

## SECTION 3 - DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given herein shall govern.

3.1 ACCESSORY, when used to describe a use, building or structure, shall mean a use, a building or a 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, and includes a private garage which is not attached to the main building in any way.

3.2 ADULT ENTERTAINMENT PARLOURS, shall mean any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

For the purpose of this paragraph, the following shall apply:

- a) "Provided" means furnished, performed, solicited or given such services,
- b) "Services" means activities, facilities, performances, exhibitions, viewings and encounters,
- c) "Services appealing to or designed to appeal to erotic or sexual appetites or inclinations" means the following:
  - i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
  - ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other work or any picture, symbol or representation having like meaning or implication is used in any advertisement.

3.3 AGRICULTURAL MARKET, shall mean a retail food establishment which is engaged primarily in the sale of raw agricultural products, but may include as accessory to the principle use, the sale of pre-packaged food products (including baked goods) that normally do not require refrigeration.

3.4 AGRICULTURAL USE, shall mean the cultivation of land, the production of crops and the selling of such product on the premises, and the breeding and care of livestock and the selling of such livestock or the product of such livestock raised on the premises, and without limiting the generality of the foregoing includes aviaries, apiaries, fish farming, worm farming, animal husbandry, and the raising and harvesting of field, bush, tree or vine crops, market gardening, nurseries, and greenhouses. However, "agricultural use" does not include facilities for the permanent or temporary housing of persons employed on the lot or mushroom farms.

- 3.5 AGRICULTURAL USE, LIVESTOCK INTENSIVE, shall mean an agricultural use consisting of the raising or harbouring of a specific type of livestock in a certain type of housing situation in a manner in which the number of animal units per year would be greater than 2.5 animals units per hectare (1 animal unit per acre). In addition, any combination of livestock types shall constitute a livestock intensive agricultural use if the total number of animals results in a total number of animal units greater than 2.5 per hectare. Notwithstanding the above definition, any livestock operation consisting of a total of 10 or more animal units shall be considered a livestock intensive agricultural use for the purposes of this by-law.
- 3.6 ALLEY, shall mean a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.
- 3.7 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 increase or decrease the width, depth, or area thereof or to increase or decrease the width, depth, or area thereof or to increase or decrease the width, depth, or area of any required yard, setback, landscaped open space, or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise.
- 3.8 ANIMAL CLINIC, shall mean any building used or intended for use for the purpose of a veterinary practice.
- 3.9 ANIMAL UNIT, shall mean the number of that kind of livestock that would produce 68-77 kilograms (150-170 lbs.) of nitrogen in their manure. This amount of manure is sufficient to provide the nitrogen fertilizer requirements for one acre of corn. The following table provides information on the number of animal units associated with various types of livestock or poultry.

| <u>Type of Livestock or Poultry</u>            | <u>Annual Basis (365 Days)</u> |
|------------------------------------------------|--------------------------------|
| 1 dairy cow (plus calf)                        | 1 animal unit                  |
| 1 beef cow (plus calf)                         | 1 animal unit                  |
| 1 bull                                         | 1 animal unit                  |
| 1 horse                                        | 1 animal unit                  |
| 4 sheep (plus lambs)                           | 1 animal unit                  |
| 4 goats                                        | 1 animal unit                  |
| 4 sows (plus litter to weaning)                | 1 animal unit                  |
| 125 laying hens                                | 1 animal unit                  |
| 100 female mink (plus associated males & kits) | 1 animal unit                  |
| 40 female rabbits (plus associated males)      | 1 animal unit                  |

|                                    |                                              | <u>Market Basis<br/>(as marketed)</u> |
|------------------------------------|----------------------------------------------|---------------------------------------|
| 2 beef feeders                     | (gain 181-499 kg.)<br><u>(400-1,100 lbs)</u> | 1 animal unit                         |
| 4 beef feeders                     | (gain 181-340 kg.)<br><u>(400-750 lbs)</u>   | 1 animal unit                         |
| 4 beef feeders                     | (gain 340-499 kg.)<br><u>(750-1,100 lbs)</u> | 1 animal unit                         |
| 15 hogs                            | (gain 18-91 kg.)<br><u>(40-200 lbs)</u>      | 1 animal unit                         |
| 1,000 broiler chickens or roasters | (1.8-2.3 kg.),<br><u>(4-5 lbs)</u>           | 1 animal unit                         |
| 300 turkey broilers                | (5-5.4 kg.)<br><u>(11-12 lbs)</u>            | 1 animal unit                         |
| 150 heavy turkey hens              | (8.6-9 kg.)<br><u>(19-20 lbs)</u>            | 1 animal unit                         |
| 100 heavy turkey toms              | (13.6-14.5 kg.)<br><u>(30-32 lbs)</u>        | 1 animal unit                         |
| 40 veal calves                     | (gain 40.8-136 kg.)<br><u>(90-300 lbs)</u>   | 1 animal unit                         |
| 1,000 pullets                      |                                              | 1 animal unit                         |

3.9a 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 activities and may include a banquet hall or private club.

3.10 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.

3.11 AUTOMOBILE BODY REPAIR SHOP, shall mean a building or structure used primarily for making repairs or alterations to the body or paint work of any vehicle.

- 3.11a AUTOMOBILE RENTAL ESTABLISHMENT, shall mean premises where vehicles are stored and rented to the public.
- 3.12 AUTOMOBILE REPAIR GARAGE, shall mean a building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust systems, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use in conjunction with which there may be a towing service, facilities for the dispensing of gasoline and oil and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other automobile use otherwise defined or classified in this By-law.
- 3.13 AUTOMOBILE SALES AND SERVICE ESTABLISHMENT, shall mean a lot, building or structure where the business of selling new and/or used motor vehicles is conducted and may include the display, storage and sale of such motor vehicles; the storage and sale of automotive accessories and related products; offices, show rooms and sales rooms; the leasing or renting of motor vehicles; the sale of gasoline, the servicing, washing, repairing, cleaning, polishing, body work and painting of motor vehicles or a towing service, where incidental to the main use.
- 3.14 AUTOMOBILE SERVICE STATION, shall mean a building or a structure where motor fuels, oil, grease, batteries, antifreeze, electric automotive light bulbs, tires and motor vehicle accessories are supplied and dispensed at retail and where in addition, the following incidental services may be rendered, and sales made:
- a) sales and service of spark plugs, batteries and distribution of parts;
  - b) tire sales, servicing and repair, but not recapping or regrooving;
  - c) replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, seat covers, windshield wipers and blades, wheel bearings, mirrors, and the like;
  - d) radiator cleaning and flushing;
  - e) lubrication of motor vehicles with oil and grease;
  - f) ignition adjustment and engine tune-ups;
  - g) providing and repairing fuel pumps, and lines;
  - h) minor servicing and repair of carburettors;
  - i) adjusting and repairing brakes;
  - j) wheel alignment;

- k) minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- l) sale of cold drinks, packaged food, tobacco and similar convenience goods for customers;
- m) provision of courtesy service such as informational material and restroom facilities;
- n) warranty maintenance and safety inspections;
- o) a towing service.

However, the following services may not be rendered:

- p) major mechanical or body work;
- q) straightening of body parts;
- r) painting;
- s) the storage of wrecked or partially dismantled motor vehicles.

