means a day nursery within the meaning of the Day Nurseries Act.

3.101.1 Nutrient Unit (NU) means the amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the Nutrient Management Act, 2002) and as provided by the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario, as amended from time to time.

3.102 Open Storage means the uncovered storage of goods, material, merchandise, or equipment in the open air and in unenclosed portions of buildings which are open to the air on the sides.

3.103 Outdoor Display and Sales Area means an area set aside out of doors, covered or uncovered, to be used in conjunction with an established use located for the display or sale of produce, goods or merchandise.

3.104 Park, Public means a recreational area owned and controlled by the Corporation or by any board, commission or other authority established under any statute of the Province of Ontario, or any religious, charitable, or philanthropic organizations.

3.105 Parking Area means an area, whether covered or uncovered, which is provided for the temporary parking of licensed motor vehicles and may include ingress and egress driveways, aisles, and parking spaces.

3.106 Parking Driveway means an area of land used for access to a parking area.

3.107 Parking Lot, Commercial means a privately owned parking area located on a lot which exists as, a non-accessory use, separate and distinct from any building or structure for which the provision of parking spaces is required, for profit or gain.

3.108 Parking Space means an area on a lot on which a licensed motor vehicle or horse drawn vehicle may be parked, which area:

- (a) is provided for the temporary parking or storage of one motor vehicle other than for the purpose of offering commodities or goods for sale or display;
- (b) is adequate for the temporary parking or storage of one motor vehicle and may be located within a private garage, building, carport, or covered area; and
- (c) has adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which access is to be used as parking space as defined herein.

3.109 Permitted means permitted in accordance with the provisions of this By-law.

3.110 Person means an individual, association, firm, partnership, incorporated company, corporation, agent, trustee, and their heirs, executors, or other legal representatives of a person to whom the context of this By-law can apply according to law.

3.111 Personal Service Shop means a building or part thereof in which persons are employed for the purpose of providing service and otherwise administering to the individual and personal needs of persons and shall include such uses as a barber shop, a hair dressing shop, a beauty parlour, a dressmaking or tailor shop, a shoe repair shop, a watch and jewelry repair shop, a sun tanning shop, or other similar uses. General retail is not permitted and any sale of merchandise from a personal service shop must be accessory to and associated with the personal services provided in that shop.

3.112 Pit means a place where unconsolidated gravel, sand, earth, clay, fill, mineral, or other material is being or has been removed by means of an open excavation to supply material for construction, industry, or manufacturing, but does not include a wayside pit defined in this By-law or the removal of material associated with excavation necessary for the erection of buildings or structures or associated with excavation necessary for the construction of roads.

3.113 Portable Asphalt Plant means a temporary plant opened and used by a public road authority for the purpose of a particular project or contract of road

construction. Portable asphalt plants are subject to the following criteria:

- (a) a certificate of approval for each plant must be obtained from the Ministry of Environment (MOE);
- (b) each plant shall comply with the minimum separation distances established by the MOE;
- (c) plant sites shall not be permitted in natural environment or environmentally sensitive areas within the "Agriculture" designation in the County of Perth Official Plan;
- (d) sites having previously been in agricultural use shall be rehabilitated back to their former agricultural use;
- (e) each plant shall be removed from the site upon completion of the public project; and
- (f) prior to locating a portable asphalt plant on productive agricultural land, consideration shall be given to the use of existing asphalt plants in the area, locating the portable asphalt plant in a licensed pit or a wayside pit, and locating the plant on lesser quality or inactive agricultural lands.

3.114 Planting Strip means an area of land which shall be used for no other purpose than the planting of a row of trees or a continuous unpierced hedgerow of evergreens or shrubs.

3.115 Public Building means a building or structure owned or leased and occupied by the Corporation, the County, the Province of Ontario, or the Government of Canada.

3.116 Public Library means a public library within the meaning of the Public Libraries Act.

3.117 Public Utility means a waterworks, gasworks, including works for the transmission, distribution and supply of natural gas, electrical power or energy works, or system for the generation, transmission or distribution of electric light, heat or power, a telephone system, a street or other railway system, a bus or other public transportation system or any other works or system for supplying the inhabitants generally with necessities or conveniences that are vested in or owned, controlled or operated by a municipality or municipalities or by a local board.

3.118 Pump Island means that portion of a commercial or industrial use which is used

for the dispensing of automotive fuels, which include the fuel pumps, concrete base, overhead canopy, and kiosk.

