

15.0 DEFINITIONS

For the purposes of this By-law, the definitions and interpretations given in this section shall govern. In this By-law, the word “shall” is mandatory and not directory; words in the singular include the plural, words in the plural include the singular; the word “used” includes “arranged”, “designed” or “intended to be used”. The word “occupied” shall include “designed to be occupied” and “arranged to be occupied”.

Abutting

Means two or more parcels of land sharing a common boundary of at least one point.

Accessory

See Uses, Accessory

Adult Entertainment Establishment

Any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Adverse Impacts

Means one or more of the following:

- i) Impairment of the quality of the natural environment for any use that can be made of it;
- ii) Injury or damage to property or plant and animal life;
- iii) Harm or material discomfort to any person;
- iv) An adverse effect on the health of any person;
- v) Impairment of the safety of any person;
- vi) Rendering any property or plant or animal life unfit for use by humans;

- vii) Loss of enjoyment of normal use of property; and
- viii) Interference with normal conduct of business.

Aisle

Means a portion of a parking lot which abuts one or more off-street parking spaces to which it provides access and which is not used for the parking vehicles.

Alter

- i) To change any one or more of the external dimensions of such building or structure; or
- ii) To change the type of construction of the exterior walls or roof of such building or structures; or
- iii) To change the use of such building or structure or the number or types of uses or dwelling units contained therein.

When used in reference to a lot means:

- i) To change the boundary of such lot with respect to a street or lane; or
- ii) To change the grade and drainage pattern of such lot; or
- iii) To change the use of such lot or the number of uses located thereon.

When used in reference to a shoreline:

- i) Means to change, straighten, divert or interfere in any way with the channel of any watercourse.

Animal Care

Means a building or part of a building used to provide grooming services for dogs and cats.

Area

See Lot, Area

Art Gallery

Means the use of land, buildings or structures for the commercial exhibition or retail sale of paintings, sculptures or other works of art or hand-made crafts.

Artisan's Studio

Means the use of land, buildings or structures for the creation, finishing, refinishing or similar production of paintings, sculptures or other works of arts or hand-made crafts by the proprietor, together with the sale of such commodities, but does not include any use otherwise defined in this By-law.

Attached

Means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

Attic

Means that portion of a building immediately below the roof and wholly or partly within the roof framing and which is not a one-half storey.

Auction House

Means premises used for the storage and/or display of goods or materials which are to be sold on the premises by auction.

Auditorium

Means a building, structure or part thereof where facilities are provided for athletic, civic, educational, political, religious, or social events. This definition may include an assembly hall, arena, community centre, gymnasium, stadium, theatre or similar use.

Automotive Body Shop

Means a building with a service bay, where painting, refinishing, restoration or repairs to the coachwork of motor vehicles are performed, but shall not include an automobile wrecking yard or salvage yard.

Automotive Rental Establishment

Means a parking space or parking lot and/or a building or part thereof where motor vehicles are rented or kept or used for rental purposes.

Automotive Repair Garage

Means a building used for the storage repair and servicing of motor vehicles, having at least one (1) service bay where repairs essential to the actual operation of a motor vehicle are performed.

Automotive Sales and Service Establishment

Means a building and/or lot used principally for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other defined automotive uses.

Automobile Service Station

Means a building where gasoline, propane, diesel fuel or oil is kept for sale and where only minor or emergency repairs essential to the actual operation of motor vehicles may also be performed, and where grease, anti-freeze, tires, spark plugs and other automobile accessories may be sold incidentally, and where motor vehicles may also be oiled, greased, or washed, but where no other activities of an automotive repair garage are carried on.

Automotive Washing Establishment

Means a building or portion thereof used for washing or cleaning of motor vehicles for gain.

Bachelor Suite

Means a self-contained unit in an apartment building, consisting of a bed/sitting room combination, a kitchen, a bathroom and spaces normally accessory thereto.

Bakery

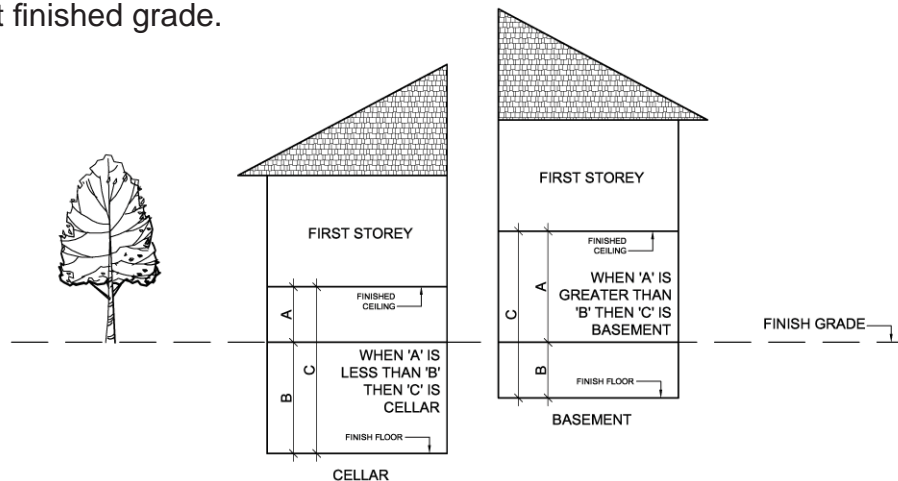
Means a factory for providing, producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a restaurant or other premises where any such product is made for consumption on the premises or a bake shop.

Bank

Means a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

Basement

Means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above adjacent finished grade.



Bed and Breakfast Establishment

Means a single detached dwelling in which not more than 4 guest rooms each having a minimum floor area of 11 square metres, which are used to accommodate the traveling or vacationing public for gain or profit, and may include the provision of meals to the guest room occupants only.

Bingo Hall

Means a building or premise or part thereof used for bingo or a bingo event and is duly registered under the Gaming Control Act and is in compliance with municipal By-laws and approvals.

Boarding or Rooming House

Means a dwelling or portion thereof containing rooms in which the proprietor supplies for gain, lodging with or without meals, but does not include a bed and breakfast establishment, a hotel, a hospital, children's home, home for the aged, or other establishment otherwise classified or defined in this By-law.

Boat House

Means an accessory building used for the purpose of berthing or sheltering and storing boats and related equipment that is enclosed by more than one wall and is built, founded or anchored near or at the ordinary water's edge of a navigable waterway either over water or on the land.

Boat Port

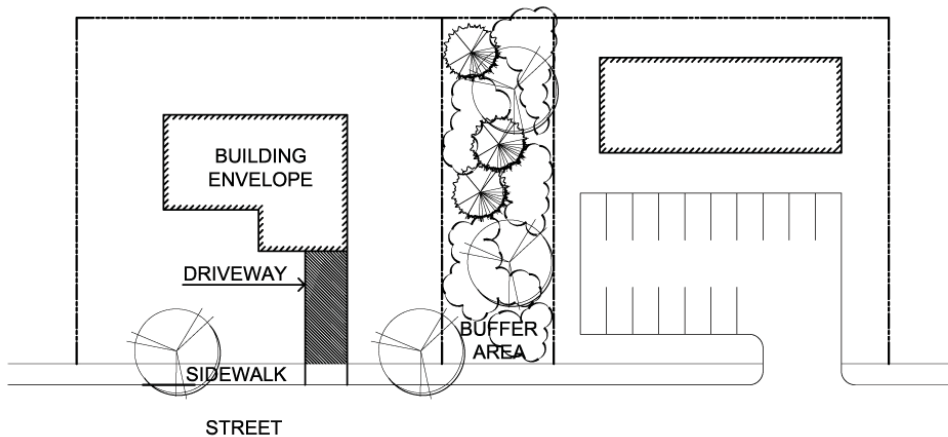
Means an accessory building used for the purpose of berthing, or sheltering and storing boats that is roofed, but not enclosed by more than one wall and is built, founded or anchored near or at the ordinary water's edge of a navigable waterway.

