

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** May 23, 2024

**CASE NO.:** OLT-22-002825

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

|                       |                    |
|-----------------------|--------------------|
| Appellant:            | Shane Webber       |
| Subject:              | By-law No. 60-2019 |
| Municipality:         | City of Thorold    |
| OLT Case No.:         | OLT-22-002826      |
| Legacy Case No.:      | PL190277           |
| OLT Lead Case No.:    | OLT-22-002825      |
| Legacy Lead Case No.: | PL190276           |

**BEFORE:**

|           |   |                                |
|-----------|---|--------------------------------|
| S. DEBOER | ) | Thursday, the 23 <sup>rd</sup> |
| MEMBER    | ) | day of May, 2024               |

**THIS MATTER** having previously been the subject of an Order issued by the Tribunal on March 21, 2021 and a further Order issued on December 22, 2023;

**AND THE TRIBUNAL** having now received a Notice of Motion and Motion Record from the City of Thorold dated April 24, 2024 seeking to resolve, in part, the above-noted appeal by the Appellant by way of a settlement in relation to City of Thorold Comprehensive Zoning By-law 60-2019;

**AND THE TRIBUNAL** having considered the Motion Record delivered on consent of the Parties, including the uncontested written opinion evidence of Andrea Sinclair, RPP, in an affidavit sworn April 17, 2024, and the exhibits attached thereto, and having qualified Andrea Sinclair to give expert opinion evidence in the area of land use planning;

**AND THE TRIBUNAL** having considered the uncontested opinion evidence of Andrea Sinclair, the Tribunal finds that the proposed amendments in **Appendix 1** and **Appendix 2** attached to this Order to City of Thorold Comprehensive Zoning By-law No. 60-2019 have regard to those matters of provincial interest as found in s. 2 of the *Planning Act*; are consistent with the Provincial Policy Statement, 2020; conform to the Growth Plan for the Greater Golden Horseshoe, 2020; conform to the Region of Niagara Official Plan; conform to the City of Thorold Official Plan; reflect principles of good land use planning and are in the public interest to approve;

**NOW THEREFORE THE TRIBUNAL ORDERS THAT** the appeal by the Appellant against Zoning By-law 60- 2019 of the City of Thorold is allowed in part;

**AND THE TRIBUNAL FURTHER ORDERS THAT** the amendment of the '*Part 6 – Residential Zones*' provisions in Zoning By-law 60- 2019 is approved as set out in **Appendix 1** to this Order

**AND THE TRIBUNAL FURTHER ORDERS THAT** the amendment of the provisions of the "*Zoning Definitions*" in Zoning By-law 60- 2019 is approved as set out in **Appendix 2** to this Order;

**AND THE TRIBUNAL FURTHER ORDERS THAT:**

- (a) the Clerk of the City of Thorold is hereby authorized to format the contents of **Appendix 1** and **Appendix 2** into the City of Thorold Zoning By-law No. 60-2019 (including the assignment of titles, paragraphs and/or section numbers) as required to implement the above Orders;

- (b) the appeal by the Appellant against Zoning By-law 60-2019 of the City of Thorold is hereby scoped to the provisions as noted in **Appendix 3** to this Order;
- (c) the remainder of the appeal by the Appellant shall be adjourned *sine die*; and
- (d) the Parties shall provide the Tribunal with a status update pertaining to the remainder of the appeal by October 1, 2024.

*“Euken Lui”*

EUKEN LUI  
ACTING REGISTRAR

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## APPENDIX 1

## Part 6 | Residential Zones

### 6.1 Zone Names and Symbols

| Table 6.1 – Residential Zones |                    |
|-------------------------------|--------------------|
| Zone Name                     | Zone Symbol        |
| <b>Residential Zones</b>      |                    |
| i) Residential One Zones      | R1A, R1B, R1C, R1D |
| ii) Residential Two Zones     | R2A, R2B           |
| ii) Residential Three Zones   | R3A, R3B, R3C, R3D |
| iii) Residential Four Zones   | R4A, R4B           |

### 6.2 Permitted Uses

No person shall *erect, alter, enlarge, reconstruct, locate, or use* any *building or structure* in whole or in part, nor use any *lot* in whole or in part, for any purpose other than one or more of the following *permitted uses* denoted by the symbol “●” in the column applicable to that *zone* and corresponding with the row in Table 6.2.

| Table 6.2 – Permitted Uses in the Residential Zones |          |          |          |          |
|-----------------------------------------------------|----------|----------|----------|----------|
| Use                                                 | R1 Zones | R2 Zones | R3 Zones | R4 Zones |
| <b><i>Single detached dwelling</i></b>              | ●        | ●        |          |          |
| <b><i>Duplex dwelling</i></b>                       | ●        | ●        |          |          |
| <b><i>Semi-detached dwelling</i></b>                | ●        | ●        |          |          |
| <b><i>Street townhouse dwelling</i></b>             | ● (5)    | ● (5)    | ●        | ●        |
| <b><i>Stacked townhouse dwelling</i></b>            |          |          | ●        | ●        |
| <b><i>Private street development (1)</i></b>        |          |          | ●        | ●        |
| <b><i>Triplex dwelling</i></b>                      | ●        | ●        | ●        | ●        |
| <b><i>Fourplex dwelling</i></b>                     |          |          | ●        | ●        |
| <b><i>Apartment dwelling</i></b>                    |          |          | ●        | ●        |
| <b><i>Group Home</i></b>                            | ●        | ●        | ●        | ●        |
| <b><i>Long-term care facility</i></b>               |          |          | ●        | ●        |
| <b><i>Accessory Uses</i></b>                        |          |          |          |          |
| <b><i>Accessory building or structure (3)</i></b>   | ●        | ●        | ●        | ●        |
| <b><i>Bed and breakfast (3)</i></b>                 | ● (2)    | ●        | ● (2)    |          |

| Table 6.2 – Permitted Uses in the Residential Zones |             |             |             |             |
|-----------------------------------------------------|-------------|-------------|-------------|-------------|
| Use                                                 | R1<br>Zones | R2<br>Zones | R3<br>Zones | R4<br>Zones |
| <b><i>Garden suite dwelling (3)</i></b>             | •           | •           |             |             |
| <b><i>Home occupation (3)</i></b>                   | •           | •           | •           |             |
| <b><i>Private home day care</i></b>                 | •           | •           | •           |             |
| <b><i>Second dwelling unit (3)</i></b>              | •           | •           | • (4)       |             |
| <b><i>Short term accommodation rental (3)</i></b>   | •           | •           | •           | •           |
| <b><i>Storage container (3)</i></b>                 | •           | •           | •           | •           |

**Footnotes for Table 6.2 Permitted Uses:**

- (1) *Private street development permitted uses include single detached dwellings, semi-detached dwellings, townhouses and stacked townhouses.*
- (2) *Bed and breakfasts are only permitted in single detached dwellings, semi-detached dwellings, and street townhouses.*
- (3) This use is subject to regulations outlined in Part 3- Generals.
- (4) This use is not permitted in a *triplex* or *fourplex*.
- (5) Within the R1 and R2 zones, street townhouse dwellings shall be limited to three attached dwellings.

### 6.3 Lot, Building and Structure Requirements

6.3.1 The following requirements in Table 6.3.a shall apply to every *lot, building and structure* in the applicable R1A and R1B zones:

| Table 6.3.a - Lot, Building, and Structure Requirements for Residential R1A and R1B Zones |                                                                                        |                                                                                        |                                                                                        |                                                                                        |                                                                                        |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Requirement                                                                               | Permitted Uses                                                                         |                                                                                        |                                                                                        |                                                                                        |                                                                                        |
|                                                                                           | Dwelling<br>Single<br>Detached                                                         | Dwelling,<br>Semi-<br>Detached                                                         | Dwelling,<br>Duplex                                                                    | Dwelling,<br>Triplex                                                                   | Townhouse<br>(Street)                                                                  |
| Minimum Lot Area                                                                          | 400 m <sup>2</sup>                                                                     | 200 m <sup>2</sup>                                                                     | 325 m <sup>2</sup>                                                                     | 450 m <sup>2</sup>                                                                     | 180.0 m <sup>2</sup> per interior unit and 225.0 m <sup>2</sup> per end unit           |
| Minimum Lot Frontage                                                                      | 12.0 m                                                                                 | 7.0                                                                                    | 12.0 m                                                                                 | 15.0 m                                                                                 | 6.0 m per interior unit and 7.5 m per end unit                                         |
| Minimum Front Yard                                                                        | 4.5 m to <i>dwelling</i><br><br>7.5 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>7.5 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>7.5 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>7.5 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>7.5 m to attached <i>private garage or carport (1)</i> |
| Minimum Rear Yard                                                                         | 7.5 m                                                                                  | 7.5 m                                                                                  | 7.5 m                                                                                  | 7.5 m                                                                                  | 7.5 m                                                                                  |
| Minimum Interior Side Yard                                                                | 1.2 m                                                                                  | 1.2 m (2)                                                                              | 1.2 m                                                                                  | 1.2 m                                                                                  | 1.2 m (2)                                                                              |
| Minimum Exterior Side Yard                                                                | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> |
| Maximum Building Height                                                                   | 11.0 m                                                                                 | 11.0 m                                                                                 | 11.0 m                                                                                 | 11.0 m                                                                                 | 11.0 m                                                                                 |
| Minimum Landscaped Open Space                                                             | 30%                                                                                    | 30%                                                                                    | 30%                                                                                    | 30%                                                                                    | 30%                                                                                    |

|                                                                        |                                             |                                             |                                             |                                             |                                             |
|------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|
| <b>Maximum Lot Coverage</b>                                            | 45%                                         | 45%                                         | 45%                                         | 45%                                         | 45%                                         |
| <b>Maximum Width of a Private Garage Attached to the Main Building</b> | 65 % of the main building front wall length | 60 % of the main building front wall length | 65 % of the main building front wall length | 65 % of the main building front wall length | 60 % of the main building front wall length |
| <b>Maximum Number of Attached Dwelling Units</b>                       | -                                           | -                                           | -                                           | -                                           | 3                                           |

6.3.2 The following requirements in Table 6.3.b shall apply to every *lot, building and structure* in the applicable R1C zone:

| Table 6.3.b - Lot, Building, and Structure Requirements for Residential R1C Zone |                                                                          |                                                                          |                                                                          |                                                                          |                                                                              |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Requirement                                                                      | Permitted Uses                                                           |                                                                          |                                                                          |                                                                          |                                                                              |
|                                                                                  | Dwelling Single Detached                                                 | Dwelling, Semi-Detached                                                  | Dwelling, Duplex                                                         | Dwelling, Triplex                                                        | Townhouse (Street)                                                           |
| <b>Minimum Lot Area</b>                                                          | 325 m <sup>2</sup>                                                       | 200 m <sup>2</sup>                                                       | 325 m <sup>2</sup>                                                       | 450 m <sup>2</sup>                                                       | 180.0 m <sup>2</sup> per interior unit and 225.0 m <sup>2</sup> per end unit |
| <b>Minimum Lot Frontage</b>                                                      | 10.5 m                                                                   | 7.0                                                                      | 10.5 m                                                                   | 15.0 m                                                                   | 6.0 m per interior unit and 7.5 m per end unit                               |
| <b>Minimum Front Yard</b>                                                        | 4.5 m to dwelling<br><br>6.0 m to attached private garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached private garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached private garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached private garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached private garage or carport (1)     |
| <b>Minimum Rear Yard</b>                                                         | 7.5 m                                                                    | 7.5 m                                                                    | 7.5 m                                                                    | 7.5 m                                                                    | 7.5 m                                                                        |

|                                                                 |                                                                          |                                                                          |                                                                          |                                                                          |                                                                          |
|-----------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Minimum Interior Side Yard                                      | 1.2 m                                                                    | 1.2 m (2)                                                                | 1.2 m                                                                    | 1.2 m                                                                    | 1.2 m (2)                                                                |
| Minimum Exterior Side Yard                                      | 4.5 m to dwelling<br><br>7.5 m to attached private garage or carport (1) | 4.5 m to dwelling<br><br>7.5 m to attached private garage or carport (1) | 4.5 m to dwelling<br><br>7.5 m to attached private garage or carport (1) | 4.5 m to dwelling<br><br>7.5 m to attached private garage or carport (1) | 4.5 m to dwelling<br><br>7.5 m to attached private garage or carport (1) |
| Maximum Building Height                                         | 11.0 m                                                                   | 11.0 m                                                                   | 11.0 m                                                                   | 11.0 m                                                                   | 11.0 m                                                                   |
| Minimum Landscaped Open Space                                   | 30%                                                                      | 30%                                                                      | 30%                                                                      | 30%                                                                      | 30%                                                                      |
| Maximum Lot Coverage                                            | 45%                                                                      | 45%                                                                      | 45%                                                                      | 45%                                                                      | 45%                                                                      |
| Maximum Width of a Private Garage Attached to the Main Building | 65 % of the main building front wall length                              | 60 % of the main building front wall length                              | 65 % of the main building front wall length                              | 65 % of the main building front wall length                              | 60 % of the main building front wall length                              |
| Maximum Number of Attached Dwelling Units                       | -                                                                        | -                                                                        | -                                                                        | -                                                                        | 3                                                                        |

6.3.3 The following requirements in Table 6.3.c shall apply to every *lot, building and structure* in the applicable R1D zone:

| Table 6.3.c - Lot, Building, and Structure Requirements for Residential R1D Zone |                          |                         |                    |                    |                                                                              |
|----------------------------------------------------------------------------------|--------------------------|-------------------------|--------------------|--------------------|------------------------------------------------------------------------------|
| Requirements                                                                     | Permitted Uses           |                         |                    |                    |                                                                              |
|                                                                                  | Dwelling Single Detached | Dwelling, Semi-Detached | Dwelling, Duplex   | Dwelling, Triplex  | Townhouse (Street)                                                           |
| Minimum Lot Area                                                                 | 250 m <sup>2</sup>       | 200 m <sup>2</sup>      | 325 m <sup>2</sup> | 450 m <sup>2</sup> | 180.0 m <sup>2</sup> per interior unit and 225.0 m <sup>2</sup> per end unit |
| Minimum Lot Frontage                                                             | 9 m                      | 7.0 m                   | 10.5 m             | 15.0 m             | 6.0 m per interior unit and 7.5 m per end unit                               |



City of Thorold Comprehensive Zoning By-law  
By-law No. 60-2019

|                                                                        |                                                                                        |                                                                                        |                                                                                        |                                                                                        |                                                                                        |
|------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <b>Minimum Front Yard</b>                                              | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> |
| <b>Minimum Rear Yard</b>                                               | 7.5 m                                                                                  | 7.5 m                                                                                  | 7.5 m                                                                                  | 7.5 m                                                                                  | 7.5 m                                                                                  |
| <b>Minimum Interior Side Yard</b>                                      | 1.2 m                                                                                  | 1.2 m (2)                                                                              | 1.2 m                                                                                  | 1.2 m                                                                                  | 1.2 m (2)                                                                              |
| <b>Minimum Exterior Side Yard</b>                                      | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage or carport (1)</i> |
| <b>Maximum Building Height</b>                                         | 11.0 m                                                                                 | 11.0 m                                                                                 | 11.0 m                                                                                 | 11.0 m                                                                                 | 11.0 m                                                                                 |
| <b>Minimum Landscaped Open Space</b>                                   | 30%                                                                                    | 30%                                                                                    | 30%                                                                                    | 30%                                                                                    | 30%                                                                                    |
| <b>Maximum Lot Coverage</b>                                            | 45%                                                                                    | 45%                                                                                    | 45%                                                                                    | 45%                                                                                    | 45%                                                                                    |
| <b>Maximum Width of a Private Garage Attached to the Main Building</b> | 65 % of the main building front wall length                                            | 60 % of the main building front wall length                                            | 65 % of the main building front wall length                                            | 65 % of the main building front wall length                                            | 60 % of the main building front wall length                                            |
| <b>Maximum Number of Attached Dwelling Units</b>                       | -                                                                                      | -                                                                                      | -                                                                                      | -                                                                                      | 3                                                                                      |

6.3.4 The following requirements in Table 6.3.d shall apply to every *lot, building and structure* in the applicable R2A and R2B zones:

| Table 6.3.d - Lot, Building, and Structure Requirements for Residential R2A and R2B Zones |                                                                                 |                                                                                 |                                                                                 |                                                                                 |                                                                                 |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Requirements                                                                              | Permitted Uses                                                                  |                                                                                 |                                                                                 |                                                                                 |                                                                                 |
|                                                                                           | Dwelling Single Detached                                                        | Dwelling, Semi-Detached                                                         | Dwelling, Duplex                                                                | Dwelling, Triplex                                                               | Townhouse (Street)                                                              |
| Minimum Lot Area                                                                          | 325 m <sup>2</sup>                                                              | 200 m <sup>2</sup> per dwelling unit                                            | 325 m <sup>2</sup>                                                              | 450 m <sup>2</sup>                                                              | 180.0 m <sup>2</sup> per interior unit and 225.0 m <sup>2</sup> per end unit    |
| Minimum Lot Frontage                                                                      | 10.5 m                                                                          | 7.0 m                                                                           | 10.5 m                                                                          | 15.0 m                                                                          | 6.0 m per interior unit and 7.5 m per end unit                                  |
| Minimum Front Yard                                                                        | 4.5 m to dwelling<br><br>6.0 m to attached <i>private</i> garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached <i>private</i> garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached <i>private</i> garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached <i>private</i> garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached <i>private</i> garage or carport (1) |
| Minimum Rear Yard                                                                         | 7.5 m                                                                           | 7.5 m                                                                           | 7.5 m                                                                           | 7.5 m                                                                           | 7.5 m                                                                           |
| Minimum Interior Side Yard                                                                | 1.2 m                                                                           | 1.2 m (2)                                                                       | 1.2 m                                                                           | 1.2 m                                                                           | 1.2 m (2)                                                                       |
| Minimum Exterior Side Yard                                                                | 4.5 m to dwelling<br><br>6.0 m to attached <i>private</i> garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached <i>private</i> garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached <i>private</i> garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached <i>private</i> garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached <i>private</i> garage or carport (1) |
| Maximum Building Height                                                                   | 11.0 m                                                                          | 11.0 m                                                                          | 11.0 m                                                                          | 11.0 m                                                                          | 11.0 m                                                                          |
| Minimum Landscaped Open Space                                                             | 30%                                                                             | 30%                                                                             | 30%                                                                             | 30%                                                                             | 30%                                                                             |
| Maximum Lot Coverage                                                                      | 45%                                                                             | 45%                                                                             | 45%                                                                             | 45%                                                                             | 45%                                                                             |

|                                                                        |                                             |                                             |                                             |                                             |                                             |
|------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|
| <b>Maximum Width of a Private Garage Attached to the Main Building</b> | 65 % of the main building front wall length | 60 % of the main building front wall length | 65 % of the main building front wall length | 65 % of the main building front wall length | 60 % of the main building front wall length |
| <b>Maximum Number of Attached Dwelling Units</b>                       | -                                           | -                                           | -                                           | -                                           | 3                                           |

