

SECTION 3 - DEFINITIONS

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

3.1 ACCESS DRIVEWAY, shall mean the area between the travelled portion of a road and a parking area used by motor vehicles for access to and from the parking area.

3.2 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. Boat docks that are not located on the same lot as a residential unit may also be accessory provided they are for the exclusive non-commercial use of the residents of abutting lots.

3.3 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 word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

- 3.4 AISLE, shall mean the area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.
- 3.5 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.
- 3.6 ALTER, when used in reference to a building, structure or part thereof, shall mean to change any one (1) 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 thereof or 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, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise.
- 3.7 AMUSEMENT ARCADE, shall mean any premises or part thereof containing four (4) or more electronic, mechanical pinball or amusement game machines operated for gain and made available for the entertainment or amusement of the general public. This definition shall not include establishments which sell such devices, provided that such devices are not made available on the premises for use on a commercial basis by the public.
- 3.8 AMUSEMENT GAME MACHINE, shall mean a mechanical, electrical or electronic device activated by the insertion of a coin or token for the play of a game of chance and/or skill that is not contrary to the Criminal Code of Canada.
- 3.9 ANIMAL HOSPITAL OR ANIMAL CLINIC, shall mean a building or structure under the control and supervision of a qualified veterinarian who is a member of the Ontario Veterinarian Association, where the animals or birds are given medical treatment but have no outdoor kennels.
- 3.10 AREA OF BUILDING, shall mean the maximum horizontal projected area of a building, including cantilevers and enclosed porches, but exclusive of steps, terraces, or cornices.

- 3.11 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 activities and may include a banquet hall or private club.
- 3.12 ATTACHED, when used in reference to a building, shall mean a building otherwise complete in itself which depends for structural support or for complete enclosure upon a division wall or division wall shared in common with adjacent building or buildings.
- 3.13 AUTOMOBILE BODY SHOP, shall mean a building or structure used primarily for making repairs or alterations to the body or paint work of any vehicle.
- 3.14 AUTOMOBILE RENTAL ESTABLISHMENT, shall mean premises where vehicles are stored and rented to the public.
- 3.15 AUTOMOBILE REPAIR GARAGE, shall mean an establishment for the repair or the replacement of parts in a motor vehicle and, without limiting the generality of the foregoing, includes the repair, replacement or reconditioning of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, electrical systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include an automobile body shop, an impounding yard, an automobile service station or a gas bar as defined herein.
- 3.16 AUTOMOBILE SALES AREA, shall mean an open area used for the display, sale, or rental of automobiles.
- 3.17 AUTOMOBILE SALES AND SERVICE ESTABLISHMENT, shall mean premises where new and used vehicles are stored or displayed for the purpose of sale, lease or hire and shall include the storage and sale of automotive accessories together with the repair and service of vehicles. For the purpose of this definition, vehicle shall not include motorized construction equipment, farm equipment, truck bodies, truck tractors, or tractor trailers.

- 3.18 AUTOMOBILE SERVICE STATION, shall mean a building or place where gasoline or other motor fuels are kept for sale and for delivery directly into motor vehicles, and may also include a building or place where minor running repairs, cleaning and maintenance essential to the actual operation of motor vehicles and the sale to the motoring public of goods usual to the trade are performed.
- 3.19 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-service car wash.
- 3.20 BAKERY, shall mean a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.
- 3.21 BALCONY, shall mean a platform made of wood, concrete or other similar material, that has a height greater than one (1) foot above grade, projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging and other similar accessory residential, commercial, industrial or recreational uses.
- 3.22 BASEMENT, shall mean that portion of a building between two (2) floors which is partly underground but which has at least one-half (0.5) of its height, from floor to ceiling above the adjacent finished grade.
- 3.23 BED AND BREAKFAST ESTABLISHMENT, shall mean a single unit dwelling in which no more than three (3) rooms are made available by the residents of the said dwelling for the temporary accommodation of travellers in the course of which no assistance is offered by any person not residing in the dwelling. This does not include a hotel, motel, boarding or lodging house, or restaurant, as defined herein.
- 3.24 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 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.