An "automobile service station" does not include any other "automobile" use defined in this By-law.

- 3.15 AUTOMOBILE WASHING ESTABLISHMENT or CAR WASH, shall mean a building or structure, or part thereof containing facilities for washing, cleaning or drying motor vehicles by production line methods which may include a conveyor system, or similar mechanical devices and also includes a self-serve car wash.
- 3.16 BERM, shall mean an earthen work or mound of earth of a specified height and width, and exhibiting sloping, landscaped sides, which is intended to act as a barrier or buffer strip. The height of a berm shall be the vertical distance in metres between the base and the highest point of the berm. The slope of the sides of the berm shall be stable and not prone to shifting and will be dependent upon the required height of the berm and shall in no case be greater than 45 degrees (2:1) to the horizontal.
- 3.16a BINGO HALL, shall mean a building or part thereof used as a main use for the operation of bingo lotteries.
- 3.17 BOARDING HOUSE and ROOMING HOUSE and TOURIST HOME, shall mean any building or portion thereof in which the proprietor supplies for hire or gain to more than two (2) other persons, lodging, meals, or both, but shall not include a hotel, hospital, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any general or special act.

- 3.18 BUFFER STRIP, shall mean an area used for no other purpose than for the erection of a solid fence, earth berm or the planting and maintaining of a continuous row of natural evergreen trees or a continuous unpierced hedgerow of natural shrubs, not less than two (2.0) metres (6.56') high, which will provide a year round visual barrier, and the remainder of which is used for landscaping and the planting of ornamental shrubs, flowering shrubs, flowerbeds, or a combination thereof. Any fence shall be decorative in nature and be designed and constructed to resist wind damage (e.g. alternating slats). (Reference should also be made to the provisions of subsection 5.25 of this By-law.)
- 3.19 BUILDING, shall include any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a fence, trailer, camping trailer, truck camper, motor home, or tent.
- 3.20 BUILDING, MAIN or MAIN STRUCTURE, shall mean the building or structure designed for or in which is conducted the principal use of the lot on which it is situated. For clarity a dwelling accessory to an agricultural use is not a "main building" for the purpose of this By-law.
- 3.20a BUSINESS SERVICE ESTABLISHMENT, shall mean an establishment primarily engaged in providing services to business establishments on a fee or contract basis including advertising and mailing, building maintenance, employment services, protective services, and small equipment rental, leasing and repair.
- 3.21 BY-LAW ENFORCEMENT OFFICER, shall mean the officer or employee of the Corporation for the time being charged with the duty of enforcing the provisions of the Comprehensive Zoning By-law of the Corporation.
- 3.22 CARPORT, shall have the meaning attributed to it in the definition of Garage (Private).
- 3.23 CAR WASH, shall have the meaning attributed to it in the definition of Automobile Washing Establishment.
- 3.23a CATALOGUE STORE, shall mean a retail commercial establishment in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment and in which some or all of the goods so listed may also be available within the establishment for sale at retail.
- 3.24 CHURCH, shall mean a building dedicated to religious worship and may include a rectory or manse, church hall, church auditorium, Sunday school, parish hall, and church day nursery.
- 3.24a CINEMA, shall mean a building or part thereof used for the showing or viewing of motion pictures.
- 3.25 CLINIC, shall mean a building or structure that is used or intended for use by one or more physicians, dentists, veterinarians, chiropractors and/or drugless practitioners, or any one or more of them, as well as their staff and patients, for the purpose of consultation, diagnosis and office treatment.

- 3.26 CLUB, PRIVATE, shall mean a building or premises located on privately owned lands, operated on a non-profit bases for social, literary, cultural, political, educational or recreational purposes, primarily for the exclusive use of members and their guests and not open to the general public on an equal basis. A "Private Club" includes a fraternal organization but does not include a public hall or an outdoor shooting range.
- 3.26a COMMERCIAL RECREATION ESTABLISHMENT, shall mean a building, or part thereof, used for the purposes of an arena, auditorium, assembly hall, billiard or pool room, bingo hall, bowling alley, dance hall, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool, and all places of amusement, but not including an amusement park.
- 3.26b COMMERCIAL STORAGE UNIT, shall mean a building or buildings consisting of individual units with personal vehicular access, used for the storage of goods, wares, merchandise, foodstuffs, substances, articles or things, but does not include a fuel storage tank except as an accessory use.
- 3.27 COMMERCIAL USE, shall mean the use of land or buildings for the purposes of offices, or the retail buying or selling of commodities, or both, and the supply of services.
- 3.28 COMMUNITY CENTRE, shall mean a building used for community activities and not used for commercial purposes, the control of which is vested in the Municipality or a local board.
- 3.29 CONSENT, shall mean the approval of the severance of land pursuant to the provisions of Section 49 of The Planning Act, S.O. 1983, Chapter 1.
- 3.30 CONTRACTOR'S YARD OR SHOP, shall mean any land, building or structure used for the purpose of storing contracting or construction equipment and material or performing shop work or assembly work by any building trade or other contractor.
- 3.30a CONVENIENCE STORE, shall mean a retail food store, confectionery, delicatessen, grocery store, or groceteria having a gross floor area of 300.0 square metres (3,229 sq.ft.) or less, or as determined by the zone standards, where a variety of both household and grocery items are offered for sale primarily to serve the people's daily needs and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning.
- 3.31 CORPORATION, shall mean the Corporation of the Township of Sandwich South.
- 3.32 COUNCIL, shall mean the elected Municipal Council of the Corporation of the Township of Sandwich South.
- 3.33 COUNTY, shall mean the Corporation of the County of Essex.

- 3.34 COUNTY ROAD, shall mean a street under the jurisdiction of the County or the Windsor Suburban Roads Commission.
- 3.35 COVERAGE, shall mean the combined area of all buildings or structures on the lot measured at the level of the lowest storey above grade, including all porches, verandas and decks; but excluding a private outdoor swimming pool and open, unenclosed terraces and patios, and steps, cornices, eaves, bay windows, chimney breasts, corbelling and similar projections.
- 3.35a DATA PROCESSING ESTABLISHMENT, shall mean a building, or part thereof, used for the input, processing and printing of computerized data.
- 3.35b DAY CARE CENTRE, ADULT, shall mean a place that provides structured and supervised activities, which may include meals, in a group setting on a temporary basis for a continuous period not exceeding 24 hours to functionally impaired adults, but does not include a nursing home as defined herein.
- 3.36 DAY NURSERY, shall mean a place that receives for temporary custody for a continuous period not exceeding twenty-four hours more than three children under ten years of age not of common parentage and that is not;  
(a) part of a public school or separate school under The Education Act, R.S.O. 1980, (b) part of a private school registered under The Education Act, R.S.O. 1980, (c) a children's mental health centre under The Children's Mental Health Services Act, R.S.O. 1980.
- 3.36a DECK, shall mean a platform made of wood, concrete or other similar material, that has a height greater than 0.3 metres (.98') above grade, projecting from a building or swimming pool or free-standing, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory residential uses.
- 3.36b DELICATESSEN, shall mean a food store having a gross leasable floor area of less than 200.0 square metres (2,153 sq.ft.) wherein the food offered for sale may also be prepared and sold for immediate consumption on or off the premises.
- 3.37 DRIVEWAY, shall mean a vehicular passageway having at least one end thereof connected to a street and providing ingress to or egress from a lot, or both. (Reference should also be made to the provisions of subsection 5.37 of this By-law).
- 3.37a DUPLICATING SHOP, shall mean a premises engaged in reproducing drawings, plans, maps or other copy, by blueprinting, photocopying or small offset process.
- 3.38 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, motels, boarding, lodging, or rooming houses, tourist homes, nursing homes, institutions, boats, travel trailers, camping trailers, truck campers, motor homes, tents or mobile homes.

