

Section 2 - Definitions

In this By-law, unless the context otherwise requires:

- 2.1 **“Accessory”** when used to describe a use, building or structure means a use, building or structure which is clearly secondary to the permitted use, building or structure located on the lot. No accessory building shall be used for human habitation except as specifically permitted in this By-law.

By-law 99-89 passed September 26, 1989

- 2.1a **“Adult Entertainment Parlour”** means any premises or part thereof in which it 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. No “Adult Entertainment Parlour” can be an accessory use to any of the permitted uses allowed in this By-law.

By-law 35-2007 passed April 24, 2007

- 2.1b **“Agri-Tourism”** means the act of visiting a working farm or any agricultural, floriculture, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation where the principle activity on the property remains as farming and where products used in the activity are produced on the property or related to farming. Such activities shall only include hay or corn maze, petting zoo, hay/sleigh rides, buggy or carriage rides, farm tours, and processing demonstrations.
- 2.2 **“Alter”** means any alteration in a bearing wall or partition, column, beam, girder or other supporting member of a building or structure or any increase in the area or cubic content of a building or structure (see “Construct”).

By-law 48-2020 passed June 23, 2020 (General Amendment)

- 2.3 **“Amenity Area”** means that area of the lot not occupied by buildings, parking and driveway areas which may include patios and landscaped areas on the site, swimming pools and other outdoor areas which can be used for recreational purposes, the area devoted to outdoor balconies and the floor area devoted to indoor entertainment, social and/or recreational common rooms within a Residential Building – Apartment.

- 2.4 **“Apartment Building”** - see “Residential Building - Apartment”.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.4a **“Apparel and Accessories”** means an establishment engaged in the merchandising of one or more of the following commodities: men’s wear, ladies wear, children’s wear, family wear, unisex wear, men’s shoes, ladies shoes, children’s shoes, family shoes, lingerie, hosiery, maternity, millinery, furrier, fabric, wool, bridal, apparel accessories (like neckties, purses).

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.4b **“Appliance Store”** means an establishment specializing in appliances normally for uses within a residence and without limiting the generality of the foregoing may include refrigerators, freezers, stoves, microwave ovens, washers, dryers, humidifiers, de-humidifiers, vacuum cleaners, sewing machines and accessories thereto and may include the servicing of such appliances.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.4c **“Assembly/Processing-Industrial”** means an industrial operation that requires specialized machinery, equipment and/or expertise to substantially put together, build or create a final product from individual parts, which may be manufactured on-site, and the majority of the final product is distributed off-site and may include ancillary retailing to the primary assembly or processing. The installation of minor components (e.g. batteries) or small parts (e.g. furniture legs) that require minimal expertise or equipment and are incidental to the product being sold on-site shall not be considered as an Industrial – Assembly/Processing operation.

2.5 **“Attic”** means the space between the roof and the ceiling of the top storey, or between a dwarf wall and a sloping roof. Any floor area with a clearance of 1.8 metres or less between the floor and ceiling shall be considered as attic space.

By-law 77-2005 passed November 22, 2005 (Residential Accessory Buildings)

2.5a **“Attached”** a building accessory to a residence that is partially or fully enclosed by walls, covered by a roof and shares a solid common wall with the residence from the base of the foundation to the roof line and the said common wall shall have a horizontal distance of not less than thirty per cent (30%) of the horizontal depth of the residential building.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.5b **“Auction Centre”** means a building, structure or lands used for the storage of goods and materials, which are sold on the premise for public auction, and for the sale of the said goods and materials for public auction on an occasional basis but does not include a retail or wholesale establishment.

2.6 **“Automobile Service Station”** means a building or place where automotive fuel is kept for sale and where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed and where minor parts or products required for such repairs may be stored or kept for sale. This definition shall not be deemed to include a public garage, body shop or wrecking establishment. The washing of vehicles may be conducted within a service station building as a use accessory to the main use.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.6a **“Bakery”** means an operation for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery products of which flour or meal is the principal ingredient but does not include a restaurant or other premises where any such products are made for consumption on the premise or a bake shop.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.6b **“Bake Shop”** means an establishment where products of a bakery are sold or offered for sale by retail and may include incidental baking of products for retail sale on the premises only.

By-law 96-89 passed September 26, 1989

2.7 **“Basement”** means that portion of a building partially below ground level and which has more than one-half (1/2) of the area of the exterior wall between finished grade and first floor level exposed.

By-law 99-96 passed November 12, 1996

2.7a **“Bed and Breakfast Establishment”** shall mean a private dwelling where the resident(s) offers a maximum of four bedrooms for the temporary overnight

accommodation of the travelling or vacationing public, and provides amenities and services auxiliary to sleeping rooms, for an all-inclusive fee.

- 2.8 **“Boarding House”** - see “Lodging, Rooming or Boarding House or Tourist Home”.
- 2.9 **“Body Shop”** means a building or a portion of a building used for the repair or painting of motor vehicle bodies or frames.
- 2.10 **“Building”** means any structure having a building floor area greater than 9.3 square metres consisting of a wall, roof and floor or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto.
- 2.10.1 **“Building - One Storey”** means a building which has nothing more than attic and roof area above the first storey.
- 2.10.2 **“Building - Two Storey”** means a building which has a second storey above all or part of the first storey.
- 2.10.3 **“Building - Three Storey”** means a building which has a second and third storey above all or part of the first storey.
- 2.10.4 **“Building - Four Storey”** means a building which has a second, third and fourth storey above all or part of the first storey.
- 2.11 **“Building By-law”** means the Building By-law of the municipality as amended from time to time.
- 2.12 **“Building Floor Area”** - see “Floor Area”.

By-law 48-2020 passed June 23, 2020 (General Amendment)

- 2.13 **“Building Height”** means the vertical distance of the front or rear wall, whichever is greater, measured between the finished grade of the yard abutting the wall and the highest point of the said wall. Where an irregular finished grade occurs abutting the building, the average depth of the finished grade shall be used in calculating the building height. The highest point shall be determined as follows:
- 2.13.1 In the case of a flat roof, the highest point of the roof surface;
- 2.13.2 In the case of a mansard roof, the deck roof line;
- 2.13.3 In the case of a gable, cottage or gambrel roof, the average height between the eaves and the ridges.
- Chimneys, towers, spires, cupolas, grain elevators or that portion of a structure designed to house mechanical equipment or other similar structures shall be disregarded in calculating the height of a building.
- 2.14 **“Building Line or Setback Requirement”** means a line of a dimension which is established in Sub-Section 6.10 of this By-law and the purpose of which is to establish the closest point to a road or street at which a building or structure, other than a legal fence or wall, may be located.
- 2.15 **“Building - Non-Residential”** means a building designed, intended or used for purposes other than those of a dwelling unit or units.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.15a **“Camera Shop”** means an establishment, which primarily specializes in the sale of cameras, film and accessories, used for photography, but does not include a photography studio or film-processing depot.

