

**THE CITY OF BELLEVILLE**

**BY-LAW NUMBER 10245**

**PART A - APPLICATION AND INTERPRETATION**

**1. PURPOSE**

WHEREAS it is deemed expedient and necessary in the public interest to regulate the use of lands and the character and use of buildings and structures in the City of Belleville pursuant to the authority contained in Section 35 of The Planning Act, R.S.O., 1970, Chapter 349, as amended:

**2. TITLE**

This By-Law, composed of the text herein and the Schedules and maps attached hereto, and made a part thereof, shall be known as the "**Restricted Area (Zoning) By-Law**" of the City of Belleville.

**BE IT THEREFORE ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE AS FOLLOWS:**

**3. AREA DEFINED**

The provisions of this By-Law, for the purposes of interpretation and application, shall be held to be the minimum requirements adopted for the health, convenience, safety and general welfare of the public and shall apply to all lands, and the buildings and structures erected thereon, lying, situate and being in the City of Belleville.

**4. CONFORMITY**

Save as otherwise provided in this By-Law, no land, or building, or structure, shall be used for any purpose, and no building, or structure, shall be erected, altered for any purpose except as hereafter stated in this By-Law and in conformity with all of the applicable provisions of this By-Law.

Nothing in this By-Law shall apply to exempt any person from complying with the requirements of any By-Law in force within the City, or from obtaining any license, permission, consent, permit, authority, or approval required by this or any other by-law of the City or by any other Federal, Provincial or Municipal Law in force at this time of the passing of this By-Law.

**5. DEFINITIONS**

In this By-Law, unless the context otherwise requires, the definitions hereafter set forth shall apply.

- (1) "**Accessory**" shall mean the use of land or a building or structure that is naturally and normally incidental subordinate, and exclusively devoted to the main use of the land, building or structure and located on the same lot therewith.
- (2) "**Accessory Building or Structure**" shall mean a detached building or structure the use of which is incidental and subordinate to that of the main building and located on the same lot therewith.
- (3) "**Accessory Use**" shall mean a use that is naturally and normally incidental and subordinate to the main use and operated with the main use of the same lot.
- (4) "**Advertising Sign General**" shall mean a sign which refers to goods produced, offered for sale or services obtainable at premises other than the land or building on which the sign is displayed.

- (5) **"ADVERTISING SIGN LOCAL"** shall mean a sign which refers only to goods produced or offered for sale or services obtainable at the premises or on the land on which the sign is displayed.
- (6) **"Aisle"** shall mean the area immediately adjacent to each parking space, and capable of vehicular ingress thereto and egress therefrom at all times. No aisle need be provided in conjunction with a parking space for a one family dwelling, semi-detached dwelling, duplex dwelling or a horizontal multiple attached dwelling, where not in the form of Group Housing.
- (7) **"Alter"** shall mean when used in reference to a building or part thereof, to change any one or more of the internal or external dimensions of such building, or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word **"alter"** means to decrease the width, depth or area thereof of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words **"altered"** and **"alteration"** shall have a corresponding meaning.
- 10882 (7a) **"Amusement Arcade"** shall mean a building or place of amusement containing games of chance and/or skill to be used by the general public for recreational purposes and operated for a profit.
- (8) **"Assembly Hall"** shall mean a building, or portion of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious and/or social purposes.
- (9) **"Attached"** shall mean, when used to describe any building or structure, that the roof of such building or structure is supported by a wall of the building.
- (10) **"Basement"** shall mean that portion of a building between two floor levels, which is partly below grade but which has at least one half of its clear height above the adjoining ground level.
- 11125 (10a) **"Boarder"** shall mean a person occupying a sleeping unit in a Boarding, Rooming and/or Lodging House.
- 2002-27 (10b) **"Bed and Breakfast"** shall mean a single detached dwelling in which the owner or operator who occupies the dwelling provides a maximum of three (3) rooms for the temporary accommodation of the traveling public and may provide meals to overnight guests. One parking space per room to be rented and one parking space for the owner/operator shall be provided.
- 11125 (11) **"Boarding, Rooming and/or Lodging House"** shall mean a building designed for residential occupancy, containing,
- (i) sleeping units, without cooking facilities that are rented to persons other than the owner or members of his family; and
  - (ii) where meals may or may not be served on the premises for compensation;
  - (iii) but shall not include a hotel, motel, private hospital, nursing home or other similar use.
- 10392 (11a) **"Boatel"** shall mean and include a building containing a series of three or more living or sleeping units with individual interior sanitary conveniences for rent and/or hire for temporary living and/or sleeping accommodation of primarily the boating public.
- (12) **"Bona-fide Tourist"** shall mean a person on vacation away from his ordinary place of residence.