- 3.39 DWELLING, GROUP HOME, shall mean a single housekeeping unit in a residential dwelling operated by a government agency or a government approved social service organization for the purpose of servicing not more than ten (10) persons who, by reason of their physical or mentally handicapped condition or their behavioural or emotional problems, require care and training while living as a family in a single housekeeping unit. Such dwelling is provided with responsible adult supervision consistent with the requirements of its residents and is set up in theory, size, appearance and structure to resemble a family unit. The home is licensed or approved under provincial statute.
- 3.40 DWELLING, SEASONAL, shall mean a detached dwelling constructed and used for seasonal vacations and recreational purposes or for seasonal farm help that is not used for continuous habitation or as a permanent residence.
- 3.41 DWELLING, SINGLE FAMILY DETACHED, shall mean a completely detached dwelling used, designed, or intended to be used for occupancy by not more than one family. This definition shall not include a mobile home or travel trailer as defined herein.
- 3.42 DWELLING UNIT, shall mean one or more habitable rooms occupied or capable of being occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 3.43 EASEMENT, shall have the meaning attributed to it in the definition of Right-of-Way.
- 3.44 ERECT, shall mean to do anything pertaining to the erection, building, construction, reconstruction, installation, enlargement, structural alteration or repair of a building or structure, and shall include any preliminary physical operations such as excavating, grading, piling, cribbing, filling or draining, the relocation of a building or structure, the installation of a building unit fabricated or removed from elsewhere, and the demolition or removal of a building or any part thereof and further includes any work for which a building permit is required under the Building By-law of the Corporation. "Erected" and "erection" shall have a corresponding meaning.
- 3.45 EXISTING, shall mean legally existing as of the date of the passing of this By-law.

- 3.46 FAMILY, shall mean an individual, or 2 or more persons who are related by blood or marriage, legal or common-law, or legal adoption, and for the purposes of this By-law, a maximum of 6 foster children shall be considered to be so related, or a group of not more than 5 unrelated persons exclusive of servants occupying a dwelling unit, and not more than 2 persons who receive their lodging, board or both for compensation or for hire.
- 3.47 FARM EQUIPMENT SALES AND SERVICE ESTABLISHMENT, shall mean a lot, building or structure where the business of selling new or used farm equipment, farm machinery and prefabricated farm buildings and structures or any combination thereof is conducted, and may include the display, storage and sale of such items; the servicing and repair of such items; the storage, display and sale of related accessories and products; and offices, show rooms and sales rooms.
- 3.47a FINANCIAL INSTITUTION, shall mean an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stock brokers.
- 3.48 FLOOR AREA, shall mean the sum of the areas of all of the floors of a building or structure measured from the outside of all outside walls or from the centreline of common or party walls, exclusive of any attached accessory building, terrace, veranda, unfinished attic, basement, cellar, open or enclosed porch or sunroom, unless such sunroom or enclosed porch 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 (6.5').
- 3.49 FLOOR AREA, COMMERCIAL OR RETAIL, shall mean the sum of all the gross leasable area of a building or structure.
- 3.50 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.
- 3.50(a) FUNERAL HOME, shall mean the care and preparation of dead human bodies, the coordination and provision of rites and ceremonies with respect to dead human bodies and the provision of such other services as may be prescribed so that persons may attend and pay their respects and shall also include crematorium services.
- 3.51 GARAGE (PRIVATE) or CARPORT, shall mean a building or portion of a building designed for the sheltering or storage of private passenger motor vehicles or recreational vehicles or both and the storage of household equipment incidental to residential occupancy, and wherein no service for profit is rendered; where such structure is attached to the main building, it shall be deemed to be part of the main building and not an accessory building. (Reference should also be made to the provisions of subsections 5.27 and 5.35 of this By-law.)
- 3.52 GARAGE, PUBLIC, shall mean a building or structure other than a private garage which is used for the care, repair or equipping of motor vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.