- 3.119 Recreation Trail** means a non-commercial, travelled path for outdoor activities such as hiking, cycling, cross-country skiing, and snowmobiling but shall not include any track, trail, course or circuit for: racing motorized vehicles such as motorcycles or snowmobiles; the use of automobiles or trucks; the use of motorized go-carts; the use of motorized scale model vehicles.
- 3.120 Recreational Use** means the use of land or buildings for such uses as public parks, playgrounds, playing fields, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, golf courses, recreational trails, picnic areas, swimming pools, wading pools, day camps, bleachers, bandstands, skiing, fishing, and similar uses, together with any necessary and accessory buildings and structures, but does not include hunting or a track for the racing of animals, motor vehicles, motorcycles, go-carts, snowmobiles, or all-terrain vehicles.
- 3.121 Recreational Use, Commercial** means the commercial use of land, buildings or structures for the purpose of recreation or entertainment and shall include a cinema, bowling alley, billiard hall, fitness or health club, or other similar uses, but shall not include an amusement arcade.
- 3.122 Recreation Vehicle** means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.
- 3.123 Recycling Depot** means land, building, or structure used for the collection and/or storage of materials such as cardboard, newspaper, fine paper, glass bottles, cans, and plastic containers for recycling purposes.
- 3.124 Rental Shop** means a business engaged in renting/leasing articles, tools, equipment and/or machines but does not include the renting or leasing of motor vehicles, motorcycles, recreational vehicles, boats, or heavy equipment.
- 3.125 Repair Shop** means a business engaged in the maintaining, repairing, or installation of articles, machinery and equipment for household or personal use such as appliances, air conditioners, clocks, watches, jewelry, and furniture repair.
- 3.126 Reserve** means a parcel of land, usually 0.3 metres in width, located between a lot line and the street line used to restrict access to the street from the lot or to the lot from the street. For the purpose of yards and setbacks, the reserve shall

be considered part of the street.

3.127 Retail Store means a building or part thereof in which goods, merchandise, products, wares, articles or things are offered or kept for sale directly to the public, but does not include any manufacturing, processing, assembly, or construction use.

3.128 Salvage or Wrecking Yard means a lot, building, and/or structures used for the storage, handling, salvage, dismantling, reclaiming, and/or sale of scrap or used materials, and without limiting the generality of the foregoing, shall include waste paper, rags, wood, bottles, vehicles, tires, metal, and/or other scrap material and it shall include establishments such as a junk yard, a scrap metal yard, and an automotive wrecking yard.

3.129 Satellite Dish means a parabolic or spherical antenna which receives television or microwave transmissions or other signals.

3.130 School means:

(a) the body of public school pupils or separate school pupils or secondary school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board, or

(b) the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario,

and includes the teachers and other staff members associated with such unit or institution and the lands and premises used in connection therewith.

3.131 School, Private means an institution at which instruction is provided for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study and that is not a school as defined in this section.

3.132 School, Commercial means a school other than an academic school where instruction is given for hire or gain and without limiting the generality of the foregoing may include the studio of a dance teacher, an art school, business or trade school.

(revised by By-law 220-2008)

3.133 Secondary Farm Occupation means an occupation and/or a profession conducted on a farm as part of the farm unit and such secondary farm occupation shall:

- (a) be secondary to the principal use of the farm property for farming purposes, with the principal farming use being conducted by the farm family residing on the farm property and who are actively involved in the farming operation on the farm property and not more than two employees (full-time equivalents) from off the farm;
- (b) (revised by By-law 215-2019) be limited to those uses involved in the manufacture or fabrication of goods; small-scale food processing operations; value added processing or packing operations; trades occupations (such as an electrician, plumber, carpenter, welder, painter); a craftsperson or artist; and occupations which are primarily and directly related to agriculture and farming;
- (c) not result in the loss of good and/or productive farm land; not occupy building area that is necessary for or essential to the farming operation; and in no way impede or interfere with the ability of the farmer to conduct the farming operation;
- (d) be conducted inside of buildings and/or structures and not occupy more than 375 square metres total floor area; not include any outdoor storage exceeding 2000 square metres in area, provided such outdoor storage is abutting the building containing the secondary farm occupation and is maintained in a neat and orderly fashion;
- (e) be accommodated in buildings and structures which are capable of being converted/reverted to a farming use that is appropriate for the farm property at such time that the secondary farm occupation ceases to exist, and which are located in proximity to the principal farm buildings (i.e. farm dwelling and livestock);
- (f) be small-scale and clearly secondary to the principal use of the farm for farming purposes, not be separate or independent from the farm operation, and be located on the same farm therewith;
- (g) be accessed by a driveway which serves the farm unit, and not accessed by a separate driveway serving only the secondary farm occupation;
- (h) not require municipal water or sewer services; and require the approval of the appropriate authority for the method of water supply and waste disposal;
- (i) be limited to not more than one secondary farm occupation use per farm lot; and

- (j) obtain a license and/or a statement of conformity from the municipality prior to the establishment of the secondary farm occupation.
- (k) the requirements of Section 3.133 shall apply, with necessary modifications, to permit a trades occupation (such as an electrician, plumber, carpenter, welder, painter) to be conducted accessory to an existing non-farm dwelling in the Agricultural Zone, provided that no outdoor storage is permitted where the lot area is less than 8000 square metres (.8 ha). All other requirements of Sections 3.133 (a) through (j) shall apply with necessary modifications for a non-farm lot.

3.134 Shopping Centre means a group of commercial establishments designed, developed, owned, and managed as a unit containing three or more separated spaces for lease or occupancy by commercial uses or business or professional offices, providing common open spaces, on-site parking areas, loading areas, driveways, and other shared facilities, and which may be held in a single ownership or by participants in a condominium corporation.