- (13) **"Building (when used as a noun)"** shall mean anything placed on or under land consisting of four or more walls and a roof notwithstanding the purpose for which it is used or occupied or intended to be used or occupied.
- (14) **"Building Height"** shall mean the height of a building or structure as determined in accordance with Part C, Section 18.
- (15) **"Building, Main"** shall mean a building in which the principal uses of the lot on which it is situated are conducted. In any Residential Zone a building containing or more dwelling units shall be deemed to be a main building on the lot on which it is situated.
- (16) **"Bulk Storage Yard"** shall mean a place where land is used for the storage, in the open, of goods and materials and without limiting the generality of the foregoing shall include coal, lumber, building supplies, construction equipment yards, but shall not include salvage yards.
- 13251 (16a) **"Bus Service Garage"** shall mean a building or structure, and associated parking area, intended to accommodate the service, storage, and accessory office requirements related to the operation of charter and/or scheduled bus service.
- 2002-165 (16b) **"Business and Industrial Incubator"** shall mean a building designated and used for one (1) or more separate business/industrial uses in an early or formative stage and where clerical and/or professional services directly related to such businesses or industries may be provided in common.
- 2002-165(17) **"Business, Professional and/or Administrative Office"** shall mean a building or structure used for:
- i) the administrative conduct and management of a business and/or non-profit organization; or
  - ii) the conduct of a professional person or persons, and
- for the purpose of this By-Law includes a tourist information centre, a ticket sales office, an administrative center for a government department or agency, an answering or communications service, or a customer contact centre, but shall exclude any use otherwise defined or classified herein.
- 2012-120
- 2019-56 (17a) **"Cannabis Processing Centre"** as meaning a premise used for primarily processing and cannabis authorized by a license issued by Health Canada. Testing, storing, and/or distribution of cannabis may be permitted as an accessory use.
- 2019-56 (17b) **"Cannabis Production Facility"** as meaning a premise used for primarily growing and processing of cannabis authorized by a license issued by Health Canada. Testing, research, storing, and/or distribution of cannabis may be permitted as an accessory use.
- 2019-56 (17c) **"Cannabis Testing And Research Facility"** shall mean a premise where any analytical testing, including any third party testing, and research and development of new products, improve existing products or to increase knowledge of cannabis authorized by a license issued by Health Canada.
- (18) **"Canopy"** shall mean a roof construction or roof overhang, free of enclosing walls, with supporting columns.
- (19) **"Carport"** shall mean a structure not over one storey in height, enclosed by not more than two walls, which is designed for the sheltering of a vehicle.
- (20) **"Cellar"** shall mean that portion of a building between two floor levels which is partly underground and which is, for more than one half of its height measured from the finished floor to the underside of the first floor joists, below the adjoining ground level.

- (21) **"Cemetery"** shall mean land that is set apart or used as a place of the dead or in which human bodies have been buried, and shall also include columbarium and/or crematorium.
- (22) **"Chief Building Official"** shall mean any Official of the City who is charged with the duty of enforcing its Building By-Laws.
- (23) **"Children's Mental Health Centres"** shall mean premises, facilities and services provided for children suffering from mental or emotional disorders.
- (24) **"Church"** shall mean a building or structure used or intended to be used for religious worship; and without limiting the generality of the foregoing may include a chapel, church hall, synagogue, tabernacle, temple and/or other places of religious worship.
- (25) **"City"** shall mean the Corporation of the City of Belleville.
- (26) **"Coin-Operated Laundry"** shall mean a building or structure where the service of coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning.
- (27) **"Commercial"** shall mean the use of land, structure or building for the purpose of buying and selling of commodities, and supplying of services as distinguished from manufacturing or assembling of goods, also as distinguished from other purposes such as warehousing and/or an open storage yard.
- 12679 (27a) **"Commercial Club"** shall mean any club other than a private club as defined herein which is operated for profit or gain.
- (28) **"Commercial School"** shall mean a school conducted for hire, gain and/or profit, other than a private school or public school and includes the study of a dancing teacher or music teacher, an art school, golf school, callisthenics school, business school and/or trade school and/or any other such specialized school conducted for hire, gain and/or profit.
- (29) **"Commercial Vehicle"** shall mean any motor vehicle having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing shall include ambulances, hearses, fire apparatus, police patrols, motor buses and/or tractors used for hauling purposes on the highways.
- (30) **"Community Centre"** shall mean any tract of land, building or buildings, and/or any part of any building or buildings used for community activities, the control of which is vested in the Municipality, a local board and/or an agent thereof.
- (31) **"Construction Hut"** shall mean a temporary building which is used incidental to the erection or alteration of a building and/or structure.
- (32) **"Construction Yard"** shall mean land used for the storage of materials incidental to the operation of road construction, contractor's establishment and/or a building contractor's establishment.
- (33) **"Convenience Store"** shall mean a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.
- 12679 (33a) **"Convention Centre"** shall mean a building or structure and/or facilities accessory thereto, intended for lease or rental for the purpose of accommodating a group or groups of people freely associating for some common educational, social, cultural, recreational, business, professional or entertainment purpose. Such a facility will offer space for meeting or display purposes and may include catering services.

- (34) **"Corporation"** shall mean the Corporation of the City of Belleville.
- (35) **"Council"** shall mean the Municipal Council of the Corporation of the City of Belleville.
- 12679 (35a) **"Craftshop"** shall mean a building or structure where manufacturing is performed by tradesmen or craftsmen 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 potter's shop, a jeweller's shop, sculptor's studio or similar uses.

10980 (36) **"Day Nursery"** shall mean a place that receives for temporary custody for a continuous period, not exceeding twenty-four hours, more than five children under ten years of age, not of common parentage, and which is not part of a public school, separate school, private school or children's mental health centre, but shall include **"day care centres"** and **"nursery schools"**. For the purposes of this Definition:

a **"day care centre"** shall mean a Day Nursery that enrolls children under ten years of age for a full eight hour day on more than one day a week for more than eight consecutive weeks at a time, but itself may be open more than eight hours a day.

a **"nursery school"** shall mean a Day Nursery that enrolls children from 30 months through five years of age for a half day on more than one day in a week and for more than eight consecutive weeks at a time.

(37) **"Detached"** shall mean, when used to describe any building or structure, that the building or structure shall not adjoin on any side, any other building or structure.

(38) **"Development"** shall mean the construction or erection of building or structures on land.

(39) **"Dog Kennel"** shall mean a commercial operation where dogs are boarded for compensation and/or bred and/or sold at the premises.