Brew Pub

Means a building or premise used for the purpose of brewing beer and may include a restaurant and retail use as accessory to the primary use.

Buffer

Means a portion of a lot where vegetation is substantially maintained in its natural state or vegetation is planted, or a fence or barrier is erected for the purpose of obscuring or screening buildings, structures, parking or activity on a lot.



Buffer, Shoreline

Means a natural area, adjacent to a shoreline, maintained in its natural predevelopment state for the purpose of protecting natural habitat and minimizing the visual impact of buildings and structures on a lot.

Build Within Area

Means an area established between the minimum and maximum horizontal distance separation from a front lot line and/or an exterior side lot line where the main front wall, and or the exterior side wall of a building, shall be constructed.

Building

Means any structure used or intended for sheltering any use or occupancy. The word “building” shall include the whole of such structure or part hereof and shall include any building types as regulated by the Ontario Building Code Act.

Building Accessory

Means subordinate detached building or structure designed or intended for the better or more convenient enjoyment of the main building, to which it is accessory and which is located on the same lot therewith. An accessory building shall be uninhabitable unless otherwise specifically permitted.

Building Area

Means the maximum projected horizontal area of a building at established grade measured to the centre of party walls and to the outside of other walls including air wells, and all other spaces within the building, but excluding open air porches, verandas, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and pen loading platforms, balconies and garages.

Building By-law

Means any By-law of the Corporation passed pursuant to the Building Code Act.

Building Contractor's Shop

Means a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working and carpentry, or truck, bulldozer, loader and backhoe operating. Such place of business may be used for the storage of equipment, materials and vehicles which are used on construction sites and may include such related uses as office space or maintenance facilities, but shall not include a retail business sales counter nor a wholesale business.

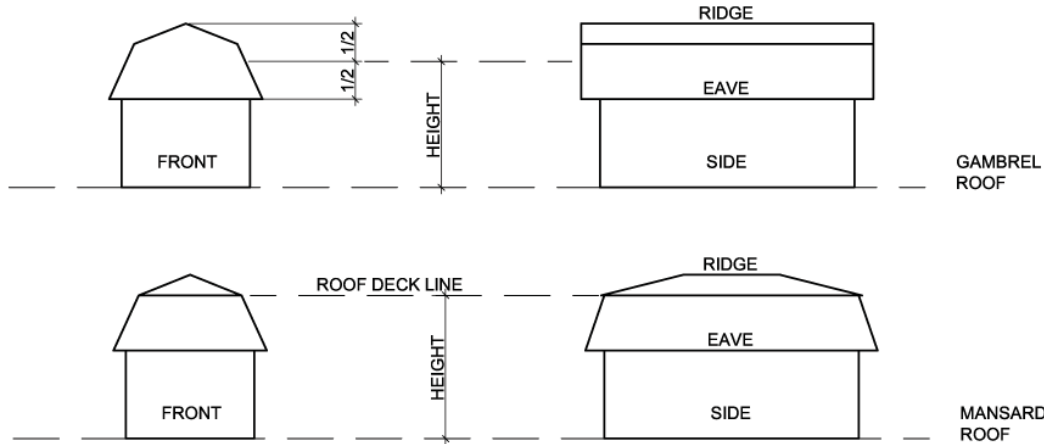
Building Envelope

The three dimensional space within which a structure is permitted to be built on a lot as defined by the other standards of this By-law including height, yards and building coverage.

Building Height

Means the vertical distance measured between the average finished grade at the base of the building:





The highest point of the roof surface or parapet wall in the case of a flat roof, whichever is the highest, or at all other types of roofs; the mean height level between the base of the roof and the highest point of any other type of roof.

Building Inspector

Means an officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building Code Act.

Building Line

Means a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

Building, Main

Means a building in which is conducted the principle uses of the lot on which it is situated.

Building Separation

Means the least horizontal distance permitted between the nearest portions of the walls of any buildings on a lot.

Building Supply Store

Means a building where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail sale. This definition shall not include a salvage yard.

Building, Temporary

Means a building or structure intended for removal or demolition within a prescribed time not exceeding six months or as set out in a building permit.

Bulk Storage

Means the use of land, structures and/or buildings for the purpose of storing and selling coal, fuel oil, chemicals and similar items, but does not include any manufacturing, assembling or processing uses.

Business Office

Means a building or part of a building where one or more persons are employed in administering, directing, managing or conducting the affairs of a private enterprise. This definition shall not include any manufacturing operation or any premises used for the repairing equipment, goods, materials or vehicles.

Campground

Means an area of land, managed as a unit, providing short term accommodation for tents, recreational vehicles or campers for a set fee but shall not include mobile homes, park model trailers or a mobile home park.

Canopy

Means a roof free of enclosing walls over an entrance to a building, structure or gasoline pump island.

Car Port

Means a structure open on at least two sides and intended to be used for the sheltering of one or more motor vehicles.

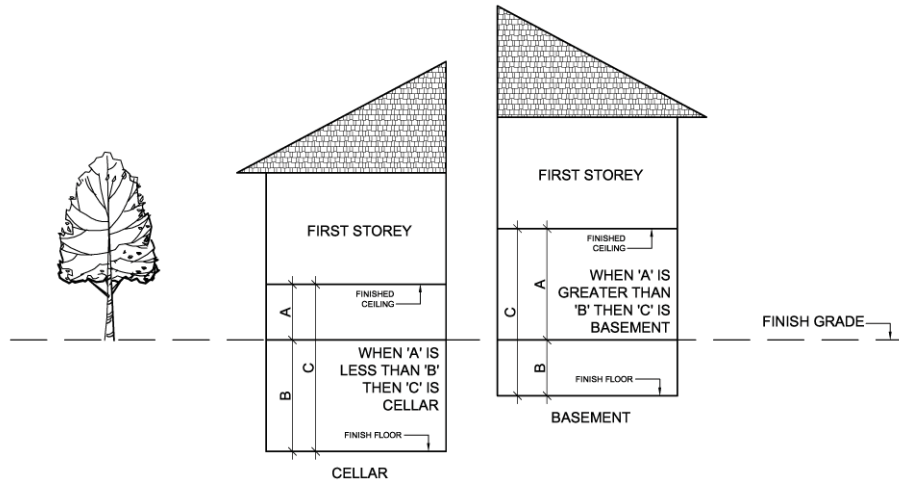
Where a roofed enclosure used for the storage or parking of motor vehicles has more than 60 per cent of the total perimeter enclosed by walls, doors or windows, the enclosure shall be considered a garage.

Catering Establishment

Means an establishment in which meals and beverages are prepared to be served for consumption off the premises.

Cellar

Means that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the finished grade.



Cemetery

Means a cemetery within the meaning and as regulated by the Cemeteries Act.

Chief Building Official

Means an officer or employee of the Corporation of the Town of Carleton Place charged with the duty of enforcing the provisions of the Building Code Act.

Clinic, Medical

Means a building used solely for the purpose of consultations, diagnosis and treatment of patients, by one (1) or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Commercial Greenhouse

Means a building used for the growing of flowers, vegetables, shrubs, trees, and other vegetation for wholesale or retail sale. This definition shall not include any premises for the growing of mushrooms.

Commercial Sports and Recreational Establishment

Means an establishment, premises, or building where any recreational, social or cultural uses are operated commercially for profit such as arenas, health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasium, band shell or open theatre, and other similar uses but does not include a casino or bingo hall.