2.16 **“Carport”** - see “Garage - Private”.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.16a **“Cartage or Transportation Depot”** means a facility where trucks, tractor trailers or buses are rented, leased, kept for hire or stored for parking remuneration or from which trucks or transports or buses stored or parked on the property are dispatched for hire as common carriers but does not include a commercial parking lot or taxi stand.

2.17 **“Car Washing Establishment”** means a building, structure or facility designed, intended or used exclusively for the washing of motor vehicles.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.17a **“Catering Service”** means an operation in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or for take out.

By-law 48-2020 passed June 23, 2020 (General Amendment)

2.18 **“Cellar”** means that portion of a building wholly or partially below grade level and which has less than one-half (1/2) of the area of the exterior wall between finished grade and first floor level exposed.

2.19 **“Church”** means a building designed for and within which a religious ceremony is conducted for a congregation on a regular basis.

2.20 **“Clinic”** means a building within which a medical, dental, optical or chiropractic practice is carried on for the treatment of humans by one or more practitioners and shall not include a veterinary clinic.

2.21 **“Club - Commercial”** means any club other than a “Club - Private”.

2.22 **“Club - Private”** means an association of persons, whether incorporated or not, united by some interest, meeting periodically for co-operation and conviviality but not for business or profit. Club shall also mean, where the context requires, a premises owned or occupied by the members of such association within which the activities of the club are conducted.

By-law 37-2001 passed June 12, 2001

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.22a **“Commercial Entertainment”** means the use of an establishment, for fee, for the provision of entertainment or amusement without the necessity of active participation by the user and shall include for example, such uses as movie theatres, playhouses, bingo and other assembly halls, and shall also include public dance halls and amusement arcades but shall not include an “Adult Entertainment Parlour”.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.22b **“Commercial Greenhouse/Garden Centre/Nursery”** means an establishment from which plants or other products related to plant growing such as landscaping material (mulch, stone, wood chips etc.), pesticides, fertilizers, garden tools and

accessories are retailed to the general public and such plants are used for growing or replanting for an extended period but does not include a florist.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.22c **“Commercial Printing”** means an establishment used for blueprinting, engraving, stereotyping, electro-typing, computer imaging, printing or typesetting and shall include a duplicating shop and collating booklets and reports.

2.23 **“Commercial Purposes”** means the exchange of commodities or services for monetary or other considerations.

By-law 73-91 passed on September 3, 1991

2.23a **“Commercial Recreation”** means a business establishment whose purpose is to refresh mind and body through physical sporting activities such as a health spa, judo, racquets, bowling, billiards, mini golf, and any other similar sporting activities but shall not include dance halls, gaming halls, pinball and video arcades, golf courses, driving ranges, skating or curling, riding stables, go-cart tracks, amusement parks, or adult entertainment parlours.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.23b **“Commercial School”** means a school operated by an individual or company for gain or profit, providing instruction in a specific trade, skill or service such as secretarial skills, vocational skills, aviation, banking, commercial arts, automobile driving, language, modeling, business, hairdressing, beauty, culture, dancing and music schools.

By-law 83-2006 passed November 28, 2006 (General Amendment)

2.23c **“Commercial Vehicle”** means a truck or other vehicle, not including a personal vehicles, which meets one or more of the following criteria:

- an empty weight of 4500 kg (9920 pounds) or more,
- contains more than two axles,
- exceeds 2.6 metres in height and 6 metres in length, or
- is designed to carry 10 or more people,

The type of vehicles may include, but are not limited to (should the vehicle meet one or more of the above-noted criteria): a bus, tow truck, cement truck, panel truck, semi-tractor, semi-trailer, or any other non-recreational trailer used for commercial purposes, stake bed truck, step van, tank truck, tar truck, dump truck, trailer.

2.24 **“Communal Water”** - see “Water Supply”.

2.25 **“Community Centre”** means a building or structure owned and operated by the municipality which provides social, recreational and other facilities for the general public.

2.26 **“Conforming”**, when describing a use or building or structure, means a use, building or structure which falls within the uses and regulations permitted in this By-law for the zone in which such use, building or structure is located.

2.27 **“Construct”** means to do anything in the erection, installation or extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and “Construction” has a corresponding meaning.

By-law 48-93 passed July 13, 1993

2.27A **“Contractor’s Office”** means a building or portion thereof used in the administration or management of a contracting business, including indoor storage, but does not include a contractor’s yard.

By-law 48-93 passed July 13, 1993

2.27B **“Contractor’s Yard”** means the outdoor yard of a construction company or contractor used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the outdoor stockpiling or outdoor storage of supplies used by the business, but does not include the wholesale or retail sale of construction materials or supplies or home improvement supplies.

2.28 **“Convalescent Home”** - see “Nursing or Convalescent Home”.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.28a **“Convenience/Variety Store”** means an establishment which offers a limited range of day-to-day convenience goods such as milk, bread, soft drinks, ice cream, canned or bottle goods, snacks and candy, tobacco, magazines and periodicals, disposable house wares, toiletries, accessory video rental and stationary products but does not include a drug store or video rental or a general merchandise store. Unless otherwise regulated in other sections of this By-law, a Convenience/Variety Store cannot exceed 225 square metres of gross floor area.

2.29 **“Day Nursery”** means a premises that receives more than five (5) children who are not of common parentage primarily for the purpose of providing temporary care and/or guidance for a continuous period not exceeding twenty-four (24) hours, where the children are under eighteen (18) years of age in the case of a day nursery for children with a developmental handicap or under ten (10) years of age in all other cases, but does not include:

2.29.1 Part of a public school, separate school, private school or school for the trainable retarded children under Education Act, R.S.O. 1990 c.E.2, as amended;

2.29.2 A place that is used for recreation and that is supervised by a municipal recreation director;

2.29.3 A children’s mental health clinic.

By-law 83-2006 passed November 28, 2006 (General Amendment)

2.29a **“Decks, Porches or Terraces”** means a structure that is not fully enclosed (i.e. may have a roof but no walls, except for a supporting beam/post), accessory to a residence, used as an outdoor amenity area and is greater than 1.5 square metres in area.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.29b **“Department Store (DSTM)/General Merchandise Store”** means a store engaged in a wide range of merchandising which may include but is not limited to household furnishings, furniture, appliances, electronics, cosmetics, apparel and accessories, stationary, office supplies, computers, books, cards, luggage, jewellery, sporting goods, cameras, hardware, paint, toys, pet supplies, and other durable/semi durable goods.

