

## SECTION 2 DEFINITIONS

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In this By-law, unless the context requires otherwise, the following definitions and interpretations shall apply. The inclusion of a definition in this section **DOES NOT** mean that the use is permitted within any zone. Reference needs to be made to the specific zone to determine permitted uses and regulations within that particular zone.

- 2.1 **ABATTOIR** shall mean a building, structure or lot or part thereof where animals are slaughtered for the purposes of processing meat into food for human consumption; and where meat products are produced, processed, handled, or stored.
- 2.2 **ACCESSORY** shall mean a use, a building, or structure that is normally incidental, subordinate, and exclusively devoted to a main use, building, or structure and that is located on the same lot therewith which is not used or intended for human habitation unless permitted by this By-law.
- 2.3 **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, of which 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”, or “sexy”, or any other word, picture, symbol or representation having like meaning or implication may be used on any sign, advertisement, or advertisement device, and without limiting the generality of the foregoing, includes any performance, exhibition, or activity involving striptease dancers, exotic dancers, wet clothing contests, or best body part contests.
- 2.4 **AGRICULTURAL USE** shall mean the cultivation of land, the production of crops, aquaculture, apiaries, the breeding, raising and care of livestock and the selling of such crops/livestock or the product of such crops/ livestock raised on the premises, and without limiting the generality of the foregoing includes animal husbandry, and the raising and harvesting of field, bush, tree or vine crops, market gardening, agricultural greenhouses, including the related sights, sounds, smells, and noises, and excluding composting, garden supply centres, plant nurseries and commercial greenhouses.
- 2.5 **AGRI-TOURISM** Shall mean the act of visiting a working farm or any agricultural, horticultural or agri-business operation for the purpose of education, enjoyment, or active involvement in the activities of the farm where the principal activity on the property remains as farming and where products used in the activity are produced on the property or related to farming. Such activities shall only include hay or corn maze, petting zoo, hey/sleigh rides, buggy or carriage rides, farm tours, and processing demonstrations. All Agri-Tourism buildings and structures shall be subject to the provisions of Section 4.29, On-Farm Diversified Uses.
- 2.6 **AGRO-FORESTRY** Means the use of a lot, or part thereof, for the purpose of growing trees and/or other perennial plants together with annual crops in the expectation of gain or reward.
- 2.7 **ALTER** when used in reference to a building or structure or part thereof, shall mean 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. When used in reference to a lot, the word “alter” means to change 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.

- 2.8 **ANIMAL CLINIC** shall mean any building containing more than two rooms, used or intended for use for the purpose of a veterinarian practice.
- 2.9 **ANIMAL KENNEL** shall mean a building, structure or other facility, or any part thereof, which is used for Boarding, grooming, rescuing, showing, training, housing, breeding, or keeping of more than three (3) Dogs, but shall not include an Accredited Veterinary Facility, an animal hospital, pet store or animal shelter.
- 2.10 **APIARY** shall mean a place in which a number of beehives are kept, a bee farm.
- 2.11 **ASSEMBLY HALL** shall mean 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 may include a banquet hall or private club.
- 2.12 **ATTACHED** shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.13 **ATTIC** shall mean the portion of a building situated wholly or part within the roof and which is not one-half storey.
- 2.14 **AUCTION SALES FACILITIES** shall mean a building, structure, or portion thereof used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.
- 2.15 **BAKERY** shall mean a building, or part thereof, used for producing, mixing, compounding, or baking bread, biscuits, cakes or other baked products, which may or may not include a retail store where such products are sold.
- 2.16 **BALCONY** shall mean a platform that projects from the outside of a building, having at least one (1) side open that may be covered by either a roof or another balcony and shall have no direct access to the ground.
- 2.17 **BARRIER FREE ACCESS** shall mean continuous unobstructed access, connecting all elements and spaces for a building or facility and may include parking access aisles, ramps, crosswalks at vehicular ways and barrier free accessible doorways at all entrances and exits.
- 2.18 **BASEMENT** shall mean that portion of a building partially below ground level and which has more than one-half (1/2) of the area of the exterior wall between finished grade and first floor level exposed.
- 2.19 **BED AND BREAKFAST ESTABLISHMENT** shall mean a dwelling unit or part of a dwelling unit used for the purpose of catering to the needs of the traveling public, by supplying food and furnishing sleeping accommodations, but shall not include any part of an accessory building.

- 2.20 **BOARDING HOUSE or ROOMING HOUSE** shall mean any house or building or portion thereof in which the proprietor resides and supplies, for hire or gain to more than two persons, lodging and/ or meals, but shall not include a hotel, motel, hospital, bed and breakfast establishment, home for the young or the aged, or institution, or restaurant accommodating the general public.
- 2.21 **BUFFER STRIP** shall mean an area used for no other purpose than the planting of a continuous row of trees or an un-pierced hedgerow of natural evergreens or shrubs, not less than 1.2 metres in height at the time of planting, and must be of such a species or type so as to achieve a minimum height of 1.75 metres at maturity. A buffer strip shall have a minimum width of 1.5 metres unless otherwise specified in this by-law.
- 2.22 **BUILDING** shall mean any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home or tent.
- 2.23 **BUILDING AREA** shall mean the area of a lot within which permitted buildings or other structures may be erected, used, and maintained and shall be calculated by deducting all required yard areas and setbacks from the gross lot area.
- 2.24 **BUILDING BY-LAW** shall mean any building By-law within the meaning of the Building Code Act.
- 2.25 **BUILDING LINE** Shall mean a line within a lot drawn parallel to a lot line. It establishes the minimum distance between the lot line and any building, or structure that may be erected.
- 2.26 **BUILDING LINE, ESTABLISHED** shall mean a line within a lot drawn parallel to a lot line created by measuring the average setback of existing buildings, where at least five main buildings have been erected on any one side of a continuous 150.0 metre strip of land fronting on a street or road.
- 2.27 **BUILDING OPENING** shall mean a door, window or similar opening in a building.
- 2.28 **BUTCHER SHOP** shall mean an establishment where meat, poultry, and/or fish are cooked, cured, cut or otherwise prepared and offered for retail sale, but does not include a meat products plant, a stock-yard, an abattoir, tannery, or hide processing plant, a poultry processing plant, a poultry-killing establishment, an animal food factory or an animal by-products plant.
- 2.29 **CAMPGROUND** shall mean a use consisting of at least five camping sites, licensed under the provisions of the Municipal Act, as amended, and comprising land used or maintained for seasonal recreational activity as grounds for the camping or parking of a tent, motor home, travel trailer, or truck camper, but not a mobile home.
- 2.30 **CANNABIS** shall mean a genus of flowering plants in the family *Cannabaceae*. Synonyms include, but are not limited to, marijuana and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs (hemp milk, hemp seed, hemp oil), fiber and biofuels).
- 2.31 **CANNABIS PRODUCTION AND PROCESSING** shall mean lands, buildings, or

structures used for the production, processing, testing, destroying, packaging, storage and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the *Controlled Drugs and Substances Act*, SC 1996, c 19, and the *Cannabis Act*, S.C. 2018, c. 16, as amended from time to time, or any successors thereto.