- 3.25 BOARDING HOUSE or LODGING HOUSE or ROOMING HOUSE or 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.
- 3.26 BOAT, shall mean any vessel propelled by oars, sail, an engine or paddles.
- 3.27 BOAT HOUSE, shall mean a building or structure intended to house, shelter, or protect a boat or other form of water transportation. When constructed in association with a residential dwelling, a boat house shall be deemed an accessory building.
- 3.28 BUILDING, shall include any structure greater than one hundred (100) square feet, whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a fence, mobile home, travel trailer, camping trailer, truck camper, motor home, or tent.
- 3.29 BUILDING AREA, shall mean the only area or areas on a lot within which any building or structure may be erected.
- 3.30 BUILDING, MAIN or MAIN STRUCTURE, shall mean the building or structure in which is conducted the principal use of the lot on which it is situated.
- 3.31 BUILDING SUPPLY OUTLET, shall mean an industrial premise used for milling, storage, and wholesale sales of a broad range of building materials and which may include a retail operation.
- 3.32 CARETAKER'S APARTMENT, shall mean one (1) dwelling unit as part of a main building, having a maximum net floor area of four hundred and fifty (450) square feet, which is an accessory use to a non-residential main use and which is used for the accommodation of one (1) caretaker, supervisor or watchman for the protection and care of the land, building or other

structure on the lot. A caretaker's residence is not a permitted use unless specifically permitted in the zoning category.

- 3.33 CARPORT, shall mean a covered structure used for the storage of vehicles. The roof of the said structure shall be supported by piers or columns so that a minimum of sixty (60) percent of its wall area closest to the side lot line is unenclosed.
- 3.34 CELLAR, shall mean that portion of a building between two (2) floors which is partly or wholly underground and which has more than one-half (0.5) of its height, from floor to ceiling, below adjacent finished grade.
- 3.35 CEMETERY, shall mean a place for the burial of the dead and shall include such things as mausoleums and other buildings required for internment or any other cemetery-related purpose.
- 3.36 CENTRELINE, STREET, shall mean the centreline of the original road allowance as opposed to the centreline of the travelled roadway, or any widened road allowance.
- 3.37 CHIEF BUILDING OFFICIAL, shall mean the officer or employee of the corporation for the time being charged with the duty of enforcing the provisions of the zoning by-law of the corporation.
- 3.38 CHURCH, shall mean a building or part thereof used for religious worship and includes churches, synagogues, temples and mosques.
- 3.39 CLINIC, shall mean a building or part thereof, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical physiotherapeutic or human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, but does not include overnight accommodation.

- 3.40 CLUB, shall mean a building or part thereof used exclusively by a chartered non-profit organization or unincorporated association for a social, cultural, recreational, philanthropic or patriotic purpose.
- 3.41 COMMERCIAL VEHICLE, shall mean, whether licensed for commercial purposes or not, shall include any tractor trailer, tow truck, truck trailer combination, or portions thereof, any school purposes bus or regular bus, exceeding a maximum of twenty- four (24) passenger capacity, any truck or combination thereof having attached thereto either a permanent or temporary delivery body, but shall not include the conventional pickup truck, van or one step van, whether or not used or licensed for commercial purposes.
- 3.42 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 games establishment, cinema or other theatre, drive-in theatre or amusement park.
- 3.43 COMMUNITY CENTRE, shall mean any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the municipality, a non-profit organization, a local board or agent thereof.
- 3.44 CONSTRUCTION, shall mean production by means of any one (1) or more of the following activities: designing, fabricating, assembly, testing or packaging, but not including stamping, forging, casting, moulding, smelting, refining or extruding of any metals or metal product, or the installation of permanent boat lifts and slips.
- 3.45 CONVENIENCE STORE, shall mean a retail store where both household and grocery items are offered for sale primarily to serve 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.
- 3.46 CORPORATION, shall mean the Village of St. Clair Beach.