Commercial Storage

Means a building or structure in which more than one storage unit is rented and used for the temporary storage of household items, vehicles and/or commercial goods and materials, but does not include any business operation or use associated with the storage. Each unit is physically separated from other units within the building and has its own entrance.

Commercial Vehicle

Means a motor vehicle used for commercial trade or government services and without limiting the foregoing includes delivery vehicles, emergency vehicles, motor buses, farm tractors, tractors and tractor trailers and single or multiple axle trucks.

Committee

Members of Council assigned to permanent position to deal with planning, land use and development matters.

Communications Facility

Means a building used for the transmission of communication signals.

Community Centre

Any tract of land or building or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof.

Community Health and Service

Means the use of building for the provision of social services, health promotion or counselling services.

Conservation

Means the use of land for the protection of the natural environment through maintenance or comprehensive management for individual or public use or benefit.

Convenience Store

Mean a building or part of a building used primarily for the sale of grocery and confectionery items and incidentally for the sale of such other merchandise as is required to fulfill the day-to-day needs of a surrounding community.

Corporation

Means the Corporation of the Town of Carleton Place.

Council

Means the Council of the Town of Carleton Place.

County

Means the Corporation of the County of Lanark.

Coverage

Means the percentage of lot area covered by all buildings.

Custom Workshop

Means the use of a building or part of a building for the production or finishing of custom or hand-made commodities in small quantities. Without limiting the generality of the foregoing, a custom workshop includes upholstering, refinishing of antiques or furniture, drapes, Venetian blinds, handmade leather goods, orthopedic and prosthetic appliances, weaving, awnings and where other non-offensive, non-dangerous custom production is carried out but does not include any use otherwise defined in this By-law.

Custom Workshop, Health Related

Means the use of a building or part of a building for the production or finishing of custom or hand-made goods that only includes the production of orthopedic, prosthetic appliances and other health related or supportive goods.

Daycare Facilities

Means a place wherein the temporary care of children is provided , which is operated as an accessory use within a residential dwelling unit and is not required to be licensed by the Province but shall comply with the applicable provisions of the Day Nursery Act or;

Means a place wherein the temporary care of children is provided in facilities and by staff licensed by the Province of Ontario and operated in accordance with the provisions of the Day Nursery Act.

Deck

Means a structure abutting a dwelling or building with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Dense Non-Aqueous Phase Liquids (DNAPLs)

Means chemical compounds that are denser than water and do not dissolve readily in water. These include: Dioxane – 1 and 4,n Polycyclic Aromatic Hydrocarbons (PAHs), Tetrachloroethylene (PCE or PERC), Trichloroethylene (TCE) and Vinyl Chloride.

Density

Means the maximum number of dwelling units allowed by this By-law based on lot area. A fraction of one-half or more in value shall be counted as one dwelling unit.

Detached

When used in reference to a building, means a building which is not dependent on any other building for structural support or enclosure.

Development

The construction, erection or placing of one or more buildings or structures on land or,

The making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability or,

The laying out and establishment of;

- i) a commercial parking lot
- ii) site for the location of three or more mobile homes as defined in subsection 46(1) of the Act,
- iii) site for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the Act, or

The removal of vegetation.

Discretionary Uses

See Use, Discretionary

Distribution Centre

Means a building for the temporary storage of goods, except storage of dangerous goods, for the purpose of sorting, transportation and distribution of goods off-site.”

Docking Facilities

Means an accessory structure used for the mooring of marine vessels.

Drainage

Means the movement of water, whether by way of the natural characteristics of the ground surface or by an artificial method.

Driveway

Means a vehicular access connected to only one public street or thoroughfare and which provides ingress to and/or egress.

Dry Cleaning or Laundry Outlet

Means a building or part thereof used for receiving articles to be cleaned off premises.

Dry Cleaning or Laundry Plant

Means a building or part of a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric may be performed.

Dwelling

Means a detached building occupied or capable of being occupied as the home or residence by one or more persons, where food preparation and sanitary facilities are provided and shall include a modular home but shall not include a trailer or motor home.

Dwelling – Apartment

Means the whole of a building that contains five (5) or more dwelling units, which units are served by individual entrances from street level or by a common corridor and occupants of which units have the right to use in common one or more of the following: corridors, stairs or yards. It does not include a triplex, quadplex, a group of townhomes or a pair of group of semi-detached, duplex or triplex dwellings, nor any other dwelling otherwise defined herein.

Dwelling – Converted

Converted Dwelling means a residential use building that has been altered, but not demolished and replaced, to increase the number of principal dwelling units to four or more.

Dwelling – Duplex

Means a building divided horizontally into two (2) dwelling units, each of which has an independent entrance wither directly from the outside or through a common vestibule.

Dwelling, Mobile Home

Means any dwelling that is designed and constructed in compliance with CSA Z 240 to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

Dwelling, Park Model Trailer

Means a manufactured building designed and constructed in conformance with CAN/CSA –Z241 Series M “Park Model Trailer, as set out in the Building Code, and is used or intended to be used as a dwelling or seasonal dwelling.

Dwelling – Quadplex

Means a dwelling that is divided vertically by common party walls into four separate dwelling units, each of which has two common party walls.

Dwelling – Semi-detached

Means a building on a single foundation divided vertically into two (2) separate dwelling units by a common wall.

Dwelling – Senior’s Residential

Means a multi-residential building that provides dwelling units primarily for the use of the elderly.

Dwelling – Townhouse

Means a building that is divided vertically into three or more dwelling units, but not more than eight, attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance.

Dwelling – Triplex

Means a building that is divided horizontally into three separate dwelling units each of which has an independent entrance whether directly or through a common vestibule.

Dwelling Unit

Means a building occupied or capable of being occupied as the home or residence of one or more persons, where food preparation and sanitary facilities are provided, but shall not include a boarding house, hotel, motel, rental cottage or cabin or similar commercial use of a private or semi-private institution.

Dwelling Unit – Accessory

Means a dwelling unit which is part of, and accessory to, a permitted non-residential building other than an automobile service station or commercial garage.

Easement

Means the legal right acquired by contract to pass over, along, upon or under the lands of another.

Emergency Services

Means the use of a building or parts of a building for the provision of civil services such as ambulance, fire or police.

Equipment Rental Establishment

Means a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture, fixtures and other goods, of a size and type which would be used for home improvement, household purposes, agricultural, business, and industrial or similar on-household oriented rental functions.

Erect

Means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension. Any work for the doing of which a building permit is required under the Ontario Building Code Act.

Established Building Line

Means the average setback from the street line of existing buildings on one side of a continuous 100 metres (324 feet) strip of land where three (3) or more of the lots having street frontage upon the said side of the street have been built upon and can also be referred to as median setback.

Established Grade

Means the average elevation of the finished level of the ground adjoining all of the walls of the building exclusive of any artificial embankments or berms.

Existing

Means existing as of the date of the passing of this By-law

Existing Vegetation

Means the plant materials growing upon any lands prior to the erection, alteration or enlargement of any buildings or structures thereon.

Factory Outlet

Means a building or part of a building where products or goods are manufactured or produced on site for wholesale or retail sale or are manufactured off-site for wholesale or retail sale.

Farm Implement Sales and Service

Means a building and/or lot where new and/or used farm implements are kept for display, sale and/or rental. Accessory uses may include those normally required for performing maintenance on and repair of farm implements, including service centres, service bays, storage of farm implement parts etc.

Farm Supplies Dealership

Means a building wherein farm supplies which may include feed, seed, agriculture chemicals, hardware, farm working apparel etc. may be sold or rented.

Fence

Means any barrier or structure constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

Finished Grade

The average elevation of the finished surface of the ground a ground level measured on any side of a building or structure.