6.3.5 The following requirements in Table 6.3.e shall apply to every *lot, building and structure* in the applicable R3A, R3B, R3C and R34 zones:

| <b>Table 6.3.e - Lot, Building, and Structure Requirements for Residential R3A, R3B, R3C and R3D Zones</b> |                                                                                               |                                                                                               |                                                                                               |                                                                                                               |                                                                                                               |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <b>Requirements</b>                                                                                        | <b>Permitted Uses</b>                                                                         |                                                                                               |                                                                                               |                                                                                                               |                                                                                                               |
|                                                                                                            | <b>Dwelling, Triplex Fourplex</b>                                                             | <b>Townhouse (Street)</b>                                                                     | <b>Townhouse (Stacked)</b>                                                                    | <b>Private Street Development</b>                                                                             | <b>Apartment/ Long Term Care Facility</b>                                                                     |
| <b>Minimum Lot Area</b>                                                                                    | 450 m <sup>2</sup>                                                                            | 160 m <sup>2</sup> per interior unit and 200 m <sup>2</sup> per end unit                      | 450 m <sup>2</sup>                                                                            | -                                                                                                             | -                                                                                                             |
| <b>Minimum Lot Frontage</b>                                                                                | 15.0 m                                                                                        | 6.0 m per interior unit and 7.5 m per end unit                                                | 15 m                                                                                          | 12 m for lot                                                                                                  | 30.0 m                                                                                                        |
| <b>Minimum Front Yard</b>                                                                                  | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage</i> or <i>carport</i> (1) | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage</i> or <i>carport</i> (1) | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage</i> or <i>carport</i> (1) | 3.0 m to dwelling front wall or side wall<br><br>6.0 m to attached private garage or to rear wall of dwelling | 3.0 when building is less than 12.0 m in height<br><br>5.0 m when building is 12.0 m in height or greater (4) |
| <b>Minimum Rear Yard</b>                                                                                   | 7.5 m                                                                                         | 7.5 m                                                                                         | 7.5 m                                                                                         | 3.0 m to dwelling side wall<br><br>6.0 m to dwelling rear wall                                                | 7.5m for portion of building up to 12.0 m in height                                                           |

|                                                                        |                                                                                               |                                                                      |                                                    |                                                                |                                                                                                                           |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
|                                                                        |                                                                                               |                                                                      |                                                    |                                                                | Additional 0.5 m for each additional 1.0 m of building height                                                             |
| <b>Minimum Interior Side Yard</b>                                      | 1.2 m                                                                                         | 1.2 m (2)                                                            | 1.2 m<br><br>1.5 m where abutting an R1 or R2 zone | 3.0 m to dwelling side wall<br><br>6.0 m to dwelling rear wall | 3.0 m for portion of building up to 12.0 m in height<br><br>Additional 0.5 m for each additional 1.0 m of building height |
| <b>Minimum Exterior Side Yard</b>                                      | 4.5 m to <i>dwelling</i><br><br>6.0 m to attached <i>private garage</i> or <i>carport</i> (1) | 4.5 m to dwelling<br><br>6.0 m to attached private garage or carport | 4.5 m                                              | 4.5 m                                                          | 3.0 when building is less than 12.0 m in height<br><br>5.0 m when building is 12.0 m in height or greater (4)             |
| <b>Maximum Building Height</b>                                         | 11.0 m                                                                                        | 11.0 m                                                               | 12.0 m                                             | 11.0 m                                                         | 12.0 m                                                                                                                    |
| <b>Maximum Number of Attached Dwelling Units</b>                       |                                                                                               | 6                                                                    | 6 (3)                                              | 6                                                              | -                                                                                                                         |
| <b>Minimum Landscaped Open Space</b>                                   | 30%                                                                                           | 30%                                                                  | 30%                                                | 30%                                                            | 30%                                                                                                                       |
| <b>Total Lot Coverage</b>                                              | 45%                                                                                           | 45%                                                                  | 45%                                                | 45%                                                            | 45%                                                                                                                       |
| <b>Maximum Width of a Private Garage Attached to the Main Building</b> | 65 % of the main building front wall length                                                   | 60 % of the main building front wall length                          | 60 % of the main building front wall length        | 65 % of the main building front wall length                    | -                                                                                                                         |
| <b>Minimum Planting/Buffer Strip</b>                                   | -                                                                                             | -                                                                    | 1.5 m where abutting an R1 or R2 zone              | 1.5 m where abutting an R1 or R2 zone                          | 1.5 m where abutting an R1 or R2 zone                                                                                     |

|                                                    |   |   |   |   |     |
|----------------------------------------------------|---|---|---|---|-----|
| <b>Minimum Yard Requirements Between Buildings</b> | - | - | - | - | -   |
| <b>Minimum Amenity Area</b>                        | - | - | - | - | 20% |

6.3.6 The following requirements in Table 6.3.f shall apply to every *lot, building and structure* in the applicable R4A and R4B zones:

| <b>Table 6.3.f - Lot, Building, and Structure Requirements for Residential R4A and R4B Zones</b> |                                                                          |                                                                          |                                                                          |                                                                                                               |                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Requirements</b>                                                                              | <b>Permitted Uses</b>                                                    |                                                                          |                                                                          |                                                                                                               |                                                                                                                                                                   |
|                                                                                                  | <b>Dwelling, Triplex Fourplex</b>                                        | <b>Townhouse (Street)</b>                                                | <b>Townhouse (Stacked)</b>                                               | <b>Private Street Development</b>                                                                             | <b>Apartment/ Long Term Care Facility</b>                                                                                                                         |
| <b>Minimum Lot Area</b>                                                                          | 450 m <sup>2</sup>                                                       | 160 m <sup>2</sup> per interior unit and 200 m <sup>2</sup> per end unit | 450 m <sup>2</sup>                                                       | -                                                                                                             | -                                                                                                                                                                 |
| <b>Minimum Lot Frontage</b>                                                                      | 15.0 m                                                                   | 6.0 m per interior unit and 7.5 m per end unit                           | 15 m                                                                     | 12 m for lot                                                                                                  | 30.0 m                                                                                                                                                            |
| <b>Minimum Front Yard</b>                                                                        | 4.5 m to dwelling<br><br>6.0 m to attached private garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached private garage or carport (1) | 4.5 m to dwelling<br><br>6.0 m to attached private garage or carport (1) | 3.0 m to dwelling front wall or side wall<br><br>6.0 m to attached private garage or to rear wall of dwelling | 3.0 m when building is less than 12.0 min height<br><br>5.0 m when building is 12.0-15.0 m in height<br><br>7.0 m when building is 16.0 min height or greater (4) |
| <b>Minimum Rear Yard</b>                                                                         | 7.5 m                                                                    | 7.5 m                                                                    | 7.5 m                                                                    | 3.0 m to dwelling side wall                                                                                   | 7.5m for portion of building up to                                                                                                                                |

|                                                                 |                                                                      |                                                                      |                                                |                                                            |                                                                                                                       |
|-----------------------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------|------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
|                                                                 |                                                                      |                                                                      |                                                | 6.0 m to dwelling rear wall                                | 12.0 m in height<br>Additional 0.5 m for each additional 1.0 m of building height                                     |
| Minimum Interior Side Yard                                      | 1.2 m                                                                | 1.2 m (2)                                                            | 1.2 m<br>1.5 m where abutting an R1 or R2 zone | 3.0 m to dwelling side wall<br>6.0 m to dwelling rear wall | 3.0 m for portion of building up to 12.0 m in height<br>Additional 0.5 m for each additional 1.0 m of building height |
| Minimum Exterior Side Yard                                      | 4.5 m to dwelling<br>6.0 m to attached private garage or carport (1) | 4.5 m to dwelling<br>6.0 m to attached private garage or carport (1) | 4.5 m                                          | 4.5 m                                                      | 3.0 when building is less than 12.0 m in height<br>5.0 m when building is 12.0 m in height or greater (4)             |
| Maximum Building Height                                         | 11.0 m                                                               | 11.0 m                                                               | 12.0 m                                         | 11.0 m                                                     | 20.0 m                                                                                                                |
| Maximum Number of Attached Dwelling Units                       |                                                                      | 6                                                                    | 6 (3)                                          | 6                                                          | -                                                                                                                     |
| Minimum Landscaped Open Space                                   | 30%                                                                  | 30%                                                                  | 30%                                            | 30%                                                        | 30%                                                                                                                   |
| Total Lot Coverage                                              | 45%                                                                  | 45%                                                                  | 45%                                            | 45%                                                        | 45%                                                                                                                   |
| Maximum Width of a Private Garage Attached to the Main Building | 65 % of the main building front wall length                          | 60 % of the main building front wall length                          | 60 % of the main building front wall length    | 65 % of the main building front wall length                | -                                                                                                                     |

|                                                    |   |   |                                       |                                       |                                       |
|----------------------------------------------------|---|---|---------------------------------------|---------------------------------------|---------------------------------------|
| <b>Minimum Planting/Buffer Strip</b>               | - | - | 1.5 m where abutting an R1 or R2 zone | 1.5 m where abutting an R1 or R2 zone | 1.5 m where abutting an R1 or R2 zone |
| <b>Minimum Yard Requirements Between Buildings</b> | - | - | -                                     | -                                     | Half the height of the building(s)    |
| <b>Minimum Amenity Area</b>                        | - | - | -                                     | -                                     | 20%                                   |

**Footnotes for Tables 6.3.a – 6.3.f:**

- (1) *Notwithstanding* anything to the contrary, no *principal entrance* of a *dwelling* shall be *setback* more than 1.5 m from the *front wall* of the *dwelling* or the front face of an attached *private garage* or *carport* in the R1A, R1B, R1C, R1D, R2A and R2B zones.
- (2) The *minimum interior side yard* shall not be *required* where attached *dwelling units* share a *party wall*.
- (3) For stacked townhouses a maximum of 6 vertically attached stacked townhouse units are permitted (within which there can be up to three horizontally stacked units) for a total of 18 units per stacked townhouse block.
- (4) Notwithstanding anything to the contrary, every apartment building shall have a principal entrance facing toward the front lot line or exterior side lot line.

## Part 2 | Definitions

**Abutting:** means a *lot line* that has any point in common with another *lot line* that is not part of a *street line*. *Abut* shall have a corresponding meaning.

**Abandoned:** means a failure to complete work within one year from issuance of a valid building permit for repair, rehabilitation, or construction of a *building* or *structure* on site and/or if the *building* or *structure* does not comply with all codes, contributes to blight, and is not ready for occupancy.

**Accessory Building or Structure:** means a detached *building* and/or *structure* that are incidental and secondary or subordinate to the *principal/primary use(s)* on the same *lot*.

**Accessory/Ancillary Use:** means a *use* subordinate and incidental to the *principal/primary use(s)* on the same *lot*.

**Addition:** means any expansion or increase in area of a *building* or *structure*.

**Adult Entertainment Establishment:** means any indoor *premises* or part thereof in which is provided, in pursuance of a trade, calling, business, occupation or services appealing to or designed to appeal to erotic or sexual appetites or inclinations including strip clubs and *body rub parlours*.

Establishments that retail adult oriented goods; and, services which are provided by a provincially licensed registered professional, such as a registered massage therapist, are not included.

**Affordable Housing:** as defined in the Provincial Policy Statement, 2014, means:

- a) In the case of ownership housing, the least expensive of:
  - i) Housing for which the purchase price results in annual accommodation costs which do not exceed 30 % of gross annual household income for low and moderate income households; or,
  - ii) Housing for which the purchase price is at least 10 % below the average purchase price of a resale unit in the regional market area.
- b) In the case of rental housing, the least expensive of:
  - i) A unit for which the rent does not exceed 30 % of gross annual household income for low and moderate income households; or,
  - ii) A unit for which the rent is at or below the average market rent of a unit in the regional market area.

For the purpose of this definition: Low and moderate income households means, in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for



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| <p>the regional market area; or in the case of rental housing, households with incomes in the lowest 60 per cent of the income distribution for renter households for the regional market area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Agricultural Use:</b> means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm <i>buildings</i> and <i>structures</i> located on the same <i>lot</i>, including, but not limited to livestock facilities and manure storages.</p> <p><i>Agricultural uses</i> include: cropland, feedlot, Christmas trees and nurseries, barns, manure storages and other associated <i>buildings</i> and <i>structures</i>, grain dryers and feed storages, accommodation for full-time farm labour, cold storage for the farm's own use only, and <i>greenhouse</i> for growing plants, but does not include a <i>licensed marijuana production facility</i> or the storage of fill.</p>                   |
| <p><b>Agri-tourism Use:</b> means those farm-related tourism <i>uses</i>, including limited accommodations such as a <i>bed and breakfast</i>, which promote the enjoyment, education or activities related to the farm operation.</p> <p><i>Agri-tourism uses</i> include: <i>winery</i>, <i>cidery</i>, small-scale <i>micro-brewery</i> (appropriate servicing must be available for above uses) and related <i>restaurants</i>, cooking classes, food store, road side produce stands, pick your own facilities, agriculture related special event facilities, farm mazes, and hayrides.</p>                                                                                                                                                                                                                                                                                                                   |
| <p><b>Agriculture-related Use:</b> means those farm-related <i>commercial</i> and farm-related <i>industrial uses</i> that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.</p> <p><i>Agriculture-related uses</i> include: <i>farm produce stand</i>, cold storage and distribution centres serving operations in the area, processing of produce grown in the area, grain dryer farm operations, agricultural research centre, farm equipment repair shop, <i>farm implement dealer</i>, auction for produce grown in the area, and farm input supplier.</p>                                                                                                                                                                            |
| <p><b>Aisle:</b> means an internal <i>motor vehicle</i> route immediately adjacent to a <i>parking</i> or <i>loading space</i> which provides vehicular access to and from the <i>parking</i> or <i>loading space</i>, but does not include a <i>driveway</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Alter:</b> when used in reference to:</p> <ul style="list-style-type: none"> <li>a) a <i>building</i> or <i>structure</i> or portion thereof, means any changes in a bearing or non-bearing <i>wall</i>, partition, column, beam, girder, or other supporting member of a <i>building</i> or <i>structure</i>, or any increase or decrease in the area of a <i>building</i> or <i>structure</i>; or,</li> <li>b) a <i>lot</i>, means to change the <i>frontage</i>, depth or area of a <i>lot</i> or to change the <i>frontage</i>, depth or area of any <i>required yard</i>, <i>setback</i>, <i>landscape open space area</i> or <i>parking area/lot</i>, or to change the location of a boundary of such <i>lot</i> with respect to a <i>public street</i> or <i>Jane</i>, whether such <i>alteration</i> is made by conveyance or alienation of any portion of said <i>lot</i>, or otherwise.</li> </ul> |

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| The words <i>altered</i> and <i>alteration</i> shall have a corresponding meaning.                                                                                                                                                                                                                                                                                                                                         |
| <b>Amenity Area:</b> means an area for outdoor recreation or leisure, including <i>yards, balconies, decks, patios, porches</i> , and/or a <i>terrace</i> but does not include a <i>parking area/lot</i> .                                                                                                                                                                                                                 |
| <b>Ancillary Residential Services:</b> means the common indoor areas located within a <i>building</i> which are accessible, designed for, and intended primarily for access, dining, or recreational purposes (i.e. communal kitchen facilities, library, recreation room) for the occupants of a <i>building</i> and includes stairs, lobbies, elevators, mechanical facilities, storage, and facilities for a concierge. |
| <b>Animal Shelter:</b> means <i>premises</i> , including outdoor areas, <i>used</i> for the care of lost, abandoned, rescued or neglected animals.                                                                                                                                                                                                                                                                         |
| <b>Apartment Dwelling:</b> see <i>dwelling</i>                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Apartment Building:</b> means a <i>building</i> with five or more <i>dwelling units</i> which have a common entrance to the exterior and common halls, stairs, elevators and <i>yards</i> .                                                                                                                                                                                                                             |
| <b>Arena:</b> means <i>premises</i> or part thereof where facilities are provided primarily for athletic or recreational events.                                                                                                                                                                                                                                                                                           |
| <b>Art Gallery:</b> means a <i>building</i> or part thereof <i>used</i> for the display and sale of portrait and commercial photography, painting, sculpting, or other forms of art and craft making.                                                                                                                                                                                                                      |
| <b>Attached Building:</b> means a <i>building</i> which shares a roof, <i>breezeway</i> , or <i>common wall</i> with an adjacent <i>building</i> or <i>buildings</i> .                                                                                                                                                                                                                                                     |
| <b>Attic:</b> means the portion of a <i>building</i> situated wholly or partly within the roof, which is not used as a <i>habitable room</i> , and which is not a one-half <i>storey</i> .                                                                                                                                                                                                                                 |
| <b>Auctioneering Establishment:</b> means <i>premises</i> where goods, but not the sale of livestock, are sold to the highest bidder.                                                                                                                                                                                                                                                                                      |
| <b>Awning:</b> means a roof like cover cantilevered from the <i>wall</i> of a <i>building</i> which does not enclose a space.                                                                                                                                                                                                                                                                                              |
| <b>Bake Shop:</b> means a <i>building</i> or part thereof wherein the <i>principal</i> activity is the retailing of baked goods, including incidental baking of products for retail sale on the <i>premises</i> .                                                                                                                                                                                                          |
| <b>Bakery:</b> means a <i>building</i> or part thereof wherein the <i>principal</i> activity is the baking of goods, including the preparation, storage, wrapping and packing and other activities associated with the preparation for sale and distribution.                                                                                                                                                              |

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| <b>Balcony:</b> means a <i>platform</i> projecting from the facade of a <i>wall</i> or <i>walls</i> , <i>cantilevered</i> or supported by columns or brackets, located above the ceiling height of the <i>first storey</i> of a <i>building</i>                                                                                                                                                                                                                                                                          |
| <b>Barrier-free Parking Space:</b> means a <i>parking space</i> designated and signed for the exclusive use of <i>motor vehicles</i> that has and properly displays the applicable <i>motor vehicle</i> permit. <b>See also the definition for <i>Parking Space</i>.</b>                                                                                                                                                                                                                                                 |
| <b>Basement/Cellar:</b> means that portion of a <i>building</i> with more than one-half its <i>height</i> from finished floor to finished ceiling below the <i>established grade</i> level or that portion of the <i>building</i> that is entirely underground. That portion of a <i>building</i> with less than one-half its <i>height</i> from finished floor to finished ceiling below the <i>established grade</i> level is considered a <i>storey</i> . <b>See also the definition for <i>Walkout Basement</i>.</b> |
| <b>Bed and Breakfast:</b> means the use of a <i>single detached, semi-detached, or townhouse dwelling</i> , occupied by the owner(s), and used for the rental of up to three (3) rooms to the travelling public for overnight accommodation no longer than twenty-eight (28) consecutive days, and meals are served to overnight guests                                                                                                                                                                                  |
| <b>Bed-sitting Room:</b> means a room used as a separate living accommodating that has a primary entrance from a hallway inside a <i>building</i> and may have sanitary facilities but not food preparation facilities.                                                                                                                                                                                                                                                                                                  |
| <b>Berm:</b> means a landscaped mound of earth.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Block:</b> means all land between the nearest <i>street</i> intersections.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Body Rub Parlour:</b> means <i>premises used</i> for services including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body for the purpose of appealing to erotic or sexual appetites or inclinations.                                                                                                                                                                                                                                                           |
| <b>Breezeway:</b> means a roofed, unenclosed passageway connecting a <i>dwelling</i> and a <i>private garage</i> or connecting multiple <i>buildings</i> .                                                                                                                                                                                                                                                                                                                                                               |
| <b>Brewing on Premises Establishment:</b> means a commercial establishment where individuals produce beer, wine and/or cider, for personal use and consumption off the <i>premises</i> ; and where beer, wine and/or cider ingredients and materials are purchased.                                                                                                                                                                                                                                                      |
| <b>Building:</b> means any <i>structure</i> used for the shelter of persons, animals, goods or equipment and having a roof which is supported by columns or <i>walls</i> , but shall not include a <i>trailer</i> , truck camper, or <i>motor home</i> .                                                                                                                                                                                                                                                                 |
| <b>Building Depth:</b> means the distance between the outermost front and rear <i>building walls</i> but where the front and rear <i>building walls</i> are not parallel, the <i>building depth</i> is the length of a line joining the midpoints of such <i>walls</i> , and excludes stoops, <i>decks</i> , <i>porches</i> , <i>balconies</i> , exterior steps                                                                                                                                                          |