- 3.47 COUNCIL, shall mean the Council of the Village of St. Clair Beach.
- 3.48 COUNTY, shall mean the Corporation of the County of Essex.
- 3.49 DAY CARE CENTRE, shall mean a premises that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care or guidance, for a continuous period not exceeding twenty-four (24) hours.
- 3.49a 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.
- 3.50 DECK, shall mean a platform made of wood, concrete or other similar material, that has a height greater than one (1) foot above grade, projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory residential, commercial or recreational uses.
- 3.51 DENSITY, shall mean the ratio of dwelling units to lot area.
- 3.52 DRIVEWAY, shall mean a vehicular passageway having at least one (1) end thereof connected to a street and providing ingress to or egress from a lot, or both.
- 3.53 DRY CLEANING AND LAUNDRY ESTABLISHMENT, shall mean a building used for the purpose of receiving articles of clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere or on the premises if the processing element is restricted to closed, unvented dry cleaning equipment, and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.
- 3.54 DWELLING, shall mean a building, occupied, or designed to be occupied but currently vacant, exclusively as a home, residence or sleeping place by one (1) or more persons but shall not

include hotels, boarding, lodging, or rooming houses, tourist homes, nursing homes, motels, institutions or travel trailers.

- 3.55 DWELLING, MULTI UNIT, shall mean a building containing three (3) or more dwelling units and includes townhouse style, rowhouse style, and apartment style buildings.
- 3.56 DWELLING, SINGLE UNIT, shall mean a dwelling as defined herein designed to accommodate individuals living as one (1) group, regardless of whether the individuals within the group are related or unrelated. Such dwelling will be designed to accommodate one (1) group of individuals only as evidence by all parts of the building being accessible to and from all other parts of the building.
- 3.57 DWELLING, TWO UNIT, shall mean a dwelling as defined herein designed to accommodate two (2) separate groups of individuals, regardless of whether the individuals within the groups are related or unrelated. This building will be designed to accommodate two (2) separate groups of individuals only, as evidenced by two (2) distinct although attached living units each with at least one (1) independent entrance.
- 3.58 DWELLING UNIT, shall mean one (1) or more habitable rooms occupied or designed to be occupied by an individual or group of individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or group of individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 3.59 EASEMENT, shall have the meaning attributed to it in the definition of right-of-way.
- 3.60 EATING ESTABLISHMENT, shall mean a building or part of a building where food is offered for sale or sold to the public for immediate consumption or take-out and includes such uses as a restaurant, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar, or refreshment room or stand, but does not include a boarding house or lodging house.
- 3.61 EXISTING, shall mean legally existing as of the date of the passing of the by-law.

- 3.62 EXPEDITIOUSLY, shall mean that at least ten (10) percent of the total project is being completed in any given month.
- 3.63 FLOODWAY, shall mean the area of land adjacent to a watercourse or municipal drain which is subject to deeper, faster flows, and which acts as the flood channel under regulatory storm conditions. For the purposes of this by-law, the floodway is defined as the lesser of the limit of the regulatory floodplain or a setback area of fifty (50) feet measured from the top of bank of a watercourse or drain.
- 3.64 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 garage or workshop, balcony, deck or patio, verandah, unfinished attic, unfinished basement or 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 six (6) feet.
- 3.65 GARAGE (PRIVATE), or CARPORT, shall mean a building or portion of a building designed for the sheltering or storage of 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.
- 3.66 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.
- 3.67 GAS BAR, shall mean an establishment designed for the retail sale of gasoline motor car fuel, diesel fuel, propane, other similar products, lubricating oil and allied additives and the introduction of such materials into vehicles but does not include the provision of mechanical services to vehicles.