Fire Hall

Means a building or structure used for the purposes of supporting the provision of municipal fire protection services and which can include sleeping and dining facilities for firefighting personnel, vehicle storage, maintenance and repair facilities and office space.

Flea Market

Means a street market composed of a series of individual retailer's booths or tables where sundry items, new or secondhand articles, fresh produce or preserves are offered for sale.

Flood Proofing

Means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.

Floodline or Flood Elevation

Means a line established by a one in one hundred year storm as established by flood plain mapping or by the Mississippi Valley Conservation Authority.

Flood Fringe

Means an area established by the Mississippi Valley Conservation Authority that is part of the flood plain but may be developed subject to specific conditions.

Floor Area – Gross

Means the total area of each floor measured between the exterior faces of the exterior walls of the building and where there are no walls the total area of a floor within the outer perimeter of the floor.

Floor Area – Net

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.

Footprint

Means the floor area of a building or structure, measured at grade on a horizontal plane, to the outside edge of walls, or posts in the case of an unenclosed structure, and includes the furthest extent of a deck or a dock.

Forestry

Means the activity of creating, managing, using, conserving and repairing forests and associated resources.

Fuel Depot

Means land, building or structures used for the bulk storage, distribution and sale of gasoline, propane, heating oil or motor oil.

Full Drawing Set

Means the set of plans that is required by this By-law to review and be submitted with any development proposal.

Funeral Establishment

Means a building or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories provided such activities are clearly secondary and incidental to the main undertaking service.

Garage, Attached

Means a private garage accessory to a dwelling unit on the same lot and attached thereto by a common wall and/or common roof structure.

Garage, Commercial

Means a building where all functions of an automotive service station may take place and where major repairs of motor vehicles are performed. Such repairs may include all mechanical repairs as well as body work but shall not include dismantling of motor vehicles for scrap or the storage of motor vehicles awaiting scrapping.

Garage, Detached

Means a private garage accessory to a dwelling on the same lot, but not attached to the dwelling by a common wall and/or common roof structure.

Garage, Municipal

Means a building which is used for the storage or servicing or minor repairs of equipment essential to the actual operation of motor vehicles owned and maintained by the Town of Carleton Place, the County of Lanark and any department of the Government of Ontario or Canada.

Garage, Parking

Means an enclosed structure used for the temporary parking of more than 4 vehicles available for public use either for free, for compensation or as an accommodation to customers.

Garage, Width

Means the width of a private garage measured between the interior faces of the walls of the private garage.

Garden Centre

Means an outdoor area primarily used for the retail of gardening equipment, products and planting materials.

Gas Bar

Means one or more fuel pumps for the sale of motor fuels and related products for motor vehicles together with the necessary pump islands and kiosk and which may include the sale of associated sundry items and may include a propane refilling station.

Gate House

Means a building that provides accommodation for security staff and services.

Gazebo

Means an accessory freestanding roofed structure with open or screened walls enclosing a single area used for the purpose of relaxation.

Golf Course

Means a public or private area operated for the purpose of playing golf and includes a par 3 golf course, but does not include driving ranges, miniature courses and similar uses.

Golf Course, Miniature

Means an area of land, building or structure or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf driving range.

Golf Driving Range

Means an open-air recreation facility where golf is practiced from individual tees and which may include accessory structures for the management and operation of the range, and a miniature golf course, but not a golf course.

Grade

Means when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior at the base of a building and when used with reference to a structure shall mean the average elevation of the finished surface of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment, and when used with reference to a street, road or highway means the highest elevation of the street, road or highway by the Corporation or other designated authority.

Greenhouse

Means a building and/or structure used for the growing of flowers, vegetables, shrubs, trees and similar vegetation including any part of a building, structure or area used for the sale of garden supplies and landscaping materials which may include seeds, bulbs, tools etc. This definition shall not include any premises for the growing of mushrooms.

Group Home

Means a single housekeeping unit in a residential dwelling, which is registered with the Municipality, in which three (3) to ten (10) persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal By-laws.

Guest Room

Means a room or suite of rooms, which contains no facilities for cooking and which is used or maintained for gain or hire by providing accommodation.

Habitable Room

Means a room in a dwelling used or intended to be used primarily for human occupancy.

Hereafter

Means after the date of the passing of this By-law.

Herein

Means in this By-law, and shall not be limited to any particular section of this By-law.

Heritage Site

Means buildings, structures or sites designated under the Ontario Heritage Act.

High Water Mark

Means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

Home for the Aged

See Nursing Home or Long Term Care Facility.

Home Occupations

Means an occupation or enterprise which is carried out as use accessory to the main residential use of a property and is owned and operated only by a person or persons residing on the property, provided that:

- i) The use does not create nor become a public nuisance in particular with regard to noise, traffic, parking or health safety;
- ii) The use is clearly accessory, secondary, incidental and subordinate to the permitted residential use and compatible with surrounding residential and/or non-residential uses;
- iii) This definition includes such activities as a craft or instructional studio, an office; professional, administrative and consulting services, computer technology uses, instructional services, distribution sales offices arts and crafts, a personal service business, a day nursery, a bed and breakfast establishment. Home based businesses do not include a clinic, any retail or wholesale store or vending outlet, restaurant establishment, tourist establishment, convalescent home, mortuary, funeral establishment, or any use of a workshop, storage yard, contractor's yard or plant;
- iv) There is no outdoor storage or display to indicate to persons outside that any part of the property is being used for other than residential uses except for an unlit sign subject to other By-laws of the Corporation;

- v) Such home occupation is not an obnoxious trade, business or manufacture.

Hospice

Means a facility dedicated to end of life care provided by health care professionals.

Hospital

Means a hospital as defined by the Private Hospitals Act or a hospital as defined by the Public Hospitals Act.

Hotel

Means a building designed or used for the accommodation of the traveling or vacationing public, containing therein five (5) or more guest rooms served by a common building entrance. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, or similar uses.

Housekeeping Unit

Means a room or a suite of rooms within a tourist establishment that is designed to provide accommodation and is equipped with a kitchen. A housekeeping unit is not a dwelling unit.

Human Habitation

Means the use of a building or structure for living, sleeping, eating or for food preparation purposes.

Industrial Mall

Means a building divided into a number of self-contained units which are occupied by uses which are permitted uses in an Industrial designation.

Industrial Uses Class I, Light

Means a place of business for a small scale, self-contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and/or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assemble, auto parts supply.

Industrial Uses Class II, Medium

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and vibration. Shift operations occur and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractor's yard.

Industrial Uses Class III, Heavy

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes, vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit potential adverse effects on the environment or the surrounding areas and public health.

Infrastructure

Means physical structures that form the foundation for development including sewage and water works, waste management systems, electric power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

Institution

Means land, building, structure or part thereof used by any government agency, organization, group or association, for the promotion of religious, charitable, educational, medical, benevolent objectives or public service.

Kennel

Means a building or a structure or part of a building or structure used for the breeding, raising and/or boarding of dogs or cats for personal use or for profit or gain.

Laboratory

Means a building or part thereof used for medical or dental testing (blood testing, x-rays, MRI's etc.) and specimen depot and analysis.

Landing

Means an area at the top of a flight of stairs or between flights of stairs, which does not exceed the width of the associated stairs by more than 1 ½ times, or a maximum width of 2.5 metres (8.2 feet), whichever is less.

Landscape Strip

An open unobstructed space free of buildings or structures which is used for the growing and maintenance of grass, flowers, shrubs or other landscaping.

Landscaped Open Space

Means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use; but does not include decks, parking areas, traffic aisles or driveways or ramps for vehicles.

Lane

Means a subsidiary thoroughfare providing access from within a lot, principally from parking or loading spaces or from a lot to a public street; or

A subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open spaces and/or buildings.