By-law 83-2006 passed November 28, 2006 (General Amendment)

- 2.29c **“Doddy House”** means the conversion and/or expansion of an existing farm-related residence into a maximum of two units to accommodate the expanded farm family, which may have separate entrances into each unit with no internal connection required, but such conversion and/or expansion shall not have the appearance of a semi-detached dwelling (i.e. which is the vertical separation and symmetrical design of two units).
- 2.30 **“Dog Kennel”** means a building(s) and/or area of land which is provided for the purpose of breeding, raising, keeping or boarding of dogs which is licensed by the municipality.
- 2.31 **“Drive-In Restaurant”** - see “Restaurant - Drive-In”.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.31a **“Drug Store/Pharmacy”** means an establishment where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies and non-prescription medicines but where non-medical products are sold as an accessory use.
- 2.32 **“Dry Industry”** means any industry that does not use water as part of an industrial process, but the foregoing is not meant to include water used for the sanitary needs of the employees.
- 2.33 **“Duplex”** - see “Residential Building - Duplex”.
- 2.34 **“Dwelling”** - see “Residential Building”.
- 2.35 **“Dwelling - Conversion”** means a Residential Building which existed on the day of the passing of this By-law and which may be converted to dwelling units in accordance with the provisions of this By-law.
- 2.36 **“Dwelling - Converted Farm-Related”** means a Residential Building containing one (1) only farm-related dwelling unit existing on the day of the passing of this By-law which may be converted to two (2) dwelling units in accordance with the provisions of this By-law.
- 2.37 **“Dwelling - Farm-Related”** means a Residential Building containing one (1) only dwelling unit used as the primary residence for an active and operating farm or a dwelling unit for a full-time farm employee of an active farm on which the dwelling unit is located.
- 2.38 **“Dwelling Unit”** means a room or group of rooms occupied or designed to be occupied for human habitation which provides cooking, sleeping and sanitation facilities for one or more persons living as an independent and separate housekeeping establishment and which may include those accessory uses specifically permitted by this By-law.
- 2.39 **“Dwelling Unit - Private”** means a dwelling unit within which no service, accommodation or care is provided for a monetary consideration to more than two (2) persons.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.39a **“Electronic Store”** means an establishment primarily specializing in the sale of electronic equipment such as televisions, video cassette recorders/players, DVD players, stereo components, video game players, home computers, radios and accessories thereto and may include the servicing of such items but does not include a music, record, movie, video, DVD, CD or tape store/rental.
- 2.40 **“Emergency Care Facility”** means any type of group living facility other than a group home as defined by this By-law.
- 2.41 **“Erect”** - see “Construct”.
- 2.42 **“Existing”** means existing legally on the day of the passing of this By-law.

By-law 73-91 passed September 3, 1991

2.42A **“Factory Outlet Mall”** means a group of establishments in one building in which areas are leased to manufacturers and where goods, all of which are produced by the manufacturer, and which are primarily classified as:

- i) seconds;
- ii) discontinued lines; or
- iii) goods manufactured to be sold directly to the general public by the manufacturer

are offered for sale directly to the general public from the manufacturer that produces them and no other goods are offered for sale or on consignment except as accessories.

2.43 **“Farm”** means a parcel of land on which the predominant activity is farming.

By-law 35-2007 passed April 24, 2007

2.43a **“Farm Produce Stand”** means a building, a portion thereof, or an open outdoor area wherein the retail sale produce that is primarily grown or raised on site are offered for sale to the public and may include the limited sale of produce grown off-site, baking/preserves made from produce on site, and flowers from elsewhere in the Township.

2.44 **“Farmer”** means an individual, family, association or corporation engaged in farming.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.44a **“Farmer’s Market”** means a building or premise where open spaces or stalls or sale areas that are not separated by permanent walls (but may have removable partitions) and have a maximum area of 100 square metres, are leased, rented or otherwise provided to more than 3 individual vendors for the sale of products primarily of fresh fruit, vegetables, meat, poultry, fish, dairy products, as well as trees, shrubs, plants and flowers and a limited range of canned or preserved products or other food products requiring minimal processing such as maple syrup, cheese, butter, refreshments or baked goods to the general public, but shall not include a flea market, supermarket or food store.

2.45 **“Farming”** means the production of plants and animals useful to man including the breeding, raising or maintaining of livestock, an artificial breeding enterprise, fur farming, fruit growing, the keeping of bees, fish farming, fish and wildlife management, worm farming, greenhouse farming, vegetable growing, the growing of nursery stock and Christmas tree growing, forestry and sod farming.

By-law 93-97 passed November 11, 1997

2.46 **“Farm-Related Occupation” - Deleted see “On-Farm Business”.**

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.46a **“Financial Institution”** means a building or part thereof, which is used to provide financial services in which money is deposited, kept, lent or exchanged, including accessory clerical functions and shall include a bank, trust company, finance company, mortgage company or investment company.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.46b **“Fitness Equipment Store”** means an establishment primarily specializing in the sale of fitness or exercising equipment and accessories but does not include the sale of sporting equipment, goods or apparel.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.46c **“Flea Market”** means a building or premise where open space or stall or sales areas that are not separated by permanent walls (but may have removable partitions) and have a maximum area of 100 square metres, are leased, rented or otherwise provided to 3 or more individual vendors for the sale of articles primarily that are either homemade, handcrafted, old, second hand, antique or obsolete and may include a limited range of new products, merchandises or wares, but does not include a building designed, used or managed that contain one or more self contained units, separated by permanent walls which may connect to a common internal walkway, hall or mall and retail a wide range of products, merchandise or wares that are commonly located in shopping centres, commercial or factory outlet malls.

By-law 32-2008 passed May 20, 2008 (Elmira Two Zone)

2.46d **“Floodway”** for river, stream and small inland lake system, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous floodplain. Where the two zone is applied, the floodway is the contiguous inner portion of the floodplain, representing that area required for the safe passage of the flood flow and/or the area where flood depth and/or velocities are considered to be such that they pose a potential threat to life and/or property damage.

By-law 32-2008 passed May 20, 2008 (Elmira Two Zone)

2.46e **“Flood Fringe”** for river, stream and small inland lake system, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

By-law 32-2008 passed May 20, 2008 (Elmira Two Zone)

2.46f **“Floodplain”** for river, stream and small inland lake system, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

By-law 32-2008 passed May 20, 2008 (Elmira Two Zone)

2.46g **“Flooding Hazards”** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave up rush and other water-related hazard;
- b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 - The flood resulting from the rainfall actually experienced during the major storm such as Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area, and
 - The one hundred year flood.