- 2.32 **CANTILEVERED WALL** shall mean an exterior front, side, or rear wall of a building that may project from a “Main Wall” into a “Yard” in accordance with the provisions of this By-law.
- 2.33 **CARPORT** refer to the definition of Garage, Private.
- 2.34 **CAR-WASHING ESTABLISHMENT** means a building, structure or facility designed, intended or used exclusively for the washing of motor vehicles.
- 2.35 **CATERER’S ESTABLISHMENT** shall mean an establishment in which food and beverage are prepared for consumption on or off the premises to customers but does not include a restaurant.
- 2.36 **CELLAR** see BASEMENT.
- 2.37 **CEMETERY** shall mean land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried.
- 2.38 **CHURCH or PLACE OF WORSHIP** shall mean a building dedicated to religious worship and may include a church hall, church auditorium, Sunday school, parish hall, church day nursery, synagogue and temple.
- 2.39 **CLINIC** shall mean any building or portion thereof containing two or more offices used or intended for use for any of the purposes of medical or dental practice, and without limiting the generality of the foregoing includes the offices or consulting rooms of members of the medical or dental professions or a chiropractor.
- 2.40 **CLUB** shall mean a building used or intended to be used as a meeting place for the members of an organization, association, fraternal order, or similar type group, not operated for profit and wherein athletic facilities, dining rooms, and beverage rooms may or may not be provided.
- 2.41 **COMMERCIAL USE** shall mean the use of land or buildings for the purposes of buying and/or selling, and/or leasing commodities and supplying services.
- 2.42 **COMMUNITY CENTRE** shall mean a building used for community activities and not for commercial purposes, the control of which is vested in the Township, a local board, or trustees.
- 2.43 **CONSERVATION AREA** shall mean an area of land owned by a conservation authority, the Township of Wellesley, the Province, or privately and used solely for the preservation and enhancement of the natural environment.
- 2.44 **CONTRACTOR’S YARD OR SHOP** shall mean the use of land, buildings or structures

for the purpose of storing construction, excavation or plant equipment, vehicles, or material or performing shop work or assembly work by any building trade contractor, provided the use does not create any obnoxious use as defined by this By-law and is compatible with adjacent properties.

- 2.45 **CONTRACTOR'S YARD OR SHOP, LIGHT DUTY** shall mean the use of land, buildings or structures for the purpose of storing construction, excavation or plant equipment, vehicles, material or performing shop work or assembly work by any building trade contractor, provided the use does not create any obnoxious use as defined by this By-law and is compatible with adjacent properties which occupies a maximum of six (6) light-duty vehicles (maximum Gross Vehicle Weight Rating each of 5,443 kg (12,000 lbs)).
- 2.46 **CONVENIENCE PLAZA** shall mean a group of not more than four (4) convenience stores or personal service shops located adjacent to one another under one roof with separate entrances, all of which front on an improved street or road which provide off-street parking.
- 2.47 **CONVENIENCE STORE** shall mean a retail store supplying groceries and other daily household necessities to an immediate surrounding residential area.
- 2.48 **COVERAGE** shall mean the percentage of the lot area covered by the first storey of all buildings, including accessory buildings, decks or unenclosed porches on the lot, and including all projections but exclusive of swimming pools, canopies and overhanging eaves.
- 2.49 **DAY CARE CENTRE** means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care and guidance, for a continuous period, not exceeding 24 hours, when the children are:
- a) Under 18 years of age in the case of a day nursery for children with a developmental handicap; and
  - b) Under 10 years of age in all other cases.
- 2.50 **DAY CARE - PRIVATE HOME** means the temporary care for reward or compensation of five (5) children or less who are under ten (10) years of age where such care is provided 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 (24) hours.
- 2.51 **DEAD STOCK REMOVAL FACILITY** shall mean a building, structure or lot, or part thereof, where any animals are brought for the purposes of destroying such animals, and also includes any processing, handling, or storage of such animals for any period of time, but shall not include an abattoir or rendering plant.
- 2.52 **DECK** Shall mean a structure that is not fully enclosed (i.e. may have a roof but no walls, except for a supporting beam/post), accessory to a residence, used as an outdoor amenity area.
- 2.53 **DERELICT MOTOR VEHICLE** shall mean a vehicle which is unlicensed and/or a vehicle which is in disrepair, has missing parts, including tires, or damaged or missing glass, or deteriorated or removed metal adjunctions which make its normal use impossible.



- 2.54            **DOCK** shall mean a structure on land or in the water to be used for transferring goods or passengers to or from a boat or airplane.
- 2.55            **DRIVE-THROUGH** shall mean the use of land, buildings or structures, or parts thereof, to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive through facility may be in combination with other uses. A drive-through facility does not include vehicle repair facility, a gas bar or a car-washing establishment.
- 2.56            **DRIVEWAY** shall mean a private passageway for a motor vehicle, having at least one end thereof connected to a road or lane, and providing the principal means of vehicular access to a lot.
- 2.57            **DRIVEWAY DAYLIGHT TRIANGLE** shall mean the triangular area formed by measuring 4.0m along the driveway edge at the property street line and 4.0m along the front property street line.
- 2.58            **DRY CLEANING ESTABLISHMENT** shall mean a building where dry cleaning, dry dyeing, cleaning or pressing of articles of clothing is carried on, and
- (i)            in which only non-inflammable solvents are or can be used which emit no odours or fumes; and
- (ii)           in which no noise or vibration causes a nuisance or inconvenience within or without the premises
- 2.59            **DWELLING** shall mean a building, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding houses, rooming houses, motels, institutions, group homes, crisis housing.
- 2.60            **DWELLING, APARTMENT** shall mean a dwelling, consisting of four or more dwelling units which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls and/or stairs and/or elevators and yards.
- 2.61            **DWELLING, CLUSTER TOWNHOUSE** shall mean a building containing three (3) or more attached single units with a common masonry wall dividing the two dwelling units vertically, each of which has an independent entrance at grade, with a private internal traffic circulation system providing access from a public street.
- 2.62            **DWELLING, CONVERTED** shall mean a dwelling originally designed as a single-detached dwelling unit, which is expanded or converted, by partition and the addition of sanitary facilities and cooking facilities and which contains non lockable internal openings or doors with satisfactory internal connectivity between such units and aesthetically appear as part of the existing unit.
- 2.63            **DWELLING, DUPLEX** shall mean a building that is divided horizontally into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 2.64            **DWELLING, FARM** shall mean a dwelling used as the primary residence for an active

and operating farm or a dwelling used for a full-time farm employee of an active farm on which the dwelling is located.

- 2.65 **DWELLING, FOURPLEX** means a dwelling unit in a building that is divided horizontally or is divided horizontally and vertically into four dwelling units, each of which has an independent entrance to the outside or through a common vestibule or a combination of both. A dwelling in any other type of building is not a fourplex dwelling.
- 2.66 **DWELLING, MAISONETTE** shall mean a building designed to contain more than three (3) dwelling units each having an entrance from a common hallway or stairway inside the building and a separate outside entrance.
- 2.67 **DWELLING, MODULAR** shall mean a house that is intended for residential purposes and that is constructed by assembling manufactured modular units each of which comprises at least one room or living area, has been manufactured to comply with the A277 series of standards prescribed by the Canadian Standards Association, and bears the seal of that Association attesting to such compliance. For the purposes of this By-law, a modular dwelling shall be mounted on a suitable foundation or piers to the satisfaction of the Township Chief Building Official. When used as an addition to an existing dwelling unit, it is intended to have non lockable internal openings or doors with satisfactory internal connectivity and aesthetically appear as part of the existing unit.
- 2.68 **DWELLING, SEASONAL** shall mean a seasonal residential building or structure used or intended to be used for recreational rest or relaxation throughout the year, but not used or intended to be used as a primary residence and/or permanent dwelling for more than 50% of any calendar year.
- 2.69 **DWELLING, SEMI-DETACHED** shall mean a building that is divided vertically into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 2.70 **DWELLING, SINGLE-DETACHED** shall mean a completely detached, freestanding dwelling unit, but does not include a mobile home.
- 2.71 **DWELLING, STACKED TOWNHOUSE** shall mean a townhouse dwelling with dwelling units also divided horizontally, each of which has an independent access form the outside ground level or through a common entrance hall.
- 2.72 **DWELLING, STREET TOWNHOUSE** shall mean a building containing three (3) or more attached single units with a common masonry wall dividing the two dwelling units vertically, each of which has an independent entrance at grade, and has legal frontage on a public right-of-way.
- 2.73 **DWELLING, TRIPLEX** means a dwelling unit in a building that is divided horizontally or is divided horizontally and vertically into three dwelling units, each of which has an independent entrance to the outside or through a common vestibule or a combination of both. A dwelling in any other type of building is not a triplex dwelling.
- 2.74 **DWELLING UNIT** shall mean one or more habitable rooms occupied or capable of being occupied as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such occupants, with a private