Laundry Service

Means a building or structure where coin-operated laundry machines are made available to the public for the purpose of laundry cleansing.

Library

Means a public building or structure where books and other audio-visual resources may be read, consulted or borrowed.

Licensed Fuel Facility

Means a bulk plant, cardlock/keylock or retail outlet including a marina as defined in Ontario Regulation 217/01 (Liquid Fuels).

Loading Space

Means a space or bay locate on a lot or within a building which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials in connection with the use of the lot or any building thereon, and which has unobstructed access not necessarily in a straight line to a street.

Local Commercial Uses

Means uses which provide retail and service commercial uses that serve the daily and weekly requirements and needs of the surrounding residential neighbourhoods.

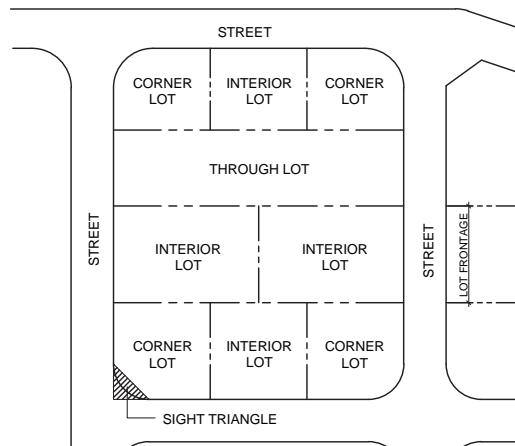
Long Term Care Facility

See Nursing Home

Lot

Means a parcel of land;

- i) The whole of which can be legally conveyed without approval pursuant to the Planning Act, and
- ii) No part of which can be transferred without such an approval; and
- iii) Which is not described in a registered condominium description; or
- iv) Two or more parcels of land which are:
 - a) Deemed to be one lot by this By-law; or
 - b) Required to be transferred together by an agreement made pursuant to the Planning Act; or
- v) A parcel of land described as a whole registered description by the Condominium Act, except for a vacant land condominium, in which a unit is considered to be a lot.



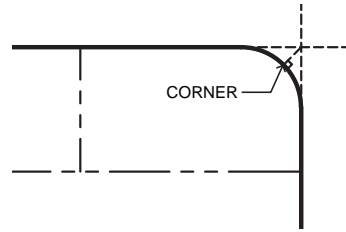
Lot Area

Means the total horizontal area measured within the limits of the lot lines of the lot.

Lot, Corner

Means a lot situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five degrees.

Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.



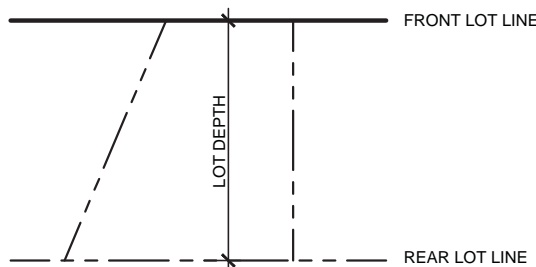
Lot, Coverage

Means the percentage of the lot area covered by the ground floor area of all buildings located on the lot excluding canopies, balconies, overhanging eaves and private open air swimming pools.

Lot, Depth

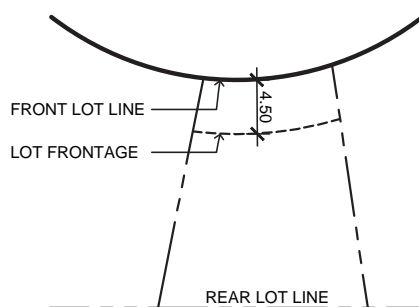
Means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

If there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.



Lot, Frontage

Means the horizontal distance between the side lot lines measured along the front lot line between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line 4.5 metres back from and parallel or concentric to the front lot line.



Lot, Interior

Means a lot other than a corner or a through lot which has frontage on a public street.

Lot, Irregular

Means a lot abutting more than one street, but not otherwise defined herein.

Lot, Line

Means a boundary line of a lot.

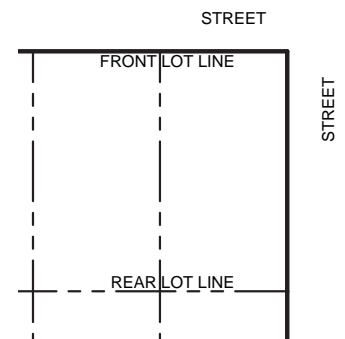
Lot Line, Exterior Side

Means a lot line located between the front and rear lot lines and dividing the lot from a street.

Lot Line, Front

Means:

- i) In the case of an interior lot, the line dividing the lot from the street.
- ii) In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line.
- iii) In the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street, or abuts a Provincial highway shall be deemed to be the front line, and in the case of both streets being under the same jurisdiction and of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
- iv) In the case of a lot with frontage on a public street or private road and on a water body, the front lot line shall be measured both on the street line and on the water side.



Lot Line, Rear

Means the lot line furthest from, and opposite to, the front lot line, except in the case of a lot with frontage on a waterbody where there is no rear lot line.

Lot Line, Side

Means a lot line other than a front, rear or side exterior lot line.

Lot, Through

Means a lot having a frontage on two parallel or approximately parallel streets.

Lot, Waterfront

Means a lot with one lot line abutting the shoreline of a waterbody.

Lot, Width

Means the average horizontal dimension between the two longest opposite sides.

Main Front Wall

Means the exterior wall of the building, excluding the front wall of an attached garage, and all structural members essential to the support of a fully enclosed space or roof, that faces the front lot line.

Main Wall

Means any exterior wall of a building and all structural members essential to the support of a fully enclosed space or roof exclusive of permitted projections.

Manufacturing

Means the use of land, buildings or structures for the purpose of producing, assembling, making, preparing, inspecting, finishing, treating, altering, accessory warehousing or storing of any goods, substance, article or service.

Marina

Means a lot, building, structure on a waterfront with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels, marine equipment, lubricants, bait as well as the sale of foods, provisions or supplies as an accessory use may be provided.

Marine Facility

Means a non-commercial building or structure which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, dock or boathouse, but does not include any building used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure.

Median Building Line

See Established Building Line

Medical Equipment and Supply Outlet

Means a building or structure that provides specialized medical equipment, materials or supplies.

Medical Practitioner

Means a doctor, dentist, chiropractor, chiropodist, optometrist, oculist but shall not include a veterinarian.

Minimum Distance Separation

Shall mean the “Minimum Distance Separation I and II” of the Ontario Ministry of the Environment and the Ontario Ministry of Agriculture and Food (March 1995 and any subsequent amendments thereto).

Minor

Means a variance from any provision of this By-law in respect to the land, building or structure or the use thereof, which is desirable for the appropriate development of the land, building or structure and which maintains the general intent and purpose of the By-law and of the policies implemented by the By-law.

Mobile Home Parcel

Means the space for the placement of one mobile home and for the exclusive use of its occupants.

Mobile Home Park

Means land which has been provided and designed for the location thereon of two (2) or more occupied mobile homes.

Modular Home

Means a single detached dwelling consisting of one or more modules which has been prefabricated or manufactured in compliance with CSA A 277 in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a Mobile Home or Park Model Trailer as otherwise defined.

Motel

Means a building or buildings designed or used for the accommodation of the traveling or vacationing public, containing therein three (3) or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment.

Municipal Garage

See Garage Municipal

Municipal Office

Means an office occupied and or owned by the municipality and used for municipal purposes.

Municipality

See Corporation.

Museum

Means the use of land, buildings or structures for the purposes of assembling, preparing and displaying a collection or articles and artifacts illustrating science, art, ancient life or other subjects and includes accessory uses such as facilities for repair, renewing and storage and may include retail outlets for souvenirs and refreshments.