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| or architectural adornments but does not include <i>dwelling unit depth</i> . <b>See also the definition for <i>Dwelling Unit Depth</i>.</b>                                                                                                                                                                                                                                                                                                             |
| <b>Building Line, established:</b> means the existing <i>setback</i> of an existing <i>main building</i> on a <i>Jot</i> , measured between the <i>street</i> line of the said <i>Jot</i> and the nearest part of the existing <i>main building</i> excluding any stoops, <i>decks</i> , <i>porches</i> , <i>balconies</i> , exterior steps or architectural adornments.                                                                                 |
| <b>Building Supply Outlet:</b> means <i>premises used</i> for the storage, sale, rental and lease of equipment and supplies <i>used</i> in construction such as lumber, millwork, siding, plumbing, electrical, heating and cooling equipment and similar commodities.                                                                                                                                                                                   |
| <b>Built Heritage Resources:</b> means one or more significant buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to the community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions. |
| <b>Campground:</b> means an area used for an overnight camping in <i>tents</i> including <i>accessory</i> facilities which support the <i>use</i> such as administration <i>offices</i> , laundry facilities, washrooms, recreational facilities but does not include a <i>mobile home park</i> or a <i>tent and trailer campground</i> . <b>See also the definition for <i>Tent and Trailer Campground</i>.</b>                                         |
| <b>Canopy:</b> means a protective roof like covering of fabric or similar material mounted on a frame.                                                                                                                                                                                                                                                                                                                                                   |
| <b>Cantilever:</b> means any projection beyond the foundation of a <i>building</i> , whether or not such projection is essential to the support of the <i>main wall</i> , and includes corner sills, belt courses and cornices.                                                                                                                                                                                                                          |
| <b>Carport:</b> means a partially enclosed <i>structure</i> with a roof for the storage of one or more private <i>motor vehicles</i> .<br><br><i>A carport attached to a main building shall be deemed part of the main building and not accessory thereto.</i>                                                                                                                                                                                          |
| <b>Casino:</b> means <i>premises</i> primarily engaged in gambling activities, for money or other items of value, and offering games of chance, such as card games, dice games, wagering, and game machines or devices, but does not include a <i>place of entertainment</i> .                                                                                                                                                                           |
| <b>Catering Establishment:</b> means <i>premises</i> where food is prepared and delivered elsewhere to be consumed.                                                                                                                                                                                                                                                                                                                                      |
| <b>Cemetery:</b> means lands that are set aside to be used for the interment of human remains under the <i>Funeral, Burial and Cremation Services Act, R. S. O. 2002</i> , as amended, and may include a <i>co/umbarium</i> , mausoleum, crematoria, and crypt.                                                                                                                                                                                          |

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| <b>Chimney:</b> means a vertical <i>structure</i> incorporated into a <i>building</i> and enclosing a flue or flues that carries off smoke and includes the firebox.                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Chord:</b> means a straight line that joins the ends of an arc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Cinema:</b> means <i>premises</i> for the commercial showing of films within a <i>building</i> and may include accessory refreshment services, but does not include a <i>drive-in theatre</i> .                                                                                                                                                                                                                                                                                                                                                                       |
| <b>City:</b> means the Corporation of the <i>City of Thorold</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Clinic:</b> means <i>premises used</i> by qualified <i>medical practitioners</i> , osteopaths or other <i>drugless practitioners</i> , having treatment rooms, laboratories, administrative <i>offices</i> , waiting rooms and facilities for at least one practitioner and <i>used</i> for the public or private medical, surgical, physio-therapeutic or other human health purpose and may have an <i>ancillary</i> dispensary associated with the <i>clinic</i> , but is not a <i>hospital</i> or a <i>pharmacy</i> and does not provide overnight accommodation. |
| <b>Columbarium:</b> means a <i>structure</i> designed for the purpose of interring cremated human remains in sealed compartments.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Commercial Recreation Facility:</b> means a privately owned sports or recreation establishment operated for <i>use</i> by private members and/or the general public for compensation and includes such <i>uses</i> as a pool room, bowling alley, ice or roller rink, dance hall, bingo hall, and outdoor <i>recreational uses</i> .                                                                                                                                                                                                                                  |
| <b>Commercial School:</b> means privately owned <i>premises</i> that teaches such fields as academics, arts, crafts, <i>motor vehicle</i> driving, language, modelling, hairdressing, gymnastics, beauty, culture, dancing, music, golf, yoga, martial arts, photography, business or trade, engineering, computer technology, and any other such specialized school for profit.                                                                                                                                                                                         |
| <b>Commercial Use:</b> means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the purpose of buying and selling commodities and supplying of services but does not include the manufacturing or assembly of goods, <i>warehousing</i> , <i>transportation terminals</i> , <i>contractor's facilities</i> , and other similar <i>uses</i> .                                                                                                                                                                                                              |
| <b>Commercial Vehicle:</b> means a <i>motor vehicle</i> having permanently attached a truck or delivery body and includes ambulances, hearses, fire trucks, buses, and trucks <i>used</i> for hauling purposes, but does not include a <i>construction vehicle</i> , a <i>Jong-haul transport trailer/transport tractor</i> , or a <i>refreshment vehicle</i> . <b>See also the definitions for Motor Vehicle and Refreshment Vehicle.</b>                                                                                                                               |
| <b>Committee of Adjustment:</b> means the <i>Committee of Adjustment</i> of the <i>City</i> , established in accordance with the <i>Planning Act</i> , R. S. O. 1990, as amended.                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Common Wall:</b> see <i>wall</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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| <p><b>Community Centre:</b> means a multi-purpose facility or part of that facility that is owned and operated by a <i>public authority</i> that offers a variety of programs of a recreational, cultural, community service, informational, or instructional nature.</p>                                                                                                                                                                                      |
| <p><b>Community Garden:</b> means a communal garden provided for the sole use of the public to produce flowers, herbs, fruits or vegetables and activities associated with gardening, but does not include any processing or packaging, commercial sales, or the raising of livestock or animals including poultry.</p>                                                                                                                                        |
| <p><b>Communication Tower:</b> means a <i>structure</i> that is intended for transmitting or receiving television, radio, or telephone communications and does include a <i>communication tower</i> for the personal use of a residential <i>dwelling</i>.</p>                                                                                                                                                                                                 |
| <p><b>Condominium:</b> means a <i>building</i> or grouping of <i>buildings</i> in which <i>condominium units</i> are held in private ownership and may include <i>condominium common elements</i> that are owned, administered, and maintained by the <i>condominium</i> corporation.</p>                                                                                                                                                                      |
| <p><b>Condominium Common Element:</b> means spaces and features owned in common by all shareholders in a <i>condominium</i> and may include <i>condominium roadways</i>, walkways, sidewalks, <i>parking areas/lots</i>, <i>amenity areas</i>, <i>planting/buffer strips</i>, and <i>ancillary residential services</i>.</p>                                                                                                                                   |
| <p><b>Condominium Roadway:</b> means a right-of-way for vehicular and pedestrian access that is privately maintained by a <i>condominium</i> corporation.</p>                                                                                                                                                                                                                                                                                                  |
| <p><b>Condominium Unit:</b> means that part of the <i>condominium</i> plan that is available for individual ownership.</p> <p>In a vacant land/common element <i>condominium</i>, it means that portion of the <i>condominium</i> plan that contains both the exterior of the <i>dwelling</i> and a portion of the land surrounding the <i>dwelling</i> that is collectively owned as one unit.</p> <p><i>A condominium unit is not a dwelling unit.</i></p>   |
| <p><b>Conservation Area:</b> means an area of land owned by the Niagara Peninsula Conservation Authority (NPCA) or the <i>Province</i> of Ontario.</p>                                                                                                                                                                                                                                                                                                         |
| <p><b>Conservation Authority:</b> means the Niagara Peninsula Conservation Authority (NPCA).</p>                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Conservation Use:</b> means the <i>use</i> of land and/or water dedicated towards the protection, stewardship and management of <i>natural heritage features</i> and functions, hydrological features and functions, ecological features and functions, and for the purposes of this By-law, includes the <i>structures</i> of a <i>public authority</i> used only for managing those features and natural hazards, such as flood and slope control.</p> |

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| <p><b>Construction Vehicle:</b> means a <i>motor vehicle</i> used for <i>building</i> and construction purposes, such as a dump truck, bulldozer, back-hoe, grader, and ancillary equipment.</p>                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Contractor's Facility:</b> means <i>premises</i> where <i>commercial or construction vehicles</i> and equipment are stored and maintained, and may include the wholesale or retail sale of <i>building</i> construction or landscaping supplies, and may include <i>accessory office uses</i>.</p>                                                                                                                                                                                                                                                             |
| <p><b>Convenience Retail and Service Kiosk:</b> means a <i>building, structure</i>, or part thereof, <i>accessory</i> to a <i>motor vehicle service station</i> and/or a <i>motor vehicle washing establishment</i> where goods are offered for sale and may include <i>accessory/ancillary uses</i> such as a banking machine and a <i>restaurant</i> with or without a <i>drive-through</i>.</p>                                                                                                                                                                   |
| <p><b>Convenience Store:</b> means a <i>retail store</i> where articles for sale are restricted to a limited range of goods, primarily food, toiletries, over the counter drugs, housewares, stationary and other similar daily household necessities, but does not include a <i>supermarket</i> or a <i>convenience retail and service kiosk</i> or a <i>pharmacy</i>.</p>                                                                                                                                                                                          |
| <p><b>Corner Lot:</b> see <i>Jot</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>Council:</b> means the <i>Council</i> of the Corporation of the <i>City</i> of Thorold.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Correctional Facility:</b> means a jail, prison, or other place of incarceration by government officials to confine and rehabilitate prisoners and may be classified as minimum, medium, or maximum security facilities, or contain separate divisions for such categories of prisoners.</p>                                                                                                                                                                                                                                                                   |
| <p><b>Correctional Residential Care Facility:</b> means a single <i>dwelling unit</i> that is occupied by up to ten (10) persons, exclusive of staff, who are supervised by staff on a daily basis, for persons who have been placed on probation, released on parole or admitted for correctional purposes that is funded, licensed, approved or supervised by the <i>Province</i> of Ontario or Government of Canada.</p>                                                                                                                                          |
| <p><b>Crematorium:</b> means a <i>building</i> that is fitted with appliances for the purpose of cremating human remains and that has been approved as a <i>crematorium</i> in accordance with the requirements of the <i>Funeral, Burial and Cremation Services Act, R. S. O. 2002</i>, as amended.</p>                                                                                                                                                                                                                                                             |
| <p><b>Custom Workshop:</b> means <i>premises</i> used by a trade, craft or guild where the design and/or small quantity manufacturing of such goods as custom production of clothing articles, drapes and slipcovers, venetian blinds, furniture restoration and refinishing, handmade leather goods, millinery, orthopedic and prosthetic appliances, weaving, awnings, signs, gold and silver engraving and other <i>non-obnoxious use</i>, but does not include any factory production or any shop or factory otherwise classified or defined in this By-law.</p> |
| <p><b>Day Care:</b> means <i>premises</i>, including outdoor areas, <i>used</i> for caring of one or more persons for a portion of a day, but does not provide overnight accommodation, and does not include <i>private home day care</i>. <b>See also the definition for <i>Private Home Day Care</i>.</b></p>                                                                                                                                                                                                                                                      |

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| <p><b>Day Spa:</b> means a type of <i>personal service shop</i> used for the therapeutic treatment of persons, such as massages, beauty treatment, hairdressing services and may include the retail sale of goods incidental to the services of the <i>day spa</i>.</p>                                                                                                         |
| <p><b>Deck:</b> means a <i>platform structure</i> without a roof which may or may not be attached to one or more walls of a <i>building</i>. <b>See also the definitions for Gazebo, Pergola, and Porch.</b></p>                                                                                                                                                                |
| <p><b>Dormitory:</b> means a <i>building</i> or part thereof that is owned or operated by a university, college, or <i>private school</i> consisting of <i>dwelling units</i> or <i>bed-sitting rooms</i> and may have a cafeteria, common dining area, and common washrooms.</p>                                                                                               |
| <p><b>Drive-in Theatre:</b> means an outdoor <i>theatre</i> where films are viewed in a <i>motor vehicle</i> or a <i>yard</i> and may include <i>accessory</i> refreshment stands and washrooms for patrons.</p>                                                                                                                                                                |
| <p><b>Drive-through:</b> means the <i>use</i> of land, <i>buildings</i> or <i>structures</i>, including an order box with or without voice communication, or parts thereof, to provide or dispense products or services through an attendant, a window, or an automated machine to persons remaining in <i>motor vehicles</i> in a designated <i>stacking lane</i>.</p>         |
| <p><b>Driveway:</b> means a vehicular access way providing access from a <i>street</i> to a <i>building</i> or a <i>Jot</i>, a <i>loading space</i>, a <i>parking area/lot</i> or a <i>private garage</i>. <b>See also the definition for Mutual Driveway</b></p>                                                                                                               |
| <p><b>Driving Range:</b> means a public or private area operated for the purpose of developing golf techniques.</p>                                                                                                                                                                                                                                                             |
| <p><b>Drugless Practitioner:</b> means a person who practices the treatment of any ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electro-therapy or by a similar method within the meaning of the <i>Drugless Practitioners Act, R.S.O.1990</i>, as amended. <b>See also the definition for Medical Practitioner.</b></p>     |
| <p><b>Dry Cleaning Depot:</b> means <i>premises</i> where articles of clothing are dropped off to be cleaned and picked up, and includes the small-scale dry-cleaning and pressing of articles or goods or fabric on-site, but does not include a <i>dry cleaning plant</i>.</p>                                                                                                |
| <p><b>Dry Cleaning Plant:</b> means a <i>building</i> or part thereof where large-scale dry-cleaning, dry-dyeing, cleaning, or the pressing of articles or goods or fabric occurs.</p>                                                                                                                                                                                          |
| <p><b>Dwelling:</b> means a <i>building</i> or part thereof, containing one or more <i>dwelling units</i>, but does not include a <i>tent</i>, <i>trailer</i>, <i>mobile home</i>, <i>hotel/motel</i>, <i>motor home</i>, or truck camper.<br/>The <i>dwelling</i> type is determined by the configuration of the <i>dwelling units</i> above the <i>established grade</i>.</p> |
| <p><b>a) Apartment Dwelling:</b> means a <i>dwelling unit</i> or <i>bed-sitting room</i> in an <i>apartment building</i>, but not in a <i>mixed-use building</i>.</p>                                                                                                                                                                                                           |



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| <p><b>b) Converted Dwelling:</b> means a <i>dwelling</i> that existed on March 13, 1962, originally constructed as a <i>single detached dwelling</i>, a <i>duplex dwelling</i> or a <i>semi-detached dwelling</i> that was renovated so as to increase the number of <i>dwelling units</i> to a maximum of three (3) without significantly altering the exterior of the <i>building</i> except for required fire escapes, extra windows and extra entrances.</p> |
| <p><b>c) Duplex Dwelling:</b> means a <i>building</i> that is divided horizontally into two (2) <i>dwelling units</i> above <i>grade</i> each of which has an independent entrance either directly to the exterior or through a common vestibule and neither of the units is a <i>second dwelling unit</i>.</p> <p><i>A single detached dwelling and a semi-detached dwelling that has a second dwelling unit is not a duplex.</i></p>                           |
| <p><b>d) Fourplex Dwelling:</b> means one (1) <i>building</i> that is divided either vertically and horizontally or just horizontally, into four (4) <i>dwelling units</i>, with at least one (1) <i>dwelling unit</i> above the other, each with an independent entrance either to the exterior or through a common vestibule, but is not a <i>townhouse dwelling</i>.</p> <p><i>A triplex that has a second dwelling unit is not a fourplex.</i></p>           |
| <p><b>e) Garden Suite Dwelling:</b> means a separate <i>dwelling unit</i> that is subordinate to the principal <i>dwelling unit</i> located in a temporary <i>accessory building</i> or <i>structure</i>.</p>                                                                                                                                                                                                                                                    |
| <p><b>f) Linked Dwelling:</b> means a <i>dwelling unit</i> that is <i>attached</i> to another <i>dwelling unit</i> below <i>grade</i> but is not <i>attached</i> above <i>grade</i>.</p>                                                                                                                                                                                                                                                                         |
| <p><b>g) Mixed Use Dwelling:</b> means a <i>dwelling unit</i> or <i>bed-sitting room</i> in a <i>mixed use building</i>.</p>                                                                                                                                                                                                                                                                                                                                     |
| <p><b>h) Second Dwelling Unit:</b> means a separate <i>dwelling unit</i> that is provided for the exclusive use of its occupants and is subordinate to the <i>principal dwelling unit</i> in a separate <i>accessory building</i> or <i>structure</i> or as a separate <i>dwelling unit</i> contained within the <i>principal dwelling unit</i>, but does not include a <i>garden suite dwelling</i>.</p>                                                        |
| <p><b>i) Semi-detached Dwelling:</b> means a <i>building</i> that is divided vertically into two (2) <i>dwelling units</i> by a <i>common wall</i> each with an independent entrance to the exterior, and no <i>dwelling unit</i> is entirely or partially above another.</p> <p><i>A single detached dwelling that has a second dwelling unit is not a semi-detached dwelling.</i></p>                                                                          |
| <p><b>j) Single Detached Dwelling:</b> means a <i>building</i> containing one (1) <i>principal dwelling unit</i>.</p>                                                                                                                                                                                                                                                                                                                                            |

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| <p><b>k) Stacked Townhouse Dwelling:</b> means buildings that are divided vertically and horizontally by a <i>common wall</i> into separate <i>dwelling units</i>, each of which has an independent entrance to the exterior.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>l) Townhouse Dwelling:</b> means a <i>building</i> that is vertically divided into a minimum of three (3) <i>dwelling units</i>, each of which has an independent entrance from <i>grade</i> and each of which are divided vertically above grade by a <i>common wall</i> adjoining dwelling units or a <i>private garage</i>. Street or cluster <i>townhouse dwellings</i> are freehold <i>dwelling units</i> that front a <i>public street</i>.</p> <p>Street Townhouse <i>dwellings</i> are <i>units</i> that front a <i>public street</i>.</p> <p>See also the definition for Stacked Townhouse Dwelling. <b>See also the definition for Stacked Townhouse Dwelling.</b></p> |
| <p><b>m) Triplex Dwelling:</b> means a <i>building</i> that is divided vertically and horizontally, or just horizontally, into three (3) <i>dwelling units</i> in which each <i>dwelling unit</i> has an independent entrance to the exterior or through a common vestibule, but is not a <i>townhouse dwelling</i>.</p> <p>A <i>single detached dwelling</i> or <i>semi-detached dwelling</i> that has a <i>second dwelling unit</i> is not a <i>triplex</i>.</p>                                                                                                                                                                                                                     |
| <p><b>Dwelling Unit:</b> means a place of residence contained in a <i>building</i>, with one or more <i>habitable rooms</i> for the exclusive use of its occupants as a <i>self-contained dwelling unit</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Dwelling Unit Area:</b> means the total <i>floor area</i> of a <i>dwelling unit</i> including a <i>walkout basement</i>, but excluding <i>balconies</i>, <i>basements/cellars</i>, <i>attics</i>, <i>private garages</i>, or <i>porches</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Dwelling Unit Depth:</b> means the depth measured from the outside of the <i>front wall</i> to the outside of the <i>rear wall</i> inclusive of an <i>attached private garage</i> but does not include <i>building unit depth</i>.</p> <p><b>See also the definition for Building Unit Depth.</b></p>                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>Dwelling Unit Width:</b> means the width measured from the mid-point of <i>common walls</i> to the opposite mid-point of <i>common walls</i> in the case of a <i>semi-detached dwelling</i>, <i>duplex dwelling</i>, or <i>townhouse dwelling</i> or the interior of the outermost <i>exterior side wall</i> to the opposite interior of the outermost <i>exterior side wall</i>, including an attached <i>private garage</i> for a <i>single detached dwelling</i>.</p>                                                                                                                                                                                                         |
| <p><b>Employment Use:</b> means business and economic activities including, but not limited to, manufacturing, <i>warehousing</i>, <i>offices</i>, and associated retail and ancillary facilities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Encroachment/Projection:</b> means</p> <ul style="list-style-type: none"> <li>a) Entering upon the land, property, other possessions, or the rights of another. For example, a <i>building</i> extending beyond the legal boundaries on to neighboring private or public land, or beyond the building-line of a road or <i>street</i>; or,</li> <li>b) Construction of a <i>building</i> or <i>structure</i> that extends beyond the <i>zone setback</i> regulations.</li> </ul>                                                                                                                                                                                                 |