entrance from outside the building or from a common hallway or stairway inside the building.

- 2.75 **DWELLING UNIT (ATTACHED), ADDITIONAL** shall mean self-contained residential units with a private kitchen, bathroom facilities and sleeping areas located within a single detached, semi-detached or townhouse dwelling.
- 2.76 **DWELLING UNIT (DETACHED), ADDITIONAL** shall mean a building where a self-contained dwelling unit is separate, subordinate in size and accessory to the principal dwelling unit. The unit may be a free-standing structure, or may be located attached to or above a detached accessory structure.
- 2.77 **DWELLING UNIT, BACHELOR** shall mean a dwelling unit consisting of one (1) bathroom and not more than one (1) habitable room, providing therein living, dining, sleeping, and kitchen accommodation.
- 2.78 **EFFECTIVE DATE** shall mean the date that this By-law shall be deemed to come into full force and effect upon the issuance of a formal order pursuant to Section 34(21) of the Planning Act, as amended and revised from time to time.
- 2.79 **ERECT** shall include build, construct, reconstruct, alter and relocate and, not to limit the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 2.80 **EXISTING** shall mean legally existing as of the date of the passing of this By-law.
- 2.81 **FARM** shall mean a parcel of land used for agricultural purposes.
- 2.82 **FARM EQUIPMENT SALES AND SERVICE** shall mean the use of land, buildings, or structures, or portions thereof, where farm vehicles and equipment are stored for the purposes of sale, lease, or hire and where such vehicles and equipment are repaired or serviced for purposes of being maintained in an operable condition.
- 2.83 **FARM PRODUCE OUTLET** shall mean the use of land, buildings or structures for the purpose of selling agricultural products (not including manufactured dry products) produced in the area in which the subject property is located. A farm produce outlet shall have a maximum floor area and outdoor product display area of 140 m<sup>2</sup>.
- 2.84 **FARMER** shall mean an individual, family, association or corporation engaged in a farming business as that term is defined in Section 1 of the Farm Registration and Farm Organizations Funding Act, namely a farming business within the meaning of Section 28 of the Income Tax Act, and is eligible to be taxed at twenty five percent (25%) of the municipal residential rate as set out by the Provincial Farmland Property Taxation Program namely:
- 2.85 the property is assessed as farmland through the Municipal Property Assessment Corporation;
- 2.86 the property is part of a farming business that generates more than seven thousand dollars (\$7000) in annual gross farm income;

- 2.87 the farm business operating on the property has a valid farm business registration number;
- 2.88 the property is owned by a Canadian citizen or a permanent resident of Canada.
- 2.89 **FEED MILL** shall mean a building or structure used for the purpose of processing food for animals, and which may include a retail operation for the sale of such products.
- 2.90 **FERTILIZER PLANT** shall mean the use of land, buildings, and structures, or portions thereof, where natural and synthetic materials are processed for the purpose of producing materials to increase soil fertility, and which may include the retail sale of such products, but does not include a commercial or industrial composting operation.
- 2.91 **FINANCIAL INSTITUTIONS** shall mean an establishment that provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stockbrokers, but not including the offices or administrative offices, which shall be considered to be offices for the purposes of this By-law.
- 2.92 **FLOOD AND EROSION CONTROL** shall mean any lands, buildings or structures, and any appurtenances to such, operated and/or maintained by a public authority, and used for the purpose of regulating water levels and protecting adjacent lands on both natural and man-made bodies of water.
- 2.93 **FLOOR AREA** shall mean the sum of the areas of all floors of a building measured from the outside of all exterior walls exclusive of any attic, basement, cellar, garage, breezeway, heating laundry facilities, mechanical equipment, veranda, porch or sunroom unless such enclosed porch or sunroom is an integral part of the building and habitable in all seasons, and excluding any floor area with a ceiling height of less than two (2.0) metres.
- 2.94 **FLOOR AREA, COMMERCIAL** shall mean the sum of the areas of all floors of a building or part thereof used for commercial purposes measured between the internal faces of the exterior walls, excluding a generator room and mezzanines that do not have permanent accesses.
- 2.95 **FLOOR AREA, GROUND** shall mean that area of a lot covered or intended to be covered by the floor area of a building as defined by “Floor Area”.
- 2.96 **FOOD PROCESSING PLANT** shall mean a building, or part thereof, other than a restaurant or refreshment room in which agricultural products are packed, frozen, prepared, processed, preserved, graded or stored for eventual human consumption, and includes a cannery, a flour mill, a dairy, a bakery, or an egg grading station, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of blood, tripe or bones.
- 2.97 **FOOD CART** means a cart, bicycle or tricycle which is propelled by muscular power and moved from place to place and is equipped with cooking or barbeque grills on which to prepare hot food and which food stuff, including ice cream products are sold or offered for sale to the public.
- 2.98 **FOOD TRUCK** means a vehicle, or trailer in good repair and appearance, either mounted on blocks or supported by a conventional wheel, tire, and axle system (with or without a

bottom skirt) and from which food and refreshments are prepared or appointed and sold to the public.

- 2.99 **FORESTRY USE** shall mean the general raising and harvesting of wood and without limiting the generality of the foregoing includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products.
- 2.100 **FUNERAL HOME** shall mean a building where preparation of the dead human body for interment or cremation is undertaken.
- 2.101 **GAME FARM** shall mean any lands, buildings, or structures where wild animals, birds, waterfowl or fish are kept for the purpose of hunting for food or for sport.
- 2.102 **GARDEN SUITE** shall mean a one-unit detached residential dwelling containing bathroom and kitchen facilities that is ancillary to an existing single detached residential dwelling and is designed to be portable and excludes a travel trailer as defined herein.
- 2.103 **GARDEN SUPPLY CENTRE** shall mean the use of lands, buildings or structures for the purpose of buying, selling and raising of all plants, shrubs and trees and includes the storage and sale of accessory products generally used for landscaping and gardening purposes including fertilizers, gardening equipment, furnishings and other similar products not raised or grown on the premises.
- 2.104 **GARAGE, PRIVATE or CARPORT** shall mean a building or portion of a building designed for the storage of not more than three (3) private motor vehicles and the storage of household equipment incidental to residential occupancy, wherein no service for profit is rendered; and where such structure is within two (2.0) metres of the main building, it shall be deemed to be part of the main building and not an accessory building.
- 2.105 **GARAGE, PUBLIC** shall mean a building or structure other than a private garage where motor vehicles are kept or stored for remuneration or repair, including the complete repair to motor vehicle bodies, frames, or motors, and the painting, upholstering, washing, and cleaning of such vehicles, and may include an automobile service station.
- 2.106 **GAS** shall mean natural gas, manufactured gas, propane-arc gas, or any mixture of any of them.
- 2.107 **GAS BAR** shall mean a lot containing gasoline, diesel fuel or propane dispensing devices and a structure used for the sale of fuel and lubricants for vehicles.
- 2.108 **GOLF COURSE** shall mean a public or private area operated for the purpose of playing golf including a par three golf course, driving range, putting green, miniature golf course, or combination thereof.
- 2.109 **GRADE LEVEL** shall mean the average elevation of the finished grade of the ground immediately surrounding such building or structure and is determined by averaging (6) six grade elevations equally spaced apart along the exterior walls of the building, and when used with reference to a highway, street or road mean the elevation of the highway, street or road established by the Municipality or other designated authority.
- 2.110 **GRAIN HANDLING AND STORAGE FACILITIES** shall mean buildings and structures used for the purpose of drying, processing, storage, and/or wholesale trade of