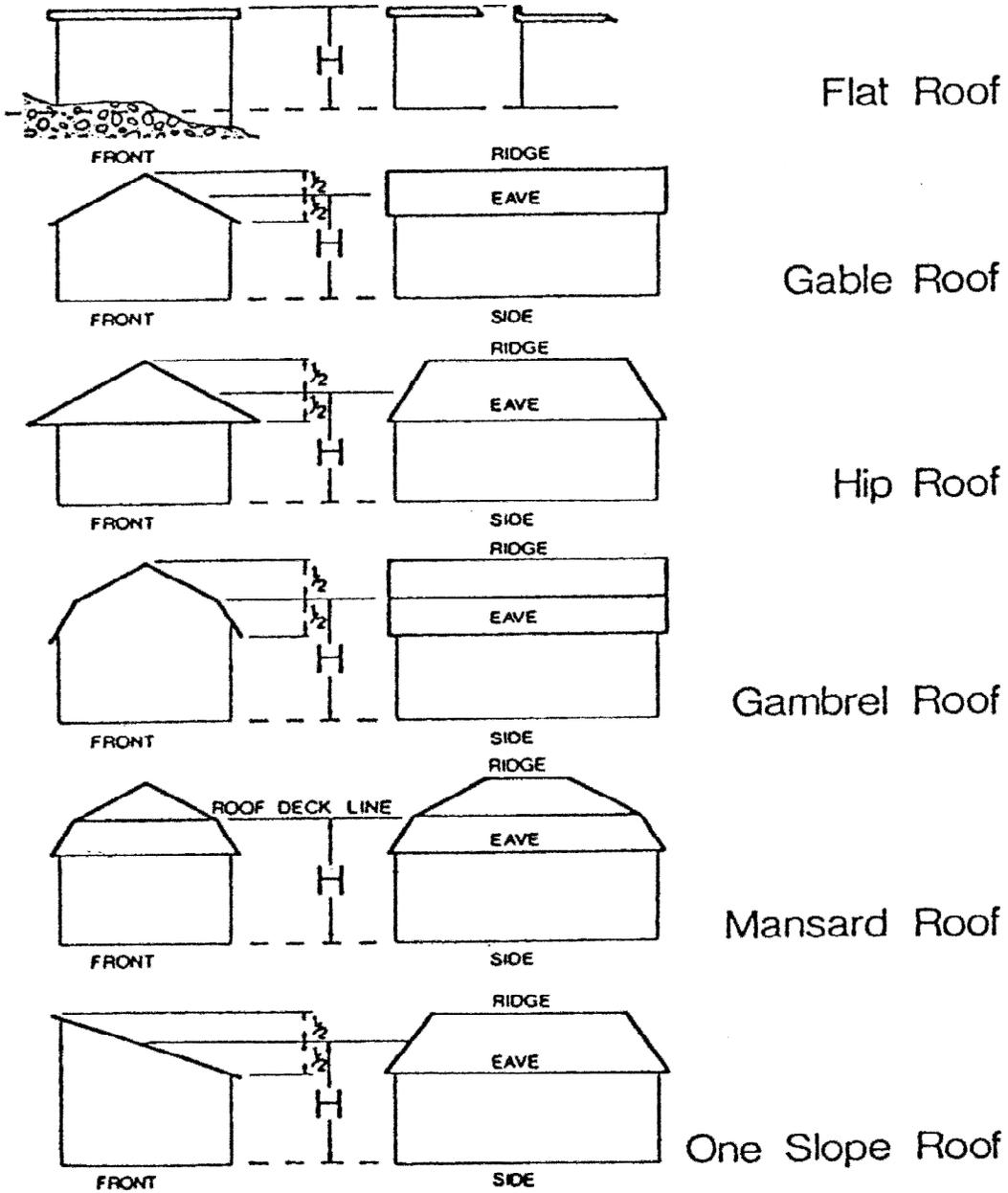
- 3.53 GAS BAR, shall mean an establishment designed for the retail sale of motor fuels and lubricating oil and allied additives and the introduction of such materials into vehicles but does not include the provision of mechanical services or repairs to vehicles.
- 3.54 GOLF COURSE, shall mean a public or private area operated for the purpose of playing golf including a par three golf course, driving range, miniature golf course, or combination thereof.
- 3.55 GRADE or GRADE, ELEVATION, AVERAGE FINISHED, shall mean the average level of finished ground adjoining a building or structure at all exterior walls measured above sea level according to geodetic datum, as finally determined by the Chief Building Official.
- 3.56 GRADE LEVEL, shall mean:
- a) save as herein provided, the grade level of any lot measured above sea level according to geodetic datum, shall be construed in the application of this By-law as a level fifteen (15) centimetres (6") above the crown level of the road, measured above sea level according to geodetic datum, upon which the lot abuts;
  - b) where a lot abuts on two or more streets the grade level shall be the mean of the grade levels calculated with reference to the different streets;
  - c) if the natural level of the ground is higher than as above stipulated, then the average natural level of the ground shall be taken as the grade level.
- 3.57 GREENHOUSE, shall mean a building or structure or land constructed of, or covered by, glass or plastic and used exclusively for the growing or storage of vegetables, shrubs, plants or flowers and may include the subsequent transplanting or replanting of same, or sale of the produce grown.
- 3.57a GREENWAY, shall mean a linear, passive recreational pathway owned or managed by the Essex Region Conservation Authority.
- 3.57b HEALTH STUDIO, shall mean a building or part thereof used for athletic or physical exercise or athletic training and may include, as an accessory use, one (1) retail store for the sale of athletic equipment provided that the retail store does not exceed a floor area equal to twenty-five (25) percent of the net floor area of the health studio.
- 3.58 HEIGHT, when used with reference to a building or structure shall mean the vertical distance in metres between the horizontal plane through the average finished grade and a horizontal plane through:
- a) the highest point of the roof assembly in the case of a building with a flat or deck roof;
  - b) the average level of a one slope roof, provided that a roof having a slope of less than 20 degrees with the horizontal shall be considered a flat roof;

- c) the roof deck line, in the case of a mansard roof;
- d) the average level between eaves and ridges in the case of a roof type not mentioned in subsections a), b) and c) immediately preceding.

(Reference should also be made to the provisions of subsection 5.26 of this By-law.)

- 3.59 HIGHWAY, shall have the meaning attributed to it in the definition of Street.
- 3.59a HOME AND AUTO SUPPLY STORE, shall mean a retail store devoted to the sale of merchandise for the home and automobile including such goods as paint, hardware, electrical, plumbing, housewares, home appliances, sporting goods, lawn and garden supplies, and automobile supplies, and may include an associated automobile repair garage and gas bar.
- 3.59b HOME APPLIANCE STORE, shall mean a retail store devoted to the sale of household equipment such as major and small appliances, electronic devices, computers, and audio or visual equipment.
- 3.59c HOME DECORATING STORE, shall mean a retail store devoted to the sale of goods and materials required for decorating the interior of a home or office including floor, wall and window coverings, lighting fixtures, bathroom and kitchen fixtures and accessories.
- 3.59d HOME FURNISHING STORE, shall mean a retail store devoted to the sale of movable contents of a room, home or office. Such goods may include furniture, light fixtures, clocks, organs or pianos, carpet and indoor window coverings.
- 3.59e HOME IMPROVEMENT AND FURNISHING STORE, shall mean a retail store devoted to the sale of goods or materials of a home improvement store, a home decorating store, a home furnishing store or a home appliance store.
- 3.59f HOME IMPROVEMENT STORE, shall mean a retail store devoted to the sale of goods or materials required for the construction or alteration of buildings including such merchandise as wall panelling, wood products, sheet glass products, windows and mirrors, floor, wall and ceiling tiles, paint and wallpaper, bathroom and kitchen cupboards and fixtures, landscaping materials and similar goods.

# ILLUSTRATION OF BUILDING HEIGHT DEFINITION



**H** - HEIGHT OF BUILDING

NOTE: THE ABOVE ILLUSTRATION IS FOR CLARIFICATION AND CONVENIENCE ONLY AND DOES NOT FORM PART OF THIS BY-LAW.

- 3.60 HOTEL AND MOTOR HOTEL, shall mean any hotel, motor hotel, inn or public house in one main building or in two or more connected or adjacent buildings designed and used mainly for the purpose of catering to the needs of the travelling public by supplying food, refreshments or both and furnishing sleeping accommodation of not less than four (4) guest rooms or accommodation units, each having no facilities for cooking or housekeeping and provided that each guest room may only be entered from the interior of the building or partially from the exterior, and shall include all such buildings operating under The Liquor License Act, R.S.O. 1980 and The Tourism Act, R.S.O. 1980. A "Hotel" does not include a rooming house, boarding house, multiple family dwelling, apartment hotels or taverns.
- 3.61 HOUSEHOLD OCCUPATION, shall mean the use of a part of a dwelling, dwelling unit or accessory private garage for an occupation which provides employment for members of the family permanently residing in such dwelling or dwelling unit and not more than a maximum of one (1) non-family assistant may also be employed, and which is clearly secondary to the main use of the dwelling or dwelling unit as a private residence. (Such uses shall also be subject to the provisions of subsection 5.29 of this By-law.)
- 3.62 HOUSEHOLD OCCUPATION, AGRICULTURE, shall mean an occupation associated with an agricultural use or a residential use, which serves agricultural uses and which provides employment for members of the family residing on the premises and not more than a maximum of one (1) non-family assistant may also be employed. (Such uses shall also be subject to the provisions of subsection 5.30 of this By-law.)
- 3.63 INDUSTRIAL USE, shall mean the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing, packaging or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. Transportation terminals would also be considered an "Industrial Use".
- 3.63(a) INDUSTRIAL USE, LIGHT, shall mean an industrial use which is carried out within enclosed buildings, save and except for the following prohibited uses:
- (a) Slaughtering, the processing of poultry or fish, fat rendering or vegetable oil mill, feeding pen, stockyard, feed manufacture, flour mill, bone distillation;
  - (b) Leather tannery;
  - (c) Sawmills veneer and plywood mills, pulp and paper mill, wood distillation;
  - (d) Iron and steel mill, blast furnace, smelting and refining of metals and ores, boiler and plate works, manufacture of railroad rolling stock;