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| <p><b>Erect:</b> means to build, construct, reconstruct, enlarge, remove and relocate any <i>building</i> or <i>structure</i>, and includes:</p> <ul style="list-style-type: none"> <li>a) Any physical operation such as excavating, filling, grading or draining preparatory to <i>building</i>, construction, reconstruction; and,</li> <li>b) <i>Altering any existing building or structure</i> by an addition, enlargement, extension or other structural change; and,</li> <li>c) The moving of a <i>building</i> or <i>structure</i> from one location to another; and,</li> <li>d) Any work which requires a <i>building</i> permit.</li> </ul> |
| <p><b>Erosion Management:</b> means erosion protection or control works and slope or shoreline stabilization works, approved by the <i>Conservation Authority</i>, to prevent or mitigate erosion hazards.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Existing:</b> means a <i>use</i>, <i>building</i>, <i>structure</i>, or <i>Jot</i> that lawfully is in existence on the date of the passing of this By-law.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Existing Lot:</b> means an <i>existing Jot</i> that does not meet the minimum <i>Jot area</i> or <i>Jot frontage</i> requirements of the applicable <i>zone</i>.</p> <p>An <i>existing Jot</i> is permitted to be <i>used</i> and <i>buildings</i> and <i>structures</i> may be <i>erected</i>, enlarged, repaired, or renovated provided the <i>use</i> conforms with this By-law and the <i>buildings</i> and <i>structures</i> comply with all other regulations of this By-law.</p>                                                                                                                                                            |
| <p><b>Exterior Side Building Façade Width:</b> means the width of the outermost <i>exterior side yard building wall</i> measured from the interior of the exterior <i>front wall</i> to the opposite interior of the exterior <i>rear wall</i>. <b>See also the definition for <i>Front Building Façade Width</i>.</b></p>                                                                                                                                                                                                                                                                                                                               |
| <p><b>Exterior Side Lot Line:</b> see <i>Jot line</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Exterior Side Yard:</b> see <i>yard</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Farm Help Accommodation:</b> means an <i>accessory building</i> or <i>structure</i> to an <i>agricultural use</i> used for the accommodation of full-time agricultural employees, where the size and nature of the operation requires on-site farm accommodation, and may include a <i>mobile home</i>, but is not a <i>second dwelling unit</i>.</p>                                                                                                                                                                                                                                                                                              |
| <p><b>Farm Implement Dealer:</b> means <i>premises</i> for the sale, storage or repair of equipment and machinery directly associated with the operation of a farm and includes the retail sale of farm supplies.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Farm Produce Market:</b> means a <i>building</i> used for the retail sale of produce, plants and flowers grown on the <i>premises</i> (or in Ontario) and fruit or vegetables or <i>bakery</i> items that are processed or prepared on the <i>premises</i> and may include on-site or Ontario-made crafts.</p>                                                                                                                                                                                                                                                                                                                                     |

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| <p><b>Farm Produce Stand:</b> means a <i>structure</i> or <i>building</i> used on a seasonal basis for the retail sale of produce, plants and flowers grown on the premises (or in Ontario) and fruit or vegetables or <i>bakery</i> items that are processed or prepared on the <i>premises</i>, and may include on-site or Ontario-made crafts.</p>                                                                                                                          |
| <p><b>Farmer's Market:</b> means an establishment or <i>premises</i> where the farm products from the local farming community or from Ontario are sold at retail from covered or open air areas designated for individual retailers.</p>                                                                                                                                                                                                                                       |
| <p><b>Feed Mill:</b> means <i>premises</i> in which animal feed or grain intended for livestock is stored, prepared, or packaged for sale.</p>                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Fence:</b> means a vertical physical <i>structure</i> constructed to provide visual screening and/or to prevent unauthorized access and includes the posts and/or supporting <i>structures</i> (i.e. railing) and all decorative features (i.e. gates).</p>                                                                                                                                                                                                              |
| <p><b>Financial Institution:</b> means a commercial establishment such as a bank, trust company, credit union or other similar business or institution where money is deposited, kept, lent and exchanged, and may also include a banking machine attached to the outside of a <i>wall</i>.</p>                                                                                                                                                                                |
| <p><b>First Storey:</b> see <i>storey, first</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Fish and Wildlife Management Use:</b> means the utilization of practices to support the health and well-being of fish, wildlife, and other organisms and may include the management of those areas where species concentrate during annual or life cycles and the management of areas of importance to migratory or non-migratory species. <b>See the also the definitions for <i>Fish Habitat, Wildlife Habitat, and Specific Wildlife Habitats of Concern</i>.</b></p> |
| <p><b>Fish Habitat:</b> means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes and is as identified by the Provincial Ministry of Natural Resources. <b>See also the definitions for <i>Wildlife Habitat and Specific Wildlife Habitats of Concern</i>.</b></p>                                                                                               |
| <p><b>Fitness Centre:</b> means a <i>building</i> in which facilities and exercise equipment are provided for recreational and athletic activities and which may include exercise classes, instructive training, and/or space for fitness or athletic training and associated facilities such as a <i>retail store, office space</i>, and related lounge facilities, but does not include any <i>uses</i> listed in the definition for a <i>place of entertainment</i>.</p>    |
| <p><b>Flood Control:</b> means works approved by the <i>Conservation Authority</i> that are undertaken to prevent or mitigate flooding hazards.</p>                                                                                                                                                                                                                                                                                                                            |
| <p><b>Floor:</b> means all the rooms or areas on the same level of a <i>building</i>; a <i>storey</i>. <b>See the definition for <i>Storey</i>.</b></p>                                                                                                                                                                                                                                                                                                                        |

**Floor Area, Gross:** means the total area of all *floors* of a *building* or *structure* as measured from the exterior surface of the *exterior walls* or *common walls*.

The calculation includes: stairwells, elevators, escalators, ventilating shafts, *attics* (if a *habitable room*), *basements/cellars* (if a *habitable room*), *private garages*, *porches* (but does not include *decks*), *concourses*, washrooms, attached enclosed and covered loading docks and related enclosed corridors *used* for loading purposes, above and below *grade parking structures*, storage rooms, rooms for waste containment, and mechanical rooms.

**Floor Area, Net:** means the total area of all *floors* of a *building* or *structure* as measured within the interior surface of the *exterior walls*.

The calculation does not include: the area of stair wells, elevators, escalators, ventilating shafts, *attics* (if not a *habitable room*), *basement/cellars* (if not a *habitable room*), *private garages*, covered *porches* (but does not include *decks*), *concourses*, washrooms, attached enclosed and covered loading docks and related enclosed corridors *used* for loading purposes, above and below *grade parking structures*, storage rooms, rooms for waste containment, and mechanical rooms.

**Floor Space Index:** means the total *gross floor area* of the *building* divided by the *lot area*.

**Forestry and Resource Management Use:** means the utilization of practices to support the health and well-being of forests, woodlots, and associated natural resources by utilizing good forestry practices.

Good forestry practices means:

- a) The proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important *fish* and *wildlife habitat*; soil and water quality and quantity; forest productivity and health; and, the aesthetic and recreational opportunities of the landscape;
- b) The cutting and removal of hazardous, severely damaged, diseased and insect infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
- c) In the case of hazardous, damaged, diseased or insect infested trees, the maintenance of a woodland after the cutting and removal is completed unless it is determined through a report prepared by a Registered Professional Forester that trees must be removed and a woodland as defined would not be maintained but in no case shall clearcutting be allowed; and,
- d) The forestry management practices as set out in the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests".

**Frontage:** see *lot frontage/lot width*.

**Front Building Façade Width:** means the width of the outermost *front yard building wall* measured from the interior of the outermost *exterior side wall* to the opposite interior of the outermost *exterior side wall*. See the definition for **Exterior Side Building Façade Width**.

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| <b>Front Private Garage Face:</b> means the face of the <i>private garage</i> that is designed as the primary <i>motor vehicle</i> access point into the <i>private garage</i> .                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Front Lot Line:</b> see <i>lot line</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Front Wall:</b> means the closest point or <i>wall</i> of a <i>building</i> facing the <i>street</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Front Yard:</b> see <i>yard</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Fuel Storage Depot:</b> means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> where fuels such as gasoline, propane, natural gas, oil, kerosene, and diesel fuel are stored or kept for sale and distribution and may include a <i>propane dispensing station</i> .                                                                                                                                                                                                                                                                               |
| <b>Funeral Establishment:</b> means <i>premises</i> that temporarily store deceased human bodies and cremated human remains so that persons may attend and pay their respects and includes the care and preparation of deceased human bodies, the coordination and provision of rites and ceremonies, and the provision of other services as may be prescribed, but does not include a <i>crematorium</i> .                                                                                                                                                        |
| <b>Garden Centre:</b> means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> , or portion thereof, for the growing and/or retail sale of flowers, bushes, shrubs, trees, plants and other <i>garden centre</i> stock and includes the incidental sale of such items as fertilizers, pesticides, soil, pots and garden ornaments and may also include <i>greenhouses</i> but does not include a <i>licensed marijuana production facility</i> .                                                                                                        |
| <b>Gazebo:</b> means an unenclosed, except for screens, <i>building</i> with a roof. See also the definitions for <b>Deck</b> , <b>Pergola</b> , and <b>Porch</b> .                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Golf Course:</b> means the <i>use</i> of land for the purposes of playing golf and may include a clubhouse, office, pro-shop, driving range, restaurant, tavern, banquet hall, meeting rooms, putting green, miniature golf course and maintenance buildings.                                                                                                                                                                                                                                                                                                   |
| <b>Grade:</b> means the level of proposed or established ground.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Grade, Established:</b> means the average elevation of the surface ground adjoining a <i>building</i> or <i>structure</i> measured at the perimeter of the <i>building</i> or <i>structure</i>                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Greenhouse:</b> means a <i>building</i> or <i>structure</i> for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, and vegetables. Such <i>use</i> may also include wholesale or retail sale of <i>greenhouse</i> products grown in the <i>greenhouses</i> located on the lands on which the <i>greenhouses</i> are located, but does not include a <i>licensed marijuana production facility</i> .<br><br>A <i>greenhouse</i> that is less than 10.0 m <sup>2</sup> is considered an <i>accessory building</i> or <i>structure</i> . |

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| <p><b>Green Roof:</b> means an extension to a <i>building's</i> roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Ontario Building Code and <i>City</i> standards.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Group Home:</b> means a supportive housing facility located within a <i>dwelling unit</i> where up to 10 persons, exclusive of staff, live as a unit under responsible supervision consistent with the requirements of its occupants, which is licensed or approved or funded by the <i>Province</i> of Ontario, governed by O.Reg.434/01, under the <i>Developmental Services Act, R.S.O. 2001</i>, as amended, but excludes a <i>correctional residential care facility</i> and a <i>Jong-term care facility</i>.</p>                                                                                                                                                                                                       |
| <p><b>First Storey Area:</b> means the <i>gross floor area</i> of the <i>first storey</i>, the area is measured from the exterior <i>wall</i> surface of the <i>exterior walls</i> at the <i>floor</i> level of the <i>first storey</i>, but excludes internal <i>parking areas/lots</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Habitable Room:</b> means a room that has at least seventy-five percent (75%) of its clearance having a minimum height of 2.0 m which is located within a <i>dwelling unit</i> that is <i>used</i> or intended to be <i>used</i> for living, sleeping, eating, food preparation, or a washroom that can be <i>used</i> at all times throughout the year.</p> <p><i>A habitable room</i> does not include: a laundry room, pantry, lobby, hallway, closet, sunroom, <i>porch</i>, <i>balcony</i>, <i>garage</i>, unfinished <i>attic</i>, unfinished <i>basement/cellar</i>, furnace room, or any space <i>used</i> for the service and maintenance of such <i>dwelling</i> or for vertical travel between <i>storeys</i>.</p> |
| <p><b>Heavy Manufacturing Establishment:</b> means <i>premises used</i> for:</p> <ul style="list-style-type: none"> <li>a) The manufacturing or processing of products from raw materials;</li> <li>b) The production or use of flammable, explosive or other hazardous materials;</li> <li>c) Outdoor processing of products and materials; and,</li> <li>d) <i>Warehouse</i> and storage.</li> </ul> <p><b>See the definition for <i>Light Manufacturing Establishment</i>.</b></p>                                                                                                                                                                                                                                               |
| <p><b>Heavy Service Shop:</b> means a shop devoted to the sales, servicing or repair of major appliances, heating/cooling systems, and commercial, construction equipment and may include the renting <i>commercial vehicles</i>, light construction or lawn care equipment. <b>See the definition for <i>Light Service Shop</i>.</b></p>                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Height:</b> means the vertical distance of a <i>building</i> or <i>structure</i> measured from the <i>established grade</i> to:</p> <ul style="list-style-type: none"> <li>a) The highest point of the roof surface, or the parapet, whichever is the greater, of a <i>flat roof</i>, or,</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                          |

- b) The deckline of a mansard roof; or,
- c) The mid-point level between lowest point of the eaves and the ridge (or peak) of a gabled, hip, gambrel roof or other type of *pitched roof*; or,
- d) Where an *exterior wall* extends above the top of the roof of a *building*, the topmost part of such *exterior wall*; or,
- e) In the case of a *structure* not having a roof, the top part of that *structure*.

In calculating the *height* of a *building*, any construction used as an ornament or for the mechanical operation of the *building* such as a mechanical penthouse, or a *chimney*, tower, cupula or steeple is not to be included.

**Hereafter:** means "after the date of the passing of this By-law".

**Herein:** means "anywhere in this By-law".

**Hereof/Hereto:** means "of this By-law" and "to this By-law", respectively.

**Highway Corridor:** means lands within the established limits of an *existing* or future controlled-access *Provincial* freeway including an interchange, a service road, plus any road widening adjacent to any of the above.

**Home Industry:** means a small-scale *commercial* or *industrial use* that is *accessory* to an *agricultural use* located on the same *Lot* that is conducted by the occupants of the *dwelling unit* wholly within an *accessory building* or *structure*.

*Home industries* may include welding, carpentry or machine shops, or other *agriculture-related uses* that involve the processing or transportation of regionally produced agricultural crops and other products and the accessory retail sale of products produced in the *home industry*.

The repair, storage or sale of *motor vehicles* and machinery is not a *home industry*.

**Home Occupation:** means an *accessory/ancillary use* within a *dwelling unit* which is the principal residence of the proprietor for an occupation or business which does not create a public nuisance or adverse effect on *abutting* lands or the surrounding neighbourhood, and does not include *outdoor storage*, but may include outdoor activities including *play equipment* in the *rear* and *exterior side yards* in accordance with the provisions of this By-law.

*Home occupations* may include, but are not limited to, services performed by an accountant, lawyer, realtor, financial planner, hairdresser, seamstress, *tutor* or *private home day care*.

**Hospice:** means *premises* providing palliative care as well as emotional support to terminally ill patients.



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| <p><b>Hospital:</b> means an institution providing medical and surgical treatment and registered professional nursing care for sick and injured people under the <i>Public Hospitals Act, R. S. O. 1990</i>, as amended.</p>                                                                                                                                                                                                                                                                                       |
| <p><b>Hotel/Motel:</b> means a <i>building(s)</i> that provides temporary accommodation to the public for a period not exceeding twenty-eight (28) consecutive days, and may include independent cooking facilities and <i>ancillary uses</i> such as but not limited to <i>restaurants, retail and service commercial uses, meeting and convention facilities, banquet facilities, recreation and entertainment facilities</i>, and may also include one (1) <i>dwelling unit</i>.</p>                            |
| <p><b>Hot Tub, Above-ground:</b> means a large tub <b>0.6 m</b> or greater above grade filled with hot aerated water used for hydrotherapy, relaxation or pleasure, but does not include a <i>pool, above-ground</i>.</p>                                                                                                                                                                                                                                                                                          |
| <p><b>Hot Tub, In-ground:</b> means a large tub less than <b>0.6 m</b> above grade filled with hot aerated water used for hydrotherapy, relaxation or pleasure, but does not include a <i>pool, in-ground</i>.</p>                                                                                                                                                                                                                                                                                                 |
| <p><b>Industrial Mall:</b> means a group of permitted <i>industrial uses</i> designed, developed and functioning as a single complex that may be comprised of a group of <i>buildings</i> held in single ownership or by participants in a <i>condominium</i> corporation or co-operative with common <i>loading spaces</i> and <i>parking spaces</i> on one (1) <i>lot</i>.</p>                                                                                                                                   |
| <p><b>Industrial Use:</b> means <i>premises used</i> for manufacturing, processing, fabrication, assembly, treatment, packaging, repair and servicing, and incidental storage of goods and materials, and related <i>accessory/ancillary uses</i>.</p>                                                                                                                                                                                                                                                             |
| <p><b>Infrastructure:</b> means physical <i>structures</i> (facilities and corridors) that form the foundation for development. <i>Infrastructure</i> includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications / telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.</p> |
| <p><b>Institutional Use:</b> means the <i>use</i> of land for non-commercial and non-residential purposes, and shall include <i>public or private schools, places of worship, day cares, long-term care facilities, public service facilities, correctional residential care facilities, Provincial, Regional, Federal or City offices, libraries, museums, parks and community centres</i>.</p>                                                                                                                   |
| <p><b>Intake Protection Zone:</b> means an area delineated and labelled as Source Water Protection Area on Schedule "A" of this By-law and in the Source Protection Plan for the Niagara Peninsula Source Protection Area that surrounds a municipal surface water intake and within which it is desirable to regulate or monitor drinking water threats.</p>                                                                                                                                                      |
| <p><b>Interior Lot:</b> see <i>lot</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Interior Side Lot Line:</b> see <i>lot line</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <b>Interior Side Yard:</b> see <i>yard</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Intermodal shipping yard:</b> means the <i>use</i> of land for the transfer of cargo typically held in <i>shipping containers</i> from one method of transportation, whether truck, rail, ship or plane to another.                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Kennel:</b> means the <i>use</i> of lands, <i>buildings</i> or <i>structures</i> where dogs, cats and other household pets are bred or raised primarily for the purpose of sale or are trained or boarded for gain or profit.                                                                                                                                                                                                                                                                                                                                                              |
| <b>Laboratory:</b> means a <i>building</i> , or part thereof, used for scientific research and development, medical or dental testing (i.e. blood tests, x-rays, specimen depots), experimentation and/or research.                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Landing, Exterior:</b> means an unenclosed raised surface area necessary to allow safe ingress and egress to a <i>building</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Landscape Open Space:</b> means an open, unobstructed area on a <i>lot</i> at <i>grade</i> which is used for the growth and maintenance of grass, flowers, shrubs or similar landscape materials and includes <i>planting/buffer strips</i> , sidewalks, <i>platform structures</i> under a certain <i>height</i> above <i>grade</i> , <i>in ground swimming pools</i> , playgrounds and similar facilities but excludes <i>driveways</i> , <i>parking areas/lots</i> , ramps, curbs, <i>terraces</i> or any <i>open space</i> beneath or within any <i>building</i> or <i>structure</i> . |
| <b>Lane:</b> means a walkway, emergency access, or right-of-way that is not a <i>street</i> but was laid down upon a registered plan and dedicated to the City or legally granted or conveyed.                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Licensed Marijuana Production Facility:</b> means <i>premises</i> for the cultivation, testing, processing, production, inspection, packaging, distribution and destruction of marijuana produced under license under the federal government's Cannabis Regulations, as amended from time to time, or any successors thereto.                                                                                                                                                                                                                                                              |
| <p><b>Light Equipment/Machinery Rental Establishment:</b> means a <i>building</i> or part thereof where residential, industrial and commercial machinery and equipment is kept for rental to the general public.</p> <p>Light equipment and machinery includes air compressors and related tools and accessories, augers, automotive tools, cleaning equipment, concrete and masonry tools, hydraulic equipment, lawn and garden tools, moving equipment, plumbing tools and power tools.</p>                                                                                                 |
| <p><b>Light Manufacturing Establishment:</b> means <i>premises used for</i>:</p> <ul style="list-style-type: none"> <li>a) The manufacturing, processing, assembly or packaging of parts or products;</li> <li>b) The repair or servicing of products;</li> <li>c) <i>Building</i> supply storage and wholesale;</li> <li>d) <i>Warehouse</i> and storage; and,</li> </ul>                                                                                                                                                                                                                    |