By-law 32-2008 passed May 20, 2008 (Elmira Two Zone)

2.46h **“Flood Proofing/Flood Proofed”** means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave up rush and other water-related hazards along the

shorelines of the Great Lakes- St Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

By-law 32-2008 passed May 20, 2008 (Elmira Two Zone)

2.46i **“100-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.

By-law 48-2020 passed June 23, 2020 (General Amendment)

By-law 96-89 passed September 26, 1989

2.47 **“Floor Area”** means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions but not including exits and vertical service spaces that pierce the storey. No private garage, breezeway, porch, verandah or unheated sunroom, balcony, space requirements for heating and mechanical equipment and / or attic may be used to calculate minimum floor areas as required in this By-law.

2.48 **“Floor Area - Ground”** means that area of a lot covered or intended to be covered by the floor area of a building as defined above.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.48a **“Florist”** means an establishment where fresh cut flowers, plants and florist accessories, in singular are sold or offered for sale to the public and such use may include the incidental raising and arranging of flowers and plants for sale in the store, but does not include a garden centre, commercial greenhouse or garden nursery.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.48b **“Food Store/Supermarkets”** means an establishment primarily devoted to the sale of food products, without limiting the generality of the foregoing includes grocery store, meat market, fish market, fruit store, candy store, health food store but does not include a farmers market or convenience store.

2.49 **“Frontage”** - see “Lot Frontage”.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.49a **“Furniture Store”** means an establishment specializing in the sale of home furniture and accessories thereto.

By-law 48-2020 passed June 23, 2020 (General Amendment)

2.49b **“Garage”**

i) **“Single Car”** means a garage with an internal minimum width that is less than 5.5 metres (18 feet).

ii) **“Double Car”** means a garage with an internal width between 5.5 metres (18 feet) and 8.25 metres (27 feet).

iii) **“Triple Car”** means a garage with an internal minimum width of 8.25 metres (27 feet) or greater.

Exception – notwithstanding the above definitions where a subdivision has been draft approved, zoned and had pre-approved home plans in place as of June 23, 2020 which do not meet these dimensions, development of the garage as per the pre-approved plans for that subdivision is permitted.

- 2.50 **“Garage - Private”** means an accessory building or that part of a main building used for the storage of a motor vehicle(s) of the owner, tenant(s) or occupant(s) of the lot upon which such garage is located and wherein neither servicing nor repairing is carried on for monetary or other considerations.
- 2.51 **“Garage - Public”** means a building or place where motor vehicles are kept for hire, stored for remuneration or repaired. This definition shall not include an automobile service station, car washing establishment, car sales lot, body shop or wrecking yard.
- 2.52 **“Gas Bar”** means a building or place where automotive fuel and lubricants are kept for sale but where no other service of an automobile service station or public garage is provided.
- 2.53 **“Golf Course”** means a parcel of land used for the playing of the game of golf but shall not include miniature golf courses or golf driving ranges. Golf courses may include such accessory uses as a clubhouse and associated recreation and accessory uses.
- 2.54 **“Gravel Pit”** - see “Pit”.

By-law 37-2020 passed May 12, 2020

- 2.54a **“Greenhouse-Floriculture/Horticultural (non-commercial)”** means a greenhouse used primarily for growing and producing horticultural/floricultural crops for off-site wholesale purposes and/or retailing of products grown on site directly to the consumer and may include limited sale of incidentals (fertilizers, growing mediums, and pots) and products grown or raised on other farms in Woolwich.

By-law 73-91 passed September 3, 1991

- 2.54A **“Gross Leasable Retail Commercial Space”** means that area in which tenants pay rent for what are commonly referred to as stalls, and which is exclusive to tenant occupancy including basement, mezzanines, upper floors, measured from the centre line of joint partitions and from outside wall faces. It includes department stores, service retail stores, restaurants, cocktail bars, banks and other financial establishments, barbers, beauty salons, cleaners, art studios, liquor and beer stores and travel agencies and other uses not specifically excluded below. It excludes service stations, auto centres, offices, banquet halls, hotels, motels, entertainment areas, theatres, residential, outside garden centre displays, shoe repair stores, medical and dental clinics and offices, billiard parlours, bowling alleys, libraries, car washes, any public assembly area, parking area, malls, sidewalks, landscaped areas, private and public washrooms, truck and service facilities, loading and unloading areas, halls, boiler rooms, mechanical and electrical rooms, maintenance rooms, tenant storage areas, and employee rest rooms.

By-law 48-2020 passed June 23, 2020 (General Amendment)

- 2.55 **“Group Home”** means a residence licensed or funded under a federal or provincial statute for the accommodation of 3 to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.
- 2.56 **“Group Multiple Housing Development”** means a development containing two (2) or more Residential Buildings - Apartment or Row on the same lot.

- 2.57 **“Habitable Room”** means any room used or intended for human habitation except a bathroom, hallway, stairwell, laundry or storage room.

By-law 48-2020 passed June 23, 2020 (General Amendment)

- 2.57a **“Health Practitioner”** means a professional engaged in providing health related services to individuals rendered by a person who is licensed or registered to do so under the laws of the Province of Ontario and shall include but is not limited to a physician, dentist, hygienist, chiropractor, osteopath, registered massage therapist and a naturopath, but shall not include individuals employed in a body rub parlor or adult entertainment parlour.
- 2.58 **“Height”** - see “Building Height”.
- 2.59 **“Home Occupation”** means an occupation carried out by the occupants of a property and conducted entirely within a dwelling unit or permitted accessory building.
- 2.60 **“Hotel or Motel”** means a building or group of buildings used for the purpose of catering to the needs of the public by providing accommodation for transient lodgers, with or without meals, but shall not include a Lodging, Rooming or Boarding House or Tourist Home.
- 2.61 **“Household Pet”** means any form of livestock which could normally be purchased in a pet store, which would normally spend all or part of its life within a dwelling unit, which is owned by a resident of the dwelling unit and which is not kept for profit or gain.

By-law 83-2006 passed November 28, 2006 (General Amendment)

- 2.62 **“Industrial Mall”** means a building or a group of buildings designed, developed, owned and managed as a unit in which each building contains four (4) or more separate spaces for lease or occupancy, where at least four units in the building are each a minimum of 35 square metres.
- 2.63 **“Institution”** means any group, organization or society organized for the promotion of a public project or a scientific, educational, literary or similar objective. Institution shall also mean, where the context requires, premises owned or occupied by the members of such association within which the activities of the institution are conducted.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.63a **“Jewellery Store”** means an establishment specializing in the sale and setting of jewellery, which includes precious metals and stones. This use shall not be defined as a processing, repair or assembly operation.
- 2.64 **“Lane”** means a public thoroughfare which affords a secondary means of access to the abutting lots.