Natural Heritage Features

Means features and areas, such as significant wetlands, significant woodlands, fish habitat, significant wildlife habitat and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Negative Impacts

Means:

In regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity.

In regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified.

Nightclub

Means a place where food or drink may be served and has an open floor area used for dancing to music, and viewing musical performances or other forms of entertainment.

No Encroachment Area

Means an area on a lot where no development shall be permitted, with the exception of surface landscaping, fences and permitted projections.

Non-Conforming or Non-Complying

Means any existing use, building, structure or lot which does not conform with the requirements and standards of this By-law.

Nursery

See Commercial Greenhouse

Nursing Home, Home for the Aged, or a Long Term Care Facility

Means a building or premises used in accordance with the provisions of the Nursing Homes Act, or the Homes for the Aged and Rest Homes Act, the Long-Term Care Act or a home for the aged as provided for under the Charitable Institutions Act respectively and amendments thereto.

Obnoxious Uses

Means any use which is a nuisance to the occupant or owner of any neighbouring lands or buildings by reason of the emission from the neighbouring land or building or any part thereof, or the creation thereon, of odours, gasses, dirt, radiation, smoke, noise, vibration, fumes, cinders soot, waste or water carried waste, or depositing or leaving unsightly objects or chattels thereon.

Office

Means a building, structure or part thereof used for the purpose of providing accommodation for the performance and transaction of business including administrative, clerical and professional activities.

Office, Public Administration

Means the use of a building for the business and administration of a public authority.

Official Plan

Means the Official Plan of the Town of Carleton Place or parts thereof and amendments thereto and any Official Plan which may be adopted by the Corporation or the County of Lanark.

One Hundred Year Flood

Means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

Open Space

Means the open, unobstructed space on a lot including landscaped areas, pedestrian walkways, patios, pools or similar areas but not including any deck, driveway, ramp, parking spaces or aisles, loading spaces or maneuvering areas and similar areas.

Open Storage

Means storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a lot, a parking area or parking space or the outdoor display of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement.

Open Storage Area

Means an area within or outside of a building used or intended for use for the open storage of goods, merchandise or equipment which may or may not be intended for immediate sale.

Organic Solvents

Means carbon-based substances that are capable of dissolving or dispersing other substances. These include: carbon tetrachloride, chloroform, methylene chloride (dichloromethane) and pentachlorophenol.

Outdoor Café

Means an outdoor area adjoining a restaurant, a bar or a tavern, consisting of outdoor tables, carts and related decorations and fixtures, and where meals or beverages are served to the public for consumption on the premises. An outdoor café may be located within the public road right-of-way where an encroachment agreement exists between the operator and the Municipality.

Outdoor Display Area

Means a portion of a lot used for exhibiting in an orderly manner, completely assembled or finished merchandise, equipment, goods or products sold by a retail or wholesale business on the same lot.

Outdoor Recreational Facility

Shall mean an establishment which provides recreational activities primarily located outside of a building such as golf driving range, miniature golf, lawn bowling, tennis court, model airplane flying or similar activities. A Go cart Track is not included within this definition.

Owner

Means the person or organization who owns the land in or on which a land use is located and who may be responsible for the establishment or operation of that land use.

Park

Means an area of land, whether enclosed or not, maintained by the Corporation or other public authority for the enjoyment, health and well-being of people and open to the public with or without charge and, for the purposes of this definition, includes tourist campground facilities.

Parking Area

Means a lot or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of motor vehicles accessory or incidental to uses in all designations and shall not include the storage or parking four (4) or more motor vehicles for hire and gain, display or for sale.

Parking Facilities

Means an area where vehicles are parked and may be covered or uncovered.

Parking Lot

A parking area forming the principal use of a lot.

Parking Space

Means an area used for the temporary parking of one motor vehicle and includes spaces for the handicapped.

Permitted

Means permitted by this By-law.

Permitted Uses

Means a use which is listed under the heading "Permitted Uses" in the designation where such use is located. It should be noted that unless the use has been specifically identified as permitted or discretionary it is not permitted.

Person

Shall include an individual, an association, a chartered organization, a firm a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

Personal Service Business

Means a place where:

- i) a service is performed for the personal grooming and personal effects or clothing of the consumer, including a hair styling salon, spa, tanning salon, pet grooming services, shoe repair shop; tailor shop or dressmaker shop; or licensed massage therapy service; or

- ii) a consultation or information service is provided by a professional, including a travel agency or an interior decorator.

Pharmacy

A retail outlet which dispenses drugs by prescription.

Place of Worship

Means a building or an open area dedicated to religious worship.

Playground

Means a park or part thereof which is equipped with active recreational facilities oriented to children.

Police Station

Means a building or structure used for the purposes of supporting the provision of public police protection services and which can include sleeping and dining facilities for police personnel, vehicle storage, maintenance and repair facilities and office space.

Printing and Publishing Establishment

Means a building or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, maps and similar publications and also includes the sale and servicing of printing and duplicating equipment.

Private Club

Means a building or part of a building used as a meeting place by an association of persons who are bona fide members, which owns, hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational, business or athletic purposes.

Private Road

Means a private right-of-way over private property which affords access to at least two (2) abutting lots and which is not maintained by a Public Authority.

Propane/Compressed Natural Gas Transfer and Handling Facility

Means a transfer facility that is licensed under the provisions of the Energy Act, Regulation 514-96.

Consumer outlet propane/compressed natural gas facility means a non-retail facility licensed under the Energy Act, R.S.O., where vehicles, appliance and other equipment of the business or establishment to which the said facility belongs are refueled with petroleum fuels (propane and natural gas).

Gas cylinder handling facility means a facility licensed under the Energy Act, R.S.O., where bottled gases are handled and stored in cylinders and where there is no element of transfer.

Bulk propane storage depot means a propane transfer facility that has an aggregate capacity in excess of 47571 litres (2000 US gallons).

Propane Refilling Outlet

Means a facility for the refilling or exchange of portable propane tanks designed for home use and may include facilities for the refueling of propane fueled vehicles.

Public Access Point

Means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body.

Public Authority

Means any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks and Management, Board of Health, Board of Commissioners of Police, or other board or commission or committee of a local authority established or exercising any power or authority under any general or special statute of Ontario with respect to any of the affairs or purposes of a municipality or a portion thereof and includes any committee or local authority established by By-law of the municipality.

Public Market

Means the use of a building, structure or lot for the purpose of selling any or all of produce, fish, seafood, fruits, meats, dairy product, plants and crafts, but does not include a flea market.

Public Service Area

Means the area served by City-owned and operated water and wastewater services.

Public Square

Means an open landscaped public space commonly found in the heart of a neighborhood or community capable of being used for community gatherings including festivals, concerts and special events and may include accessory retail uses on a temporary basis.

Public Street

Means a public or common highway affording the principal means of access to abutting properties which has been dedicated to and/or assumed by a public authority.

Public Use

Means a building, structure or lot used for public services by the Town of Carleton Place or the County of Lanark and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario or Canada, any telephone, telegraph or railway company, any company supplying natural gas, Ontario Hydro, and Conservation Authority, Public Utilities Company or similarly recognized agencies.

Public Utility

Means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, scientific research system, and includes any lands, buildings or equipment required for the administration or operation of any such system and which is operated by a public authority or a publicly governed company.

Putrescible

Means able to decompose quickly enough to cause odours and attract flies, such as putrescible waste.

Recreation Facility

Means the use of a building or open space area for recreation purposes.

Recreational Trailer

Means a structure designed to provide temporary living accommodation for travel, vacation or recreational use and to be driven, towed or transported and without limiting the generality of the foregoing includes folding camping trailers, travel trailers and motor homes.