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| <p>e) <i>Accessory retail use</i> of the goods manufactured on the same <i>lot</i>;</p> <p>f) But does not include <i>obnoxious</i>, dangerous or offensive trades with emissions, noise or vibrations in excess of the <i>Province's</i> guidelines.</p> <p><b>See also the definition for <i>Heavy Manufacturing Establishment</i>.</b></p>                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Light Service Shop:</b> means a <i>use</i> devoted to the service and repair of small appliances, home and office electronics, clothing/shoe repair, bicycle repair, jewelry repair or the repair and servicing of other small tools and appliances. <b>See also the definition for <i>Heavy Service Shop</i>.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>Linked Dwelling:</b> see <i>dwelling</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Loading Space:</b> means an unobstructed open or covered area of land which is provided on a <i>lot</i> that:</p> <p>a) Is provided for the temporary parking of one (1) <i>commercial vehicle</i> while merchandise or materials are being loaded or unloaded, but shall not be for the purpose of sale or display;</p> <p>b) Is not upon or partly upon any <i>street</i> or <i>lane</i>; and,</p> <p>c) Has adequate access to permit ingress and egress of a <i>commercial vehicle</i> from a <i>street</i> by means of <i>driveways</i>, <i>parking aisles</i>, maneuvering areas or similar areas, no part of which shall be <i>used</i> for the temporary parking or storage of one (1) or more <i>motor vehicles</i>.</p> |
| <p><b>Long-haul Transport Trailer/Transport Tractor:</b> means a non-motorized vehicle designed to be hauled by a truck or large transport vehicle.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Long-term Bicycle Parking Space:</b> means a space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle is intended to be parked for long periods of time. <b>See also the definition for <i>Short-term Bicycle Parking Space</i>.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>Long-term Care Facility:</b> means <i>premises</i> which provides care to meet the physical, emotional, social, spiritual and personal needs of persons.</p> <p><i>Long-term care facilities</i> are governed by the <i>Long Term Care Act, R.S.O. 2007</i>, as amended, and may include independent accommodation for residents in separate <i>buildings</i> on the <i>lot</i> that provides independent <i>dwelling units</i> for residents that may share services such as meals, medical care services, or recreation that are provided by the facility.</p>                                                                                                                                                                  |
| <p><b>Lot:</b> means a parcel or tract of land which:</p> <p>a) Is a whole <i>lot</i> or <i>block</i> as shown on a registered plan of subdivision, but for the purposes of this paragraph does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a by-law passed pursuant to the <i>Planning Act, R.S.O. 1990</i>, as amended; and;</p>                                                                                                                                                                                                                                                                                                                              |

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| b)                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Fronts onto a <i>street</i> ; or;                                                                                                                        |
| c)                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Is a separate parcel of land without any adjoining lands being owned by the same owner or owners at the date of the passing of this By-law; or,          |
| d)                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | The description of which is the same as in a deed which has been given consent pursuant to the <i>Planning Act, R.S.O. 1990</i> , as amended; or,        |
| e)                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Is the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to the <i>Planning Act, R.S.O. 1990</i> , as amended. |
| <p><b>a) Corner Lot:</b> means a <i>lot</i> situated at the intersection of and <i>abutting</i> on two (2) or more <i>streets</i> provided that the angle of intersection of such <i>streets</i> is not more than 135 degrees.</p> <p>In the case where a <i>corner lot</i> abuts a 0.3 m reserve, all provisions of this By-law concerning <i>corner lots</i> shall apply.</p>                                                                                                |                                                                                                                                                          |
| <p><b>b) Interior Lot:</b> means a <i>lot</i> situated between adjacent <i>lots</i> and having access to one <i>street</i>.</p>                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                          |
| <p><b>c) Through Lot:</b> means a <i>lot</i>, other than a <i>corner lot</i>, that is bounded on two (2) opposite sides by <i>streets</i>.</p>                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                          |
| <p><b>Lot Area:</b> means the total horizontal area within the <i>lot lines</i> of a <i>lot</i>.</p> <p><i>Lot area</i> equals <i>lot width</i> multiplied by <i>lot depth</i>.</p>                                                                                                                                                                                                                                                                                            |                                                                                                                                                          |
| <p><b>Lot Centre Line:</b> means the line joining the midpoints of the <i>front</i> and <i>rear lot lines</i>.</p> <p>In the case of a <i>corner lot</i>, the <i>lot centre line</i> is a line drawn perpendicular from the mid-point of the <i>rear lot line</i> to meet the <i>front lot line</i>.</p>                                                                                                                                                                       |                                                                                                                                                          |
| <p><b>Lot Coverage:</b> means the percentage of the <i>lot area</i> covered by the footprint of all <i>above-grade</i> roofed <i>buildings</i> and <i>structures</i>, including <i>balconies</i>, covered <i>porches</i>, <i>breezeways</i>, covered roofs over <i>drive-throughs</i>, and covered <i>exterior landings</i>.</p> <p><i>Lot coverage</i> does not include an <i>in-ground pool</i>, an <i>in-ground hot tub</i>, a <i>deck</i>, eaves, and stairs.</p>          |                                                                                                                                                          |
| <p><b>Lot Depth:</b> means the horizontal distance between the <i>front</i> and <i>rear lot lines</i>.</p> <p>a) Where these <i>lot lines</i> are not parallel, the <i>lot depth</i> is the length of a line joining the mid-points of the <i>front</i> and <i>rear lot lines</i>.</p> <p>b) In the case of a triangular <i>lot</i>, the <i>lot depth</i> is measured from the midpoint of the <i>front lot line</i> to the converging point of the <i>side lot lines</i>.</p> |                                                                                                                                                          |
| <p><b>Lot Flankage:</b> means the <i>exterior side lot line</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                          |

**Lot Frontage/Lot Width:** means the horizontal distance between the *side lot lines* of a *lot* measured along the *front lot line*.

- a) Where the *front lot line* is not a straight line, or where the *side lot lines* are not parallel, the *lot frontage/lot width* is determined from the *lot centre line* to a point 6.0 m back from the *front lot line* measured horizontally at 90 degrees from the *lot centre line* between the *side lot lines*.
- b) In the case of a *corner lot* with a *sight/daylighting triangle* or a rounded corner, the *lot frontage/lot width* is determined from the *lot centre line* to back from the *front lot line* measured horizontally between the *side lot lines*.

**Lot Line:** means any line that makes up the legally defined boundary of a *lot*.

**a) Exterior Side Lot Line:** means a *side lot line* which *abuts* a *street*, whether or not an *improved street*, or a *lane* or, a *side lot line* which *abuts* land zoned environmental (EP1, EP2, EP3) on a *corner lot*.

**b) Front Lot Line:** means the *lot line* along a *public street*, but in the case of:

- i) A *corner lot* or *through lot*, the shortest of the *lot lines* that divide the *lot* from the *street* shall be deemed to be the *front lot line*.
- ii) A *corner lot* or *through lot* with two (2) *streets* of equal length, the *lot line* that *abuts* the wider *street*, or *abuts* a *regional road* or *provincial highway* shall be deemed to be the *front lot line* for a *lot*.
- iii) The *street line* facing the *principal entrance* to the *main building* shall be the *front lot line*.
- iv) A *corner lot* or *through lot* where a 0.3 m *reserve* *abuts* one of the *lot lines*, the *front lot line* shall be the *lot line* not *abutting* the 0.3 m *reserve*.

**c) Interior Side Lot Line:** means any *side lot line* that is not an *exterior side lot line*.

**d) Rear Lot Line:** means the *lot line* opposite the *front lot line*.

In the case of a triangular *lot*, the *rear lot line* is the *point of intersection* of the *side lot lines*.

In the case of any other type of *lot*, the furthest *lot line* opposite the *front lot line*, including any contiguous line adjoining it at an angle of less than 45 degrees.

**e) Side Lot Line:** means the *lot line* other than a *front* or *rear lot line*.

**Main Building:** means the *building* in which the *principal/primary use* of the *lot* is carried out.

**Mausoleum:** means a *building, structure* or part thereof, used for the interment of human remains in sealed crypts, tombs or vaults.

**Medical Practitioner:** means a person authorized to practice medicine under the *Medicine Act, R.S.O. 1991*, as amended, a person authorized to practice dentistry under the *Dentistry Act, R.S.O. 1991*, as amended, or a person authorized to practice as a health professional under the *Regulated Health Professions Act, R.S.O. 1991*, as amended. **See also the definition for *Drugless Practitioner*.**

**Microbrewery or Microwinery:** means *premises used* for the small-scale production of beer, spirits or wine produced for consumption on the same *premises* and retail sale and may include as *accessory/ancillary uses* an *office, tasting facilities, restaurant*, and the retail sale of related items.

**Minimum:** means the least to which anything may lawfully be reduced.

**Minimum Distance Separation Formula:** means the formula which is used to calculate an appropriate distance between an existing or proposed livestock building and other uses on surrounding properties as set out in the Agricultural Code of Practice, as amended or replaced from time to time.

**Mineral Aggregate Operation:** means lands under license or permit, other than for *wayside pits* and *quarries*, issued in accordance with the *Aggregate Resources Act, R.S.O. 1990..*, as amended, and associated facilities *used* in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

**Miniature Golf Course:** means an area of land or *building*, or part thereof, in which the game of golf is simulated on a small-scale, but does not include a *driving range*.

**Mixed-use Building:** means a *building used* for any combination of permitted *commercial uses, institutional uses, office uses, and/or residential uses*, but *residential uses* are not to be located within the *first storey abutting a front lot line or an exterior lot line*.

**Mobile Home:** means a prefabricated *building* which is designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed) and is designed and equipped for year round occupancy and contains cooking and sanitary facilities but does not include a *motor home, trailer*, or a modular home constructed in parts off-site and assembled on a *lot* on a permanent foundation.

**Mobile Home Park:** means land predominately *used* for occupancy of *mobile homes* and includes all *accessory buildings or structures used* incidentally to its operation including administration *offices*, recreation facilities, service and utility buildings, and storage lockers but does not include a *campground or a tent and trailer campground*.

**Model Home:** means a *building* which is *used* on a temporary basis as a sales *office* and/or as an example of the type of *dwelling* that is for sale in the related development and which is not occupied or *used* as a residential *dwelling*.

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| <p><b>Motor Home:</b> means a type of self-propelled recreational vehicle (RV) which offers living accommodation combined with a vehicle engine.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Motor Vehicle:</b> means an automobile, a motorcycle, a motor-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power under the <i>Highway Traffic Act, R.S.O. 1990</i>, as amended. <b>See also the definitions for <i>Commercial Vehicle</i> and <i>Refreshment Vehicle</i>.</b></p>                                                                                                                                                                                                                                                                                                                |
| <p><b>Motor Vehicle, Inoperative:</b> means a <i>motor vehicle</i> having missing parts including tires, or damaged or missing glass, or deteriorated or removed metal adjunct or parts, which prevent it from normal function.</p>                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>Motor Vehicle Recycling:</b> means the <i>use</i> of land, <i>buildings</i> and <i>structures</i> , where <i>motor vehicles</i> are dismantled and sorted for recycling or disposal and where parts may be sold.</p>                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Motor Vehicle Repair Shop/Garage:</b> means <i>prem ises</i> equipped with facilities for the service, maintenance, painting and body repairs of <i>motor vehicles</i> and/or boats, and includes the temporary parking of <i>motor vehicles</i> in the process of repair, and may include a <i>motor vehicle service station</i>.</p>                                                                                                                                                                                                                                                                                                     |
| <p><b>Motor Vehicle Sales and Rental Establishment:</b> means the <i>use</i> of land, <i>buildings</i> and <i>structures</i>, or portion thereof, where motor vehicles are displayed, sold, leased or rented , and may include a <i>motor vehicle repair shop/garage</i>, but does not include a <i>recreational vehicle establishment</i> .</p>                                                                                                                                                                                                                                                                                                 |
| <p><b>Motor Vehicle Service Station:</b> means the <i>use</i> of land, <i>buildings</i> and <i>structures</i> , or portion thereof, for the retail sale of <i>motor vehicle</i> fuels and lubricants, and may include as <i>accessory/ancillary uses</i> electrical charging stations, <i>propane exchange stations</i>, <i>motor vehicle washing establishment</i>, and a <i>convenience retail and service kiosk</i>.</p>                                                                                                                                                                                                                      |
| <p><b>Motor Vehicle Washing Establishment:</b> means <i>prem ises</i> used for the washing and cleaning of <i>motor vehicle</i>, and may include a <i>convenience retail and service kiosk</i> as an <i>accessory/ancillary use</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Municipal Drain:</b> means a system to divert surface water from adjacent lands and convey flows to downstream watercourses by either ditches or closed systems such as pipes or tiles buried in the ground, and may also include <i>structures</i> such as dykes or <i>berms</i> , pumping stations, <i>planting/buffer strips</i>, grassed waterways, storm water detention ponds, culverts and bridges, and may include creeks and small rivers. A <i>mun icipal drain</i> must meet the tests of the Drainage Act and once constructed under the authority of the by-law becomes part of the municipality's <i>infrastructure</i>.</p> |
| <p><b>Mutual Driveway:</b> means an ingress or egress that is common to two or more owners of <i>abutting lands</i> as a right-of-way registered against the title of the lands. <b>See also the definition for <i>Driveway</i>.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <b>Museum:</b> means <i>premises</i> devoted to the procurement, care, study, display and exhibition of objects of lasting value.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Natural Area Extent Line:</b> means the boundary representing the extent and limits of all currently identified <i>natural heritage features</i> and <i>natural hazard lands</i> by upper tier government and agencies.                                                                                                                                                                                                                                                                                                                                               |
| <b>Natural Heritage Features and Areas:</b> means features and areas, including significant wetlands, significant woodlands, <i>fish habitat</i> , areas of natural and scientific interest, significant valleylands, savannahs and tallgrass prairies, alvars, habitat of endangered species and threatened species, significant <i>wildlife habitat</i> , and significant habitat of species of concern which are important for their environmental and social values as a legacy of the natural landscapes of an area.                                                |
| <b>Natural Hazard Lands:</b> means shorelines, floodplains, significant valleylands, unstable soil and unstable bedrock                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Nearest Main Wall:</b> means that portion of the front, side or rear foundation or piers of a <i>building</i> or <i>structure</i> to the respective <i>lot line</i> .                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Night Club:</b> means <i>premises</i> providing music and dance facilities which may include the sale of liquor and/or food to club patrons, but does not include an <i>adult oriented entertainment establishment</i> .                                                                                                                                                                                                                                                                                                                                              |
| <b>Non-complying:</b> means a <i>building</i> or <i>structure</i> which does not comply with the regulations of this By-law for the <i>zone</i> in which such <i>building</i> or <i>structure</i> is located, as of the date of the passage of this By-law.<br><br>A <i>non-complying building</i> or <i>structure</i> may only be repaired or renovated provided that the repairs or renovations:<br><br>a) Does not further increase the extent or degree of <i>non-conformity</i> ; and,<br>b) Complies with all other applicable regulations of this <u>By-law</u> . |
| <b>Non-conforming:</b> means an <i>existing use</i> of any land, <i>building</i> or <i>structure</i> which does not conform with the <i>permitted uses</i> of this By-law for the <i>zone</i> in which said <i>existing land, building, or structure</i> is located so long as it continues to be used for that purpose.                                                                                                                                                                                                                                                 |
| <b>Notwithstanding:</b> when <i>used</i> in this By-law means in spite of, or instead of.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Office:</b> means a <i>building</i> or part thereof where administrative and clerical functions are carried out in the management of a business, profession, organization, or public administration, but does not include a <i>clinic</i> .                                                                                                                                                                                                                                                                                                                           |
| <b>Obnoxious Use:</b> means an offensive use or trade within the meaning of the <i>Public Health Act, R.S.O. 1990</i> , as amended, or any <i>use</i> which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, liquid, vibration or refuse matter.                                                                                                                                                                                                                                                                            |



**On-Farm Diversified Use:** means *uses* that are secondary to the principal *agricultural use* of the property, and are limited in area.

*On-farm diversified uses* include, but are not limited to: *home occupations, home industries, agri-tourism uses*, and *uses* that produce value-added agricultural products such as canning fruits and vegetables, roasting grain for livestock feed, processing apples to make apple cider, and wine-making.

**Open Processing:** means the conducting of an *industrial use* outdoors.

**Open Space:** means an area, open to the sky, which is *used* for the growth and maintenance of grass, flowers, shrubbery, trees and other landscaping and includes any surfaced sidewalks, *patios*, and *in-ground swimming pools* but does not include any access *driveways*, ramps, *parking areas/lots* and/or *terraces*.

**Open/Outside Storage:** means the placing or locating in the open air and/or in partially enclosed *buildings* or *structures* any goods, materials, parts, merchandise or equipment of any kind in the same place for more than twenty-four (24) hours, but does not include the storage of *motor vehicles*, *motor vehicles*, *inoperative*, *construction vehicles*, or agricultural vehicles whether capable of being operated or not.

**Operating Apparatus:** means outdoor mechanical equipment or machinery used in conjunction with *buildings* or *structures* including but not limited to air conditioners, pool pumps and pool heaters, generators, heat exchangers, and compressors.

**Outside Display and Sales Area:** means an outdoor area, covered or uncovered, *used* for the accessory display, rental, or sale of products or the supply of services in association with the *principal/primary use* of the *lot*.

**Passive Recreational Trail:** means a trail that is designed, constructed, and managed to minimize its impact on *natural heritage features*. Trail surfaces will be a combination of porous surfaces, such as native soils and/or woodchips, and may include boardwalks and footbridges. **See also the definition for *Recreational Trail*.**

**Park:** means land *used* and maintained for active or passive outdoor recreational purposes, such as walking/hiking/cycling *recreational trails*, picnic areas and sports fields, and which may include a refreshment stand and washrooms.

**Parking Aisle:** means the portion of a *parking area/lot* provided to access individual *parking spaces*, but is not *used* for the parking of *motor vehicles*.

**Parking Area/Lot:** means a *lot*, or part thereof, designed and/or *used* for the temporary parking of *motor* or *commercial vehicles*, including *parking aisles* and *driveways*, but does not include *open/outside storage*.