harvested agricultural grains.

- 2.111 **GREENHOUSE, AGRICULTURAL** shall mean any building or structure in an agricultural zone where fruits, vegetables, flowers, and plants are produced by controlled temperature and/or humidity for the purpose of personal/agricultural use. Sale of products grown on the property are permitted subject to the provisions of this by-law. Garden centres or retail sale of products not raised or grown on the premises is prohibited.
- 2.112 **GREENHOUSE, COMMERCIAL** shall mean any building or structure where fruits, vegetables, flowers, trees, and shrubs by controlled temperature and/or humidity for the purpose of selling such products and a variety of non-plant accessory items or value-added agricultural products, which may include a garden centre as a commercial accessory use.
- 2.113 **GREENHOUSE, RESIDENTIAL** shall mean any building or structure in a residential zone where fruits, vegetables, flowers, trees, shrubs, all plants that could be grown in a nursery and horticultural crops of all kinds are produced by controlled temperature and/or humidity for the purpose of personal/domestic use. Retail sales of products raised or grown on the premises shall be prohibited.
- 2.114 **GROUP HOME** means a single-detached residential dwelling, which three to six residents (excluding staff or receiving family) live as a single housekeeping unit under responsible supervision consistent with the requirements of its residents. The home shall be licensed, approved, or funded under federal or provincial statute and is in compliance with municipal By-laws.
- 2.115 **GROUPED HOUSING** shall include two (2) or more separate dwelling units which may be comprised of but not limited to: semi-detached dwelling, duplex, triplex, double duplex, converted dwelling, or townhouse, rowhouse, maisonette dwelling, and/or an apartment dwelling located on the same lot, which lot may or may not be retained under one ownership.
- 2.116 **HABITABLE ROOM** shall mean any room used or intended for human habitation except a cellar, bathroom, hallway, stairwell, laundry or storage room.
- 2.117 **HAZARD LAND** shall mean land which exhibits, or potentially exhibits, a hazardous condition as a result of its susceptibility to flooding, erosion, subsidence, inundation, or the presence of organic soils or steep slopes, where the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.
- 2.118 **HEIGHT** when used with reference to a building or structure shall mean the vertical distance between the horizontal plane from grade level through:
- a) The highest point of the roof assembly in the case of a building with a flat roof or a deck roof;
  - b) The average level of a one-slope roof, between the ridge and the eaves, provided that a roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
  - c) The average level between eaves and ridges in the case of a roof type not covered in sub-sections a) and b);

- d) From the lowest finished grade elevation to the highest point of the roof assembly in the case of any building within the Paradise Lake Residential (PLR) Zone; and
- e) In the case of an accessory building or additional detached dwelling unit in any SR, UR or UR2 zone, the building height is measured from average grade level to the peak of the roof.
- f) Chimneys, towers, spires, cupolas, grain elevators or that portion of the structure designed to house mechanical equipment or other similar structures shall be disregarded in calculating the height of a building.
- g) 60% of the vertical distance to the highest point of a building or structure where the transition between wall and roof is undefined, such as in a quonset hut or inflatable structure

2.119 **HOME-BASED FOOD BUSINESS** Shall mean the preparation of low-risk foods that are considered non-hazardous and do not require temperature control and does not produce any grease-laden vapors through frying or boiling of product. Direct sales via telephone, internet, or mail order are permitted, but direct retail sales from the residence are prohibited.

2.120 **HOME OCCUPATION** shall mean an occupation for gain or support conducted entirely within a dwelling as a secondary use and only by persons residing on the premises, including a private home day care.

2.121 **HOSPITAL** shall mean a hospital as defined by the Private Hospitals Act, and a sanatorium as defined by the Private Sanatorial Act, and a hospital as defined by the Public Hospitals Act.

2.122 **HOTEL** shall mean any hotel, tavern, inn, lounge, or public house in one main building or in two or more buildings used mainly for the purposes of catering to the needs of the traveling public by supplying food and furnishing sleeping accommodation of not less than six (6) guest rooms, which guest rooms contain no provisions for cooking, and shall include all such buildings operating under the Liquor License Act, and the Tourist Establishments Act, as amended from time to time.

2.123 **HOUSEHOLD PET** shall mean any form of animal such as pets raised or housed for recreational or hobby purposes which could normally be purchased in a pet store, which would normally spend all or part of its life within a dwelling unit, which is owned by a resident of the dwelling unit and which is not kept for profit or gain.

2.124 **INDUSTRIAL USE, DRY** Shall mean any industry in which water is not required in the processing, assembly, fabricating or manufacturing functions of the business and which requires water and sewage disposal facilities for domestic use of employees and visitors only.

2.125 **INDUSTRIAL USE, LIGHT/DRY** shall mean the light manufacturing, assembly or processing of component parts to produce finished products suitable for retail or service trade but does not include food, beverage, tobacco, rubber, leather, textiles and knitting, wood, printing, metal fabrication or similar industries if these operations involve stamping presses or the emission of any air, noise or water pollution, that can be smelled, heard or otherwise perceived outside of the building used for such purposes.