Recreational Vehicle

Shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term basis for living, sleeping or eating accommodation of persons. The term recreational vehicle includes the following: motor homes, travel trailers, tent trailers, camper, motor homes but does not include a mobile home, recreational equipment such as boats, snowmobiles, personal water craft, all terrain vehicles or other equipment used for recreational purposes.

Recreational Vehicle Sales and Storage

Means a building and/or lot which is used for the display, storage and/or sale of boats, trailers, campers and other recreational vehicles or recreational equipment.

Recycling Depot or Transfer Station

Means a special waste management facility which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.

Redevelopment

Means a removal or rehabilitation of buildings or structures and the construction, reconstruction or erection of other buildings or structures in their place.

Religious Institution

See Place of Worship

Repair Shop

See Service and Repair Establishment

Residential Care Facility

Means a facility that provides custodial care to persons who because of physical, mental or emotional disorders cannot live independently.

Restaurant

Means:

1. Fast-food restaurant which means a restaurant that sells food and beverages over a counter to its customers for consumption in the restaurant, for consumption in a motor vehicle on the premises, or for consumption off the premises;
2. Full-service restaurant which means a restaurant that sells and serves food and beverages to patrons seated at tables, for consumption on the premises; and
3. Take-out restaurant which means a restaurant that does not have seating capacity for diners and instead:
 - a) sells food and beverages over the counter for pick-up by the consumer for consumption off the premises, or
 - b) delivers food and beverages directly to the consumer for consumption off the premises, whether located in a building, a motor vehicle or a trailer.

Retail Outlet, Accessory

Means a building or part of a building accessory to a permitted use, in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public.

Retail Store

Means a building wherein goods, wares, merchandise, substances or articles are offered for sale to the general public, and may include the limited storage and display of goods, wares, merchandise, substances or articles. A retail store may include the sale of food stuffs; such as baking, dairy, fruit or vegetables and meat.

Retirement Home

Means a residence providing accommodations primarily for retired individuals or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.

Re-vegetation

Means the planting or planting and regeneration of native vegetation in order to restore a shoreline buffer.

Road

See public street.

Road Allowance

Means a public highway and includes the surface of which is not improved for use by vehicular traffic and is not maintained by a Public Authority.

Salvage Yard

Means a lot and/or building or portion thereof where used goods, wares, merchandise, articles, motor vehicles, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a junkyard, a scrap metal yard, a recycling depot and an automobile wrecking yard on the premises.

Sample and Showroom

Means a building or part of a building used for the display of samples, patterns or other goods for viewing by the consumer and where purchase orders are taken.

Sanitary Sewage Works

Means a system of underground conduits, operated by the Corporation or by the Ministry of Environment and which carries sewage to a sewage treatment facility.

Satellite Dish/Receiver

Means a structure designed, used or intended to be used to send or receive signals to or from a satellite.

Sawmill or Planing Mill

Means a building, structure or area where timber is cut or sawed, either to finished lumber or as an intermediary step.

Sauna

Means an accessory building or structure not exceeding 10 square metres (107 square feet) wherein facilities are provided for the purpose of a steam bath and may include a change room and shower and may be constructed as part of a boat house.

School

Shall mean a public educational establishment operated by a School Board.

School, Private

Means an educational establishment, other than a School, wherein teaching or instruction is offered for gain in such fields as academics, dancing, music, art, sports, business or trade, and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts.

Seat

Means a place on or in which one sits. Where provided by benches, forms or pews, each 0.6 linear metre (2.0 feet) of seating space shall be the equivalent of one (1) seat.

Seating Capacity

Means the number of persons which can be accommodated in a building or structure or part thereof in a seated position on chairs, benches, forms or pews.

Secondary Suite

Means a separate self-contained dwelling unit located within a single dwelling, a duplex, a semi-detached dwelling or a townhouse or ancillary building.

Senior's Residential Dwelling

Means a dwelling or collection of dwellings used primarily by the aged.

Sensitive Land Use

Means buildings, amenity areas or outdoor spaces where routine or normal activities occurring as reasonable expected times would experience on or more adverse effects from contaminant discharges generated by a nearby facility and includes a dwelling, day care centre and an educational or health facility.

Service or Repair Establishment

Means the use of a building for the servicing or repairing of articles, goods or materials, and includes sales accessory to the principal use. A service or repair shop does not include the manufacture of articles, goods or materials or include a use otherwise defined by this By-law.

Setback

Shall mean:

With reference to a road or street, the least horizontal distance between the front lot line and the nearest building line.

With reference to an interior lot or a through lot, the space between the front lot line and the nearest portion of the main wall of a building.

With reference to a corner lot, the space between the nearest portion of the main wall of a building and the street line, and the space between the side lot line abutting the flanking street, and the nearest portion of the main wall of a building.

Sewage and Water Systems

Full Municipal Sewage and Water Services

Means piped sewage and water services that are connected to a centralized water and waste water treatment facility.

Communal Services

Means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water but which; are not connected to full municipal sewage and water services; are for the common use of more than five residential units/lots; are owned, operated, and managed by a municipality or, another public body, or a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the Planning Act, providing for municipal/public body assumption of the communal services in the event of default by the owner.

Individual On-Site Systems

Means individual autonomous water supply and sewage disposal systems that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five residential units/lots.

Partial Services

Means connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

Shoreline

Means those lands extending from the average annual water level which have potential and direct significant impact on near shore waters and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

Shoreline Structure

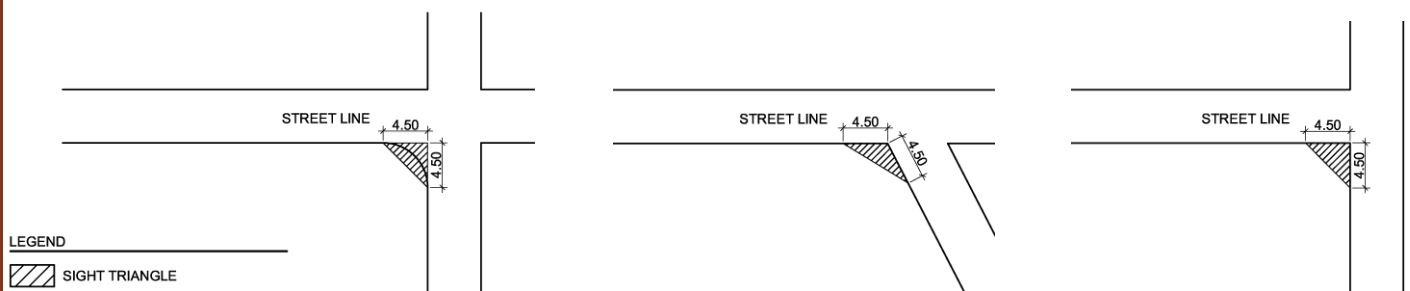
Means a boat house (wet or dry), a boat port, a float plane hangar, a sauna or steam bath, a dock or wharf, a gazebo, a utility or storage shed or a viewing deck.

Side Wall

Means the exterior wall of a building; and all structural members essential to the support of a fully enclosed space or roof.

Sight Triangle

Means a triangular space, free of buildings, structures and obstructions, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines as specified in this By-law.



Sign

Shall mean any writing., letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

Is a structure, or part of a structure, or which is attached thereto or mounted thereon; and

Which is used to advertise, inform, announce, claim, give publicity or attract attention.

Site Alteration

Means a change to the existing topography by more than 0.3 metres (1 foot) and over an area exceeding 9.29 square metres (100 square feet).

Solid Waste Disposal Site

See Waste Disposal

Steep slope

Means a slope of more than 30%.

Storage, Establishment

Means the use of land, buildings or structures for the primary purpose of storing of chattels such as boats or heavy equipment. A storage establishment may include accessory structures for the management and operation of the establishment, but does not include the overnight accommodation of humans or any use otherwise defined in this By-law.