By-law 83-2006 passed November 28, 2006 (General Amendment)

- 2.64a **“Legal Non-Conforming Use, Building, Structure or Land”** means a use, building, structure or land which is not permitted or does not conform to applicable regulations of the zone in which the parcel is located but, a use which was established, or a building or structure was constructed or a parcel of land was created, prior to the adoption of By-law 55-86 and conformed to the previous Zoning By-law(s) in effect or pre-dated all Zoning By-laws.

By-law 48-2020 passed June 23, 2020 (General Amendment)

- 2.64b **“Light Industrial”** in reference to manufacturing, assembly or processing means an operation:
- i) that is small scale and generally a daytime operation,
 - ii) is generally enclosed with a building, except for parking, loading and limited outdoor storage,
 - iii) does not ordinarily result in emissions from the building of odours, fumes, noise, cinder (including smoke, soot, ash), dust, vibration, heat, glare (lighting) or electrical interference,
 - iv) with infrequent movement of products and/or heavy trucks, and
 - v) where finished goods are typically designed for the end consumer rather than other industries, such as consumer electronics and clothing manufacturing.
- 2.65 **“Livestock”** means any living organism that obtains sustenance by means of a mouth, other than human beings.

By-law 83-2006 passed November 28, 2006 (General Amendment)

- 2.65a **“Livestock Shelter”** means a structure that is accessory to a livestock operation that is not enclosed with walls but contains only a roof with supporting beams/poles for the purpose of providing temporary shelter for the livestock from weather conditions and shall not contain a permanent manure storage area.
- 2.66 **“Loading Space”** - see “Off-Street Loading Space”.
- 2.67 **“Lodging, Rooming or Boarding House or Tourist Home”** means a Residential Building within which sleeping quarters are regularly let and where meals may be regularly served for a consideration to three (3) or more persons other than the owner, lessee or tenant of the dwelling unit.
- 2.68 **“Lot”** means a parcel of land which can be legally conveyed without consent under the provisions of the Planning Act.
- 2.69 **“Lot Area”** means the total horizontal area of a lot contained within the boundaries of the lot.
- 2.70 **“Lot - Corner”** means a lot situated at the intersection of and abutting upon two streets, or upon two parts of the same street, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents at the street extremities of the side lot lines) contain an angle of not more than one hundred and thirty-five (135) degrees. In the case of a curved corner, the corner of the building lot shall be deemed to be the point of the street line nearest to the point of intersection of the said tangents.
- 2.71 **“Lot Coverage”** means the area of the lot covered or to be covered by buildings or structures.
- 2.72 **“Lot Depth”** means the average distance between the front and rear lot lines, or in the case of the triangular lot, from the front line to the apex of the side lot lines.
- 2.73 **“Lot Frontage”** means the distance, measured along the front lot line, between the points where the street line is intersected by the side lot lines.
- 2.74 **“Lot - Interior”** means a lot other than a corner lot.

- 2.75 **“Lot Line”** means any line intended to define the boundary of the lot.
- 2.75.1 **“Front Lot Line”** means the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting the street shall be deemed to be the front lot line and the longer line abutting the street shall be deemed to be the side lot line. In the case of a through lot, the lot line abutting the street listed on the municipal address of the lot shall be deemed to be the front lot line;
- 2.75.2 **“Rear Lot Line”** means the lot line farthest from and opposite to the front lot line;
- 2.75.3 **“Side Lot Line”** means a lot line other than a front or rear lot line;
- 2.76 **“Lot - Through”** means a lot bounded on two opposite sides by streets, but not a corner lot.
- 2.77 **“Lot Width”** means the distance, measured in a straight line, between the points where the side lot lines are intersected by the building line.
- 2.78 **“Main Building”** means the building, the principle use of which in its existing location is permitted by this By-law. Except as provided elsewhere in this By-law, all other buildings on the same lot shall be accessory buildings.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.78a **“Mass General Merchandise Store”** means an establishment engaged in a wide range of merchandising, which may include but is not limited to Department Store Type Merchandise, food store merchandise, garden supplies, pharmacy, restaurant, public garage including automotive service, repair and sale of automotive parts, photographic studio, film processing, travel office, bank, eye vision centre.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.78b **“Membership Warehouse Club”** means an establishment engaged in the retailing of types of goods, wares, and/or merchandise typically found within a Department Store, Mass General Merchandise Store, General Merchandise Store, and Supermarket/Food Store. The goods, wares, and/or merchandise are typically displayed or offered in bulk or large sizes, volumes or quantities for purchase by the general public, private sector businesses/operations, and/or may offer membership for exclusive privileges/rights to purchase such goods, wares or merchandise.

By-law 83-2006 passed November 28, 2006 (General Amendment)

- 2.78c **“Mobile Home”** means any dwelling unit designed, built and/or manufactured to be made mobile for the purpose of providing a residence, for one or more persons and constructed:
- In accordance with the Requirement for a Mobile Home, CAN/CSA-Z240, in the applicable section of the Ontario Building Code,
 - Limited to one-storey in height,
 - Not be greater than two sections in size, where each section is no more than 4.88 metres (16 feet) in width,
 - Shall not contain a basement, and
 - Additions are not permitted except for a minor enclosed porch or breezeway, which may connect to the existing dwelling, if permitted as a second dwelling unit, but shall not include a modular home, motor home, travel trailer, tent trailer or trailer.

By-law 83-2006 passed November 28, 2006 (General Amendment)

- 2.78d **“Modular Home”** means a residential building, manufactured in large scale components in an off-site manufacturing operation with only assembly and finishing occurring on-site and is in accordance with CSA A-277 “Procedure for Certification of Factory Built House” in the applicable section of the Ontario Building Code, but does not include a mobile home, motor home, travel trailer, tent trailer or trailer.
- 2.79 **“Motel”** or **“Motor Hotel”** - see “Hotel or Motel”.
- 2.80 **“Motor Home”** means any motor vehicle so constructed as to be a self-contained, self-propelled unit, capable of being utilized for the living, sleeping or eating accommodation of persons.
- 2.81 **“Motor Vehicle”** means an automobile, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include the cars of electric, steam or diesel railways or other motor vehicles running only upon rails, traction engines, farm tractor, self-propelled implement of husbandry or road building machine (see Vehicle).
- 2.82 **“Municipal Service”** means a sewage collection and treatment facility operated by or for the municipality or a water supply and distribution system operated by or for the municipality.
- 2.83 **“Municipal Services”** means both a sewage collection and treatment facility operated by or for the municipality and a water supply and distribution system operated by or for the municipality.
- 2.84 **“Municipal Sewage”** - see “Sewage Collection and Treatment”.
- 2.85 **“Municipal Water”** - see “Water Supply”.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.85a **“Museum”** means a building used for the preservation of a collection of paintings and/or other works of art, and/or objects of natural history, and/or mechanical, scientific and/or philosophical inventions, instruments, models and/or designs and dedicated or to be dedicated to the recreations of the public, together with any libraries, reading room, laboratories and/or other offices and premises used or to be used in connection therewith.