- (e) Mineral extraction, pits and quarries and manufacture of cement, lime, gypsum products, concrete or concrete products, clay and clay products, plaster of paris, brick refractory, mineral wool manufacturing, concrete or asphalt batching plant, asbestos products manufacturing, abrasives manufacturers;
- (f) The manufacturing of explosives and ammunition, acid, alkalies, asphalt, fertilizer, plastics, resins, soap and cleaning compounds, petroleum refineries, coke oven, coal and tar distillation;
- (g) A bulk fuel depot;
- (h) An automobile repair garage, an automobile body repair shop;
- (i) Waste processing, disposal and storage - including recycling centres, packing and bailing sites, transfer stations, and liquid and hazardous waste processing and disposal facilities;

3.63(b) INDUSTRIAL USE, SPECIAL LIGHT, shall mean a non-effluent producing industrial use as set out in clause (o) of subsection 14.1.1 which is carried out within enclosed buildings, save and except for the following prohibited uses:

- (a) slaughtering, the processing of poultry or fish, fat rendering or vegetable oil mill, feeding pen, stockyard, feed manufacture, flour mill, bone distillation;
- (b) leather tannery;
- (c) sawmills, veneer and plywood mills, pulp and paper mills, wood distillation;
- (d) iron and steel mill, blast furnace, smelting and refining of metals and ores, boiler and plate works, manufacture of railroad rolling stock;
- (e) mineral extraction, pits and quarries, the manufacture of cement, lime, gypsum products, concrete or concrete products, clay and clay products, plaster of Paris, brick refractory, mineral wool manufacturing, concrete or asphalt batching plant, asbestos products manufacturing, abrasives manufacturers;
- (f) the manufacturing of explosives and ammunition, acid, alkalies, asphalt, fertilizer, plastics, resins, soap and cleaning compounds, petroleum refineries, coke oven, coal and tar distillation;
- (g) a bulk fuel depot;
- (h) an automobile repair garage, an automobile body repair shop;
- (i) waste processing, disposal and storage - including recycling centres, packing and bailing sites, transfer stations, and liquid and hazardous waste processing and disposal facilities;

- (j) a press or stamping plant.
- 3.64 INDUSTRIAL USE, NON-EFFLUENT PRODUCING, shall mean an industrial use which:
- a) does not include or require the direct consumption of water, except by auxiliary facilities such as washrooms;
  - b) does not discharge any waste water, except for auxiliary facilities such as washrooms. The indirect cooling of and/or the pressure testing of equipment with water is permitted so long as the water is recirculated and little or no waste water is discharged; and
  - c) is characterized by minimal generation of noise and air pollution.
- 3.65 INSTITUTIONAL USE, shall mean the use of land, buildings or other structures, by any organization, group, or association for some public or social purpose (but not for commercial business purposes), and may include governmental, religious, educational, charitable, cultural, philanthropic, hospital or other similar but non-profit uses.
- 3.66 KENNEL, DOG, shall mean any lot, building or structure on or within which more than four (4) dogs over four (4) months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.
- 3.67 LANDING STRIP, shall mean a strip of ground used or capable of being used for the landing and take-off of aircraft.
- 3.68 LANDSCAPING, shall mean any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property.
- 3.69 LANE, shall have the meaning attributed to it in the definition of Alley.
- 3.69a LIQUOR, BEER AND WINE STORE, shall mean a retail store devoted to the sale of liquor, beer and/or wine.
- 3.70 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, industrial or institutional vehicle while loading or unloading persons, animals, goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has unobstructed access to a street or lane. (Reference should also be made to the provisions of subsections 5.31 and 5.32 of this By-law.)

- 3.71 LODGING HOUSE, shall mean any house or other building or portion thereof in which persons are harboured, received or lodged for hire, provided however that such facility is regulated or supervised under license from the Municipality or the County, in accordance with the provisions of Section 208, Paragraph 61 of The Municipal Act, R.S.O. 1980 but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.
- 3.72 LOT, shall mean a parcel or tract of land which,
- a) is the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to Section 49 of The Planning Act, S.O. 1983, not to be a registered plan of subdivision, or
  - b) is all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.
- 3.73 LOT OF RECORD, shall mean a lot legally capable of being conveyed from one person to another person as of the date of the passing of this By-law.
- 3.74 LOT, AREA, shall mean the total horizontal area within the lot lines of a lot.
- 3.75 LOT, CORNER, shall mean a lot situated at the intersection of, or abutting upon, two or more streets, provided that the angle of intersection of such streets is not more than 135 degrees and each of which is at least 15 metres (49.2') wide; where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the front and exterior side lot lines.
- 3.76 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 midpoints of the front and rear lot lines at a point seven and one-half (7.5) metres (24.60') back from the front lot line, and where such lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the midpoint of the front lot line with the apex of the triangle formed by the side lot lines at a point seven and one-half (7.5) metres (24.60') back from the front lot line, and where such lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection of the tangents to the street lines, drawn through the extremities of the front lot line and exterior side lot line.
- 3.77 LOT, INTERIOR, shall mean a lot other than a corner lot which is situated between adjacent lots and has access to one street.
- 3.78 LOT LINES, shall mean the boundary lines of a lot defined as follows:
- a) Front Lot Line, shall mean:
    - in the case of an interior lot the lot line dividing the lot from the street;