(40) **"Drive-In Restaurant"** shall mean premises consisting of a building or structure, together with a parking area, from which food, refreshments, dairy products and/or beverages, are offered for sale and/or sold to the public for consumption in automobiles parked on the parking area and/or for consumption elsewhere on the premises, but not necessarily within such building or structure, and does not include a building or structure where food, refreshments, dairy products and/or beverages are offered for sale and/or sold to the public only for consumption within the building or structure.

(41) **"Driveway"** shall mean a continuous and unobstructed vehicular way of access from and/or egress to a public highway or lane to an aisle.

(42) **"Dry Cleaners Establishment"** shall mean a building in which the business of dry cleaning, dry dyeing, cleaning, spotting, stain removal and/or pressing of articles and/or goods of fabric is carried on, and in which only non-combustible and non-flammable solvents are, or can be, used which emit no odours or fumes, in which no noise or vibration causes a nuisance or inconvenience within or without the premises, and may include a dry cleaning distribution station.

(43) **"Dry Cleaning Distribution Station"** shall mean a building or structure, or part of a building or structure, used for the purpose of collection and distribution only, of articles and/or goods to be subjected to the process of dry cleaning, dry dyeing, cleaning, spot and/or stain removing, and for the pressing of any articles and/or goods, which have been subjected to any process elsewhere at a dry cleaners establishment.

(44) **"Dwelling"** shall mean a building used for residential occupancy but does not include a hotel, motel or similar commercial use.

2016-84 (45) **"Dwelling Unit"** shall mean a room or suite of two or more rooms designed or intended for use by an individual or family in which culinary and sanitary conveniences are provided for the exclusive use of such individual or family and with a private entrance from outside the building or from a common hallway or stairway inside, but does not include a hotel, motel, boarding, rooming and/or lodging house, recreational vehicles or mobile home. A dwelling unit shall contain only one kitchen.

In this By-Law, the expression:

- a) **"Detached One-Family Dwelling"** shall mean the whole of a building containing one dwelling unit only;
- 2018-185 b) Deleted in its entirety and replaced with the following:  
b) **Semi-Detached Dwelling** shall mean one of a pair of attached dwelling units that are divided from each other with a common masonry wall that divides the two dwelling units vertically and each of which is located on a separate lot with the common masonry wall forming the lot line between each of the two dwelling units and where each of the two dwelling units has an independent entrance either directly from the outside or through a common vestibule.
- c) **"Duplex Dwelling"** shall mean the whole of a two storey building divided horizontally into two separate dwelling units, each of which has an independent entrance;
- d) **"Triplex Dwelling"** shall mean the whole of a three storey building divided horizontally into three separate dwelling units, each of which has an independent entrance;
- e) **"Converted Dwelling"** shall mean a dwelling, including any additions thereto, erected prior to January 1, 1935 and which has been, or is proposed to be, altered or converted so as to provide therein two or more dwelling units, each of which has an independent entrance;
- f) **"Double Duplex Dwelling"** shall mean two attached duplex dwellings;
- g) **"Horizontal Multiple Attached Dwelling"** shall mean a building containing attached non-communicating one-family dwelling units divided vertically and/or horizontally, but shall not include any other dwelling defined in this By-Law;
- h) **"Group Housing"** shall mean two or more separate horizontal multiple attached dwellings located on the same lot;
- i) **"Apartment"** shall mean a separate building containing five or more dwelling units having common corridors and stairways and having shared exit and entrance facilities and shall not include a horizontal multiple attached dwelling.
- 14089 j) Deleted in its entirety by By-law 2018-185
- 99-137 k) **"3-unit Dwelling"** shall mean a whole of a building divided into three separate dwelling units, each which has an independent entrance.
- 2018-185 l) **"Second Unit Dwelling"** shall mean one (1) additional dwelling unit located within a single detached dwelling, a dwelling unit of a semi-detached dwelling, or a dwelling unit of a townhouse dwelling.
- 2018-185 m) **"Coach House Dwelling"** shall mean one (1) additional dwelling unit that is located in a building or structure that is located on the same lot and is accessory to a single detached dwelling containing only one dwelling unit, semi-detached dwelling containing only one dwelling unit or townhouse dwelling containing only one dwelling unit.
- 2018-185 n) **"Semi-Detached Duplex Dwelling"** shall mean one of a pair of two attached duplex dwelling units with a common masonry wall dividing the pair of duplex dwelling units vertically which are both located on one lot.

- 2018-185 o) **“Townhouse Dwelling”** shall mean a building that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- (46) **"Eating Establishment"** shall mean a building, or part of a building, where food is offered for sale and/or sold to the public for immediate consumption and includes such uses as a restaurant, dining room, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar and/or refreshment room or stand.
- (47) **"Eave"** shall mean a roof overhang, free of enclosing walls, without supporting columns.
- (48) **"Erect"** shall mean build, construct, reconstruct, structurally alter and/or enlarge, and shall include the relocation of a structure and any physical operation such as excavation, land fill and/or drainage work preparatory to commencing the work of erecting a building or structure as aforesaid.
- (49) **"Established Grade"** shall mean the average elevation of the surface of the ground at the base of a structure, exclusive of any embankment in lieu of steps.
- (50) **"Existing"** shall mean existing as of the date of the passing of this By-Law by Council.
- (51) **"Family"** shall mean
- a) One person occupying a dwelling unit, or
  - b) Two or more persons occupying a dwelling unit who are living together as husband and wife, or otherwise related by consanguinity or adoption, and may include
    - i) one or more full-time domestic servants.
    - ii) foster children placed with the family by the Children's Aid Society under the Child Welfare Act.
    - iii) not more than three related or unrelated persons whose status is that of paying lodgers or boarders and who live with one person occupying a dwelling unit, or with two or more persons occupying a dwelling unit who are living together as husband and wife or otherwise related by consanguinity or adoption.
- 2002-28 c) A group of not more than five (5) unrelated persons occupying a dwelling unit that is operated as a single, independent housekeeping unit.
- A family does not include a group of children or adults living together under the direct supervision of a government or private agency. Such a group shall be classified as living in a boarding house.
- (52) **"First Floor"** shall mean the floor of a building approximately at or immediately above the established grade.
- (53) **"Flood Plain"** shall mean the area below the ordinary spring flood level of a watercourse, river or bay as defined by the local Conservation Authority, or a horizontal area 12 m. on each side of the centre line of a watercourse, whichever is greater.