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| <b>Parking Space:</b> means an area of land which is provided and maintained for the purpose of temporary storage of a <i>motor vehicle</i> or <i>commercial vehicle</i> and may be located in a <i>parking area/lot</i> or within a <i>parking structure</i> , <i>private</i> or <i>public garage</i> , or <i>carport</i> but does not include <i>driveways</i> or <i>aisles</i> .                                                                                                                         |
| <b>Parking Structure:</b> means a <i>structure</i> used for the parking of <i>motor vehicles</i> but does not include a <i>private garage</i> or a <i>carport accessory</i> to a <i>dwelling</i> .                                                                                                                                                                                                                                                                                                          |
| <b>Patio:</b> means an unenclosed outdoor space, whether or not covered, whether or not a <i>platform structure</i> , <i>used</i> for the accommodation of patrons of an associated <i>restaurant</i> , <i>tavern</i> , or <i>bake shop</i> . <b>See also the definitions for <i>Deck</i>, <i>Gazebo</i>, and <i>Pergola</i>.</b>                                                                                                                                                                           |
| <b>Pavilion:</b> means an unenclosed <i>structure</i> having a roof for the purpose of providing shelter from the elements during recreational activities such as picnics.                                                                                                                                                                                                                                                                                                                                  |
| <b>Pergola:</b> means an open <i>structure</i> framework supported by posts, which may include drapery panels, over an outdoor area. <b>See also the definitions for <i>Deck</i>, <i>Gazebo</i>, and <i>Porch</i>.</b>                                                                                                                                                                                                                                                                                      |
| <b>Personal Service Shop:</b> means <i>premises</i> in which persons are employed in providing services for the personal needs of patrons and includes establishments such as a hairdressing or barber establishment, tattoo parlour, manicure/pedicure salon, laundromats, a <i>dry cleaning depot</i> , a shoe repair and service shop, dressmaker or tailor shop, a <i>day spa</i> and other similar services, and includes the retail sale of goods and services as an <i>accessory/ancillary use</i> . |
| <b>Pervious Material:</b> means material designed to be structurally stable while allowing rainwater infiltration and may include pervious pavers and paving or interlock, but shall not include landscaping elements such as gravel, dirt or limestone screening.                                                                                                                                                                                                                                          |
| <b>Pet Day Care:</b> means <i>premises</i> where domestic pets are cared for and temporarily accommodated during the day, and they may be boarded overnight, in return for remuneration in an open, controlled, and secure setting, but typically are not kept in individual <i>kennels</i> and runs.                                                                                                                                                                                                       |
| <b>Pet Grooming Establishment:</b> means a <i>building</i> or part thereof used for the grooming of pets but does not include a <i>veterinary clinic</i> , a <i>kennel</i> , or any overnight boarding.                                                                                                                                                                                                                                                                                                     |
| <b>Pharmacy:</b> means a retail outlet that dispenses drugs by prescription and may include the sale of non-prescription drugs and retail goods and may include a medical <i>clinic</i> in conjunction with the dispensing of prescription drugs as an <i>ancillary use</i> .                                                                                                                                                                                                                               |
| <b>Pipeline:</b> means a conduit made of pipes connected end-to-end for the long distance transport of fluids or gases.                                                                                                                                                                                                                                                                                                                                                                                     |

**Pit:** means a place where unconsolidated gravel, stone, sand, clay, fill or other material is being, or has been, removed by means of an excavation to supply materials for construction, industrial, or manufacturing purposes, but does not include a *wayside pit* or *quarry*.

**Place of Assembly/Banquet Hall:** means a *building* or part thereof *used* for the gathering of people for events including but not limited to trade shows, banquets, weddings and conventions, but does not include a *place of worship*.

**Place of Entertainment:** means a *building* or part thereof *used* for leisure or entertainment activities and includes *uses* such as a *cinema*, *theatre*, concert hall, arcade, billiard hall, bowling alley or other indoor gaming facility, indoor *miniature golf courses*, indoor rock climbing, laser tag or similar *uses*, and which may include incidental preparation and sales of food and beverages on the *premises*, but does not include an *arena* or *premises* for the racing of *motor vehicles*, a *casino* or similar gambling facility, or an *adult entertainment establishment*.

**Place of Worship:** means *premises used* for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach, and may include *accessory/ancillary uses* such as a *place of assembly/banquet hall*, *auditorium*, private *cemetery*, *day care*, *private school*, religious residence, and/or parish hall.

**Planting/Buffer Strip:** means a strip of land adjacent to a *lot line* that is used exclusively for the growing and maintenance of continuous row of trees, evergreens, shrubs, ornamental grasses, and other horticultural elements that is designed to act as a buffer or visual screen that have a *height* of 1.5 m or greater, and may include a landscaped *berm* with plantings that have a *height* of 1.5 m or greater, a *wall* or an opaque *fence* having a *height* not less than 1.5 m, and is not used for any other purpose except where a *driveway* and/or sidewalk cross the *planting/buffer strip*.

**Platform Structure:** means a raised level surface more than 0.15 m above *grade*, including but not limited to *decks*, *balconies*, *patios* and *porches*, but does not include a *landing*.

**Playground:** means an area for outdoor play that includes *play equipment*.

**Play Equipment:** means a *structure* that is designed and used for play and recreation.

**Point of Intersection:** means the point where two (2) lines or *streets* intersect.

**Pool, Above-ground:** means a pool used for recreational swimming with a superstructure 0.6 m or greater above *grade*, but does not include an *above-ground hot tub*. **See also the definition for Pool, In-ground.**

**Pool, In-ground:** means a pool used for recreational swimming with a superstructure that is less than 0.6 m above *grade* with its floor below *grade*, but does not include an *in-ground hot tub*. **See also the definition for Pool, Above-ground.**

**Porch:** means an unenclosed, except for removable screens or *awnings, platform structure* attached to a *main wall(s)* of a *dwelling* that has a roof. **See also the definitions for Deck, Gazebo, and Pergola.**

**Post-secondary Institution:** means a public university or college of applied arts and technology and includes associated *buildings, structures, recreational uses, and open space*.

**Power Generation Facility:** means a *building or structure* or part thereof, used for the production of electrical power, where the output is 10 megawatts or greater, and where the method of production is limited to natural gas-fired, combined cycle, cogeneration and/or renewable energy.

**Premises:** means the whole or part of lands, *buildings or structures*, or combination thereof.

**Principal/Primary Use:** means the primary or predominate *use* of a *lot* or a *building or structure* as *used* or as intended to be *used*.

**Principal Entrance:** means the main entrance to a *building*.

**Printing Establishment:** means *premises used* primarily for printing, regardless of the method, and/or publishing of newspapers , periodicals, books, maps and similar publications.

**Private Club:** means a *building or lot* opened or operated on a profit or non-profit basis by an association or chartered organization such as a lodge, legion, service club, union, or similar group, and the *use* of such *premises* for social, recreational or athletic purposes.

**Private Garage:** means a *building* or part thereof *used* for the temporary parking or storage of private *motor vehicles, recreational vehicles*, and household goods and wherein neither the servicing nor repairing of *motor vehicles* is carried on for remuneration.

**Private Garage Width:** means the width of a *private garage* at the widest measure between the exterior *walls* of the *private garage*.

**Private Home Day Care:** means a place wherein the temporary care of persons is provided, for a continuous period not to exceed twenty-four (24) hours, and is operated as an *accessory/ancillary use* within a *dwelling* and the provisions of this By-law. **See also the definition for Day Care.**

**Private Parking Area/Lot:** means a *parking area/lot* that is the *principal/primary use* of a *lot* and is operated and maintained by a private owner to provide public parking whether or not for gain or profit. **See also the definition for Public Parking Area.**

**Private Parking Garage:** means a *structure* constructed on a *lot* and operated and maintained by a private owner to provide public parking whether or not for gain or profit. **See also the definition for Public Parking Garage.**

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| <p><b>Private School:</b> means <i>premises</i>, including outdoor areas, where academic instruction in a full range of elementary or secondary school courses of study is not provided by a public school board, and may include as an <i>accessory/ancillary use</i> a <i>day care</i>. <b>See also the definitions for <i>Commercial School</i> and <i>Public School</i>.</b></p> |
| <p><b>Private Street Development:</b> means a <i>lot</i> or <i>block</i> of residential <i>dwelling</i>s in which each <i>building</i> has access onto a <i>private street</i> or <i>condominium roadway</i>.</p>                                                                                                                                                                    |
| <p><b>Private Street:</b> means an easement, right-of-way or roadway that is <i>used</i> by <i>motor vehicles</i> and is maintained by a <i>condominium</i> corporation as a <i>condominium roadway</i> or other private owner providing access to individual <i>lots</i>. <b>See also the definition for <i>Public Street</i>.</b></p>                                              |
| <p><b>Propane Cylinder:</b> means a container designed and manufactured in accordance with a cylinder specification authorized for the containment and transportation of propane under the Transportation of Dangerous Goods (TOG) Regulations of Transport Canada.</p>                                                                                                              |
| <p><b>Propane Storage Tank:</b> means a class of container for the storage of compressed natural gas/propane, designed and fabricated in accordance with Canadian Standards Association B51, but does not include a <i>propane cylinder</i>.</p>                                                                                                                                     |
| <p><b>Propane Dispensing Station:</b> means a facility at a fixed location with <i>propane storage tanks</i> used for the retail sale and dispensing of propane for the refueling of vehicles, appliances or other equipment of the business or establishment located at said location. Such facility may include a <i>propane exchange station</i>.</p>                             |
| <p><b>Propane Exchange Station:</b> means a secured, caged area from which pre-filled <i>propane cylinders</i> are sold.</p>                                                                                                                                                                                                                                                         |
| <p><b>Province:</b> means the Queen in the right of the <i>Province</i> of Ontario. <i>Provincial</i> shall have a corresponding meaning.</p>                                                                                                                                                                                                                                        |
| <p><b>Public Authority:</b> means Federal, <i>Provincial</i>, <i>Regional</i>, or <i>City</i> agencies and includes any commission, board, authority department, or utility established by any such agency.</p>                                                                                                                                                                      |
| <p><b>Public Parking Area/Lot:</b> means a <i>parking area/lot</i> that is the <i>principal/primary use</i> of a <i>lot</i> and is operated and maintained by a <i>public authority</i> to provide public parking whether or not for gain or profit. <b>See also the definition for <i>Private Parking Area</i>.</b></p>                                                             |
| <p><b>Public Parking Garage:</b> means a <i>structure</i> constructed on a <i>lot</i> and operated and maintained by a <i>public authority</i> to provide public parking whether or not for gain or profit. <b>See also the definition for <i>Private Parking Garage</i>.</b></p>                                                                                                    |
| <p><b>Public School:</b> means <i>premises</i>, including outdoor areas, where academic instruction in a full range of elementary or secondary school courses of study is provided under the jurisdiction of a</p>                                                                                                                                                                   |

school board established by the *Province* and may include as an *accessory/ancillary use* a day care. **See also the definitions for *Commercial School* and *Private School*.**

**Public Service Facility:** means land, *buildings* and *structures* for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. *Public service facilities* do not include *infrastructure*.

**Public Street:** means a right-of-way or roadway that is *used* by *commercial vehicles*, *long-haul transport trailer/transport tractor* and *motor vehicles* that is maintained by a *public authority*. **See also the definition for *Private Street*.**

**Public Utility:** means water, artificial or natural gas, electrical power or energy, steam or hot water, and telecommunications works, and includes the works, *structures*, *buildings* and appurtenances necessary for the supply of such services by a Board, Commission, Corporation or person.

**Pulp and Paper Mill:** means a *building* or part thereof wherein natural and/or recycled feed stocks are *used* for the production of wood, paper and cardboard products.

**Railway Lines:** means an area of land, a portion of which is covered by a system of tracks, that provides for the movement and making up of trains and includes ancillary *structures* such as stations, *offices*, wheel houses, towers, repair and storage *buildings*.

**Rear Lot Line:** see *lot line*.

**Rear Yard:** see *yard*.

**Recreational Trail:** means a trail that is designed, constructed, and managed for walking, cycling/biking, and running purposes and may include *structures* *accessory* to the *trail* use, such as raised boardwalks and footbridges. **See also the definition for *Passive Recreational Trail*.**

**Recreational Use:** means the *use* of land, *buildings*, or *structures*, *used* for participatory and/or spectator-oriented recreation and entertainment uses, and may include a *pavilion*, *public* or *private parks*, playgrounds, tennis courts, basketball courts, soccer fields, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, picnic areas, *in-ground pools*, day camps and ancillary *office*, *restaurant*, retail and service *commercial uses* but does not include a *golf course* or *driving range*, or track for the racing of animals, *motor vehicles*, snowmobiles or motorcycles.

**Recreational Vehicle:** means a *motor vehicle* requiring a license and designed to be *used* primarily for travel, recreation or vacationing and includes such *motor vehicles* commonly known as travel *trailers*, camper *trailers*, truck camper, *motor homes*, all-terrain vehicle (ATVs), boats, snowmobiles or other similar vehicles, but does not include a *mobile home*. **See also the definitions for *Motor Vehicle* and *Commercial Vehicle*.**

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| <b>Recreational Vehicle Establishment:</b> means <i>premises</i> where <i>recreational vehicles</i> are stored or displayed for the purpose of sale or hire and where repairs may occur.                                                                                                                    |
| <b>Recycling Facility:</b> means where goods, wares, merchandise, and articles are dismantled and/or sorted for further <i>use</i> .                                                                                                                                                                        |
| <b>Refreshment Cart:</b> means a wheeled, transported, non-motorized refreshment vehicle, but does not include a <i>refreshment vehicle</i> .                                                                                                                                                               |
| <b>Refreshment Vehicle:</b> means a motorized <i>motor vehicle</i> from which refreshments and food are prepared and sold for public consumption and includes but is not limited to a <i>motorized</i> or non- <i>motorized vehicle</i> .                                                                   |
| <b>Region:</b> means the Corporation of the <i>Regional Municipality of Niagara</i> . <i>Regional</i> shall have a corresponding meaning.                                                                                                                                                                   |
| <b>Required:</b> means <i>required</i> by this By-law.                                                                                                                                                                                                                                                      |
| <b>Research and Development:</b> means the <i>use</i> of land, a <i>building</i> or <i>structure</i> , or part thereof, for research, investigation, testing, or experimentation and which may include engineering and product development in any field of science, medicine, technology and manufacturing. |
| <b>Reserve:</b> means a 0.3 m (1 ft) wide strip of land conveyed to the <i>City</i> , the <i>Region</i> , or the <i>Province</i> for the purpose of preventing direct access to a <i>public street</i> from adjoining lands.                                                                                |
| <b>Residential Emergency Shelter:</b> means a <i>building</i> providing temporary accommodation for persons requiring immediate shelter and assistance for a short period of time that is provided by a <i>public authority</i> or non-profit agency.                                                       |
| <b>Residential Use:</b> means the <i>use</i> of a <i>building</i> or <i>structure</i> as a <i>dwelling</i> .                                                                                                                                                                                                |
| <b>Residential Zone:</b> means all of the zones under Part 6 of this By-law which includes the following zones: R1A, R1B, R1C, R1D, R2A, R2B, R3A, R3B, R3C, R3D, R4A, and R4B.                                                                                                                             |
| <b>Restaurant:</b> means <i>premises</i> where food and beverages are prepared and offered for sale to the public for consumption either on or off the <i>premises</i> and may include incidental entertainment and any ancillary outdoor <i>patio</i> .                                                    |
| <b>Retail Store:</b> means a <i>building</i> or part thereof where goods, wares, or merchandise are offered or kept for sale directly to the public, but does not include <i>motor vehicle sales and rental establishments</i> and <i>recreational vehicle establishments</i> .                             |
| <b>Risk Management Official:</b> means a person appointed under Part IV of the <i>Clean Water Act</i> , R.S. O. 2006, as amended, by the council of a municipality that has authority to pass by-laws                                                                                                       |

respecting water production, treatment and storage under the *Municipal Act, R.S.O. 2001*, as amended.

**Roof, Flat:** means a roof with an angle 10 degrees or less.

**Roof, Pitched:** means a roof with an angle equal to or greater than 10 degrees.

**Scrap Yard:** means *premises used* for the storage and/or handling of scrap, which may include waste paper, rags, bottles, bicycles, *motor vehicles*, tires, metal and/or other scrap material and salvage.

**Seasonal Commercial Use:** means an area of land *used* on a seasonal basis for retail display and sale, and may include *uses* such as a temporary outdoor *garden centre*, produce or other food sales, or a display of finished merchandise.

**Secondary Use:** means a *use* that is not the prominent *use* on the *lot*.

**Self-contained Dwelling Unit:** means a place of residence with *habitable rooms* that has an independent entrance either directly to the exterior or through a common vestibule but does not have access to other *dwelling units*.

**Self-storage Unit:** means a unit for the private storage of personal goods, materials and equipment, *motor vehicles*, *commercial vehicles*, boats and *trailers* that is divided from the *floor* to the ceiling by a *wall* with an independent entrance which may be from an internal hallway or from the exterior of the *building*.

**Self-storage Establishment:** means a *building(s)* consisting of individual *self-storage units* accessible by the user that are designed to be rented or leased to the general public for private storage of personal goods, materials and equipment, *motor vehicles*, *commercial vehicles*, boats and *trailers*.

**Semi-detached Dwelling:** see *dwe lling*.

**Setback:** means the shortest horizontal distance from a *building* or *structure* to a *lot line* or from a *building* or *structure* to a different *building* or *structure* on the same *lot*.

**a) Front Yard Setback:** means the distance on a *lot* measured at a right angle from the *front lot line* to the nearest *main wall* of a *building* or *structure*.

**b) Exterior Side Yard Setback:** means the distance on a *lot* measured at a right angle from the *exterior side lot line* to the nearest *main wall* of a *building* or *structure*.

**c) Interior Side Yard Setback:** means the distance on a *lot* measured at a right angle from the *side lot line* to the nearest *main wall* of a *building* or *structure*.