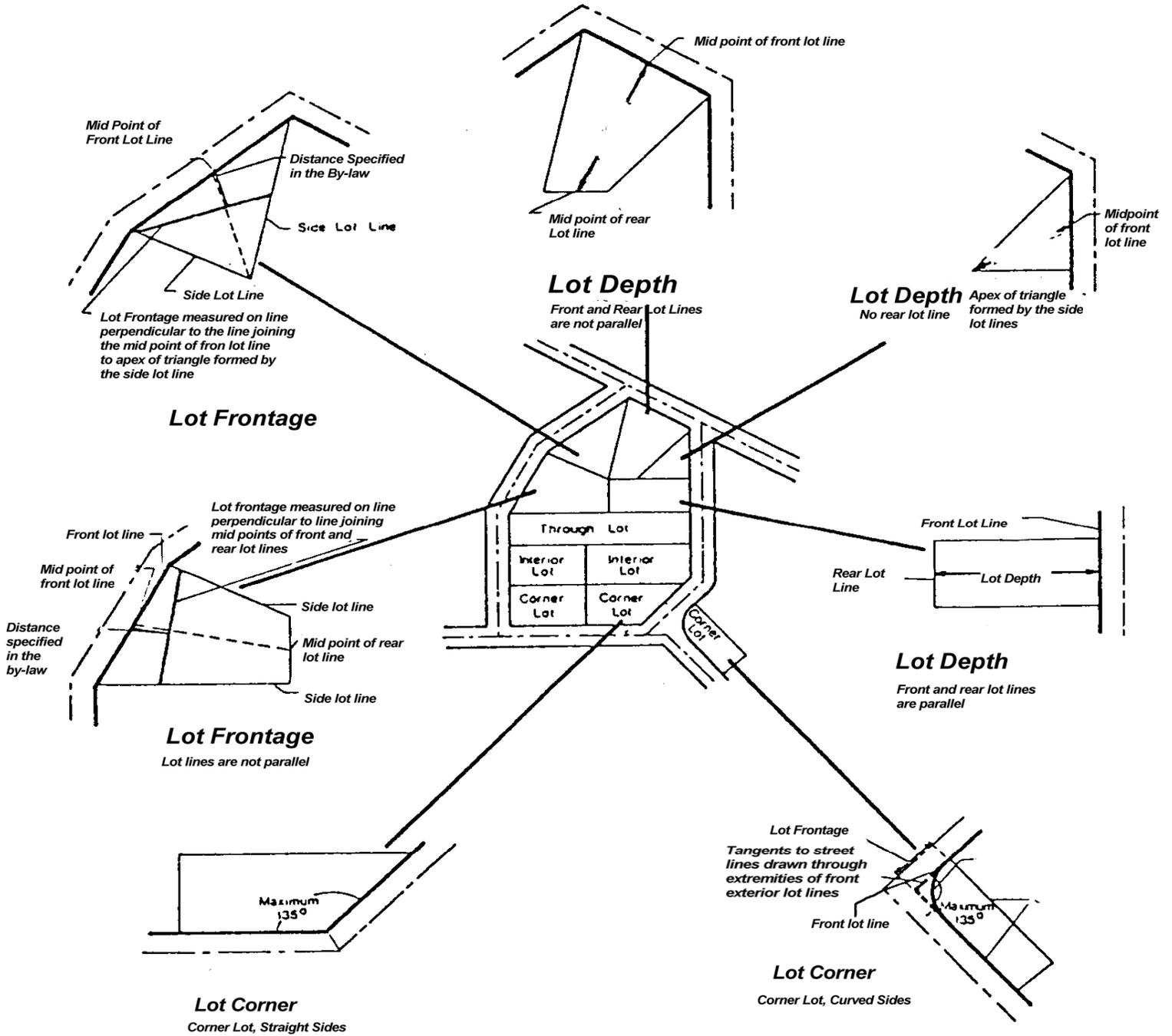
- in the case of a corner lot the shorter lot line abutting the street unless each lot line is of equal length in which case the front lot line shall be the lot line where the principal access to the lot is provided;
- in the case of a through lot the front lot line shall be the lot line where the principal access to the lot is provided.

- b) Rear Lot Line, shall mean the lot line farthest from and opposite to the front lot line;
- c) Side Lot Line, shall mean a lot line other than a front or rear lot line;
- d) Side Lot Line, Exterior, shall mean the side lot line which abuts the street on a corner lot;
- e) Side Lot Line, Interior, shall mean the lot line which does not abut the street on a corner lot.

3.79 LOT, THROUGH, shall mean a lot bounded on two opposite sides by streets each of which is at least 15 metres (49.20') wide. Provided, however, that if any lot qualifies as being both a corner lot and a through lot as hereinabove defined, such lot shall be conclusively deemed to be a corner lot.

3.80 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.

# ILLUSTRATION OF LOT DEFINITIONS



- 3.81 MOBILE HOME, shall mean a building or structure 18.0 metres (59.04') in length or longer, with floor area in excess of 65.0 square metres (699.67'sq.), that is designed to be made mobile, either on its own wheels, in a flatbed, in or on other trailers or on detachable wheels and that is constructed, fabricated or manufactured so as to be transported thereafter and so as to provide a permanent residence or dwelling unit for one or more persons except to the extent of minor and incidental unpacking and assembly operations, placement on a stand, or connection to utilities; but does not include a travel trailer or tent trailer or trailer otherwise designed. (Reference should also be made to the provisions of subsection 5.14 of this By-law.)
- 3.82 MOTEL, shall mean one building, or two (2) or more detached buildings for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation of not less than four (4) accommodation units, with or without supplying food, refreshments, or both, and provided each guest or sleeping room may be entered from the exterior of the building only, and shall include a motor court, auto court, and all such buildings operating under The Liquor Licence Act, R.S.O. 1980 and The Tourism Act, R.S.O. 1980.
- 3.83 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.
- 3.84 MUNICIPALITY, shall mean The Corporation of the Township of Sandwich South.
- 3.85 NON-COMPLYING, shall mean a lot, building, or structure which is existing, is a permitted use in the zone in which the said use is situated, but does not meet or comply with the regulations of this By-law. (Further reference may be made to subsections 5.9 and 5.11 of this By-law.)
- 3.86 NON-CONFORMING, shall mean a use which is existing, but which is not a permitted use in the zone in which the said use is situated. (Further reference may be made to subsection 5.10 of this By-law.)
- 3.87 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.
- 3.87a NURSERY AND GARDEN STORE, shall mean the use of land, buildings or structures or part thereof where trees, shrubs or plants are grown or stored for the purpose of transplanting, for use as stocks for building or grafting or for the purpose of retail or wholesale, together with the sale of soil, planting material fertilizers and similar materials.

- 3.88 NURSING 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 only those facilities licensed, approved or supervised under The Nursing Homes Act, R.S.O. 1980, and The Homes for the Aged and Rest Homes Act, R.S.O. 1980.
- 3.89 OFFICE, GENERAL OR BUSINESS, shall mean any building or part of a building or any room or suite of rooms designed, intended or used for the conduct of a profession, occupation or business, but shall not include the office of a veterinarian, the retailing of merchandise, the manufacturing, assembly, repairing or storage of goods, or any place of assembly or amusement.
- 3.90 OFFICE, PROFESSIONAL, shall mean any office used by professionally qualified persons, and related technical assistants and clerical staff, for the purposes of giving advice, consultation or treatment to clients or patients.
- 3.91 OPEN SPACE, LANDSCAPED, shall mean open unobstructed space on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, or motor vehicle parking area. (Reference should also be made to the provisions of subsection 5.24 of this By-law.)
- 3.92 OUTSIDE STORAGE, shall mean the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides.
- 3.93 PACKING AND BAILING SITE, means a site where there is the treatment of waste by its compression into blocks or bales and binding or sheathing the blocks with wire, metal, plastic or other material.
- 3.94 PARK, PRIVATE, shall mean a park not open to the general public and may be operated for commercial gain.
- 3.95 PARK, PUBLIC, shall mean a park controlled or owned by the Municipality or a public authority normally open to the public.
- 3.96 PARKING LOT, and AREA, shall mean an area for the parking of vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a public street. (Reference should also be made to the provisions of subsections 5.33, 5.34 and 5.35 of this By-law.)
- 3.97 PARKING SPACE, shall mean an area of 3 metres (9.84') by 6 metres (19.68'), exclusive of aisles or driveways, enclosed in a building, or unenclosed, and set aside for the purpose of parking a vehicle and shall not include any part of a public street. A barrier free parking space shall mean an area not less than 4.5 metres by 6 metres. (Reference should also be made to the provisions of subsections 5.33, 5.34 and 5.35 of this By-law.)