- 2.126 **INDUSTRIAL USE, URBAN** shall mean any serviced use including the manufacturing, assembly, processing, repair, storage, distribution or transportation operation of component parts to produce finished products suitable for retail or service trade including the storage of building and construction equipment and materials provided the use does not create any obnoxious use as defined by this By-law and is compatible with adjacent properties, but does not include food, beverage, tobacco, rubber, leather, textiles and knitting, wood, printing, metal fabricating or similar industries if these operations involve stamping presses, furnaces, machinery, or the emission of any air, noise or water pollution, that can be smelled, heard or otherwise perceived outside of the building used for such purposes.
- 2.127 **INSTITUTIONAL USE** shall mean the use of land, buildings or other structures for a public or social purpose but not for commercial purposes. These uses may include governmental, religious, educational, charitable, philanthropic, or other similar non-commercial uses and notwithstanding the generality of the foregoing institutional uses may include: schools, museums, churches, municipal offices and hospitals.
- 2.128 **LANDING** shall mean an uncovered platform located at the entrance doorway of a dwelling unit, with or without a foundation.
- 2.129 **LANDSCAPED AREA** shall mean an area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees and similar types of vegetation and appurtenances, but does not include parking areas, parking lots, driveways or ramps.
- 2.130 **LANE or ALLEY** shall mean a public thoroughfare which affords a means of access to abutting lots but which is not intended for general traffic circulation.
- 2.131 **LAUNDRY ESTABLISHMENT** shall mean a building, or part thereof, in which the business of a laundry is conducted on the ground floor, in which only water and detergent are used, and the drying, ironing, and finishing of such goods are conducted, which emits no odours, fumes, noise or vibration causing a nuisance or inconvenience within or outside the premises. A laundry establishment may include a self-service, coin operated laundromat.
- 2.132 **LIBRARY** shall mean a building, or part thereof, used for the public display and lending of books, and other reading and audio visual materials to the public, which is operated by a public authority.
- 2.133 **LIVESTOCK** shall mean animals kept for use, for propagation, or intended for profit and includes; but not limited to, dairy and beef cattle, horses, swine, sheep, poultry, bison, camelids, deer, elk, game birds, goats, rabbits, ratites, fur-bearing animals and aquatic species, but excluding domestic pets and service animals.
- 2.134 **LIVESTOCK ASSEMBLY** Shall mean the collection and temporary housing of livestock for the purpose of wholesale trade.
- 2.135 **LIVESTOCK SALES BARNs AND MARKETING YARDS** shall mean the lands, buildings, and structures where livestock and agricultural produce is stored temporarily for the purpose of wholesale trade, and may include the offices of such personnel employed on the premises.



- 2.136 **LOADING SPACE** shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials used in connection with the main use of the lot or any building thereon, and which has an unobstructed access to a street or lane.
- 2.137 **LOT** shall mean a parcel of land that can be legally conveyed in accordance with the *Planning Act*.
- 2.138 **LOT AREA** shall mean the total horizontal area within the lot lines of a lot, except in the case of a corner lot having street lines rounding at the corner with a radius of six (6.0) metres , or less, where the lot area of such lot shall be calculated as if the lot lines were projected to the point of intersection.
- 2.139 **LOT AREA, BUILDABLE** shall mean the lot area as defined in this By-law, but not including any lands determined to be undevelopable due to the presence of legally defined physical and/or environmental constraints.
- 2.140 **LOT, CORNER** shall mean a lot situated at the intersection of and abutting upon two (2) streets at least ten (10) metres in width (and any private lane regardless of width on Schedule “J” – Paradise Lake), and where such streets are curved, or, in the case of a singular street with a curve of not more than 135 degrees, the angle of intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines provided that:
- 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
  - b) Any portion of a corner lot distant more than thirty (30) metres from the corner, measured along the street line shall be deemed to be an interior lot.
- 2.141 **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines. If these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines. When there is no rear lot line, lot depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.
- 2.142 **LOT FRONTAGE** shall mean the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the centre of the front and the centre of the rear lot lines at the distance specified in the By-Law for the minimum front yard.
- 2.143 **LOT, INTERIOR** shall mean a lot other than a corner lot.
- 2.144 **LOT LINES** shall mean the boundary lines of a lot defined as follows:
- a) **Front Lot Line** shall mean, except in the case of a corner lot, the line dividing the lot from the street (or a private right-of-way on Schedule “J” – Paradise Lake); in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line, in case each of such lot lines should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction. In the case of a through lot, the shorter boundary dividing the lot

from the street shall be deemed to be the front lot line and the opposite longer boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction.

- b) **Rear Lot Line** shall mean the lot line farthest from or opposite to the front lot line.
- c) **Side Lot Line** shall mean a lot line other than a front or rear lot line.
- d) **Lake Line** shall mean the lot line closest to or adjacent to the navigable waterway. Such line shall be determined by joining the points of intersection of the side lot lines and the high water mark or the landward side of the shoreline reserve.

2.145 **LOT, THROUGH** shall mean a lot bounded on two opposite sides by streets. Provided, however, that if any lot qualifies as being a corner lot and a through lot as hereinbefore defined, such lot shall be conclusively deemed to be a corner lot.

2.146 **LUMBER (BUILDING MATERIALS) YARD** shall mean the use of land, buildings, and/or structures for the purposes of milling, storage, and wholesale sales of a broad range of building materials and tools, which may include a retail operation.

2.147 **MAIN BUILDING** shall mean the building designed or used for the principal use on the lot.

2.148 **MAIN USE** shall mean the predominant purpose for which any land, buildings, structures, premises or part thereof is designed, used or maintained.

2.149 **MAIN WALL** shall mean the exterior front, side, or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.

2.150 **MANURE STORAGE AREA** shall mean land, buildings or structures used for the storage of manure generated by livestock.

2.151 **MARKET GARDEN OPERATIONS** shall mean the use of land, buildings, or structures for the purpose of selling fruits, vegetables and flowers, and which may include a retail component as a commercial accessory use.

2.152 **MEAT PACKING OPERATION** shall mean any land, building, structure, or part thereof used for the processing of meat, poultry, and fish products.

2.153 **METAL FABRICATION** shall mean the creation of metal products, including but not limited to tools, machinery parts and decorative pieces, and may involve cutting, bending, welding, stamping and/or assembling.

2.154 **MINI-STORAGE FACILITY** means a building containing separate, individual self-storage units divided from floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment; but shall not include the storage of hazardous chemicals, flammable substances or toxic materials.

2.155 **MINIMUM DISTANCE SEPARATION** shall mean the tool used to determine recommended distances between a livestock facility and another land use, and such distances shall be determined by the publications known as MINIMUM DISTANCE

SEPARATION I and MINIMUM DISTANCE SEPARATION II developed by the Ontario Ministry of Agriculture, Food and Rural Affairs, as amended from time to time.

- a) **Minimum Distance Separation I** shall mean the minimum distance separation for new development from existing livestock facilities.
- b) **Minimum Distance Separation II** refers to the minimum distance separation for new or expanding livestock facilities from existing or approved development.

- 2.156 **MOBILE HOME** shall mean a building or structure designed to be transported after fabrication, either on its own wheels, on a flatbed, on a separate trailer, or on detachable wheels, and which is suitable for occupancy as a dwelling unit except for minor and incidental unpacking and assembly operations, and placement on a mobile home stand, and connection to utilities if available, and which may have an individual sewage holding reservoir, or be capable of connection to a communal or public sewage disposal system, but shall not include a modular home. It shall be manufactured to comply with the A277 series of standards prescribed by the Canadian Standards Association, and bears the seal of that Association attesting to such compliance.
- 2.157 **MOBILE HOME LOT** shall mean a parcel of land which is described in a deed or other document legally capable of conveying land, or a parcel of land which is shown as a lot or block on a registered plan of subdivision and which is intended for the placement of a mobile home.
- 2.158 **MOBILE HOME, DOUBLE WIDE** shall mean a mobile home dwelling unit consisting of two (2) integral sections, separately moveable, but designed to be joined together into one integral unit. It shall be manufactured to comply with the A277 series of standards prescribed by the Canadian Standards Association, and bears the seal of that Association attesting to such compliance. For the purposes of this By-law, a double-wide mobile home shall be mounted on a suitable foundation or piers to the satisfaction of the Township Chief Building Official. When used as an addition to an existing dwelling unit, it is intended to have satisfactory internal connectivity and aesthetically appear as part of the existing unit.
- 2.159 **MOBILE HOME PARK** shall mean a lot or portion thereof used for the siting of mobile homes and/or park model trailers and includes those uses, buildings and structures accessory to the operation of the park and the needs of park residents.
- 2.160 **MOTEL** shall mean one building, or two (2) or more detached buildings for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation with or without supplying food and shall include a motor court, auto court, and all such buildings operating under the Liquor License Act, and the Tourist Establishments Act.
- 2.161 **MOTOR HOME** shall mean a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger automobile chassis, primarily designed to provide temporary living quarters for recreation camping and travel use.
- 2.162 **MOTOR VEHICLE** shall mean a wheeled self-propelling vehicle for the transportation of passengers and goods and without limiting the generality of the foregoing includes automobiles, trucks, buses, ambulances, hearses, motor homes and tractors.
- 2.163 **MOTOR VEHICLE BODY SHOP** shall mean a building or structure where motor

vehicles are kept for repair including the complete repair to vehicle bodies, frames, chassis, or motors and the painting, upholstering, glass replacement and cleaning of such vehicles.