Storage, Outdoor

Means the use of an area of land outside of a building or structure intended for the storage of equipment, chattels, goods or materials integral to a principal use on a regular basis for a time period greater than 72 hours.

Storage Shed

Means an accessory building used for the storage of household items and equipment incidental to a residential occupancy.

Storey

Means that portion of a building other than a cellar or basement included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it.

First Storey means the storey with its floor closest to finished grade and having its ceiling at least 1.5 metres (4.92 feet) above finished grade.

One-half Storey means that portion of a building situated wholly or partly within the roof and in which there is a vertical dimension of at least 2.0 metres (6.56 feet) (measured from finished floor to finished ceiling) over a floor area equal to at least 50% of the floor area of the storey next below.

Attic means that portion of a building situated wholly or partly within the roof but which is not a one-half storey.

Basement means any storey below the first storey which is at least 50% above finished grade (measured from finished floor to finished ceiling).

Cellar means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).

Straight Line Projection

Means the straight-line extension or projection of a lot line.

Street or Road

Means a public or common highway affording principal means of access to abutting properties. This definition shall not include a private land or private right-of-way.

Street Allowance

Shall have a corresponding meaning to that of Public Street or Private Road.

Street Line

Means the limit of the road or street allowance and is the dividing line between a lot and a Public Street or Private Road.

Structure

Means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground. For the purposes of this By-law, a fence not exceeding 2 metres (6.56 feet) in height, garbage cans, signage and benches shall be deemed not to be a structure.

Studio

Means a building or part thereof used, as the workplace of a photographer, artist, or artisan or for the instruction of art, music, languages or similar disciplines.

Swimming Pool

Means an outdoor or indoor pool used for swimming, wading, diving or recreational bathing which is at least 60 centimetres (23.5 inches) in depth, but does not include a hot tub, spa or whirlpool.

Tarpaulin Structure

Means a supporting metal pole frame structure with a fabric cover made of canvas nylon or similar material. Such structure must be ancillary to a main permitted use and can be dismantled and moved.

Temporary Use

Means a use established for a fixed period of time by By-law under Section 38 of the Planning Act, R.S.O., 1990, as amended, with the intent to discontinue such use upon the expiration of the time period.

Theatre, Cinema

Theatre means a building or part of a building which is used for the presentation of live, dramatic or musical performances or entertainment.

Cinema means a building or part of a building devoted to the showing of motion pictures.

Top of Slope

Means the point of line which is the beginning of a significant change in the elevation of the land surface, and from which the land surface slopes downward toward an existing (or abandoned) watercourse (or lake).

Transport Trailer

Means any vehicle so constructed that it is suitable for being attached to a motor vehicle or tractor and capable of being used for transporting goods, materials or livestock, despite that such vehicle is jacked up or its running gear is removed.

Transportation Depot

Means land, or a structure or a building where commercial vehicles are kept for hire, rental and/or lease, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers and where such land, structure or building may be used for the storage and/or distribution of goods, wares, and merchandise.

Unclassified Wetland

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The edge of a unclassified wetland shall be defined as being where greater than 50% of the plant community consists of hydrophytic or water tolerant species. For the purpose of this By-law, such areas have not been classified as being of Provincial significance under the Provincial Policy Statement. Lands being used for agricultural purposes, that are periodically “soaked” or “wet”, are not considered to be unclassified wetlands in this definition.

Uniform Supply and Sales

Means the use of a building or structure that supplies uniforms to professionals.

Use

Means the purpose for which land, buildings or structures may be arranged, designed, designated, intended, maintained or occupied; and

The occupation, business, activity, or operation carried on, or intended to be carried on the land or in a building or structure for which it is arranged, designed, designated, intended, maintained or occupied.

Use, Accessory

Means a use customarily incidental and subordinate to the main use or main building and located on the same lot with such principal use or principal building.

Use, Discretionary

Means a use which may be permitted, subject to a municipal review to confirm that the use is both desirable and appropriate in the proposed location on the basis of the physical and functional design of the structure(s) and use(s) and subject to the provisions of the applicable Area Designation.

Use, Principal

Means the predominant purpose for which any land, building or structure, or part thereof is used, designed, arranged, occupied or maintained.

Utility

Means a public utility as defined in the Highway Traffic Act.

Vegetation

Means healthy, woody vegetation which measures at least 4 feet in height.

Vegetation Removal

Means the removal of healthy, woody vegetation of at least 4 feet in height, but does not include trimming, pruning and removal of such woody vegetation if it presents a hazard to life or property.

Vehicle

Means a motor vehicle, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a snowmobile, ATV or a street car.

Veterinary Establishment

Means a building or part of a building used by a veterinary surgeon where animals, birds or other livestock are treated and where domestic animals and/or birds may be kept for treatment.

Warehouse

Means a building or structure or portion thereof used or intended to be used for the bulk storage of goods, merchandise, or material.

Waste Disposal Site

Means a site which is licensed or approved by the Ministry of the Environment and/or its agents where garbage, refuse, domestic or industrial waste, excluding radioactive or toxic chemical wastes is disposed of or dumped. This definition shall include waste transfer stations and recycling depots. (See also Recycling Depot).

Waste Disposal Site Influence Area

Means the area where the possible effects of a Waste Disposal Site, including landfill-generated gases, ground and surface water contamination by leachate, odour, litter, contaminant discharges from associated vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff, and vectors and vermin, are most likely to occur.

Water Frontage

Means a lot which has one or more lot lines abutting a navigable watercourse, bay or lake.

Water Works System

Means the supply and distribution system of underground or underground piping and related storage or reservoir, including pumping and purification appurtenances and water filtration plant which is owned and operated by the Corporation or by its designate.

Watercourse

Means the natural channel for a perennial or intermittent body of water, including a river or stream with well defined banks and a bed.

Wholesale Establishment

Means a building, structure or part thereof used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, or materials for resale or business use.

Wildlife Habitat

Means areas where plants, animals and other organisms live, and find adequate amounts of food, water shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non-migratory species.

Woodlands

Means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands also include treed areas, woodlots or forested areas and vary in their level of significance.

Workshop

Means a building, structure or part thereof where manufacturing is performed by a tradesman, requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar uses.

Yard

Means the area between a main wall of a building and a lot line that, except for landscaping or accessory buildings and projections specifically permitted elsewhere in this By-law, is unobstructed above grade.

Yard, Front

Means a yard extending across the full width of the lot between the front lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a main building closest to the front lot line.

Yard, Rear

Means a yard extending across the full width of the lot between the rear lot line and a line drawn parallel or concentric thereto and through the point of the main wall of the main building closest to the rear lot line. Where there is no rear lot line, the Yard, Rear shall be measured from the intersection of the side lot lines to the closest point of the main wall of the main building. In the case of a lot on a waterbody, the rear yard shall be considered to be on the opposite side of the principle access to the building.

Yard, Required

Means the minimum and maximum yard required by the standards, provisions and requirements of this By-law.

Yard, Shoreline

Means a yard extending across the full width of the lot situated between the shoreline and a line parallel thereto and passing through the nearest point of the outside edge of walls or posts of a building or structure, including any attached or directly adjacent deck, or the nearest open storage on the lot.

Yard, Interior Side

Means a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line.

Yard, Exterior Side

Means a side yard adjacent to a public street. In the case of an irregular lot, if a proposed building or structure conforms to the yard requirements but would be located closer to the property limit than the minimum distance required, the minimum distance required shall be applied between the property limit and the closest part of the building or structure.

Yard, Side Interior

Means a side yard other than an exterior side yard.

DEVELOPMENT PERMIT BY-LAW

SCHEDULE A