- 3.68 GOLF COURSE, shall mean a public or private area operated for the purpose of playing golf including a par three (3) golf course, driving range, miniature golf course, or combination thereof.
- 3.69 GRADE, or GRADE, AVERAGE FINISHED, shall mean the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Chief Building Official or the grade level as approved by the grading plan for the respective development.
- 3.70 GRADE LEVEL, shall mean the level of any lots, measured above sea level according to Geodetic Datum, six (6) inches above the normal crown level of the road, measured above sea level according to Geodetic Datum, upon which the lot abuts. Where a lot abuts on two (2) or more streets, the grade level shall be the mean of the grade levels calculated with reference to the different streets. If the natural level of the ground is higher than as stipulated above, then the average natural level of the ground shall be taken as the grade level.
- 3.71 HEIGHT, when used with reference to a building or structure, shall mean the vertical distance 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 (1) slope roof, provided that a roof having a slope of less than twenty (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.
- 3.72 HOME OCCUPATION, shall mean the use of part of a dwelling unit and/or attached garage for an occupation which provides gain or support for at least one (1) of the permanent residents of such dwelling unit and which is clearly secondary to the main use of the dwelling unit as a private residence.

- 3.73 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 or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- 3.74 LOT, shall mean a parcel or tract of land described in a deed or other document legally capable of conveying land:
- a) which is the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to the Planning Act, R.S.O. 1990 as amended, not to be a registered plan of subdivision; or
 - b) which 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.
- 3.75 LOT AREA, shall be the total horizontal area within the lot lines of a lot.
- 3.76 LOT CORNER, shall mean a lot situated at the intersection of, or abutting upon, two (2) or more streets, provided that, the angle of intersection of such streets is not more than one hundred and thirty-five (135) degrees and each of which is at least thirty (30) feet wide, where such intersecting sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines.
- 3.77 LOT COVERAGE, shall mean that percentage of the lot area covered by the perpendicular projections of the main walls onto a horizontal plane of the area of all buildings. Swimming pools, balconies, decks, patios and parking areas shall not be included in the determination of "Lot Coverage".
- 3.78 LOT DEPTH, shall mean the horizontal distance between the midpoints of the front and rear lot lines. Where there is no rear lot line, lot depth means the horizontal distance between the midpoint of the front lot line with the apex of the triangle formed by the side lot lines.

- 3.79 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 thirty (30) feet back from the front lot line and where such lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines at a point thirty (30) feet 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.
- 3.80 LOT, INTERIOR, shall mean a lot other than a corner lot which is situated between adjacent lots and has access to one (1) street.
- 3.81 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; or
 - 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 side lot line which does not abut the street on a corner lot.
- 3.82 LOT, THROUGH, shall mean a lot bounded on two (2) opposite sides by streets each of which is at least thirty (30) feet wide. Provided, however, that if any lot qualifies as being both a corner lot and a through lot as defined, such lot shall be conclusively deemed to be a corner lot.
- 3.83 MAIN WALL, shall mean the exterior front, side and rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.
- 3.84 MARINA, shall mean an area or establishment, whether water based or land based, with or without buildings, providing facilities or services for boats, personal water crafts and other water crafts or persons travelling by boat, personal water craft or other water craft and operated on a commercial basis or by a company or group of persons such as a club organized for pleasure or recreational purposes and may include: slips; docks; moorings; waste disposal arrangements; fuelling facilities; boat storage, including both wet and dry storage for boats, personal water craft and other water craft and related accessories and equipment; the sale, rental or repair of boats, personal water craft and other water craft and boat motors and personal water craft motors and other propulsion systems for water craft or accessories therefor and related accessories and equipment; the conducting of educational classes or seminars regarding the proper care and use of boats, personal water craft and other water craft, boat and water craft motors or other propulsion systems for water craft, related accessories and equipment; the provision of accommodation and refreshments; and other recreational uses, whether water based or not, that are designed for the use and enjoyment of those lawfully using the facility.
- 3.85 MOBILE HOME, shall mean any dwelling that is designed to be made mobile, regardless of whether the running gear has been removed, and constructed or manufactured to provide a permanent residence for one (1) or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.
- 3.86 MOTOR VEHICLE, shall mean a wheeled, self-propelling vehicle for the transportation of passengers or goods or both passengers and goods, and without limiting the generality of the

foregoing, includes automobiles, trucks, buses, ambulances, hearses, motor homes, and tractors and other self-propelled farm machinery.