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| <p><b>d) Rear Yard Setback:</b> means the distance on a <i>lot</i> measured at a right angle from the rear <i>lot line</i> to the <i>nearest main wall</i> of a <i>building</i> or <i>structure</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Sewage Treatment Plant:</b> means a facility where sanitary sewage and storm water is treated.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Shipping Container:</b> means a pre-fabricated commercial shipping or cargo containers that have been used and decommissioned (i.e. in the case of Sea-cans) or may be new. <b>See also the definitions for <i>Storage Container</i> and <i>Storage Trailer</i>.</b></p>                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Shopping Centre:</b> means <i>premises</i> of primarily <i>commercial uses</i> that function as a unit either in a single <i>building</i> or within multiple <i>buildings</i> on the same <i>lot</i> with common landscaped <i>open space</i>, <i>parking areas/lots</i>, <i>loading areas</i>, <i>driveways</i> and other shared facilities where the predominate use is <i>retail stores</i>.</p>                                                                                                                                                                                                                                         |
| <p><b>Short Term Accommodation Rental:</b> means a short-term rental for all or part of a <i>dwelling unit</i> used to provide sleeping accommodations for any rental period that is less than twenty-eight (28) consecutive days to a renter in exchange for payment. This excludes <i>bed and breakfasts</i>, <i>hotels/motels</i>, and accommodations where there is no payment.</p>                                                                                                                                                                                                                                                           |
| <p><b>Short-term Bicycle Parking Space:</b> means a space to park and secure a bicycle for a few minutes or a few hours. <b>See also the definition for <i>Long-term Bicycle Parking Space</i>.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Showroom:</b> means the <i>accessory</i> display and sale of products manufactured on the <i>premises</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>Side Lot Line:</b> see <i>lot line</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Side Yard:</b> see <i>yard</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Sight Triangle:</b> means an unobstructed triangular area directly adjacent to a vehicular intersection where the <i>front lot line</i> and <i>exterior side lot line</i> meet on a <i>corner lot</i>.</p> <p>The dimensions of the sight triangle are not included when calculating the <i>front lot line</i> length, <i>exterior lot line</i> length, or <i>lot coverage</i>.</p> <p>When the <i>site triangle</i> has been dedicated to the <i>City</i> or <i>Region</i> in a registered plan of subdivision (59M plan) as part of a right-of-way, the regulated <i>site triangle setbacks</i> from <i>lot lines</i> does not apply.</p> |
| <p><b>Site Plan:</b> means drawings and documents as approved by or subject to approval by the <i>City</i> in accordance with its Site Plan Control By-law, as may be amended from time to time.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>Specific Wildlife Habitats of Concern:</b> means areas where species concentrate at a vulnerable point in their annual or life cycle and areas which are important to migratory or non-migratory species. <b>See also the definitions for <i>Fish Habitat</i> and <i>Wildlife Habitat</i>.</b></p>                                                                                                                                                                                                                                                                                                                                          |

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| <p><b>Stacking Lane:</b> means an area of land that is used exclusively for queued <i>motor vehicles</i> whose occupants are waiting to be provided with goods, materials or services from a <i>drive-through</i> facility accessory to a <i>restaurant</i>, a <i>motor vehicle washing establishment</i>, <i>financial institution</i> or <i>pharmacy</i> where a <i>drive-through</i> is permitted by this By-law.</p> |
| <p><b>Step Back:</b> means the portion of a <i>building</i> that is horizontally and vertically recessed from the <i>main wall</i> that faces the <i>street</i>. The amount of the recess and the applicable portion of the <i>building</i> that is subject to the recess are specified in the provisions of this By-law.</p>                                                                                            |
| <p><b>Storage Container:</b> means a pre-fabricated metal container or box that is new or used and designed for the storage of goods that may be temporarily or permanently stored on a <i>lot</i> but does not include a <i>motor vehicle</i>. <b>See also the definitions for <i>Shipping Container</i> and <i>Storage Trailer</i>.</b></p>                                                                            |
| <p><b>Storage Container Sales Establishment:</b> means a <i>lot</i> where <i>shipping containers</i>, <i>storage containers</i>, and/or <i>storage trailers</i> may be stored and sold on the <i>premises</i>.</p>                                                                                                                                                                                                       |
| <p><b>Storage Trailer:</b> means a used commercial transport trailer that may or may not be licensed and with the storage area mounted on a wheel base. <b>See also the definitions for <i>Shipping Container</i> and <i>Storage Container</i>.</b></p>                                                                                                                                                                  |
| <p><b>Storey:</b> means a <i>floor</i> or level of a <i>building</i> that is between the top of any <i>floor</i> and the ceiling or roof above it and is up to 4.2 m in height, but does not include the <i>basement/cellar</i>.</p> <p>Any <i>storey</i> that exceeds 4.2 m in <i>height</i> shall be deemed to be an additional <i>storey</i> for each 4.2 m, or fraction thereof, in excess.</p>                      |
| <p><b>Storey, First:</b> means the <i>storey</i> having its <i>floor</i> level closest to <i>grade</i> and its ceiling at least 1.5 m above <i>grade</i>.</p>                                                                                                                                                                                                                                                            |
| <p><b>Stormwater Management Facility:</b> means an end-of-pipe, managed detention or retention basin, which may include a permanent pool, designed to temporarily store and treat collected stormwater runoff and release it at a controlled rate or direct it for an intended reuse.</p>                                                                                                                                |
| <p><b>Street:</b> means a <i>public street</i> or a <i>private street</i>.</p>                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Street, Improved:</b> is a street that has been surfaced with concrete, asphalt, or tar and chip and may or may not have curbs and gutters.</p>                                                                                                                                                                                                                                                                    |
| <p><b>Street Line:</b> means the boundary line of a <i>street</i>, representing the dividing line between a <i>lot</i> and a <i>street</i>.</p>                                                                                                                                                                                                                                                                          |
| <p><b>Street Townhouse Dwelling:</b> see <i>dwelling</i>.</p>                                                                                                                                                                                                                                                                                                                                                            |

**Structure:** means anything that is *erected*, built or constructed of parts joined together that requires location in or on the ground or attachment to something having location on the ground.

A *structure* excludes the following: a *fence*; a retaining *wall*, and *decks*, *patios*, or steps less than 0.6 m above *grade*; flag pole; clothes line pole; and, basketball pole/net.

**Supermarket:** means a retail store that sells food and household goods.

**Tandem Parking:** means the parking of one (1) *motor vehicle* directly behind another. [atlt excludes tandem parking in a driveway on a lot with a single detached dwelling, semi-detached dv.'ell'-ing, duplex dv.'ell'-ing, triplex dw-ell'-ing, fourplex dv.'ell'-ing and townhouse dwe/-1-ing.](#)

**Tavern:** means a *building* or part thereof, which offers, as its primary function, the sale of alcoholic beverages to the public and which is licensed by the L.C.B.O.

**Temporary Tent and/or Stage:** means a *tent structure* and/or stage placed on lands for a temporary period and used for social, charitable or business events.

**Temporary Use:** means a *use* established for a fixed period of time with the intent to discontinue such *use* upon the expiration of the time period.

**Tent:** means a portable shelter made of fabric, supported by one (1) or more poles and stretched tight by cords or loops attached to pegs driven into the ground and for the purposes of this By-law is considered a *structure*.

**Tent and Trailer Campground:** means a parcel of land providing overnight or short term accommodation for *trailers*, *motor homes*, and *tents*, but is not a *mobile home*, and includes *accessory/ancillary uses* such as common washroom lavatory and bathing facilities, indoor and/or outdoor recreation areas, picnic areas and an entrance kiosk.

**Terrace:** means an unenclosed portion of a rooftop of a *building used* as a common outdoor *amenity area*.

**Theatre:** means any *premises* devoted to the presentation of live entertainment and performances but shall not include a *night club* or *adult oriented entertainment establishment*.

**Through Lot:** see *lot*.

**Townhouse Dwelling:** see *dwelling*.

**Trailer:** means an unpowered vehicle designed to be towed by a *motor vehicle* on a *street*, such as a boat trailer, an open cart, an unpowered vehicle equipped for living in, typically used during vacations but does not include a *motor home*, *long-haul transport trailer/transport tractor*, or a *portable trailer*.

**Trailer, Portable:** means a *structure* that is transportable *used* to provide temporary shelter as a classroom or *office*.

**Triplex Dwelling:** see *dwelling*.

**Transportation Depot:** means 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*.

**Transportation Terminal:** means *premises* where large *motor vehicles*, buses, or taxis are parked and may include dispatching, administrative *offices*, a ticket *office*, canteen, luggage checking facilities, parcel shipping facilities, storage facilities for the parking of the *motor vehicles, motor vehicle service station*, and *parking areas* for passengers.

**Tutoring:** means the provision of supplementary academic instruction .

**Upper Tier Government:** means the Federal Government of Canada, *Province* of Ontario, and *Regional Municipality* of Niagara.

**Use:** when used as a noun, means the purpose for which a *lot* or *building* or *structure* or any combination thereof, is designed, arranged, intended, occupied or maintained and "*uses*" shall have a corresponding meaning. "*Use,*" when used as a verb, or "*to use,*" or "*used,*" shall have corresponding meanings.

**Utility Building:** means a *building, structure* or part thereof, *used* for the supply of local utility services, including a water or sewage pumping station, a water storage reservoir, an electric substation, and gas regulator, electric power transmission, telecommunications and other communication services *buildings*.

**Utility Corridor:** means a corridor of land used for the transmission of gas, oil, water, communications or electrical power and may include the erection of a *utility building* or the installation of other facilities essential to such transmission.

**Veterinary Clinic:** means a *building* or part thereof where animals are given medical or surgical treatment and may include ancillary shelter facilities provided for overnight treatment or boarding and where such a *clinic* is licensed by the College of Veterinarians of Ontario.

**Walkout Basement:** means that portion of a *building* which is partly underground, but which has more than 50% of the *floor area* below *grade* and which has an entrance and exit at *grade* level. This definition shall only apply in an area where the natural terrain permits construction of a *walkout basement*. **See also the definition for *Basement*.**

**Wall:** means any part of a *building* or *structure* which is designed to support a roof over a fully or partly enclosed space and shall include pillars and columns.

**Wall, Common:** means a *wall* that divides a *building* or *structure* into two or more areas for the purposes of separating *areas*.

**Wall, Exterior Side:** means the outside *wall* of a *building* or *structure* that faces the *exterior lot line*.

**Wall, Front:** means the outside *wall* of a *building* or *structure* that faces the *front lot line*.

**Wall, Party :** means a *wall* jointly owned and jointly used by two parties under an easement agreement or by right-in-law, and erected at or upon a line separating two parcels of land each of which is, or is capable of being, a separate real estate entity.

**Wall, Rear:** means the outside *wall* of a *building* or *structure* that faces the *rear lot line*.

**Wall, Side:** means the outside *wall* of a *building* or *structure* that faces the *interior side lot line*.

**Wall, Wing:** means a solid *wall* attached to a *building* or *structure* or part thereof, typically provided for visual screening, noise attenuation and/or for the attachment of utility meters.

**Warehouse:** means *premises* for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products, and *accessory office* space, and may include the temporary on-site storage of *commercial motor vehicles* for freight handling including the pick-up, delivery and transitory storage of goods incidental to motor freight shipment directly related to the permitted *use(s)*, but does not include a *self-storage establishment*.

**Waste Container:** means a garbage can, dumpster or other container used or designed for the deposit or storage of solid waste or recyclable material before transport to the *waste disposal facility*.

**Waste Disposal Facility:** means *premises used* for the disposal of residential , commercial or industrial waste and may include a landfill, waste transfer station, and processing facility.

**Waste Enclosure:** means a solid opaque *wall* with a gate for access that screens waste including recyclable material from view.

**Waste Storage Area:** means the interim containment of solid waste and recyclable material in *storage containers*.

**See also the definition for *Storage Container*.**

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| <b>Water Supply:</b> means a distribution system of underground piping and related storage, including wells, pumping and purification appurtenances owned and operated by the <i>City</i> , the <i>Region</i> , and/or the <i>Province</i> .                                                                                                                                                                            |
| <b>Watercourse:</b> means a natural channel for a stream and includes a natural channel for an intermittent stream but does not include a <i>municipal drain</i> .                                                                                                                                                                                                                                                      |
| <b>Wayside Pit or Quarry:</b> means a temporary <i>pit</i> or <i>quarry</i> opened and <i>used</i> by a <i>public authority</i> solely for the purpose of a particular project or contract of road construction and not located within the right-of-way.                                                                                                                                                                |
| <p><b>Wholesale Establishment:</b> means <i>premises</i> or part thereof where the purpose of the business is the buying of goods for resale to other businesses including other wholesalers but does not include a <i>retail store</i> that sells directly to the public.</p> <p><i>Wholesale establishments</i> include food terminals, chemical supply operations, and furniture and office equipment suppliers.</p> |
| <b>Wildlife Habitat:</b> means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. <b>See also the definitions for <i>Fish Habitat</i> and <i>Specific Wildlife Habitats of Concern</i>.</b>                                                                                                                         |
| <b>Winery:</b> means <i>premises</i> used for the processing of fruit including fermentation, production, bottling, aging and storage of wine.                                                                                                                                                                                                                                                                          |
| <p><b>Yard:</b> means an open, uncovered space on a <i>lot</i> situated between a <i>lot line</i> and a <i>building(s)</i> or <i>structure(s)</i> on a <i>lot</i>.</p> <p>In determining <i>yard</i> measurements, the minimum horizontal distance from the respective <i>lot lines</i> shall be <i>used</i>.</p>                                                                                                       |
| <b>a) Exterior Side Yard:</b> means a <i>yard</i> , bounded by a <i>front yard</i> and a <i>rear yard</i> , between an <i>exterior side lot line</i> and the <i>nearest main wall</i> of any <i>building</i> or <i>structure</i> on the <i>lot</i> .                                                                                                                                                                    |
| <b>b) Front Yard:</b> means a <i>yard</i> extending across the full <i>lot width</i> , bounded by <i>side lot lines</i> , between the <i>front lot line</i> and the <i>nearest main wall</i> of any <i>building</i> or <i>structure</i> on the <i>lot</i> .                                                                                                                                                             |
| <b>c) Interior Side Yard:</b> means a <i>yard</i> , bounded by a <i>front yard</i> and a <i>rear yard</i> , between an <i>interior side lot line</i> and the <i>nearest main wall</i> of any <i>building</i> or <i>structure</i> on the <i>lot</i> .                                                                                                                                                                    |
| <b>d) Minimum Yard/Required Yard:</b> means that portion of a <i>lot</i> between a specified <i>lot line</i> and the specified <i>setback</i> to where a <i>building</i> or <i>structure</i> may be located.                                                                                                                                                                                                            |
| <b>e) Rear Yard:</b> means a <i>yard</i> , extending across the full <i>lot width</i> , bounded by <i>side lot lines</i> , between the <i>rear lot line</i> and the <i>nearest main wall</i> of any <i>building</i> or <i>structure</i> on the <i>lot</i> .                                                                                                                                                             |

**Zone:** means a designated area of land *use* shown on Schedule "A" and established and designated by this By-law.

**Zoning Administrator:** means the employees of the *City* who have the duty of administering this By-law.

# Part 4 | Parking and Loading Requirements

The following regulations shall apply in all zones unless specifically stated otherwise.

## 4.1 Parking Space Requirements

A minimum number of parking spaces for motor vehicles shall be provided and maintained on a lot in accordance with Table 4.1.

| Table 4.1 – Parking Space Requirements      |                                                                                                                 |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Use                                         | Minimum Number of Parking Spaces Required                                                                       |
| <b>Residential Uses</b>                     |                                                                                                                 |
| <i>Apartment building</i>                   | <i>1.25 spaces per dwelling unit or 0.25 spaces per bed-sitting room</i>                                        |
| <i>Bed and breakfast</i>                    | <i>1.0 space per rental room, in addition to the parking space required for the principal dwelling unit</i>     |
| <i>Dormitory</i>                            | <i>0.25 spaces per bed</i>                                                                                      |
| <i>Dwelling, single detached</i>            | <i>2.0 spaces per dwelling unit</i>                                                                             |
| <i>Dwelling, semi-detached</i>              | <i>2.0 spaces per dwelling unit</i>                                                                             |
| <i>Dwelling, townhouse</i>                  | <i>2.0 spaces per dwelling unit</i>                                                                             |
| <i>Dwelling, duplex</i>                     | <i>1.0 space per dwelling unit</i>                                                                              |
| <i>Dwelling, triplex</i>                    | <i>1.0 space per dwelling unit</i>                                                                              |
| <i>Dwelling, fourplex</i>                   | <i>1.0 space per dwelling unit</i>                                                                              |
| <i>Dwelling, garden suite</i>               | <i>1.0 space per dwelling unit, in addition to the parking space required for the principal dwelling unit</i>   |
| <i>Mixed-use building</i>                   | <i>1.25 spaces per dwelling unit or 0.25 parking spaces per bed-sitting room</i>                                |
| <i>Private road development</i>             | <i>2.0 space per condominium unit</i>                                                                           |
| <i>Second dwelling unit</i>                 | <i>1.0 spaces per second dwelling unit, in addition to the parking required for the principal dwelling unit</i> |
| <b>Commercial Uses</b>                      |                                                                                                                 |
| <i>Arena</i>                                | <i>1.0 space per 30.0 m<sup>2</sup> of gross floor area</i>                                                     |
| <i>Clinic</i>                               | <i>1.0 space per 20.0 m<sup>2</sup> of gross floor area</i>                                                     |
| <i>Convenience retail and service kiosk</i> | <i>1.0 space per 25.0 m<sup>2</sup> of gross floor area</i>                                                     |
| <i>Convenience store</i>                    | <i>1.0 space per 25.0 m<sup>2</sup> of gross floor area</i>                                                     |
| <i>Commercial school</i>                    | <i>1.0 space per 25.0 m<sup>2</sup> of gross floor area</i>                                                     |

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| <i>Daycare</i>                                                            | 1.0 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Farmer's market</i>                                                    | 1.0 space per 20.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Financial institution</i>                                              | 1.0 space per 25.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Fitness centre</i>                                                     | 1.0 space per 20.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Garden Centre</i>                                                      | 1.0 space per 20.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Hotel/ motel</i>                                                       | 1.0 space per suite or guest room                                                                                                                                           |
| <i>Motor vehicle repair shop/garage</i>                                   | 4.0 spaces per service bay                                                                                                                                                  |
| <i>Motor vehicle sales and rental establishment</i>                       | 1.0 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Motor vehicle service station</i>                                      | 2.0 spaces plus any <i>required parking spaces</i> for accessory uses to the <i>motor vehicle service station</i> , such as a <i>convenience retail and service kiosk</i> . |
| <i>Office</i>                                                             | 1.0 space per 25.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Patio</i>                                                              | 1.0 space per 10.0 m <sup>2</sup> of <i>patio area</i>                                                                                                                      |
| <i>Personal service shop</i>                                              | 1.0 space per 15.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Place of assembly/ banquet hall</i>                                    | 1.0 space per 20.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Place of entertainment</i>                                             | 1.0 space per 20.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Restaurant</i>                                                         | 1.0 space per 10.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Retail store/supermarket</i>                                           | 1.0 space per 25.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Self-storage establishment</i>                                         | 1.0 space for every 1000.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                        |
| <i>Shopping centre</i>                                                    | 1.0 space per 20.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>Veterinary clinic</i>                                                  | 1.0 space per 20.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <i>All other commercial uses not identified in this table</i>             | 1.0 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                                |
| <b>Agricultural and Rural Uses</b>                                        |                                                                                                                                                                             |
| <i>Agricultural use/ agriculture-related use/ on-farm diversified use</i> | No <i>minimum</i> requirement (parking for a <i>single detached dwelling</i> shall still be provided)                                                                       |
| <i>Farm implement dealer</i>                                              | 1.0 space for every 25.0 m <sup>2</sup> of <i>gross floor area</i> (excluding <i>outdoor display</i> and storage of <i>motor vehicles</i> )                                 |
| <i>Farm produce stand</i>                                                 | 2.0 spaces                                                                                                                                                                  |
| <i>Kennel</i>                                                             | 1.0 space for every 40.0 m <sup>2</sup> of <i>gross floor area</i>                                                                                                          |

| <b>Employment Uses</b>                                           |                                                                                           |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <i>Accessory retail uses to industrial uses</i>                  | 1.0 space per 20.0 m <sup>2</sup> of <i>gross floor area</i>                              |
| <i>Bakery</i>                                                    | 1.0 space for every 30.0 m <sup>2</sup> of <i>gross floor area</i>                        |
| <i>Building supply outlet</i>                                    | 1.0 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>                              |
| <i>Heavy manufacturing establishment</i>                         | 1.0 space per 100.0 m <sup>2</sup> of <i>gross floor area</i>                             |
| <i>Heavy service shop</i>                                        | 1.0 space for every 35.0 m <sup>2</sup> of <i>gross floor area</i>                        |
| <i>Licensed marijuana production facility</i>                    | 1.0 space for every 1000.0 m <sup>2</sup> of <i>gross floor area</i>                      |
| <i>Light manufacturing establishment</i>                         | 1.0 space for every 100.0 m <sup>2</sup> of <i>gross floor area</i>                       |
| <i>Light service shop</i>                                        | 1.0 space for every 35.0 m <sup>2</sup> of <i>gross floor area</i>                        |
| <i>Transportation terminal</i>                                   | 1.0 space for every 40.0 m <sup>2</sup> of <i>gross floor area</i>                        |
| <i>Warehouse</i>                                                 | 1.0 space for every 1000.0 m <sup>2</sup> of <i>gross floor area</i>                      |
| <i>Wholesale establishment</i>                                   | 1.0 space for every 80.0 m <sup>2</sup> of <i>gross floor area</i>                        |
| <i>All other industrial uses not identified in this table</i>    | 1.0 spaces for every 40.0 m <sup>2</sup> of <i>gross floor area</i>                       |
| <b>Institutional and Recreational Uses</b>                       |                                                                                           |
| <i>Cemetery</i>                                                  | 6.0 <i>parking spaces</i>                                                                 |
| <i>Daycare</i>                                                   | 1.0 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>                              |
| <i>Community centre</i>                                          | 1.0 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>                              |
| <i>Community garden</i>                                          | No <i>minimum</i> requirement                                                             |
| <i>Conservation uses</i>                                         | No <i>minimum</i> requirement                                                             |
| <i>Hospital</i>                                                  | 1.0 space for every two beds                                                              |
| <i>Long-term care facility</i>                                   | 1.0 space for every four beds                                                             |
| <i>Private school</i>                                            | Elementary school: 1.5 spaces per classroom<br>Secondary school: 4.0 space per classroom  |
| <i>Public school</i>                                             | Elementary school: 1.5 spaces per classroom<br>Secondary school: 4.0 spaces per classroom |
| <i>Place of worship</i>                                          | 1.0 space per 20.0 m <sup>2</sup> of <i>gross floor area</i>                              |
| <i>All other institutional uses not identified in this table</i> | 1.0 space per 30.0 m <sup>2</sup> of <i>gross floor area</i>                              |
| <i>All other recreational uses not identified in this table</i>  | 10.0 spaces per playing field/rink/basketball/ volleyball court/in-ground pool            |

|  |                                                                      |
|--|----------------------------------------------------------------------|
|  | No minimum requirement for a <i>playground, trail</i> or picnic area |
|--|----------------------------------------------------------------------|

## **4.2 Calculation of Required Parking Spaces**

### **4.2.1 Rounding**

Where the calculation of the *required* number of *parking spaces* under Section 4.1 results in a fraction of 0.25 or higher, the value shall be rounded up to the next whole number.