By-law 94-89 passed September 26, 1989

- 2.85b **“Non-Complying”** means a building, structure or lot which does not satisfy the applicable regulations of the zone in which such building, structure or lot is located.

By-law 94-89 passed September 26, 1989

- 2.86 **“Non-Conforming”** means a use which is not permitted in the zone within which such use is located.

By-law 64-2016 passed August 23, 2016

- 2.86A **“Non-Manufacturer Factory Outlet Stores”** means retail outlet stores or establishments not directly operated by a manufacturer of the goods, but operated by a third party on behalf of more than one manufacturer, selling merchandise to the general public which is primarily classified as:

- i. Seconds;
- ii. Discontinued lines;
- iii. Discounted manufacturer merchandise due to: overruns and overstock that is not selected for sale through traditional retail stores or the result of store close outs;
- iv. Goods manufactured to be sold directly to the general public by the manufacturer,

and no other goods are offered for sale or on consignment except as accessories.”

2.87 **“Non-Residential”** - see “Building - Non-Residential”.

2.88 **“Nursery School”** - see “Day Nursery”.

2.89 **“Nursing or Convalescent Home”** means any building or portion of a building other than a private or a public hospital where persons are housed or lodged and furnished with means and nursing care for a consideration.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.89a **“Office”** means a building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or, where not conducted on the site, thereof, the administration of an industry.

By-law 93-97 passed November 11, 1997

By-law 37-2020 passed May 12, 2020

2.89b **“On-Farm Diversified Use”** means uses that are secondary to the principal agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to home occupations, home industries agri-tourism uses and uses that produce value-added agricultural products.

2.90 **“Off-Street Loading Space”** means a space on which a vehicle may be parked for the purpose of loading or unloading services in accordance with the regulations of this By-law, other than a public road or lane.

2.91 **“Off-Street Parking Space”** means a space on which a vehicle may be parked in accordance with the regulations of this By-law, other than a public road or lane.

2.92 **“Parking Lot - Commercial”** means a lot, building or structure on or in which licensed motor vehicles are parked for compensation and which is not ancillary to another use or uses on the same lot.

2.93 **“Person”** means an individual or any association, partnership, corporation, Municipal Corporation, agent or trustee and heirs, executors or other legal representatives of a person to whom the context may apply according to law.

2.93a **“Personal Service Shop”** means an establishment or part thereof used in the provision of services involving the care of person, pet or apparel and shall include a dressmaker, a tailor, beauty or grooming of a person or maintenance or cleaning of apparel.

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

2.95 **“Place for Dispensing Refreshment to the Public”** - see “Restaurant”.

By-law 1-2004 passed February 9, 2004

- 2.95a **“Planning Act”** – means the *Planning Act*, Revised Statutes Ontario 1990 c.P. 13 as it may from time to time be amended or replaced.
- 2.96 **“Private Home Day Care”** means the temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four (24) hours.
- 2.97 **“Private Sewage Treatment”** - see “Sewage Collection and Treatment”.
- 2.98 **“Private Water Supply”** - see “Water Supply”.

By-law 37-2020 passed May 12, 2020

- 2.98a **“Products Grown and Raised on site”** means:
- The sale of farm products that is grown or raised on the premises that the sales are being conducted, which may include the sale of other products from other lands operated by the same farmer in the Township of Woolwich.
 - The sale of plants that have been cultivated (either from seed or whip, plug, bulb, cutting) on the premises that the sales are being conducted, but shall not include the importing of retail ready products that require short term water and/or care (imported products that have been onsite for less than 3 months) prior to sale to the public.

By-law 35-2007 passed April 24, 2007

- 2.98b **“Products Grown and Raised on site”** means:
- the sale of farm products, that is grown or raised on the premises that the sales are being conducted, which may include the sale of other products from other lands operated by the same farmer in the Township of Woolwich.
- 2.99 **“Public Street or Public Road”** - see “Street or Road”.
- 2.100 **“Quarry”** means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.100a **“Rental Service”** means a building or part of a building where residential, industrial or commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving equipment, plumbing and power tools.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.100b **“Research and Development”** means an operation used for the purpose of conducting pure and applied research and experimentation in any field of science, medicine and technology and includes such facilities as lecture rooms, administrative offices, laboratories, display rooms, pilot units, simulating equipment and the like and service and machine shops to serve the research centre operation, but does not include animal research and industrial or manufacturing operations other than those required in the conduct of permitted research.

2.101 **“Residential Building”** means a separate building designed, intended or used to contain a dwelling unit or units.

2.101.1 **“Residential Building - Apartment”** means a Residential Building containing three (3) or more dwelling units which share a common hall or halls and common entry at grade;

2.101.2 **“Residential Building - Duplex”** means a Residential Building divided horizontally to contain two (2) dwelling units;

2.101.3 **“Residential Building - Multiple”** - see “Residential Building - Apartment”;

By-law 95-89 passed September 26, 1989

2.101.4 **“Residential Building - One Unit”** means a Residential Building containing one (1) only dwelling unit but does not include a trailer, mobile home or motor home;

2.101.5 **“Residential Building - Row”** means a Residential Building containing three (3) or more dwelling units, each of which faces onto a public street and each of which has a separate entrance at grade level and is separate from its neighbours by a continuous vertical party wall without opening and extending from the base of the foundation to the roof;

By-law 83-2006 passed November 28, 2006 (General Amendment)

2.101.6 **“Residential Building - Semi-detached or Link Home”** shall mean a Residential Building divided vertically into two (2) dwelling units by a solid wall extending from the base of the foundation to the roof line of the said common wall, which shall have a horizontal distance of not less than the garage depth or 30% of the horizontal depth of the building”.

By-law 77-2005 passed November 22, 2005

2.101a **“Residential - Accessory Building/Structure”** means a detached building or a portion of the principle residence, which is located on the same lot as the principle residence and is not used for human habitation and is customarily found in connection with; subordinate to; and naturally and normally incidental by shape, character and size to the principle residence and contributes to the comfort, convenience or necessity of occupants of the principal residential for such uses as personal storage, personal leisure, hobby workshop, and the parking of personal vehicles.