- 3.87 MUNICIPAL DRAIN, shall mean drainage works constructed and maintained under the provisions of the Drainage Act.
- 3.88 MUNICIPALITY, shall mean the Corporation of the Village of St. Clair Beach.
- 3.89 NON-COMPLYING, shall mean a lot, building, or structure which is existing but does not meet, comply or agree with the regulations of this by-law.
- 3.90 NON-CONFORMING, shall mean a use which is existing but not permitted in the zone in which the said use is situated.
- 3.91 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.
- 3.92 OCCUPANCY, when used as a verb, shall mean the use of a building or part thereof for the shelter or support of persons, animals or property.
- 3.93 OFFICE, GENERAL, 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, repairing or storage of goods or any place of assembly or amusement.
- 3.94 OFFICE, PROFESSIONAL, shall mean any office used by professionally qualified persons, for the purposes of giving advice, consultation or treatment to clients or patients.
- 3.95 OPEN SPACE, LANDSCAPED, shall mean open unobstructed space on the lot which is suitable used landscaping, including any part of the lot occupied by recreational accessory buildings, any surfaced walk, deck, 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.

- 3.96 OUTSIDE STORAGE, shall mean the storage of goods in the open air.
- 3.97 PARK, PRIVATE, shall mean a park not open to the general public and may be operated for commercial gain.
- 3.98 PARK, PUBLIC, shall mean a park controlled or owned by the municipality or a public authority normally open to the public.
- 3.99 PARKING, shall mean the temporary storage of a motor vehicle, boat, motor home, trailer or other similar recreational vehicle. Temporary when used in reference to a recreational vehicle shall mean a period of time not exceeding a total of fourteen (14) days in any given calendar year.
- 3.100 PARKING LOT, or AREA, shall mean an area or clearly defined 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.
- 3.101 PARKING SPACE, shall mean an area nine (9) feet by twenty (20) feet, exclusive of aisles or driveways, enclosed in a building, or unenclosed, and set aside for the temporary storage of a vehicle. A barrier free parking space shall mean an area not less than fifteen (15) feet by twenty (20) feet.
- 3.102 PATIO, shall mean a platform made of wood, asphalt, concrete or other similar material, that has a height one (1) foot or less above grade, projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory residential, commercial, industrial or recreational uses.
- 3.103 PERMITTED, shall mean permitted by this by-law.

- 3.104 PERSON, shall include an individual, an association, a firm, a partnership or an incorporated company, municipal corporation and the agent, trustee, heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
- 3.105 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 their pets, and without limiting the generality of the foregoing, includes barber shops, hairdressing establishments, dog grooming establishments that do not involve overnight accommodation, shoe repair and shoe shining shops, tailor shops, bakery shops, home brewing establishments, depots for collection and delivery of dry cleaning and laundry and self serve dry cleaning and laundry establishments.
- 3.106 PLACE OF ENTERTAINMENT, shall mean a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller rink, dance hall or music hall, but does not include any place of entertainment or amusement otherwise defined or classified herein.
- 3.107 PRIVATE ROAD, shall mean a right-of-way existing on the day of passing of this by-law, which has not been dedicated as a street or accepted or assumed by the corporation, but is owned privately and which affords the principal means or access to abutting, separately owned, legally conveyable parcels of land.
- 3.108 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 board or other board of commission or committee of local authority established or exercising any power or 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 board, commission or committee or local authority established by by-law of the municipality.
- 3.109 PUBLIC HALL, shall mean a building or part thereof where members of the public gather 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 theatre, a school or a church.

- 3.110 PUBLIC SERVICES, shall mean the buildings, structures and other related work necessary for supplying transportation services, water, gas, oil, electricity, steam, hot water, telecommunication services, storm drainage, sewage collection and treatment facilities.
- 3.111 RECREATIONAL USE, shall mean a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.
- 3.112 RECREATIONAL VEHICLE, shall mean a vehicular unit designed for travel, camping or recreational use, including but not limited to a travel trailer, motor home, pick-up camper, motorized camper, tent trailer, boat or boat trailer.
- 3.113 RESIDENTIAL USE, shall mean the use of a building or structure or parts thereof as a dwelling.
- 3.114 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.
- 3.114a RETIREMENT HOME, or RETIREMENT LODGE, shall mean a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from the common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.
- 3.115 RIGHT-OF-WAY, or EASEMENT, shall mean any right, liberty or privilege in, over, along or under land, which the owner of one (1) 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 Village of St. Clair Beach.