- 3.98 PERMITTED, shall mean permitted by this By-law.
- 3.99 PERSON, shall include an individual, an association, a firm, a partnership or an incorporated company, municipal corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
- 3.100 PERSONAL SERVICE SHOP, shall mean a building or part thereof in which services are provided and administered to the individual and personal needs of persons, and shall only include barber shops, hairdressing, and hair stylist establishments, shoe repair and shoe shining shops, tailor and dressmaking shops, bakery shops, depots for collection and delivery of dry cleaning and laundry provided no laundry or dry cleaning work is done on the premises, and self-serve dry cleaning and laundry establishments.
- 3.101 PIT, shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation, and includes the processing thereof for washing, crushing, and other similar operations, required buildings and structures.
- 3.101a PRINTING ESTABLISHMENT, shall mean a building, or part thereof, used for the primary purpose of printing, lithographing or publishing. It may include some of the same uses permitted in a duplicating shop, but must include at least one of the above-listed primary functions.
- 3.101b PROFESSIONAL STUDIO, shall mean a building or part thereof used for any one (1) or more of the following: instruction in the fine arts, photography, music, dance, or other artistic endeavour; interior decorator's studio; photography studio; portrait studio.
- 3.102 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, or other board or commission or committee of local authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or any portion thereof, and includes any committee or local authority established by by-law of the Municipality. (Further reference may be made to subsection 5.13 of this By-law.)
- 3.103 PUBLIC HALL, shall mean a building or part thereof where members of the public gather together for the purpose of any meeting or entertainment whether or not an admission fee is charged and whether or not such premises are rented or leased by any organization for any such function. A "Public Hall" does not include a private club, a fraternal organization, a theatre, a school or a church.
- 3.104 PUBLIC SERVICES, shall mean the buildings, structures and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, tele-communication services, sewage collection and treatment facilities.

- 3.105 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, required buildings and structures.
- 3.106 RECYCLING CENTRE, means a centre where recyclable material as defined in Ontario Regulation 309 of the Environmental Protection Act is received from a generator of waste.
- 3.106a REPAIR AND RENTAL ESTABLISHMENT, shall mean a business engaged in maintaining, repairing, installing and renting articles and equipment for household and personal use, such as: radios and televisions; refrigeration and air conditioning; appliances; watches, clocks and jewellery; and reupholstery and furniture repair. This does not include any other use specifically referred to or defined in this By-law.
- 3.107 RESIDENTIAL USE, shall mean the use of a building or structure or parts thereof as a dwelling.
- 3.107a RESTAURANT, shall mean a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, including a licensed dining lounge, but excluding a tavern as defined herein.
- 3.108 RETAIL STORE, shall mean a building or part of a building where goods, wares, merchandise, articles or things are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, articles or things sufficient only to service such store but does not include any wholesale business or business supply use or any establishment otherwise defined or classified herein.
- 3.109 RIGHT-OF-WAY, or EASEMENT, shall mean any right, liberty or privilege in, over, along or under land, which the owner of one lot may have with respect to any other lot or which the Municipality, any other governmental authority or agency, private company or individual may have with respect to any land in the Township of Sandwich South.
- 3.110 ROAD, shall have the meaning attributed to it in the definition of Street.
- 3.111 ROAD, COUNTY, shall mean a street under the jurisdiction of the County or the Windsor Suburban Roads Commission.
- 3.112 SALVAGE OR SCRAP YARD, shall mean an establishment, lot or premises used for the storage wholly or partly in the open, handling, processing, or any combination thereof, of scrap material for reuse, which without limiting the generality of the foregoing, shall include waste paper, rags, bottles, bicycles, vehicles, tires and metal, and junk or scrap metal yards and automobile wrecking yards shall also be included.
- 3.113 SCHOOL, shall mean an educational establishment under the jurisdiction of the Essex County Board of Education, the Essex County Roman Catholic Separate School Board, or the Government of Ontario.

- 3.114 SCHOOL, PRIVATE, shall mean an educational establishment which is not under the jurisdiction of a Board or the Government of Ontario as defined by The Education Act, R.S.O. 1980.
- 3.115 SENIOR CITIZEN HOUSING, shall mean any housing for senior citizens sponsored and administered by any public agency or any service club, church or other non-business organization, either of which obtains financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes shall include auxiliary uses such as club and lounge facilities, usually associated with a senior citizen development.
- 3.116 SERVICE SHOP, shall mean any building or part thereof where appliances, tools and small machinery such as lawn and garden equipment are sold, serviced, or repaired and includes a mechanical, electrical or plumbing contractor and/or sales and service, but excludes any manufacturing or processing.
- 3.117 SETBACK, shall mean the horizontal distance between the centreline of the road and the nearest part of any main wall of any building or structure, measured at right angles to such centreline, and extending the full width of the lot. (Reference should also be made to the provisions of subsections 5.20, 5.21 and 5.22.)
- 3.118 SHOPPING CENTRE, shall mean a group of commercial uses, planned, designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants, as opposed to a business area comprising unrelated individual business uses, and having off-street parking provided on the same lot.
- 3.119 STOREY, shall mean that portion of a building:
- a) which is situated between the surface or top of any floor and the surface or top of the floor next above it and if there is no floor above it, that portion between the surface of any floor and the ceiling above it, and
  - b) which has its ceiling more than 1.8 metres (5.91') above the average finished grade, and
  - c) which has a height of not less than 2 metres (6.56') and includes an attic having not less than 2 metres (6.56') headroom for at least 50% of the attic floor area.
- 3.120 STOREY, FIRST, shall mean the lowest storey of a building, at or immediately above grade.
- 3.121 STREET or HIGHWAY or PUBLIC ROAD, shall mean a common and public street, road, alley, lane, highway or commons vested in the Municipality, the County, the Province of Ontario or any other public authority having jurisdiction over the same and includes a bridge or any other structure forming part of a street on, over or across which a street passes, but does not include a private road.
- 3.122 STREET LINE, shall mean the limit of a street allowance and is the boundary or dividing line between a street and a lot.