### **4.2.2 Multiple Uses on a Lot**

When a *building* or *structure* accommodates more than one (1) type of *use*, as defined in this By-law, the *parking space* requirement for the whole *building* shall be the sum of the requirements for the separate parts of the *building* occupied by the separate *uses*, including any *accessory uses* with a defined parking requirement under Section 4.1.

### **4.2.3 Driveways Used as Parking Areas**

On a *lot* with a *single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling* or *townhouse dwelling*, a private *driveway* devoted to the *dwelling unit* and located on the *lot* may be included in the calculation of *parking spaces*.

### **4.2.4 Downtown Exemption**

*Notwithstanding* any other provision of this By-law, *commercial uses* shall be exempted from the parking and *loading space* requirements of this By-law within the C1 and C2 *zones*.

## **4.3 Barrier-free Parking Spaces**

### **4.3.1 Parking Spaces to be Provided**

*Barrier-free parking spaces* are required to be provided near entrances for *apartment buildings, mixed-use buildings, commercial uses, institutional uses* and *employment uses* in accordance with Table 4.3.1 and have signage in accordance with the Ontario Regulation 191/11 Integrated Accessibility Standards, as amended.

| Table 4.3.1 - Minimum Number of Barrier-free Parking Spaces    |                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                             |               |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Total Number of Parking Spaces in all Parking Areas on the Lot | Minimum Number of Barrier-free Parking Spaces                                       | Type A Spaces                                                                                                                                                                                                                                                                                                                                                                                               | Type B Spaces |
| 1 to 12                                                        | 1                                                                                   | 1                                                                                                                                                                                                                                                                                                                                                                                                           | 0             |
| 13 to 100                                                      | 4% of the total number of <i>parking spaces</i> in the <i>parking area</i>          | <ul style="list-style-type: none"> <li>• <u>For lots with an even number</u> of total <i>barrier-free parking spaces</i><br/>- provide an equal number of Type A and Type B spaces.</li> <li>• <u>For lots with an odd number</u> of total <i>barrier-free parking spaces</i><br/><br/>- provide an equal number of Type A and Type B spaces.</li> </ul> <p>The additional space may be a Type B space.</p> |               |
| 101 to 200                                                     | 1, plus 3% of the total number of <i>parking spaces</i> in the <i>parking area</i>  |                                                                                                                                                                                                                                                                                                                                                                                                             |               |
| 201 to 1,000                                                   | 2, plus 2% of the total number of <i>parking spaces</i> in the <i>parking area</i>  |                                                                                                                                                                                                                                                                                                                                                                                                             |               |
| 1,001 or greater                                               | 11, plus 1% of the total number of <i>parking spaces</i> in the <i>parking area</i> |                                                                                                                                                                                                                                                                                                                                                                                                             |               |

#### 4.3.2 Dimensions of Barrier-Free Parking Spaces

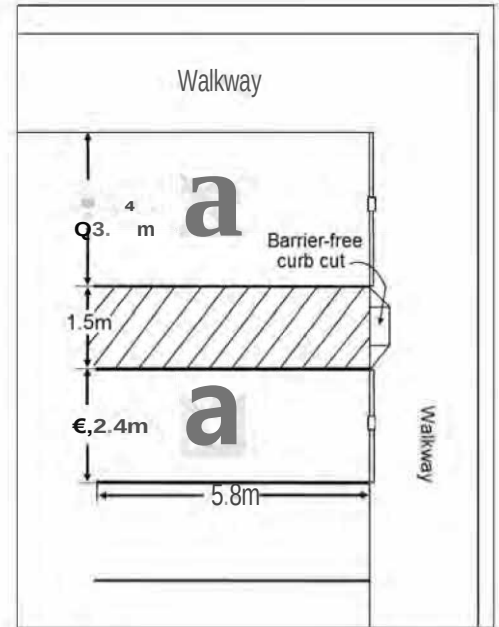
The minimum dimensions for a *barrier-free parking space* shall be in accordance with Table 4.3.2.

| Table 4.3.2 - Dimensions of Barrier-free Parking Spaces |       |        |
|---------------------------------------------------------|-------|--------|
| Type                                                    | Width | Length |
| Type A                                                  | 3.4 m | 5.8 m  |
| Type B                                                  | 2.4 m | 5.8 m  |

### 4.3.3 Barrier-Free Parking Access Aisle

All *barrier-free parking spaces* shall include an access aisle and be in accordance with the following:

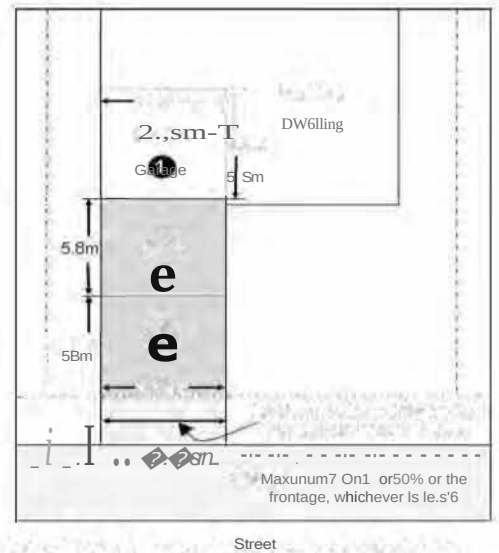
- An access aisle can be shared by two (2) *barrier-free parking spaces*;
- An access aisle shall have a minimum width of 1.5 m and a minimum length of 5.8 m; and,
- An access aisle shall include high tonal contrast diagonal markings. On unpaved ground surfaces, other methods to discourage parking on the access aisle can be used, if approved by the *zoning administrator*.



## 4.4 Parking Area and Driveway Requirements

### 4.4.1 Parking Space Dimensions and Requirements

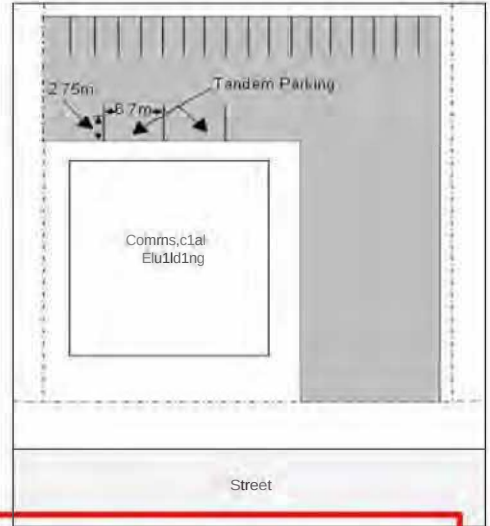
- The minimum dimensions of a *parking space* and a *tandem parking space* in a *driveway on a lot with a single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling, townhouse dwelling, garden suite, second dwelling unit or home occupation* shall be 2.75 m by 5.8 m with a minimum vertical clearance of 4.2 m.



- The minimum dimensions of a *tandem parking space* for uses not listed in 4.4.1 a) shall be 2.75 m by 6.7 m with a minimum vertical clearance of 4.2 m.
- A required *parking space* shall be unobstructed and free of any *structures* and *encroachments*.



- d) Notwithstanding 4.4.1 c), Where a parking space within a private garage is a minimum of 6.0 m by 3.0 m in dimension, an encroachment for stairs within a garage is permitted within the minimum dimensions of a parking space to a maximum of 0.3 metres along the length of the parking space or 0.25 metres along the width of the parking space.



#### 4.4.2 Driveways

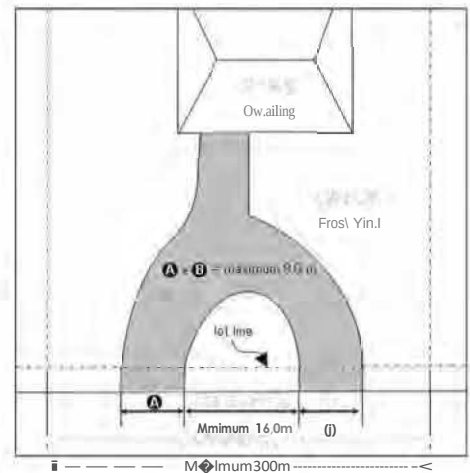
- a) Only one (1) driveway shall be permitted in a residential zone.

b)  
UNDER  
APPEAL

In any zone where a dwelling is permitted, the maximum driveway width shall be 7.0 m or 50% of the frontage or condominium unit frontage or the exterior side lot line distance; whichever is less, for the entire length of the driveway.

- c) Notwithstanding 4.4.2a), a circular or secondary driveway shall only be permitted in accordance with the following:

- i) On a lot with a minimum lot frontage of 30.0 m;
- ii) The maximum combined width of all driveway entrances/egresses shall be 9.0 m; and,
- iii) The minimum distance between the driveway entrances/egresses shall be 15.0 m. For the purposes of interpreting this regulation, the distance between proposed driveway entrances/egresses shall be measured along the applicable street line(s) between the driveway entrances/egresses.



- d) Ingress and egress to and from required parking areas and required parking spaces in any zone shall be provided by means of unobstructed driveways at least 3.0 m in width for one way-traffic and 7.0 m in width for two-way traffic.
- e) Only private motor vehicles are permitted to be parked in a driveway on a lot in a residential zone.

#### 4.4.3 Parking Aisles

- a) Each parking space shall be accessed either directly by a driveway or a parking aisle. A parking aisle shall have a minimum width of 6.4 m.





- b) *Notwithstanding* Section 4.4.3 a), where a *parking aisle* is designed to provide one-way traffic only, and the *parking spaces* are provided at an angle not exceeding 45 degrees measured at the *parking aisle*, the *minimum* width shall be 4.5 m.

#### 4.4.4 Parking Area and Driveway Surface

A *parking area* and the *driveway(s)* connecting the *parking area* with a *street* shall be constructed of asphalt, concrete, permeable paving, Portland cement, or like materials.

#### 4.4.5 Illumination

Where parking areas are illuminated, lighting fixtures shall be designed and installed so that the light is directed downward, and deflected away from adjacent *lots*, roads and *streets*.

#### 4.4.6 Parking Area Location Abutting Residential Zone

In any *non-residential zone*, where the *lot* abuts a *residential zone*, no part of any *parking area* shall be located closer than 3.0 m to the *residential zone*.

#### 4.4.7 Parking Area Attendant Structure

- a) A *structure*, not more than 4.5 m in *height* and not more than 15.0 m<sup>2</sup> in *gross floor area* shall be permitted in any *parking area* for the purpose of accommodating a *parking area* attendant.
- b) The *structure* shall be *setback* a *minimum* of 3.0 m from all *lot lines*.

### 4.5 Loading Area Requirements

#### 4.5.1 General

- a) A minimum number of *loading space(s)* shall be provided and maintained on a *lot* in accordance with Table 4.5.1.

| Table 4.5.1 - Minimum Loading Space Requirements                                                       |                                           |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Use                                                                                                    | Minimum Number of Required Loading Spaces |
| <b>Residential Uses</b>                                                                                |                                           |
| i) <i>Building</i> containing less than 30 <i>apartment dwelling units</i> or <i>bed-sitting rooms</i> | None                                      |
| ii) <i>Building</i> containing 30 or more <i>apartment dwelling units</i> or <i>bed-sitting rooms</i>  | 1                                         |
| <b>Offices and Clinics</b>                                                                             |                                           |
| i) Less than 2,000.0 m <sup>2</sup> of <i>gross floor area</i>                                         | None                                      |

| Table 4.5.1 - Minimum Loading Space Requirements                       |                                                                                                                          |                                           |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Use                                                                    |                                                                                                                          | Minimum Number of Required Loading Spaces |
| ii)                                                                    | 2,000.0 m <sup>2</sup> of <i>gross floor area</i> up to and including 10,000.0 m <sup>2</sup> of <i>gross floor area</i> | 1                                         |
| iii)                                                                   | More than 10,000.0 m <sup>2</sup> of <i>gross floor area</i>                                                             | 2                                         |
| <b>Other Commercial, Institutional, Employment and Industrial Uses</b> |                                                                                                                          |                                           |
| i)                                                                     | Less than 250.0 m <sup>2</sup> of <i>gross floor area</i>                                                                | None                                      |
| ii)                                                                    | 250.0 m <sup>2</sup> of <i>gross floor area</i> up to or equal to 2,000.0 m <sup>2</sup> of <i>gross floor area</i>      | 1                                         |
| iii)                                                                   | More than 2,000.0 m <sup>2</sup> of <i>gross floor area</i>                                                              | 2                                         |

- b) A *loading space* shall be a *minimum* of 3.5 m in width and 14.0 m in length with a *minimum* vertical clearance of 4.2 m.
- c) A *loading space* shall be unobstructed, and free of any *structures* and *encroachments*.

## 4.5.2 Rounding

Where the calculation of the required number of *loading spaces* under Section 4.5.1 results in a fraction of 0.25 or higher, the value shall be rounded up to the next whole number.

## 4.5.3 Multiple Uses on a Lot

When a *building* or *structure* accommodates more than one (1) type of *use*, as defined in this By-law, the *loading space* requirement for the whole *building* shall be the sum of the requirements for the separate parts of the *building* occupied by the separate *uses*.

## 4.5.5 Loading Space Surface

A *loading space* shall be constructed of asphalt, concrete, permeable paving, Portland cement, or like materials.

## 4.5.6 Loading Space Location

A *loading space* shall not be permitted in any *front yard* or *exterior side yard*, except in any agricultural or rural *zone*, where it shall be permitted in any *yard*.

## 4.6 Bicycle Parking Requirements

- a) A minimum number of *parking spaces* for bicycles shall be provided and maintained on a *lot* in accordance with Table 4.6.1.

| <b>Table 4.6.1 - Minimum Bicycle Parking Space Requirements</b>                                                        |                                                                                                     |                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Use</b>                                                                                                             | <b>Short-term Bicycle Parking Space Requirements</b>                                                | <b>Long-term Bicycle Parking Space Requirements</b>                                                                                                                      |
| <b>Residential Uses</b>                                                                                                |                                                                                                     |                                                                                                                                                                          |
| <i>Apartment dwelling unit or bed-sitting room and long-term care facility with 6 or less dwelling units or beds</i>   | <i>Minimum of 2.0 spaces</i>                                                                        | <i>Minimum 1.0 space per apartment dwelling unit or bed-sitting room</i><br><br><i>1.0 space per 500.0 m<sup>2</sup> of gross floor area for long-term care facility</i> |
| <i>Apartment dwelling unit or bed-sitting room and long-term care facility with more than 6 dwelling units or beds</i> | <i>0.25 spaces per apartment dwelling unit</i><br><br><i>6.0 spaces for long-term care facility</i> | <i>0.25 spaces per apartment dwelling unit or bed-sitting room</i><br><br><i>1.0 space per 500.0 m<sup>2</sup> of gross floor area for long-term care facility</i>       |
| <b>Office and Commercial Uses</b>                                                                                      |                                                                                                     |                                                                                                                                                                          |
| <i>Office</i>                                                                                                          | <i>Minimum of 6.0 spaces</i>                                                                        | <i>1.0 spaces per 200.0 m<sup>2</sup> of gross floor area</i>                                                                                                            |
| <i>Personal service shop</i>                                                                                           | <i>1.0 space per 200.0 m<sup>2</sup> of gross floor area</i>                                        | <i>None required</i>                                                                                                                                                     |
| <i>Any retail or restaurant use</i>                                                                                    | <i>3.0 spaces plus 1.0 spaces per 200.0 m<sup>2</sup> of gross floor area</i>                       | <i>None required</i>                                                                                                                                                     |
| <b>Institutional Uses</b>                                                                                              |                                                                                                     |                                                                                                                                                                          |
| <i>Hospital</i>                                                                                                        | <i>6.0 spaces per public building entrance</i>                                                      | <i>1.0 space per 500.0 m<sup>2</sup> of gross floor area</i>                                                                                                             |
| <i>Post-secondary institution</i>                                                                                      | <i>1.0 space per 200.0 m<sup>2</sup> of gross floor area</i>                                        | <i>1.0 space per 2000.0 m<sup>2</sup> of gross floor area</i>                                                                                                            |
| <i>Private and public school</i>                                                                                       | <i>1.0 space per classroom</i>                                                                      | <i>1.0 space per 500.0 m<sup>2</sup> of gross floor area</i>                                                                                                             |
| <i>Place of worship</i>                                                                                                | <i>1.0 space per 1000.0 m<sup>2</sup></i>                                                           | <i>None required</i>                                                                                                                                                     |

| Table 4.6.1 - Minimum Bicycle Parking Space Requirements |                                                                |                                                                 |
|----------------------------------------------------------|----------------------------------------------------------------|-----------------------------------------------------------------|
| Use                                                      | Short-term Bicycle Parking Space Requirements                  | Long-term Bicycle Parking Space Requirements                    |
| <b>Industrial Uses</b>                                   |                                                                |                                                                 |
| <i>Industrial</i>                                        | <i>None required</i>                                           | 1.0 space per 1,500.0 m <sup>2</sup> of <i>gross floor area</i> |
| <i>Warehouse</i>                                         | <i>None required</i>                                           | 1.0 space per 2,000.0 m <sup>2</sup> of <i>gross floor area</i> |
| <b>Other uses</b>                                        |                                                                |                                                                 |
| <i>All other non-residential uses</i>                    | 1.0 space per 1000.0 m <sup>2</sup> of <i>gross floor area</i> | <i>None required</i>                                            |

#### 4.6.2 Rounding

Where the calculation of the required number of bicycle *parking spaces* under Section 4.6.1 results in a fraction of 0.25 or higher, the value shall be rounded up to the next whole number.

#### 4.6.3 Multiple Uses on a Lot

When a *building* or *structure* accommodates more than one (1) type of *use*, as defined in this By-law, the bicycle *parking space* requirement for the whole *building* shall be the sum of the requirements for the separate parts of the *building* occupied by the separate *uses*.

#### 4.6.5 Bicycle Space and Parking Area Requirements

- a) All bicycle *parking spaces* under this By-law shall be provided on the same *lot* as the *building* or *use* to which they serve; and,
- b) Each *short-term bicycle parking space* required under this By-law shall be located a maximum of 15.0 m from a building entrance