By-law 83-2006 passed November 28, 2006 (General Amendment)

2.101b **“Residential Care Facility”** means a dwelling or part thereof occupied by three (3) or more persons, exclusive of staff, who by reason of their emotional, mental, physical or social condition or legal status, are cared for on a temporary or permanent basis in a supervised group setting. This shall include, for example, a group home, crisis care

facility, residence for socially disadvantaged persons or nursing home, but shall not include a lodging house, foster care home or hospital.

By-law 99-89 passed September 26, 1989

- 2.102 **“Restaurant”** or **“Place for Dispensing Refreshment to the Public”** means a business establishment, the primary function of which is to prepare and serve food and/or drink for consumption on the premises and within an enclosed building but does not include an Adult Entertainment Parlour.
- 2.103 **“Restaurant - Drive-In”** means a restaurant where food and/or drink are served for consumption in a vehicle or on the site.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.104 **“Retail”** means a establishment engaged in the selling of articles, goods, wares and/or merchandises to the general public for its use.
- 2.105 **“Riding Academy or Stable”** means a stable for the housing of horses for hire or boarding or for a private riding club which may include a building where equestrian skills are practiced.
- 2.106 **”Road”** - see “Street or Road”.
- 2.107 **“Rooming House”** - see “Lodging, Rooming or Boarding House or Tourist Home”.
- 2.108 **“Row”** - see “Residential Building - Row”.
- 2.109 **“Sand and Gravel Pit”** - see “Pit”.
- 2.110 **“School”** means an elementary or secondary school under the jurisdiction of a County Board of Education or School Board or a private school under Provincial charter.
- 2.111 **“School - Nursery”** - see “Day Nursery”.
- 2.112 **“Semi-Detached”** - see “Residential Building - Semi-Detached”.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.112a **“Service or Repair Enterprise”** means an establishment for the maintaining or restoration of an article and shall not include the provision of personal service.
- 2.113 **“Service Station”** - see “Automobile Service Station”.
- 2.114 **“Setback Line”** - see “Building Line”.
- 2.115 **“Sewage Collection and Treatment”**
- 2.115.1 **“Municipal Sewage Collection and Treatment”** means a sewage collection and treatment system owned and operated by a municipal authority or authorities which is capable of providing a sewage collection system and sewage treatment facilities to a Settlement or a portion thereof;
- 2.115.2 **“Private Sewage Treatment”** means a sewage treatment facility provided by means of individual septic tank installations on each lot. Approval for each such septic tank installation shall be obtained from the Waterloo Regional

Health Unit. Private Sewage Treatment also refers to other means of collection and treatment facilities, acceptable and approved by all Provincial authorities having jurisdiction including the Township, or by a combination of the above.

2.116 **“Sewer”** means a part of a sewage collection system owned and operated by a municipality.

2.117 **Deleted by By-law 80-92 (Sign By-law)**

2.118 **“Storey”** means that portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

2.119 **“Storey - First”** means the storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade.

2.120 **“Street or Road”** means a public thoroughfare other than a lane, which is maintained by a public road authority and which is open and passable during all seasons of the year.

2.121 **“Structure”** means anything constructed or built, either permanent or temporary, and which is fixed to or resting on or below the ground, other than a boundary fence, freestanding boundary wall or retaining wall.

By-law 37-2001 passed June 12, 2001

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

2.121a **“Studio”** means an establishment used for the study of an art such as dancing, singing, acting or modeling or the workplace and retail shop of a painter, sculptor or photographer or an establishment used for the making and transmission of motion pictures, radio or television programs but does not include a movie theatre.

2.122 **“Tourist Home”** - see “Lodging, Rooming or Boarding House or Tourist Home”.

2.123 **“Trailer”** means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed.

2.124 **“Use”** means the purpose for which a lot, building or structure or any combination thereof is designed, arranged, intended, occupied or maintained and “used” shall have a corresponding meaning.

By-law 35-2007 passed April 24, 2007

2.124a **“Value Added Farm Uses”** means any activity or process that is completed by the farmer, which alters the original agricultural product or commodity grown on site by the farmer and may be supplemented by products from elsewhere for the purpose of gaining a marketing advantage. Value-added Operations may include cleaning, bagging, packaging, bundling, pre-cutting, cooking and baking and marketing activities, such as, making jams, cider, pies, muffins, potato chips, a butcher shop, selling manure packaged for fertilizer, or making bio-diesel etc.

- 2.125 **“Vehicle”** means a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the cars of electric, steam or diesel railways running upon rails. (See also “Motor Vehicle”)
- 2.126 **“Veterinary Clinic or Office”** means a facility where animal care or treatment is provided by one or more veterinarians and may include the temporary indoor housing of animals so cared for or treated.
- 2.127 **“Video-Pinball Game Amusement Centre”** means an establishment where three (3) or more video or pinball game machines are available for use. Up to two (2) video or pinball game machines are deemed to be permitted as an accessory use to a commercial establishment in any zone where such commercial establishment is a permitted use.
- 2.128 **“Water Supply”**
- 2.128.1 “Communal Water Supply” means a water supply and distribution system built and operated in accordance with the statutory provisions of the Ontario Water Resources Act, R.S.O. 1990 c.O.40, as amended, and in accordance with the standards for such systems adopted by the Regional Municipality of Waterloo;
- 2.128.2 “Municipal Water Supply” means a water supply and distribution system owned and operated by a municipal authority or authorities which is capable of providing a water supply to a Settlement or to a proposed development within a Settlement;
- 2.128.3 “Private Water Supply” means a water supply provided by means of privately owned wells. Approval for each such well shall be obtained from the Waterloo Regional Health Unit or the Ministry of the Environment where required.
- 2.129 **“Wayside Pit”** or **“Wayside Quarry”** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 2.130 **“Wholesale”** means the selling of articles to persons in the trade.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

- 2.130a **“Wholesale Outlet”** means an establishment or place of business primarily engaged in selling merchandise to retailers, to industrial or commercial, institutional or professional business users or persons in the trade or wholesalers or agents or brokers selling merchandise to such companies but does not include a Membership Warehouse Club or retail store.