- 2016-84 (54) **"Floor Area, Gross"** shall mean, in the case of a building or structure, the aggregate of the area of each storey or part of a storey above ground, measured between the exterior faces of exterior walls in the case of a detached building, structure, or in the case of an attached building or structure measured from the centre line of a common wall, at the level of each storey, exclusive, however, of any part of the building or structure which is used for a private garage, porch, veranda or sun room. Where a cellar is designed to be used in conjunction with the commercial or industrial function of the building, the cellar floor area shall be included in the gross floor area.
- (55) **"Floor Area, Gross Leasable"** shall mean the total area designated for tenant occupancy and exclusive use, including individual basements, mezzanines and upper floors if any, expressed in sq. m. measures from the centre lines of joint partitions and exteriors of outside walls.
- (56) **"Floor Space Index"** shall mean the ratio of the total gross floor space of the building to the net lot area.
- (57) **"Fraternal Organization"** shall mean a non-profit, non-commercial organization, which carries on social, cultural and/or welfare programs, for the common betterment of the community, with the extent of the office accommodation in the building so used not exceeding one office for the exclusive use of the secretary of the organization.
- (58) **"Front Yard"** shall mean the yard extending across the full width of the lot between the front lot line and the nearest part of any building or structure on the lot.
- (59) **"Front Yard Depth"** shall mean the minimum horizontal distance between the front lot line and the nearest part of any building or structure on the lot.
- (60) **"Garage, Private"** shall mean a building not over one storey in height which is designed for sheltering vehicles and in which no service for profit is rendered.
- (61) **"Government Administration Building"** shall mean a building, or portion of a building, which is used for the purpose of municipal, provincial and/or federal government administration and includes a Municipal Office, Court House, Registry Office, Health and Welfare Centre, Employment Office, Post Office, and/or other such use.
- (62) **"Habitable Room"** shall mean a room, or enclosed floor space of not less than 5.5 sq. m. adjoining an external wall and used or intended to be used for living, eating, cooking or sleeping; but does not include any space in a dwelling or dwelling unit used as a bathroom, pantry, corridor or hallway, closet, stairway or lobby.
- (63) **"Hereafter"** shall mean after the date of the passing of this By-Law.
- (64) **"Home for the Aged"** shall mean a home for the aged, or a rest home established and maintained under "The Homes for the Aged Act", R.S.O. 1970, as amended from time to time.
- (65) **"Home Occupation"** shall mean any occupation that is carried on as a use accessory to the residential use of a dwelling unit by members of the family, and there is no display, notice or advertisement, or parking of commercial or industrial vehicles or storage of materials or containers to indicate to persons residing elsewhere that the dwelling unit is used for any purpose other than as a residence. A home occupation does not include the keeping and serving of boarders, lodgers or roomers.

- (66) **"Hospital, Public"** shall mean any institution, building or other premises established for the treatment of persons afflicted with or suffering from sickness, disease and/or injury, and/or for the treatment of convalescent and/or chronically ill persons that is approved under "The Public Hospitals Act" as a public hospital.
- (67) **"Hotel"** shall mean a separate building, or two or more connected buildings, used mainly for the purpose of catering to the needs of the travelling public, by the supply of food and also by the furnishing of sleeping accommodation of not fewer than six bedrooms, as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week, or otherwise commonly known as **"boarding, rooming and/or lodging houses"** or for furnishing living quarters for families and having a dining room or restaurant commonly known as **"apartment dwelling"** or **"private Hotel"**.
- (68) **"Identification Sign"** shall mean a sign, the content of which is limited to displaying the name and address of a person occupying land, or a building, or of an institution occupying the land and/or of the occupation of the person or the activity carried on in the building.
- 11133 (68a) **"Industrial Mall"** shall mean a building or group of buildings constructed for multiple tenant occupancy having a minimum gross floor area of 7,432 sq. m. and containing industrial and commercial establishments.
- 12679 (68b) **"Industrial Supply Outlet"** shall mean a building or part of a building where material for use in industry are kept and offered for sale. Such materials include, but need not necessarily be limited to, paper, printing supplies and machinery supplies.
- (69) **"Industrial Use"** shall mean any establishment in which manufacturing processes are carried on, and also includes transportation, wholesaling, warehousing, storage and/or shipping.
- (70) **"Institution"** shall mean a building or part of a building used for a non-commercial purpose by any organized body, religious group and/or society such as a hospital, a library, a convent and/or a similar use.
- (71) **"Interior Lot"** shall mean a lot which is bounded by only one street.
- 2016-84 (71a) **'Kitchen'** shall mean an area which contains running water and a refrigerator and a stove or an area for the installation of a refrigerator and a stove.
- (72) **"Landscaped Area"** shall mean the open unobstructed space on a lot accessible from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes and/or other landscaping and includes any surfaced walk, patio and/or similar area, but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure, but shall be deemed to include the area of covered and/or uncovered pedestrian malls in shopping centres.
- (73) **"Lane"** shall mean a public thoroughfare or way, which affords only a secondary means of access to abutting property.
- (74) **"Library"** shall mean a public library to which the provisions of "The Public Libraries Act", R.S.O. 1970, as amended from time to time, apply.
- (75) **"Loading Space"** shall mean a space provided and/or used for the purpose of loading and/or unloading goods, merchandise and/or materials which are pertinent to the operation carried out in any buildings and/or on a parcel of land and is not located on or partly on any street or lane.

