

## 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.
- 3.1a 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 purposes of this paragraph, the following shall apply:
- a) “Provided” includes furnished, performed, solicited or given such services;
  - b) “Services” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the Theatres Act;
  - c) “Services appealing to or designed to appeal to erotic or sexual appetites or inclinations” includes the following:
    - i) services of which a principal feature or characteristic is 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;
  - d) “To provide” when used in relation to “services” includes to furnish, perform, solicit, or give services and “providing” and “provision” have corresponding meanings.
- 3.2 AGRICULTURAL USE, shall mean the cultivation of land, the production of crops and the packing, treating, storage and selling of such product on the premises and includes the raising and harvesting of field, bush, tree or vine crops, market gardening, nurseries, and greenhouses. However, "agricultural use" does not include an abattoir, the breeding, care and sale of livestock and packing, treating, storage and selling of the product of such livestock raised on or off the premises, aviaries, apiaries, fish farming, worm farming, mushroom farming, animal husbandry, or facilities for the permanent or temporary housing of persons employed on the lot.
- 3.3 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.

- 3.4 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 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.
- 3.5 ANIMAL HOSPITAL/CLINIC, shall mean any building used or intended for use for the purpose of a veterinary practice.
- 3.6 APARTMENT BUILDING, shall mean the whole of a structure that contains 4 or more dwelling units which units have a common entrance from street level and are served by a common corridor and the occupants of which units have the right to use in common the corridors, stairs, elevators, yards or one or more of them.
- 3.7 ATTACHED, shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls above grade shared in common with adjacent building or buildings.
- 3.8 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.
- 3.9 AUTOMOBILE REPAIR GARAGE, shall mean a building or structure where the exclusive service performed or executed on motor vehicles 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.
- 3.10 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.
- 3.11 AUTOMOBILE SERVICE STATION, shall mean a building or 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 repairing 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.

- 3.12 AUTOMOBILE WASHING ESTABLISHMENT, or CAR WASH, shall mean a building or structure or part thereof containing facilities for washing, cleaning or drying motor vehicles either using production line methods which may include a conveyor system or similar mechanical devices and also includes a self-serve car wash.
- 3.13 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.
- 3.14 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.
- 3.15 BOAT HOUSE, PRIVATE, shall mean a detached accessory building, or structure or portion of a dwelling which is designed or used for the sheltering of a boat or other form of water transportation and storage of household equipment incidental to the residential occupancy.
- 3.16 BUFFER STRIP, shall mean an area used for no other purpose than for the erection of a solid decorative fence, earth berm or the planting and maintaining of a continuous row of natural evergreen trees or a continuous unpiereced hedgerow of natural shrubs, immediately adjacent to the lot line or portion thereof along which such buffer strip is required hereunder, which will provide a year round visual barrier; to be not less than 1.8 metres high, except in the front yard for a distance equal to 3 metres back measured from the front lot line where the maximum height shall be 0.9 metres; the remainder of the strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds, sodded or seeded grass, or a combination thereof. Any fence shall be decorative in nature, and be designed and constructed to resist wind damage (e.g. alternating slats).
- 3.17 BUILDING, shall include any structure whether temporary or permanent, having a roof supported by columns or walls or supported directly on the foundation and used or intended for sheltering any use or occupancy, but shall not include a fence, trailer, camping trailer, truck camper, motor home, or tent.
- 3.18 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 single family dwelling associated with an agricultural use is a "main building" for the purpose of this By-law.

- 3.19 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.
- 3.20 CARPORT, shall have the meaning attributed to it in the definition of Garage (Private).
- 3.21 CAR WASH, shall have the meaning attributed to it in the definition of Automobile Washing Establishment.
- 3.22 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.
- 3.23 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.
- 3.24 CLUB, PRIVATE shall mean a building or premises located on privately owned lands, operated on a non-profit basis 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.
- 3.24a) COMMERCIAL SELF-STORAGE UNIT, shall mean a building or buildings consisting of individual units with personal vehicular access, used for the storage of foods, wares, merchandise, foodstuffs, substances, articles or things, but does not include a fuel storage tank except as an accessory use
- 3.25 COMMERCIAL USE, shall mean the use of land or buildings for the purposes of offices, and the retail buying or selling of commodities, or both, and the supply of services.
- 3.26 COMMITTEE OF ADJUSTMENT, shall mean the Committee of Adjustment for the Corporation of the Town of Tecumseh as constituted by a by-law passed by Council pursuant to Section 43 of the Planning Act, S.O. 1983.
- 3.27 COMMUNITY CENTRE, shall mean a building or part of 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.
- 3.28 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.