- 2.164 **MOTOR VEHICLE SALES ESTABLISHMENT** shall mean a parking lot, building or lot where motor vehicles are hired, kept or used for hire, or where such vehicles and accessories are stored or kept for sale, and where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where repairs essential to the actual operation of motor vehicles are executed or performed.
- 2.165 **MOTOR VEHICLE SERVICE STATION** shall mean a building or part of a building on a clearly defined space or a lot used for the retail sale of automobile accessories, and where only the servicing and minor repairs essential to the operation of motor vehicles are executed or performed. It may also include the washing of motor vehicles.
- 2.166 **MOTOR VEHICLE WRECKING ESTABLISHMENT** shall mean a building and/or lot used for the wrecking or dismantling of motor vehicles and for the storage and sale of scrap material, salvage and parts obtained there from, but shall not include any other automotive use defined in this By-law.
- 2.167 **MUNICIPAL DRAIN** shall mean drainage works as defined by the Ontario Drainage Act, as amended and revised from time to time.
- 2.168 **NON-AGRICULTURAL** when used with reference to a building, structure, or use shall mean designed, intended or used for purposes other than those of an agricultural use.
- 2.169 **NON-COMPLYING** shall mean a building or structure which does not comply or agree with the regulations of this By-law as of the date of passing thereof, but does not include a non-conforming use, building, or structure.
- 2.170 **NON-CONFORMING** shall mean a use, building or structure, which is not a use, building or structure permitted in the zone in which the said use, building or structure is situated.
- 2.171 **NON-RESIDENTIAL** when used with reference to a building, structure or use, shall mean designed, intended or used for purposes other than those of a dwelling.
- 2.172 **NURSING HOME** or **REST HOME** shall mean a building in which the proprietor supplies for hire or gain lodging with or without meals, and, in addition, provides nursing, medical or similar care and treatment, if required, and shall include a rest home or convalescent home.
- 2.173 **OCCUPANCY** shall mean to reside in as owner or tenant on a permanent or temporary basis.
- 2.174 **OFFICE, GENERAL** shall mean any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business, labour or fraternal organization, but exclude such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.
- 2.175 **OFFICE, PROFESSIONAL** shall mean any office used by professionally qualified persons, for the purposes of giving advice, consultation or treatment to clients or patients.

- 2.176 **ON-FARM DIVERSIFIED USE** Shall mean a use that is secondary to the principal agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.
- 2.177 **OIL** shall mean crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well.
- 2.178 **OPEN SPACE** shall mean an unoccupied space open to the sky except such land as is used or required for parking purposes by this By-law, and shall include recreational facilities, landscaped areas, patios, walkways, and residential driveways.
- 2.179 **OPEN STORAGE** shall mean the storage of goods, merchandise or equipment in the open air.
- 2.180 **OWNER** shall mean the person who holds legal title to a piece of property.
- 2.181 **PARK, PRIVATE**, shall mean an area of open land, not open to the general public and which may be operated for commercial gain.
- 2.182 **PARK, PUBLIC** shall mean an area of open land, maintained or owned by the Township or a public authority for the enjoyment, health and well being of the public and normally open to the public.
- 2.183 **PARKING LOT** shall mean an area provided for the temporary parking of two or more motor vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a public street.
- 2.184 **PARKING SPACE** shall mean an area enclosed in a principal building, in an accessory building, or unenclosed, having an area of not less than 16.2 m<sup>2</sup> and measuring 2.7 metres by 6 metres, exclusive of aisles or driveways and accessible to a street or lane and set aside for the purpose of the temporary parking or storage of a motor vehicle.
- 2.185 **PERMITTED** shall mean permitted by this By-law.
- 2.186 **PERSON** shall include an individual, an association, a firm, a partnership, an incorporated company, Municipal Corporation, agent or 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.
- 2.187 **PERSONAL SERVICE SHOP** shall mean a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, comprising the premises of such as for example a barber, hairdresser, beautician, tailor, dressmaker and/or shoemaker. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.
- 2.188 **PIT** shall mean any opening, quarrying, or excavation of or in the ground, licensed under the Aggregate Resources Act, as amended, for the purpose of removing rock, sand, gravel, earth, clay, or limestone, and may include the processing thereof such as screening, sorting, washing, crushing, and other similar operations.
- 2.189 **PITS AND QUARRIES, WAYSIDE** shall mean a temporary pit or quarry opened and

used by a public road authority on the basis of a permit issued pursuant to the Aggregate Resources Act, as amended, solely for the purpose of a particular project or road construction contract and not located on the road right-of-way.

- 2.190 **PLANTING STRIP** see BUFFER STRIP.
- 2.191 **PORCH** shall mean a roofed, open gallery, or portico attached to the exterior of a building.
- 2.192 **PORTABLE ASPHALT PLANT** shall mean a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, and which is not of permanent construction, but which is to be dismantled at the completion of the construction project.
- 2.193 **POST OFFICE** shall mean a building, or part thereof where communications and postal services are provided to both businesses and the public such as fax machines, mailboxes, Internet links, and/or package shipping and receiving.
- 2.194 **PREFABRICATED RESIDENTIAL DWELLING** means a building which is capable of being occupied exclusively as a residential dwelling and which is comprised of components that are manufactured off-site, modular in nature, transported to the building site and constructed on a lot. For the purposes of this By-law, a pre-fabricated residential dwelling is not designed nor intended to be made mobile and does not include a single-wide mobile home or park model trailer.
- 2.195 **PUBLIC AUTHORITY** shall mean any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning boards or commission or committee of local authority established or exercising any power or authority under any general or special statute of Ontario including the Federal Government of Canada, Provincial Government of Ontario, Regional Municipality of Waterloo, with respect to any of the affairs or purposes of a township or a portion thereof, and includes any committee or local authority established by By-law of the Council of the Township.
- 2.196 **PUBLIC LANE** means a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.
- 2.197 **PUBLIC SERVICES** shall mean the buildings, structures and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, telephone services, telecommunication services, sewage collection and treatment facilities and other services provided by a public authority.
- 2.198 **PUBLIC UTILITY FACILITIES** shall mean the use of land, buildings, or structures by a public authority in connection with the supply and distribution of utilities and, without limiting the generality of the foregoing, may include a water or sewage pumping station, a water storage reservoir, a sewage treatment plant, an electric power transformer station, a telephone repeater station, a communications tower, but excludes a waste disposal site or transmission utility corridor.
- 2.199 **PUBLISHING AND PRINTING ESTABLISHMENT** shall mean a building, or part

thereof used for the purpose of printing, lithographing, or publishing, and which may include the reproduction of visual copy by blueprinting, photocopying, or small offset process.

