



SECTION 5.0 DEFINITIONS

ACCESSORY BUILDING shall mean a detached building located on the same lot and used for a purpose which is incidental, subordinate and exclusively devoted to the principal use of the lot and buildings on it, and shall include detached garages, sheds, barns and similar storage facilities.

ACCESSORY USE shall mean a use which is incidental, subordinate and exclusively devoted to the principal use of the lot and buildings thereon, located on the same lot.

(156-2022)(69-2023)

ADDITIONAL RESIDENTIAL UNIT (ARU) means a self-contained residential dwelling unit, with its own cooking facility, sanitary facility and sleeping area, that either forms part of the same building as the principal dwelling, or is located within an ancillary building on the same lot as the principal dwelling, as defined in Section 10.16.

ADULT ENTERTAINMENT PARLOUR shall mean any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or are designed to appeal to erotic and sexual appetites or inclinations which include:

- (a) goods or services of which a principal feature or characteristic is the nudity or partial nudity of any person;
- (b) goods or services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or picture symbol or representation having like meaning or implication as used in any advertisement.

ADULT VIDEOTAPE shall mean any videotape, the content of which is designed, or held out as designed, to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter.

ADULT VIDEOTAPE AREA shall mean an identifiable part of any premises which part is used for the provision of adult videotapes.

ADULT VIDEOTAPE STORE shall mean any premises:

- (i) used for the carrying on of the business of the provision of adult videotapes; or
- (ii) in which adult videotapes are provided in the pursuance of a business and to which premises entry by persons under the age of eighteen (18) years is prohibited, or in respect of which premises it is advertised or notice is given that such entry is prohibited; or

- (iii) in which adult videotapes are provided in the pursuance of a business and in respect of which it is advertised, or notice is given either by signs or other advertising devices on or in the premises, or otherwise, that the premises are an "adult video store", and " adult videotape store", an "adult video rental store", or are otherwise described by words of like meaning.

AGRICULTURAL USE shall mean the use of land, structures or buildings for the purpose of general farming and, without limiting the generality of the foregoing, includes forestry, field crops, fruit farming, marketing gardening, dairying, pasturage, animal husbandry and the sale of produce grown on the farm from which the sale is made.

AMUSEMENT ARCADE or **PLACE OF AMUSEMENT** shall include any shop, building, or place or part thereof, which is open to the public, in which four (4) or more amusement devices are installed, placed or operated.

AMUSEMENT DEVICES includes any machine, device or contrivance used for playing any game of chance or skill or of a mixed chance or skill or to afford entertainment or amusement to the operator.

ANIMAL HOSPITAL shall mean the premises where animals which are household pets and not agricultural livestock, are kept for the purposes of veterinary treatment within a building or structure, and shall include the offices of a veterinary surgeon, but shall not include the overnight boarding of animals not receiving veterinary treatment or outside runs.

ART GALLERY shall mean a building, place or area where paintings, sculptures or other works of art are exhibited or sold.

(69-2023)

ATTACHED ADDITIONAL RESIDENTIAL UNIT (ATTACHED ARU) shall mean an additional residential unit (ARU) located within the same building as a principal dwelling as defined in Section 10.16 to create a two-unit dwelling or three unit dwelling.

AUTOMOBILE IMPOUND FACILITY shall mean a place operated by or under an agreement with a public authority for the storage of automobile vehicles, which have been seized pursuant to the power of the public authority and may include a collision-reporting centre.

(212-2020)

BALCONY shall mean an unenclosed attached platform projecting from the face of a wall that is only directly accessible from within a building with no direct exterior access to grade and may be surrounded by a balustrade, partial wall, or railing, where required.

BANQUET HALL shall mean a building or portion of a building used for the assembly of persons for the gathering together of groups of persons for specific functions, or for the consumption of food and beverages operated on a profit-making basis.

BASEMENT or **CELLAR** shall mean the portion of a building between two floor levels that is partly or completely below established grade.

(266-2006, 267-2006)

BODY ART AND/OR TATTOO PARLOUR shall mean any premises which is operated for the primary purpose of marking the skin with indelible pigment or other such substance so as to produce a permanent design, mark or similar feature on the skin.

BUILDING shall mean any structure, whether temporary or permanent, used or erected for the shelter, accommodation or enclosure of persons, animals, materials or equipment, but shall not include a house trailer or mobile home.

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

BUILDING HEIGHT shall mean the vertical distance between the established grade, and:

- (a) in the case of a flat roof, the highest point of the roof surface,
- (b) in the case of a mansard roof, the deck line, or
- (c) in the case of a peaked, gabled, hip or gambrel roof, the mean height level between eaves and ridge.

BUILDING, MAIN shall mean the building in which the principal purpose for which the lot is used is carried on.

CARPORT shall mean an accessory building or structure or part thereof, the perimeter of which is more than forty (40) percent unenclosed and which is used for the parking or temporary storage of vehicles.

CATERING TRUCK shall mean a truck cab and frame with a catering box installed thereon, having a vehicle weight not in excess of 3300 kilograms, from which various beverages, foods and sundries are sold at various locations.