3.135 Sight Triangle - see Daylight Triangle

3.136 Sign means a name, identification description, device, display, or illustration which is affixed to, or represented directly upon a building, structure, or lot and which directs attention to an object, product place, activity, person, institution, organization, or business.

3.137 Storey means that portion of a building, other than an attic, basement or cellar, which is situated between any floor and the ceiling or roof next above it.

3.138 Storey, One-Half means that portion of a building which is situated wholly or in part within a sloping roof and which has a minimum height of 2 metres over 50 percent of the floor area of the storey below.

3.139 Street, Road or Highway (Private) means a road which has not been assumed by the Corporation, the County or the Province and shall include the principal means of access to any mobile/modular home site.

(revised by By-law 220-2008)

3.140 Street, Road or Highway (Public) means a road which has been assumed by the Corporation, the County, or the Ministry of Transportation for Ontario and shall include such public road, street, or highway as affords the principal means of access to any lots that abut thereon, but does not include a private lane or right-of-way. For the purpose of yards and setbacks, an unopened road allowance shall be considered a road, street, or highway (public).

- 3.141 Streetline** means the line that divides the lot from the street.
- 3.142 Structure** means anything that is constructed of one or more parts, whether permanent or temporary, and which is fixed to or supported by the soil or an attachment to something having a location on the ground, but does not include a boundary wall, fence, retaining wall, hedge or other planting, light standard, sign, patio stones or other hard surface at grade level for people or vehicles, weigh scale or tombstone.
- 3.143 Swimming Pool** means any body of water with a depth greater than 0.4 metres located indoors or outdoors which is contained by artificial means, and used and maintained for the purpose of swimming, wading, or diving, but shall not include a water storage tank.
- 3.144 Tourist Establishment** means any premises operated to provide sleeping accommodation for the traveling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include:
- (a) a camp operated by a charitable corporation approved under the Charitable Institutions Act; or
 - (b) a summer camp within the meaning of the regulations made under the Health Protection and Promotion Act; or
 - (c) a club owned by its members and operated without profit or gain.
- 3.145 Trailer** means a trailer within the meaning of the Highway Traffic Act. A trailer shall not be considered to include a mobile home.
- 3.146 Motor Home/Travel Trailer Campground** means a lot whereon two or more sites are provided for parking or placing motor homes/travel trailers or tents on a temporary or seasonal basis.
- 3.147 Transportation Terminal** means a building, structure, or place where licensed buses, licensed trucks, and/or licensed tractor trailers are rented, leased, repaired, loaded or unloaded, kept for hire or stored or parked for remuneration or from which licensed buses, licensed trucks, and/or licensed tractor trailers are dispatched as common carriers or where goods are stored temporarily for further shipment.
- 3.148 Use** means the purpose for which a lot, building, or structure, or combination thereof, is designed, arranged, or occupied. The words “uses”, “to use”, and

“used” shall have corresponding meanings.

- 3.149 Watercourse** means a natural or altered lake, pond, river, creek, open municipal drain, or stream, but shall not include a farm pond.
- 3.150 Wayside Permit Aggregate Operation (Wayside Pit)** means a temporary pit opened and used by a public road authority or its agent for the purpose of a particular project or contract of street construction.
- 3.151 Yard** means a space appurtenant to a building or structure, located on the same lot as such building or structure, and which is open, uncovered, and unoccupied from the ground to the sky except as permitted otherwise by this By-law.
- 3.152 Yard, Front** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.
- 3.153 Yard, Minimum Front** means the minimum depth of a front yard between the front lot line and the nearest wall, or part thereof, of any building or structure on the lot.
- 3.154 Yard, Rear** means a yard extending across the full width of a lot between the rear lot line and the nearest wall, or part thereof, of any main building or structure on the lot, where the rear yard is a point, the rear yard is measured back a distance along the side lot lines or measured back from the part to a line which is parallel to the line used for front yard measurement, not front yard.
- 3.155 Yard, Minimum Rear** means the minimum depth of a rear yard between the rear lot line and the nearest wall, or part thereof, of any main building or structure, on the lot.
- 3.156 Yard, Side** means a yard extending from the front yard to the rear yard of a lot and from the side lot line of the lot to the nearest wall, or part thereof, of any building or structure, on the lot.
- 3.157 Yard, Exterior Side** means a side yard immediately abutting a street.
- 3.158 Yard, Interior Side** means a side yard other than an exterior side yard.
- 3.159 Yard, Minimum Side** means the minimum width of a side yard between the side lot line of a lot and the nearest wall, or part thereof, of any main building or structure of the lot.
- 3.160 Zone** means any classification established in Section 4 of this By-law which applies to the area(s) delineated on the attached Zoning Map or Zoning Map

Schedules for such classification and to which specific provisions as established by this By-law shall apply.

3.161 Zone Boundary means the limit or extent of a designated area of land use shown on Schedule "A" attached hereto.

3.162 Zoning Administrator means an officer or employee of the Corporation charged with the duty of administering and enforcing the provisions of this By-law.