- 2.200 **QUARRY** shall mean a place where consolidated rock has been or is being removed by means of an open excavation, and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing, and other similar operations, including required buildings and structures.
- 2.201 **RAMP** a sloping roadway leading away from one level to another.
- 2.202 **RECREATIONAL FACILITIES** shall mean a building or portion thereof designed and intended to accommodate one or more leisure or sporting activities and shall include an arena, aquatic centre, tennis, squash and racquetball courts, dance studios and fitness centres.
- 2.203 **RECREATIONAL USE, ACTIVE** shall mean the use of land, water and/or building for the purpose of organized active leisure activities and shall include an arena, a golf course and a sports field, and motorized vehicle trails.
- 2.204 **RECREATIONAL USE, PASSIVE** shall mean the use of land and/or water for the purpose of passive leisure activity and shall include a park, a garden, a picnic area and the like, equestrian and hiking trails, play lots with activity equipment for children, and water activities including swimming, boating (10hp maximum), fishing and sail boarding.
- 2.205 **REFRESHMENT VEHICLE** means any vehicle from which food and refreshments are for sale or sold for consumption by the public, and includes, without limiting the generality of the foregoing, a Food Truck, food cart, ice cream bicycle and mobile lunch truck irrespective of the type of power employed to move the Refreshment Vehicle from one point to another.
- 2.206 **RENDERING PLANT** shall mean a building, or part thereof, where any animals are reduced, converted, or otherwise processed for the purpose of producing agricultural by-products, but shall not include an abattoir.
- 2.207 **RESIDENTIAL USE** means the use of a building or structure or parts thereof as a dwelling.
- 2.208 **RESTAURANT** shall mean a building or part of a building where food is prepared and offered or kept for retail sale to the public for consumption either on or off the premises including an outdoor patio, and includes such uses as a café, cafeteria, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand. This definition shall not include a drive-thru service.
- 2.209 **RESTAURANT, TAKE-OUT** shall mean a refreshment vehicle or building or portion thereof, wherein food is prepared and offered for sale to the public primarily for off-premises consumption. The definition shall not include a drive-thru service. The operation of a refreshment vehicle will be subject to the regulations in the Mobile Food Vending By-law.
- 2.210 **RETAIL STORE** shall mean a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public,

and offices, servicing, manufacturing, repairing, warehousing or storage functions accessory thereto, but does not include a restaurant.

2.211 **RIDING STABLE** shall mean an establishment that offers horses for hire or instruction in horsemanship.

2.212 **RIFLE RANGE AND TRAP SHOOTING RANGE OR CLUB** shall mean lands, buildings and structures used for the purpose of discharging firearms or any other weaponry at a non-living fixed or moving target for the purpose of practice or enjoyment, but do not include a game farm.

2.213 **RIGHT-OF-WAY or EASEMENT** shall mean any right, liberty or privilege in, over, along, or under land, which a person may have with respect to any land in the Township.

2.214 **SALVAGE AND WRECKING YARD** shall mean:

- a) an outdoor yard; or
- b) a building or buildings with an outdoor yard

with a salvage yard licence issued by the Regional Municipality of Waterloo and where Salvage is received, collected, sorted, processed, handled, dismantled, crushed, recycled, demolished, displayed, stored, sold or purchased for commercial gain.

2.215 **SANITARY SEWAGE FACILITIES, MUNICIPAL** shall mean a publicly-owned and operated system whereby sanitary sewage is pumped, transported or piped from any or all buildings in the Township to a central collection station for processing and discharge pursuant to the regulations of the Ontario Ministry of the Environment.

2.216 **SANITARY SEWAGE FACILITIES, PRIVATE** shall mean a sewage treatment facility provided by means of individual septic tank installations on each lot.

2.217 **SCHOOL, COMMERCIAL** shall mean a service commercial establishment which provides instruction to one or more persons for profit or gain; and without limiting the generality of the foregoing, includes a dance school or studio, a school of music, a driving school, a trade school, a language learning centre or a hairdressing school, but does not include a public school or a private school.

2.218 **SCHOOL, PUBLIC** shall mean any school established and maintained by the Waterloo Region District School Board or the Waterloo Catholic District School Board.

2.219 **SCHOOL, PRIVATE** shall mean a school, other than a public school, community college school, university school or a commercial school, under the jurisdiction of a private board of directors, trustees, or governors, a religious organization or a charitable institution, used primarily for the instruction of students receiving primary and/or secondary education.

2.220 **SENIOR CITIZEN HOME** shall mean a multiple housing unit for the aged where over fifty (50) percent of the dwelling units are designed, intended and/or used for persons sixty (60) years of age or over.

2.221 **SERVICE SHOP** shall mean any building or part thereof where appliances, equipment, instruments, and machinery are sold, serviced, or repaired and includes building trades



establishments but excludes any manufacturing, processing, or wholesaling.

- 2.222 **SETBACK** shall mean the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line, to the nearest part of any building or structure on a lot.
- 2.223 **SETBACK FROM WATER** shall mean the horizontal distance between the normal or controlled high water mark of any navigable waterway and the nearest part of any main wall of any building or structure.
- 2.224 **SHORT-TERM RENTALS** shall mean a dwelling rented to the travelling or vacationing public, for a period of no more than 27 consecutive days, whether rented regularly, seasonally, or occasionally. Such uses include bed and breakfast establishments but exclude hotels and motels.
- 2.225 **SIGN** shall mean a name, identification, description, devise, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.
- 2.226 **STOREY** shall mean the portion of the building, other than the basement or cellar, which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it.
- 2.227 **STOREY, FIRST** means that storey of a building or structure closest to grade and having its ceiling more than 1.83 metres above average finished grade.
- 2.228 **STOREY, HALF** shall mean the portion of a building located wholly or partly within a sloping roof, having side walls not less than 1.0 metre in height and the ceiling with a minimum height of 2.0 metres over an area equal to a least fifty (50) percent of the area of the floor next below.
- 2.229 **STREET OR ROAD** means a public thoroughfare other than a lane, which is maintained by a public road authority and which is open and passable during all seasons of the year.
- 2.230 **STREET or ROAD, PRIVATE** means a thoroughfare other than a lane which is on privately owned land and for the purposes of interpreting all other regulations of this by-law, shall be considered to be a public street or road.
- 2.231 **STREET LINE** shall mean the limit of the street allowance and is the dividing line between a lot and a street including any unopened or unmaintained street allowances owned by a municipality.
- 2.232 **STRUCTURE** shall mean any material, object, or work erected as a unit or constructed or put together of connected or dependant parts or elements fixed to or supported by the ground and/or other structure, but does not include a sign, fence, boundary wall, retaining wall, light standard, underground water reservoir or septic system.
- 2.233 **TAVERN** shall mean an establishment operating under the Liquor Licence Act, as amended from time to time, where alcoholic beverages are sold for consumption on the premises.