- (76) **"Lot"** shall mean a parcel of land, described as an individual parcel of land in a registered plan of subdivision or a parcel of land described by metes and bounds in a deed registered in the Registry Office of the County of Hastings which parcel complies with the provisions of The Planning Act.
- (77) **"Lot Area"** shall mean the total horizontal area within the lot lines of a lot or, where a lot is divided into more than one zone classification, **"lot area"** shall mean the total horizontal area within the respective zone classification, inside the area bounded by the zone boundary or boundaries and/or the lot line or lines, excluding the horizontal area of such lot usually covered by water or marsh, or beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 degrees or more from the horizontal.
- (78) **"Lot, Corner"** shall mean a lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.
- (79) **"Lot Coverage"** shall mean the portion or percentage of the area of a lot upon which buildings are erected.
- (80) **"Lot Depth"** shall mean the horizontal distance between the front and rear lot lines or, where a lot is divided into more than one zone classification, **"lot depth"** shall mean the horizontal distance, within the respective zone classification, between the front or rear lot line and the zone boundary, where such zone boundary is between the front and rear lot lines, as determined in accordance with Part C, Section 11.
- (81) **"Lot Frontage"** shall mean the horizontal distance between the side lot lines or, where a lot is divided into more than one zone classification, **"lot frontage"** shall mean the horizontal distance, within the respective zone classification, between the side lot line and the zone boundary, where such zone boundary is closer than the other side lot line, as determined in accordance with Part C, Section 11.
- (82) **"Lot Line"** shall mean any boundary of a lot.
- (83) **"Lot Line, Front"** shall mean the boundary of a lot which is common with the street line, provided that, in the case of a corner lot, the shorter lot line that is common with the street line, shall be deemed to be the front lot line and the longer lot line shall be the **"outside side lot line"**.
- (84) **"Lot Line, Rear"** shall mean the lot line opposite the front lot line.
- (85) **"Lot Line, Side"** shall mean any lot line other than the front, rear or outside side lot line.
- (86) **"Lot, Through"** shall mean a lot other than a corner lot having lot lines on two streets.
- (87) **"Manufacturing"** shall mean any operation carried on for the making of any article or part of an article which shall include the altering, assembling, repairing, ornamenting, finishing, cleaning, polishing, washing, packing, canning, adapting for sale, breaking up and/or demolition of the said article and/or thing, but shall not include any use otherwise defined or classified herein; and manufacture shall be construed accordingly.
- ~~(87a) **"Marihuana Dispensary"** shall mean a main use of land or occupancy of a building or structure for the purpose of selling or dispensing marihuana or cannabis products." (Deleted in its entirety by By-law 2019-56)~~
- (88) **"Marina"** shall mean a building, structure or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired and/or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

- (89) **"Medical Clinic"** shall mean a building or portion of a building used solely for the purpose of consultation, diagnosis and treatment of patients by two or more legally qualified physicians, dentists, optometrists, chiropractors, chiropractors and/or drugless practitioners, together with their qualified assistant, and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories and/or pharmacies used in connection and forming part of the practises, but shall not include accommodation for inpatient care, operating rooms for major surgery, or any use otherwise defined or classified herein.
- 2012-120
- ~~(89a) **"Medical Marihuana Production Facility"** shall mean premises used for growing, producing, testing, destroying, storing, or distribution of medical marihuana or cannabis authorized by a license issued by Health Canada.~~  
(Deleted in its entirety by By-law 2019-56)
- 2012-120 (89b) **"Methadone Dispensary"** shall mean a business selling or filling methadone prescriptions for customers as the primary activity of the business, but excludes a pharmacy or a pharmacy that is accessory and ancillary to a hospital.
- (90) **"Mobile Home"** shall mean a manufactured movable or portable dwelling designed and constructed to be towed to its appropriate site, on its own chassis, to be connected to utilities and designed to be placed on a permanent foundation or piers for year round living. Such dwelling unit may contain parts that may be folded, collapsed or telescoped, when being towed, and expanded later to provide additional cubic capacity, as well as two or more separate towable components designed to be joined into one integral dwelling unit. The **"mobile home"** must contain sleeping accommodation, flush toilet, a tub and/or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- 2016-84 (90a) **"Model Home"** shall mean a building which is used on a temporary basis as a sales office or as an example of a type of dwelling that is for sale in a related development and which is not occupied or used as a residential dwelling.
- (91) **"Motel"** shall mean and include a building containing a series of three or more living or sleeping units with individual interior sanitary conveniences for rent and/or hire for temporary living and/or sleeping accommodation of the travelling public.
- (92) **"Motor Vehicle"** shall mean any vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric, diesel or steam railways or other vehicles running upon rails; or farm tractor, traction engine or self-propelled implement of farming or road building machine.
- (93) **"Motor Vehicle Body Shop"** shall mean a building or structure used for the painting and/or repairing of motor vehicle bodies, exteriors and/or undercarriages.
- (94) **"Motor Vehicle Gasoline Bar"** shall mean one or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a floor area of not more than 9.5 sq. m., which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles. A **"motor vehicle gasoline bar"** may operate on a self-serve basis.
- (95) **"Motor Vehicle Rental Agency"** shall mean a building, or portion of a building, where motor vehicles are kept for rent, lease or hire under agreement for compensation.
- (96) **"Motor Vehicle Repair Garage"** shall mean a building, or portion of a building, where the exclusive service performed or executed on motor vehicles, for compensation, shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and/or installation, rustproofing, motor vehicles diagnostic centre, major and/or minor mechanical repairs and/or similar uses.