- 3.29 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.
- 3.30 CORPORATION, shall mean the Corporation of the Town of Tecumseh.
- 3.31 COUNCIL, shall mean the elected Municipal Council of the Corporation of the Town of Tecumseh.
- 3.32 COUNTY, shall mean Corporation of the County of Essex.
- 3.33 COUNTY ROAD, shall mean a street under the jurisdiction of the County or the Windsor Suburban Roads Commission.
- 3.34 COVERAGE, shall mean the percentage of the lot area covered by 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 grade entrances attached to a dwelling unit; but excluding a private outdoor swimming pool, open unenclosed terraces, open unenclosed decks and open unenclosed patios, steps, cornices, eaves, bay windows, chimney breasts, corbelling and other similar projections.
- 3.34a 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.
- 3.35 DAY NURSERY, shall mean a premises that receives more than five children who are not of common parentage, primarily for the purposes of providing temporary care of guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, when the children are:
- a) under eighteen years of age in the case of a day nursery for children with a developmental handicap; and
  - b) under ten years of age in all other cases.
- 3.36 DENSITY, shall mean the ratio of dwelling units to one (1) net hectare of lot area. Net hectare means residential building land plus any required off-street parking area, but does not include road allowance or land used for other permitted uses.

- 3.37 DRIVE-IN RESTAURANT, shall mean an eating establishment where facilities are available to serve meals to the customer for consumption in the customer's motor vehicle, parked in an area designated for that purpose.
- 3.38 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 5.33 of this By-law).
- 3.39 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.
- 3.40 DWELLING, DUPLEX, shall mean a dwelling that is divided horizontally into 2 dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 3.41 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 behavioral 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.
- 3.42 DWELLING, MULTIPLE-UNIT, shall mean a dwelling used, designed or intended to be used for occupancy by 2 or more housekeeping units living independently of each other including duplexes, triplexes, townhouses, rowhouses and apartment buildings.
- 3.43 DWELLING, SEASONAL, shall mean a detached dwelling constructed and used for seasonal vacations and recreational purposes that is not used for continuous habitation or as a permanent residence.
- 3.44 DWELLING, SEMI-DETACHED, shall mean a dwelling that is divided vertically into 2 dwelling units each of which has an independent entrance whether directly or through a common vestibule and which has no direct access between the two units.
- 3.44a DWELLING, SEMI-DETACHED DUPLEX, shall mean one of a pair of two attached duplex houses with a common masonry wall dividing the pair of duplex dwelling houses

vertically, each of which has an independent entrance directly from the outside or through a common vestibule for each duplex.

- 3.45 DWELLING, SINGLE-UNIT DETACHED, shall mean a dwelling unit that is completely detached and designed, or intended to be used for occupancy by not more than one housekeeping unit.
- 3.46 DWELLING, TOWNHOUSE OR ROWHOUSE, shall mean a separate dwelling containing four (4) but no greater than eight (8) attached dwelling units with a common masonry wall dividing the dwelling units vertically, each of which has an independent entrance.
- 3.47 DWELLING, TRIPLEX, shall mean a dwelling that is divided into three (3) separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 3.48 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.
- 3.49 DWELLING UNIT, BACHELOR, shall mean a dwelling unit consisting of one bathroom and not more than 2 habitable rooms, providing therein living, dining sleeping and kitchen accommodation in appropriate individual or combination room or rooms.
- 3.50 EASEMENT, shall have the meaning attributed to it in the definition of Right-of-Way.
- 3.51 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 excavation, 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.
- 3.51a ESTABLISHED BUILDING LINE, shall mean the average setback from the street line of existing buildings on one side of one block where more than one-half of the frontage of the said side of the block has been built upon.

- 3.52 EXISTING, shall mean legally existing as of the date of the passing of this By-law.
- 3.53 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, verandah, 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.
- 3.54 FLOOR AREA, COMMERCIAL OR RETAIL, shall mean the sum of all the gross leasable area of a building or structure, excluding any area which is used for heating or cooling, the storage or parking of motor vehicles, locker storage, utilities, washrooms, laundry facilities, any area designed or used permanently for storage space, and other accessory uses.
- 3.55 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.
- 3.56 FUEL STORAGE TANK, shall mean a tank for the bulk storage above ground level of petroleum, gasoline, fuel, oil, gas or flammable liquid or fluid, but does not include a container for flammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located or a tank for the underground storage of petroleum, gasoline, fuel, oil, gas, or flammable liquid or fluid.
- 3.57 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 5.25 and 5.32 of this By-law).
- 3.58 (BLANK)
- 3.59 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 and may include a shelter having a floor area of not more than 14 square metres, but does not include the provision of mechanical services or repairs to vehicles.