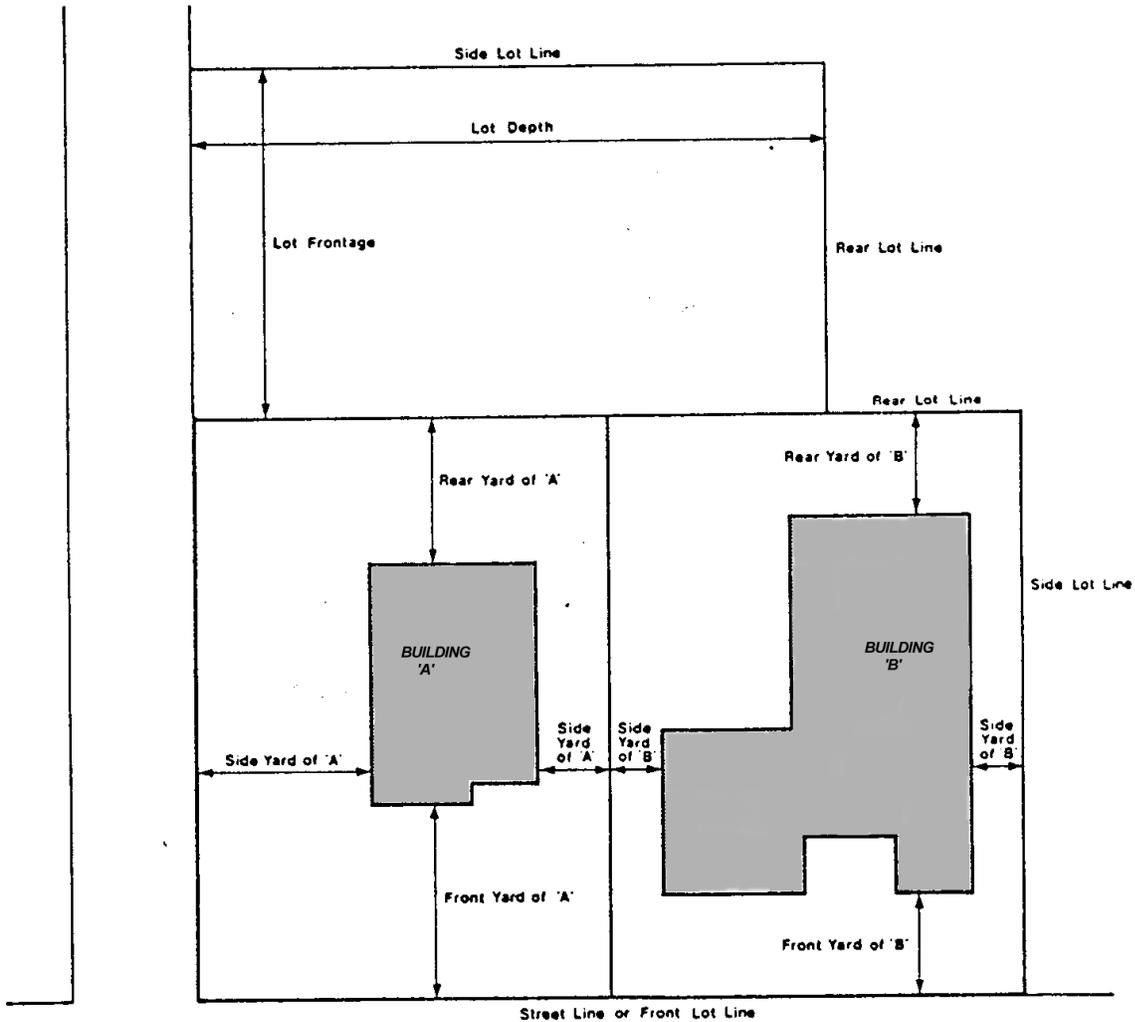
- 3.123 STRUCTURE, shall mean anything that is erected, built or constructed of parts joined together and which is fixed to or supported by or incorporated within the soil, any other structure or both, but not including a parking area, permitted outside storage of goods and materials, a terrace or patio, or a sign. A fence, a deck attached to a dwelling and a private outdoor swimming pool including any associated deck, will be considered as structures.
- 3.124 SWIMMING POOL, PRIVATE OUTDOOR, shall mean a privately owned structure accessory to a dwelling, erected or installed above ground or wholly or partly below ground, capable of being used for swimming, wading, diving or bathing and which, when filled, is capable of containing a depth of 0.3 metres (.984') or more of water. For the purpose of regulations pertaining to lot coverage in this By-law a "Private Outdoor Swimming Pool" is deemed not to be a building or structure.
- 3.125 TAVERN, shall mean an establishment where alcoholic beverages are sold to be consumed on the premises and shall include all such buildings operating under The Liquor Licence Act, R.S.O. 1980.
- 3.126 TOP OF BANK, shall mean when used with reference to a watercourse, the highest elevation of land which ordinarily confines the waters of such watercourse when they rise out of the stream bed.
- 3.127 TOURIST CAMP, shall mean an auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof, and which is licensed under the provisions of The Municipal Act, R.S.O. 1980.
- 3.128 TOURIST HOME, shall have the meaning attributed to it in the definition of Boarding House and shall include a farm vacation home.
- 3.129 TRAILER OR RECREATION VEHICLE, shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle, or is self-propelled, and capable of being used for temporary living, sleeping or eating accommodation of persons therein for seasonal travel, recreation and vacation activity, notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall include tent trailers, motor homes, truck campers, or similar transportable accommodation but shall not include a mobile home as defined herein. (Reference should also be made to subsection 5.15 of this By-law.)
- 3.130 TRAILER CAMP, shall mean a lot which contains sites for trailers, tent trailers, motor homes, truck campers, or similar transportable accommodation, but not including a mobile home as defined herein, and such camps shall be licensed by the Municipality under The Municipal Act, R.S.O. 1980. (Reference should also be made to subsection 5.15 of this By-law.)

- 3.131 TRANSFER STATION, means a waste disposal site used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.
- 3.132 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.
- 3.133 VEHICLE, includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a wheelchair.
- 3.134 VEHICLE, COMMERCIAL, shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, police patrol vehicle, motor bus and tractor used for hauling purposes on the highway. (Reference should also be made to subsection 5.35 c) of this By-law.)
- 3.134a VIDEO RENTAL ESTABLISHMENT, shall mean a building or part of a building used for the rental of video tapes and equipment. Accessory uses may include the sale of video tapes and equipment or convenience foods, restricted to an area not to exceed 10.0 square metres (107.6 sq.ft.).
- 3.134b WAREHOUSE RETAIL STORE, shall mean a retail store or a combination retail store and wholesale store where patronage is restricted by the store owner or operator to fee paying members of an association or group and membership in the association or group is controlled and administered by the store owner or operator.
- 3.135 WAREHOUSING and SUPPLY and STORAGE USE, shall mean a building or structure used for the storage of any goods, wares, merchandise, substance, article or thing, and shall include whatever treatment or packaging that may be necessary for storage.
- 3.136 WAYSIDE PIT and QUARRY, shall mean a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular public road project or contract or public road construction and not located on the road right-of-way.
- 3.137 WHOLESALE and WHOLESALING BUSINESS, shall mean a lot, building or structure used for the resale of goods to persons in large quantities.
- 3.138 YARD, shall mean an open space on the same lot with a main building or structure, unoccupied, uncovered, and unobstructed from the ground upward except by such accessory buildings, structures or uses as are specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance between the main building or structure and the respective lot lines measured perpendicular from the lot line shall be used:
- a) Front Yard shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall of the main building or structure on the lot;

- b) Rear Yard shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of the main building or structure on the lot;
- c) Side Yard shall mean a yard between the side wall of the main building or structure on the lot and the side lot line and extending from the front yard (or front lot line if no front yard is required) to the rear yard (or rear lot line if no rear yard is required).

3.139 ZONE, shall mean an area delineated on a Zoning Map Schedule and established and designated by this By-law for a specific use or group of uses.

# ILLUSTRATION OF YARD DEFINITIONS



NOTE: The Above Illustration is for Clarification and Convenience Only and does not form part of this By-law.