- 3.116 ROAD, shall have the meaning attributed to it in the definition of Street.
- 3.117 ROAD, COUNTY, shall mean a street under the jurisdiction of the county or the Windsor Suburban Roads Commission.
- 3.118 SANITARY SEWER, shall mean an adequate system of underground conduits, operated either by a municipal corporation or by the Ministry of Environment and Energy, which carries sewage to an adequate place of treatment which meets with the approval of the Ministry of Environment and Energy.
- 3.119 SATELLITE DISH, shall mean a device designed to receive communication signals from a satellite.
- 3.120 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 a school operated under charter granted by the Province of Ontario.
- 3.121 SERVICE SHOP, shall mean any building or part thereof where appliances and machinery are sold, serviced, or repaired and includes building trade establishments but excludes any manufacturing, processing, or wholesaling.
- 3.122 SETBACK, shall mean the horizontal distance between the centreline of the road and 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.
- 3.123 SHOPPING CENTRE, shall mean a group of commercial uses, planned, designed, developed and managed as a unit by a single owner or tenant, or 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.

- 3.124 STORAGE, shall mean the keeping of goods and materials. When used in reference to a recreational vehicle, storage shall mean parking that exceeds a total of fourteen (14) days in any given calendar year.
- 3.125 STOREY, shall mean that portion of a building:
- a) which is situated between the surface of any floor and the surface 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 is more than fifty (50) percent above the average finished grade; and
 - c) which has a height of not less than six (6) feet and includes an attic having not less than six (6) feet headroom for at least fifty (50) percent of the attic floor area.
- 3.126 STREET, or HIGHWAY, or ROAD, shall mean a common and public street, road, highway or commons vested in the municipality, the county, the province 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 as defined in this by-law.
- 3.127 STREET LINE, shall mean the limit of a street allowance and is the boundary or dividing line between a street and a lot.
- 3.128 STRUCTURE, shall mean anything that is erected, built or constructed of parts joined together and which is fixed to or supported by the soil, any other structure or both, excluding a patio as defined herein, a sign, fence or private outdoor swimming pool. Lawn items such as clotheslines, bird houses, bird baths, play equipment, ornamental, decorative or religious items, fountains and ponds and other similar items all of which do not exceed more than three (3) square feet in area, shall not be considered as structures and are not regulated by this by-law except that they can not be located closer than two (2) feet to any lot line. The above-noted items that are larger than three (3) square feet in area must comply with the accessory use provisions of this by-law.

- 3.129 SWIMMING POOL, PRIVATE OUTDOOR, shall mean a privately owned pool whether or not in the ground, capable of being used for swimming, wading, diving or bathing and which, when filled, is capable of containing a depth of one (1) foot or more of water. For the purpose of regulations pertaining to lot coverage in the by-law, a "Private Outdoor Swimming Pool" is deemed not to be a building or structure.
- 3.130 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, as amended from time to time.
- 3.131 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.
- 3.132 TRAILER, 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 or sleeping 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.
- 3.133 USE, shall mean the purpose for which any lot, building or structure is designed, arranged, occupied or used.
- 3.134 WATERCOURSE, shall mean the natural channel for a stream of water.
- 3.135 WHOLESALE ESTABLISHMENT, shall mean a building or part of a building used for the selling of goods in large bulk or quantity for delivery from the premises to a person other than to the ultimate consumer.
- 3.136 YARD, shall mean an open space on the same lot with a main building or structure, unoccupied and unobstructed from the ground to the sky, except as otherwise provided 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. In those instances where the front lot line is curved, the front yard setback requirement shall be measured as a straight line parallel to a straight line drawn between the two (2) most distant points of the front lot line;
- 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);
- d) Side Yard, Interior means any side yard other than an exterior side yard;
- e) Side Yard, Exterior means a side yard immediately adjoining a street.

3.137 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.