- 3.60 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.
- 3.61 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.
- 3.62 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.
- 3.62a GROUP HOUSING, shall mean two or more separate semi-detached duplex, row and/or triplex dwellings located on the same lot which lot is retained under single or condominium ownership.
- 3.63 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 5.24 of this By-law.)
- 3.64 HIGHWAY, shall have the meaning attributed to it in the definition of Street.
- 3.65 HOME OCCUPATION, shall mean the use of a part of a dwelling or dwelling unit for an occupation which provides gain or support for only members of the family permanently residing in such dwelling or dwelling unit 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 5.27 of this By-law).

- 3.66 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 or 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-unit dwelling, apartment hotels or taverns.
- 3.67 HOUSEKEEPING UNIT, shall mean one or more individuals who reside together as a family provided there is no program, person or agency requiring supervision of such individuals.
- 3.68 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, packing 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 as an "Industrial Use".
- 3.69 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.
- 3.70 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.
- 3.71 LANE, shall have the meaning attributed to it in the definition of alley.
- 3.71 a) LIVE-WORK UNIT, shall mean a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial and a residential component that is occupied by the same resident. The live-work unit shall be the primary dwelling of the occupant. The commercial component of live-work units is intended for use by the following occupations: accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; chiropractors; massage therapists; fashion, graphic, interior and other designers; barbers and hairstylists; home-based office workers; insurance, real estate and travel agents; one-on-one instructors; photographers; and other similar occupations which the Committee of Adjustment, upon application, permits.

- 3.72 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 5.28 and 5.29 of this By-law).
- 3.73 LODGING HOUSE OR REST HOME, 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.
- 3.74 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, or
  - c) is legally capable of being conveyed from one person to another person.
- 3.75 LOT OF RECORD, shall mean a lot legally capable of being conveyed from one person to another person as of the date of passing of this by-law.
- 3.76 LOT AREA, shall be the total horizontal area within the lot lines of a lot.
- 3.77 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 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.
- 3.78 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 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 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.

3.79 LOT, INTERIOR, shall mean a lot other than a corner lot which is situated between adjacent lots and has access to one street.

3.80 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;
- in the case of a lot located on the north side of Riverside Drive, the front lot line shall be the lot line abutting Riverside Drive.

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 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.

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

3.82 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.

3.83 MOBILE HOME, shall mean a building or structure 18.0 metres in length or longer, with floor area in excess of 65.0 square metres, 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 5.13 of this By-law).

- 3.84 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 providing 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.
- 3.85 MOTOR VEHICLE, shall mean a wheeled self-propelled 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 motorcycles.
- 3.86 MUNICIPALITY, shall mean The Corporation of the Town of Tecumseh.
- 3.87 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 subsection 5.8 and 5.10 of this By-law).
- 3.88 NON-CONFORMING, shall mean a lot, building, or structure 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 5.9 of this By-law).
- 3.89 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.
- 3.90 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 or supervised under The Nursing Homes Act, R.S.O. 1980, and The Home for the Aged and Rest Homes Act, R.S.O. 1980.
- 3.91 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.
- 3.92 OFFICE, PROFESSIONAL, shall mean any office used by professionally qualified persons, and related technical assistants and clerical staff, for the purpose of giving advice, consultation or treatment to clients or patients.
- 3.93 OPEN SPACE, LANDSCAPED, shall mean open unobstructed space on the site used for no purpose other than 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 5.22 of this By-law).
- 3.94 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.
- 3.95 PARK, PRIVATE, shall mean a park not open to the general public and may be operated for commercial gain.
- 3.96 PARK, PUBLIC, shall mean a park controlled or owned by the Municipality or a public authority normally open to the public.
- 3.97 PARKING LOT or PARKING 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 5.30, 5.30a, 5.31 and 5.32 of this By-law).
- 3.98 PARKING SPACE, shall mean an area 2.75 metres by 5.5 metres, 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 not less than 4.5 metres by 6 metres. (Reference should also be made to the provisions of subsections 5.30, 5.31 and 5.32 of this By-law).
- 3.99 PERMITTED, shall mean permitted by this By-law.
- 3.100 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.