- (97) **"Motor Vehicle Sales Room and Lot"** shall mean a building, or portion of a building, or an area of land, or both, the purpose of which is for the display or sale, or both, of new and/or used motor vehicles, but does not include a wrecking or salvage yard or scrap yard. A motor vehicle body repair shop, motor vehicles service station and/or motor vehicle repair garage may form an integral part of such **"motor vehicle sales room and lot"**.
- (98) **"Motor Vehicle Service Station"** shall mean a building or structure where gasoline, oil, grease, anti-freeze, tires, tubes, automotive accessories, electric lightbulbs, sparkplugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, washed, polished or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed. A **"motor vehicle service station"** may operate on a self-serve basis.
- (99) **"Motor Vehicle Washing Establishment"** shall mean a building, or portion of a building, which is used for the operation of motor vehicle washing equipment which is automatic, semi-automatic and/or coin-operated and may include a **"motor vehicle gasoline bar"**.
- (100) **"Municipal Yard and/or Public Utilities Yard"** shall mean any land, buildings and structures owned by the municipality, or any local board or commission, or public utility, and used for the storage, maintenance and/or repair of equipment used in connection with civic works.
- (101) **"Museum"** shall mean a building or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or of objects of natural history, and/or of mechanical, scientific and/or philosophical inventions, instruments, models and/or designs, and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and premises used or to be used in connection therewith.
- (102) **"Non-Conforming Use"** shall mean that use to which any land, building or structure was lawfully put on the day this By-Law was passed and which does not conform with the requirements of this By-Law for the zone in which such land, building or structure is situated.
- (103) **"Nursing Home"** shall mean any premises maintained and operated for persons requiring nursing care or in which such care is provided to two or more unrelated persons; as licensed by the Province of Ontario.
- (104) **"Open Storage"** shall mean storage outside a building or structure.
- 2012-120 (104a) **'Opioid Substitution Therapy Clinic'** shall mean a Medical Clinic or a Business, Professional and/or Administrative Office that treats clients using Opioid Substitution Therapy as the primary activity of the clinic or office, but does not include a Public Hospital.
- (105) **"Ornamental Structure"** shall mean any ornamental fountain, statue, monument, cenotaph or other memorial or decorative structure which may or may not be part of or accessory to any other structure.
- 13390 (105a) **"Outdoor Patio"** shall mean an outdoor area used on a seasonal basis in conjunction with any eating establishment as defined in this By-Law, where seating accommodation is provided and where meals and/or refreshments are served to the public for consumption on the premises and which is located entirely within the owner's property limits.
- (106) **"Owner"** shall mean a mortgagee, lessee, tenant, occupant, or a person entitled to a limited estate or interest in land, a trustee in whom the land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

- (107) **"Park"** shall mean an area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation designed to serve the residents of a neighbourhood, community, region and/or Province.
- (108) **"Parking Angle"** shall mean the angle, which is equal to or less than a right angle, formed by the intersection of the side of a parking space and a line parallel to the aisle.
- (109) **"Parking Area"** shall mean an area of a lot, or an area within a building or structure, or an area within a covered structure built below ground level, which area shall be available and maintained to provide parking spaces for vehicles, and includes pedestrian walkways, aisles for the movement of vehicles, and other spaces necessarily incident to the parking of vehicles, together with one or more driveways to and from a public street or lane under all conditions of use.
- (110) **"Parking Space"** shall mean an area, exclusive of driveways or aisles, for the parking of vehicles.
- (111) **"Person"** shall mean any individual, association, firm, partnership or incorporated company.
- (112) **"Private Club"** shall mean a building, or portion of a building, located on private lands, used as the premises for a social, athletic, recreational and/or fraternal organization or club, and which is not operated for profit.
- (113) **"Private School"** shall mean a school other than public school, as herein defined, where academic subjects are taught and which is maintained for educational, philanthropic and/or religious purposes.
- (114) **"Professional Person"** shall for the purpose of this By-Law include legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, drugless practitioners, lawyers, engineers, architects, Ontario Land Surveyors and accountants.
- (115) **"Public Authority"** shall mean a Municipal Council, School Board, Public Utilities Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, Planning Board, and/or other Board, Commission, Committee of Local Authority established for 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-Laws of the Corporation.
- (116) **"Public Parking Area"** shall mean a parking area used for the temporary storage and/or parking of vehicles, for hire or gain.
- (117) **"Public School"** shall mean a public or separate school, high school, technical school, vocational school, college and university, established and maintained at public expense.
- (118) **"Public Sewage Disposal System"** shall mean a sewage works or water control pollution plant under the care and maintenance of the City or the Ministry of the Environment.
- 2019-62 (118a) **"Public Use"** means any use of land, buildings or structure by or on behalf of a public authority.
- (119) **"Public Utility"** shall mean a water works and/or water system, sanitary or storm water sewage works, cable television system, telephone system, electrical power and/or energy generating system, street lighting system, natural and/or artificial gas works; and includes any land, building, equipment, collection, distribution,

supply and/or transmission systems required for the administration and/or operation of any such system.