By-law 77-2005 passed November 22, 2005 (Residential Accessory Buildings)

- 2.130b **“Windmill - Accessory”** - means a structure, whether a standalone or attached to a permitted building, which is naturally and normally incidental to, subordinate to, a permitted use and used for the generating of power by using wind predominantly for the primary use permitted on the property. This shall not include a windmill used primarily for the generating of power for sale.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

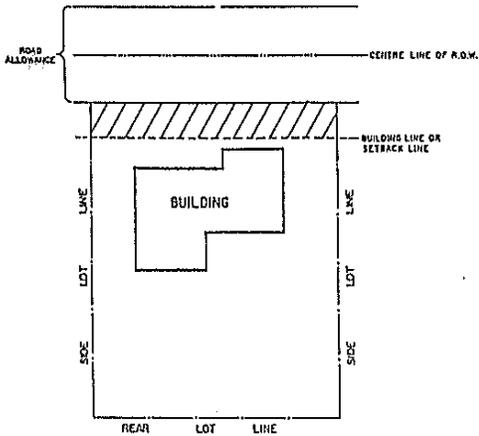
2.130c **“Wrecking/Scrap Yard”** means a place where vehicles and other goods which are used, worn out, cast or discarded are dismantled, crushed, condensed and/or stored for the purpose of reclamation, recycling, reuse or consignment.

- 2.131 **“Yard”** means a space open from the ground to the sky on the same lot with a building, unoccupied except for such accessory buildings or uses as are specifically permitted by this By-law.
- 2.131.1 **“Yard - Front”** means a yard extended from side lot line to side lot line and from and parallel to the street line, to the nearest part of the main building or structure on the lot, disregarding open terraces or steps. The depth of the front yard (from the front lot line to the closest point at which a building may be located) is defined in the General Regulations under the heading “Building Line or Building Setback Requirement”;
- 2.131.2 **“Yard - Rear”** means a yard extending across the full width of the lot from side lot line to side lot line and extending from the rear lot line (or, in the case of a triangular lot, between the apex of the triangle formed by the intersection of the side lot lines) to the rear wall of the main building located on the lot. The depth of the rear yard, measured horizontally from the rear line (or in the case of a triangular lot, from the apex of the triangle formed by the intersection of the side lot lines) to the closest point at which a main building may be located as defined in the zoning category under the heading “Minimum Rear Yard”;
- 2.131.3 **“Yard - Side”** means a yard adjacent to the side lot line and extending from the front yard to the rear yard. The width of the side yard (from the side lot line to the closest point at which a building may be located) is defined in the zoning category under the heading “Minimum Side Yard”.
- 2.132 **“Yard Flankage”** means a yard on a corner lot lying adjacent to that street line which by definition is a side lot line and which extends from the said street line to the building line.
- 2.133 **“Yard - Required”** means that portion of a yard abutting the lot line or lines required to fulfill the minimum yard requirements as established by this By-law for the specific zone.

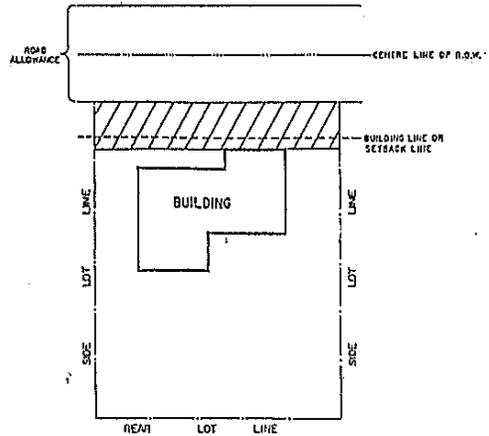
TO ILLUSTRATE YARD DEFINITIONS ONLY

"Yard" means a space open from the ground to the sky on the same lot with a building, unoccupied except for such accessory buildings or uses as are specifically permitted by this By-law.

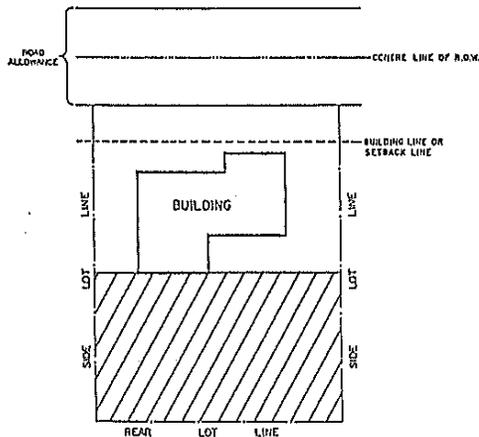
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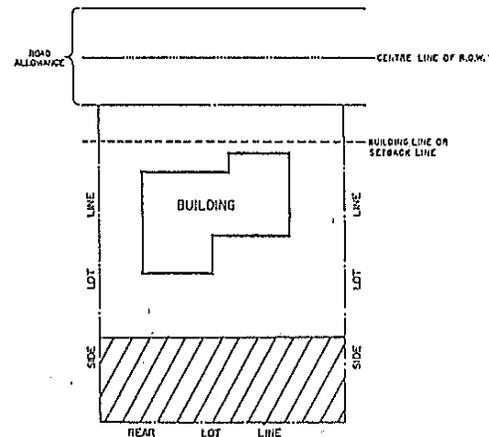
SETBACK REQUIREMENT



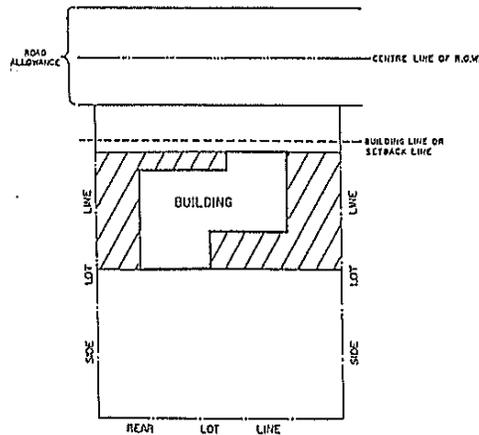
FRONT YARD



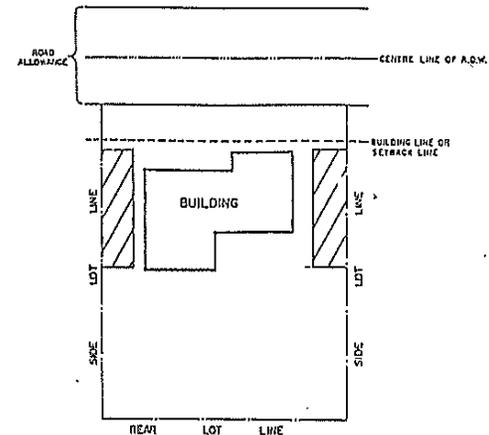
REAR YARD



REQUIRED OR MINIMUM REAR YARD



SIDE YARDS



REQUIRED OR MINIMUM SIDE YARD