- 3.101 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 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.
- 3.101a PRIVATE HOME DAY CARE USE, shall mean the use of land, buildings or other structures for temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.
- 3.102 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 5.12 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 USES, shall mean the buildings, structures and other related works necessary for the purpose of public service by the Corporation of the Town of Tecumseh or by any local Board thereof as defined by The Municipal Act, Chapter 302, R.S.O. 1980, the Corporation of the County of Essex, any department of the Government of Ontario or Canada, or any telephone, telegraph or communications company or gas company or Ontario Hydro.
- 3.105 RESIDENTIAL USE, shall mean the use of a building or structure or parts thereof as a dwelling.
- 3.106 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 or on a rental basis 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.

- 3.107 RETAIL STORE, CONVENIENCE, shall mean a retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods and services such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationary, hardware, magazines and newspapers.
- 3.108 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 Town of Tecumseh.
- 3.109 ROAD, shall have the meaning attributed to it in the definition of Street.
- 3.110 ROAD, COUNTY, shall mean a street under the jurisdiction of the County or the Windsor Suburban Roads Commission.
- 3.111 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.
- 3.112 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.
- 3.113 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.
- 3.114 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.

- 3.115 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 building trade establishments but excludes any manufacturing, processing, or wholesaling.
- 3.116 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 5.19 and 5.20)
- 3.117 SHOPPING CENTRE, shall mean a group of non-residential establishments, predominantly retail commercial in nature, 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 unrelated individual business uses, and having off-street parking provided on the same lot.
- 3.118 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 is more than 60% above the average finished grade, and
  - c) which has a height of not less than 2 metres and includes an attic having not less than 2 metres headroom for at least 50% of the attic floor area.
- 3.119 STOREY, FIRST, shall mean the lowest storey of a building, at or immediately above grade.
- 3.120 STREET or HIGHWAY or 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 right-of-way.
- 3.121 STREET LINE, shall mean the limit of a street allowance and is the boundary or dividing line between a street and a lot.
- 3.122 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 swimming pool including any associated deck, free-standing outdoor furnace and/or air conditioning units, and private outdoor

swimming pool water circulation, treatment or heating equipment, will be considered as structures.

- 3.123 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 0.46 metres 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.
- 3.124 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.
- 3.125 TOP OF BANK, shall mean when used with reference to a municipal drain, the highest elevation of land which ordinarily confines the waters of such drain.
- 3.126 TOURIST HOME, shall have the meaning attributed to it in the definition of Boarding House.
- 3.126a TRAILER, COMMERCIAL, shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle and capable of being used, commercially, for the purpose of transporting goods, materials or equipment, notwithstanding that such vehicle is jacked up or that its running gear is removed.
- 3.127 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 not include a mobile home as defined herein. (Reference should also be made to subsection 5.14 of this By-law).
- 3.128 TRUCK TERMINAL, shall mean a building, structure or place where trucks or transports are rented, leased, kept for hire, or stored or parked for remuneration or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, or which is a bonded or sufferance warehouse.
- 3.129 UNENCLOSED, when used in reference to a deck, terrace or patio shall mean a structure with no walls and no roof.

- 3.130 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.
- 3.131 VEHICLE, includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized by any kind of power, including muscular power, but does not include a wheelchair.
- 3.132 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 highways. This definition shall also include a commercial trailer as defined herein. (Reference should also be made to subsection 5.32 d) of this By-law).
- 3.133 WAREHOUSING and SUPPLY and STORAGE USE, shall mean a building or structure primarily 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.
- 3.134 WASTE DISPOSAL AREA, shall mean a lagoon where industrial waste from the processing of foodstuff is kept for further treatment and disposal.
- 3.135 WHOLESALE and WHOLESALE BUSINESS, shall mean a lot, building or structure used for the resale of goods to persons in large quantities.
- 3.136 WORKSHOP, shall mean a building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, or similar uses.
- 3.137 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. Where the front lot line is curved, a point 7.6 metres back from the two front corners of the lot should be established; a line connecting these two points drawn; the centrepoint of the front provided further that at no time shall a dwelling be closer than 5.0 metres from any part 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).

3.138 YARD, REQUIRED, 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 measured perpendicular from the respective lot line shall be used:

- a) Required Front Yard shall mean a yard extending across the full width of a lot measured from the front lot line. Where the front lot line is curved, a point 7.6 metres back from the two front corners of the lot should be established; a line connecting these two points drawn; the centrepoint of the front wall of a dwelling is to be on this line extension, provided further that at no time shall a dwelling be closer than 5.0 metres from any part of the front lot line;
- b) Required Rear Yard shall mean a yard extending across the full width of a lot measured from the rear lot line;
- c) Required Side Yard shall mean a yard measured from 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.