- (120) **"Rear Yard"** shall mean a yard extending across the full width of the lot between the rear lot line and the nearest part of the main building or structure on the lot. Where a lot is zoned into more than one zone classification, the **"rear yard"** shall mean the yard extending across the full width of the lot, within the respective zone, between the nearest part of the main building or structure on the lot, and the zone boundary, where such is closer than the rear lot line.
- (121) **"Rear Yard Depth"** shall mean the minimum horizontal distance between the rear lot line and the nearest part of the building or structure on the lot. Where a lot is zoned into more than one zone classification, the minimum **"rear yard depth"** requirement shall be measured, within the respective zone, between the nearest part of the building or structure on the lot, and the zone boundary, where such is closer than the rear lot line.
- 11005 (121a) **"Recreational Facilities"** shall mean the use of land for indoor and outdoor recreational facilities such as playgrounds, parks and other facilities, buildings and/or structures for athletic and/or recreational uses such as: a racquet club, a gymnasium, swimming pool, ice rink and similar indoor and outdoor recreational uses.
- (122) **"Recreation Vehicle"** shall mean a portable structure, intended as a temporary accommodation for travel, recreation and/or vacation use. Such structures include motorized snow vehicles, travel trailers, automobile trailers, motorized homes, slide-in campers, chassis-mounted campers, tent trailers and/or boats, but in no event shall be deemed to include **"mobile homes"**.
- (123) **"Redevelopment"** shall mean the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.
- 12679 (123a) **"Research Laboratory"** shall mean a building or structure where systematic investigation is undertaken to develop new products, improve existing products or to increase the use of knowledge.
- 13037 (123b) **"Residential Care Facility"** shall mean a dwelling unit which provides long term residential accommodation and the appropriate level of care and counselling services to a group of not more than eight (8) persons, excluding supervisory staff. The residents shall be directly or indirectly supervised by a public or private agency and the Facility shall be licensed, approved or funded by a federal or provincial government body. The Residential Care Facility shall be the primary residence of the occupants and, as such, any general administrative office uses associated with the supervisory or sponsoring agency shall not be permitted within the dwelling. Further, a foster home used for the accommodation of foster children under the direction of the Children's Aid Society, or a home serviced by the Victorian Order of Nurses or similar service provided by Registered Nurses, shall not be considered to be a Residential Care Facility.
- 13880 (123d) **"Residential Care and Counselling Centre"** means a building used for the provision of temporary short-term residential accommodation, shelter, advocacy, education and support to persons in crisis situations. The Centre will contain multiple sleeping units without cooking facilities and facilities/areas for ancillary uses such as food preparation/dining, office/administration, counselling/support, and play/recreation. The Centre will be staffed by a public or private agency with a minimum of one staff member on duty at all times (7 days per week, 24 hours per day).
- 12907 (124) **"Retail Store"** shall mean the use of land or the occupancy of a building or structure for the purposes of selling, offering for sale, or renting goods, wares, or merchandise on an item per item basis, directly to the public and includes the storage or warehousing of those goods, wares or merchandise, and without limiting the generality of the foregoing also includes a dress shop, millinery shop,

bakery shop and/or tailor's shop, but shall not include an eating establishment, or any use otherwise defined or classified herein.

- (125) **"Salvage Yard"** shall mean premises for the handling of second hand goods, scrap material and/or salvage and without limiting the generality of the foregoing shall include the handling of wastepaper, rags, bones, bottles, bicycles, automobile tires, and/or old metal.
- (126) **"Senior Citizens' Housing"** shall mean any home for Senior Citizens sponsored and administered by any public agency or any service club, church or other non-profit organization, either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes shall include auxiliary uses such as club and lounge facilities, usually associated with Senior Citizens development.
- (127) **"Service Shop"** shall mean a building or part of a building where personal services are provided such as a barber shop, a beauty salon, a shoe repair shop and/or other similar services.
- (128) **"Shopping Centre"** shall mean a group of commercial establishments conceived, designed and developed as a unit, in accordance with the provisions of this By-Law and related in location, size and type to the surrounding trade area which it serves, as opposed to a business area comprising unrelated individual commercial establishments.
- (129) **"Side Yard"** shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest part of the building or structure on the lot. Where a lot is zoned into more than one zone classification, the "side yard" shall mean the yard extending from the front yard to the rear yard, within the respective zone, between the nearest part of the main building or structure on the lot, and the zone boundary, where such is closer than the side lot line.
- (130) **"Side Yard, Interior"** shall mean any side yard other than an outside side yard.
- (131) **"Side Yard, Outside"** shall mean the side yard of a corner lot extending from the front yard to the rear yard between the flanking street line and the nearest part of the building or structure on the corner lot.
- (132) **"Side Yard, Width"** shall mean the minimum horizontal distance between the side lot line and the nearest part of the building or structure on the lot. Where a lot is divided into more than one zone classification the "side yard" shall mean the yard extending from the front yard to the rear yard, within the respective zone, between the nearest part of the main building or structure on the lot, and the zone boundary, where such is closer than the side lot line.
- (133) **"Sign"** shall mean a board, screen or structure having characters, letters, or illustrations applied thereto or displayed thereon in any manner, which shall include the posted or painted advertisements or notices on a building or structure.
- 11125 (133a) **"Sleeping Unit"** shall mean the space, area, furniture, equipment and parts of any building used and occupied by one individual within a building designed or converted for the purpose of providing primarily sleeping accommodation for individuals or a group of individuals.
- 11305 (133b) **"Special Care Residential Building"** shall mean a residential building for the accommodation of Senior Citizens wherein special care in the form of meal preparation and serving, housekeeping and laundry services, and recreational facilities and leisure services, is provided for the residents.
- 2016-84 (134) **"Storey"** shall mean that portion of a building other than a cellar included between the surface of any floor and the surface of the floor, roof, deck or ridge next above it, but shall exclude an unfinished attic.