- 2.234 **TAXI SERVICE ESTABLISHMENT** shall mean lands, buildings, and structures used as a dispatch office or intended for the parking of taxis and/or limousines when not engaged in transporting persons or goods.
- 2.235 **THEATRE** means a building, or part thereof, used for the presentation of the performing arts or motion pictures.
- 2.236 **TOWNSHIP** shall mean the Corporation of the Township of Wellesley.
- 2.237 **TRAILER, PARK MODEL** shall mean a building or structure that is built on a single chassis mounted on wheels and which is capable of complete relocation; and which is designed for use as a seasonal dwelling; and which shall be connected to communal or municipal services and utilities necessary for operation of installed fixtures and appliances; and which shall not have a gross floor area that exceeds 50 m<sup>2</sup>, nor a width that is greater than 2.6 metres.
- 2.238 **TRAILER, TRAVEL** shall mean a vehicle, including a camping trailer, designed, used, or intended for the living, sleeping, eating, or accommodation of persons therein for seasonal recreational travel; and which is either self propelled or constructed such that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle.
- 2.239 **TRAVEL TRAILER PARK** means a parcel of land under single ownership, which provides accommodation for travel trailers.
- 2.240 **TRUCK BODY, SHIPPING, STORAGE or CARGO CONTAINER** shall mean a truck box removed from the frame or chassis of the truck, or an unlicensed truck trailer or a container customarily used for the transport of freight or for storage.
- 2.241 **TRUCK CAMPER** shall mean a portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.
- 2.242 **TRUCK TERMINAL** shall mean the use of land, buildings, or structures, or portions thereof, where transports are stored, rented, leased, kept for hire, or parked for remuneration or from which trucks or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.
- 2.243 **USE**, when used as a noun, shall mean the purpose for which any land, building or structure is designed, arranged or intended to be occupied or used, or for which it is occupied, used or maintained. **USE**, when used as a verb or “to use” shall have a corresponding meaning.
- 2.244 **USE, CONTINUOUS** in the context of Section 4.0 NON-CONFORMING USES, shall mean the continuous use of any lot, building or structure notwithstanding a change of ownership of the property where the use is located. Use shall further be deemed continuous if, after having ceased, the same use recommences where the intention of the owner was to definitively continue such use.
- 2.245 **VALUE-ADDED, AGRICULTURAL USES** Shall mean the processing and refining of crops and produce produced on properties which form part of the farm operation to a final retail product. The final retail product shall primarily consist of the crops and

produce produced on the farm operation or commercial greenhouse. Value-added agricultural uses shall be subject to the provisions of section 4.29, On-Farm Diversified Uses.

2.246 **VEHICLE** means a passenger automobile or other motor vehicle, a boat, a farm implement, a mobile home, a motor home, a snowmobile, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power, and includes a commercial vehicle as defined herein, but does not include a bicycle or any other device, other than a boat, powered solely by means of human effort.

2.247 **VEHICLE, COMMERCIAL MOTOR** means a truck or other vehicle, not including a personal vehicle, which meets one or more of the following criteria:

- an empty weight of 4500 kg (9920 pounds) or more,
- contains more than two axles,
- exceeds 2.6 metres in height and 6 metres in length, or
- is designed to carry 10 or more people

The type of vehicles may include, but are not limited to (should the vehicle meet one or more of the above-noted criteria): a bus, tow truck, cement truck, panel truck, semi-tractor, semi-trailer, or any other non-recreational trailer used for commercial purposes, stake bed truck, step van, tank truck, tar truck, dump truck, trailer, as defined by the *Highway Traffic Act*

2.248 **WAREHOUSE** shall mean a building or portion thereof designed, used, or intended for the storage of goods, wares, merchandise, articles, or things that may include the selling or distribution thereof at wholesale.

2.249 **WASTE DISPOSAL SITE**, shall mean any land or land covered by water, licensed under the provisions of the Environmental Protection Act, as amended, from time to time, upon, into, or through which, or building or structure in which, waste is deposited or processed, and any machinery and equipment or operation required for the treatment or disposal of waste, and may include a solid waste transfer site, and recycling operation.

2.250 **WATER FRONTAGE** means the boundary of a lot directly abutting an original shoreline reserve or a front lot line, as defined by "Lot Lines".

2.251 **WATER SUPPLY, COMMUNAL**, shall mean a privately owned and operated system whereby water is piped to more than one dwelling unit, or to more than one commercial use, or to more than one institutional use, or combination thereof, situated on separate lots.

2.252 **WATER SUPPLY SYSTEM, PUBLIC** shall mean a publicly owned and operated system whereby water is piped to more than one dwelling unit, or to more than one commercial use, or to more than one industrial use, or to more than one institutional use, or combination thereof, situated on separate lots.

2.253 **WELDING AND MACHINE SHOP** shall mean a building or portion thereof where farm equipment and machinery and/or small engines are serviced or repaired.

2.254 **WELL** shall mean a hole and any structure appurtenant thereto, drilled into a geological formation of Cambrian or more recent age for the production of fresh water.

- 2.255 **WHOLESALE OUTLET** shall mean a building, structure or part thereof used for the storage, distribution and sale of goods, wares, articles or merchandise to other wholesalers, retailers, industrial, institutional or professional users or to the consumer.
- 2.256 **WIND FARM** shall mean a development of one (1) or more wind turbines, together with any related appurtenances, intended to provide electricity off-site for sale to an electrical utility, or other intermediaries.
- 2.257 **WIND TESTING TOWER** shall mean a single structure erected on a temporary basis, normally not exceeding one year, for the purpose of testing the potential wind strength for generating electricity.
- 2.258 **WIND TURBINE** shall mean a structure including a tower, nacelle, blades and related appurtenances, designed, erected and maintained under the appropriate qualified supervision, and used for the conversion of wind energy into electricity for sale to an electrical utility or other intermediaries. The height of the wind turbine shall be measured from the highest point of the tower, to the lowest grade elevation at the base of the tower.
- 2.259 **WIND TURBINE, ACCESSORY** shall mean accessory structures including a tower, nacelle, blades, and related appurtenances, designed, erected and maintained by a qualified personnel, used for the conversion of wind energy into electricity primarily for use on site and having a nameplate capacity not exceeding 85 kilowatts.
- 2.260 **WOODWORKING SHOP** shall mean a shop or workspace intended for making items out of wood, and without limiting the generality of the foregoing may contain tools and supplies intended for cutting, sanding, finishing, joining and/or carving wood, not including a sawmill.
- 2.261 **WRECKING YARD** see SALVAGE AND WRECKING YARD.
- 2.262 **YARD** shall mean a space, appurtenant to a building or structure, located on the same lot as the main building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such buildings, structures, or uses as are specifically provided for elsewhere in this By-law.
- 2.263 **YARD, FRONT** shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest main wall of any main building or structure on the lot. "FRONT YARD DEPTH" means the least horizontal dimension between the front lot line of the lot and the nearest main wall of any main building or structure on the lot.
- 2.264 **YARD, LAKE** shall mean a yard extending across the full width of the lot between the lake line of the lot and the nearest main wall of any main building or structure on the lot. "LAKE YARD DEPTH" means the least horizontal dimension between the lake line of the lot and the nearest main wall of any main building or structure on the lot.
- 2.265 **YARD, REAR** shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot. "REAR YARD DEPTH" means the least horizontal dimension between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot.
- 2.266 **YARD, SIDE** shall mean a yard extending from the front yard to the rear yard and from

the side lot line of the lot to the nearest main wall of any building or structure on the lot.  
“SIDE YARD WIDTH” means the least horizontal dimensions between the side lot line of the lot and the nearest main wall of any main building or structure on the lot.

2.267 **YARD, SIDE, EXTERIOR** shall mean a side yard immediately adjoining a public street extending from the front lot line, all the way through to the rear lot line.

2.268 **YARD, SIDE, INTERIOR** shall mean a side yard other than an exterior side yard.