- (135) **"Street"** shall mean a common and public highway, avenue, parkway, driveway, square, place, bridge viaduct or trestle, designed and intended for, and/or used by, the general public for the passage of vehicles.
- (136) **"Street Line"** shall mean the side limit of a street.
- 2016-84 (137) **"Structure"** shall mean any material object or work erected as a unit or constructed or put together of connected or dependent parts or elements, whether located under, on and/or above the surface of the ground, but shall not include unitary equipment as defined herein.
- (138) **"Swimming Pool"** shall mean an artificial body of water constructed of cement, plastic, fibreglass or similar material, having a depth greater than 0.6 m. and intended primarily for swimming, bathing, wading and diving.
- 2000-86 (138a) **"Take-out Restaurant"** shall mean a building or part of a building, where prepared ready to eat foods intended primarily for consumption off the premises are sold to the public and which is not licensed pursuant to the Ontario Liquor Licence Act, R.S.O. 1990.
- (139) **"Tavern"** shall mean a tavern as defined by "The Liquor Licence Act", R.S.O. 1970, as amended from time to time.
- 98-57 (139a) **"Taxi Business"** shall mean a building or structure and associated parking area, intended to accommodate the service and accessory office requirements related to the operation of a business. A garage shall also be permitted to accommodate minor repairs to taxi vehicles.
- 11005 (139b) **"Tourist-Oriented Retail"** shall mean the use of land or the occupancy of a building or structure for a specialized form of retail which would be of interest to the travelling public such as antique stores, arts and crafts shops and gift shops.
- 13027 (139c) **"Transition Home"** shall mean a dwelling unit which provides short term temporary residential accommodation and the appropriate level of care, treatment, counselling, and/or custody services to a group of not more than fifteen (15) persons, excluding supervisory staff. The residents shall be directly supervised by a public or private agency with a minimum of one staff member on duty at all times (7 days per week, 24 hours per day), and the Home shall be licensed, approved or funded by a federal or provincial government body. The Transition Home shall be a temporary residence for the occupants and as such, any general administrative office uses associated with the supervisory or sponsoring agency shall not be permitted within the dwelling. An administrative office accessory to the Transition Home and required only for the purpose of managing the administration of the Home may be permitted as an accessory use.
- 2002-61 (139d) **"Truck Trailer Box"** shall mean any vehicle or structure so constructed that it is suitable for being attached to a motor vehicle and is capable of being used for transporting goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.
- (140) **"Truck and/or Transport Terminal"** shall mean land, or a building or structure where trucks and/or tractor trailers, are kept for hire, rental and/or lease, and/or stored, and/or parked for remuneration, and/or from which trucks and/or tractor trailers are dispatched for hire as common carriers.
- (141) **"Undertaking Establishment"** shall mean a building, or portion of a building, designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.
- 2016-84 (141a) **'Unitary Equipment'** shall include central air conditioning units, heat pumps, swimming pool filters, and domestic fuel tanks.

- (142) **"Use (when used as a Verb)"** shall mean the doing or permitting of anything by the owner of any land, building, or structure, directly or indirectly or by or through any servant or agent acting for or with the knowledge and consent of such owner, for the purpose of making use of or occupying the said land, building or structure.
- (143) **"Use (when used as a Noun)"** shall mean the purpose for which the land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is or may be occupied.
- (144) **"Use - Main"** shall mean the main purpose for which
- a) the main building or structure is used.
  - b) the lot or parcel is used in the case where there is no building or structure erected on the lot.
- (145) **"Vehicle"** shall mean a motor vehicle trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled and/or driven by any kind of power, including muscular power but not including the cars of electric or steam railways running only upon rails.
- (146) **"Vehicle Weight"** shall mean the weight of a commercial vehicle as listed by the manufacturer.
- (147) **"Warehouse Storage"** shall mean a building or structure used for the storage and/or distribution of goods, wares, merchandise, article, and/or things, but does not include any storage and/or distribution of goods connected with any salvage operation or a bulk storage yard or truck and/or transport terminal.
- 11005 (147a) **"Water-Oriented Restricted Industry"** shall mean the use of enclosed buildings or structures for the purposes of wholesaling, storing, or manufacturing of water-oriented vehicles and/or related equipment such as boats, scuba equipment, fishing equipment and/or similar goods and equipment accessory thereto. These uses shall be such that there are minimal adverse effects on (nearby) land use as the result of the emission of noise, smoke, dust or odour.
- 14078 (147b) **"Waste Transfer Station"** shall mean premises used for receiving non-hazardous solid waste which is compacted and stored temporarily prior to disposal at a waste disposal site.
- (148) **"Water-Oriented Retail Sales and Service Establishment"** shall mean the use of land or the occupancy of a building or structure for the purposes of selling, offering for sale, and/or renting of water-oriented vehicles and/or equipment, such as boats, scuba equipment, fishing equipment and/or similar goods, and equipment accessory thereto. Facilities for the servicing and/or repairing of such vehicles and/or equipment may also be provided.
- (149) **"Watercourse"** shall mean creek, river and/or drainage ditch.
- (150) **"Wholesale Business"** shall mean the use of land or the occupancy of a building and/or structure, for the purposes of selling, and/or offering for sale, goods, wares and/or merchandise on a wholesale basis, and includes the storage of warehousing of those goods, wares and/or merchandise.
- (151) **"Workshop"** shall mean that portion of a building or structure used for the servicing and/or repairing of goods and/or merchandise of a type which is sold from the premises of which the workshop is a part.
- (152) **"Yard"** shall mean any open, uncovered, unoccupied space appurtenant to a building, except as specified in Part C, Section 12.

- (153) **"Zone"** shall mean an area of land for which a specific land use is designated by this By-Law.
- (154) **"Zoning Map"** shall mean the maps which illustrate zones and which form part of this By-Law, or any amendment thereto.