CELLAR (see **BASEMENT**)

CEMETERY shall mean a cemetery, crematorium, mausoleum, or columbarium within the meaning of the *Cemeteries Act*.

COMMERCIAL USE shall mean the use of land, building or structures for the purposes of buying and selling of commodities and supplying of services, as distinguished from the manufacturing, assembling or storage of goods.

COMMUNITY CENTRE shall mean a building or place used for community activities of a social, cultural or recreational character and operated on a non-profit basis.

COMMUNITY CLUB shall mean a building or place operated by a social organization.

COMPOSTING FACILITY shall mean a facility whose primary purpose is the composting of food waste and organic materials.

CONSERVATION AREA shall mean an area of land owned by a conservation authority.

CONVENIENCE STORE or **GROCERY STORE** shall mean a retail establishment engaged in the business of selling groceries, meat, fruit and vegetables to the general public and occupying premises having a gross commercial floor area of less than six hundred (600) square metres.

COVERAGE shall mean the percentage of the land or lot area covered by buildings.

CUSTOM WORKSHOP shall mean a building or place where goods are produced on special order and sold on the premises.

(343-2013)

DAYLIGHTING TRIANGLE/ROUNDING shall mean the portion of the triangular or rounding limit of a road right-of-way that is created along a corner lot for the purpose of providing an unencumbered sight visibility area for pedestrians and vehicles.

DAY NURSERY shall mean a day nursery within the meaning of the *Day Nurseries Act*.

(212-2020)

DECK shall mean an attached or freestanding unenclosed platform or series of platforms, 0.6 metres or greater above ground level, which is located on the same level as or lower than the first storey of the building associated with the platform, with direct access to the ground, but shall not include a Landscaped Deck.

DETACHED when used in reference to a building, shall mean a building which is not dependent on any other building for structural support or enclosure.

DRIVE-THROUGH FACILITY shall mean any structure or portion thereof from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.

(233-2006)

DRIVEWAY, RESIDENTIAL shall mean the hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone) on detached, semi-detached or townhouse dwelling lots, and that hard and level surface on the road right-of-way to the street edge, upon which vehicles drive and park, and such hard and level surface includes a surfaced walk situated parallel to the Residential Driveway in a manner capable of being parked or driven upon by part or the whole of a motor vehicle. The width of the Residential Driveway is measured parallel to the front of an attached garage or in the case of a lot where there is no garage or there is a detached garage, the driveway width is measured perpendicular to the direction in which motor vehicles drive and park on the driveway.”

DRY CLEANING AND LAUNDRY DISTRIBUTION STATION shall mean a building or place used for the purpose of receiving and distributing articles or goods or fabrics to be dry-cleaned, dry-dyed, cleaned or pressed off the premises.

DRY CLEANING AND LAUNDRY ESTABLISHMENT shall mean a building or place where dry cleaning, dry-dyeing, cleaning or pressing of articles or goods or fabrics is carried on.

DWELLING shall mean a building occupied or capable of being occupied as a home, residence or sleeping place by one or more persons.

DWELLING, APARTMENT shall mean a building containing five (5) or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use common elements.

(56-2010)

DWELLING, BACK TO BACK TOWNHOUSE shall mean a building containing four or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

DWELLING, DOUBLE DUPLEX shall mean a detached building that consists of two (2) duplex dwellings attached to each other containing a total of four (4) dwelling units.

(69-2023)

DWELLING, DUPLEX shall mean a building that is divided horizontally into (two) 2 dwellings units, each of which has an independent entrance either directly or through a common vestibule. A duplex dwelling is not a principal dwelling as defined in Section 10.16 that contains an additional residential unit.

(56-2010)

DWELLING, LIVE-WORK TOWNHOUSES shall mean a townhouse dwelling composed of three (3) or more dwelling units, where each dwelling unit is located on its own lot, or has frontage on a public street, with the garage in the rear yard and has access to the garage from a public street, public lane or private lane, where units have at least one common interior side wall; and where commercial and or residential uses are permitted on the ground floor/first floor, portions of the second or third floor; and where a home occupation is permitted on all floors; and where each dwelling unit may have a balcony or uncovered terrace on the second or third storey.

DWELLING, MAISONETTE shall mean a building that is divided vertically into three (3) or more dwelling units, each of which has at least two (2) independent entrances, only one of which is directly accessible from the outside yard area abutting the said dwelling unit.

(69-2023)

DWELLING, MULTIPLE RESIDENTIAL shall mean a building or place containing three (3) or more dwelling units. A multiple dwelling is not a principal dwelling as defined in Section 10.16 that contains additional residential units.

DWELLING, QUADRUPLEX shall mean a detached building containing four (4) dwelling units arranged in a group so that the two (2) main interior walls of each dwelling unit are attached to a main interior wall of the abutting dwelling units.

(56-2010)

DWELLING, REAR LANE TOWNHOUSE, shall mean a townhome dwelling composed of three (3) or more dwelling units, where each dwelling unit is located on its own lot with the garage in the rear yard and has access to the garage from a public street, public lane or private lane, has at least one common interior side wall, and where each dwelling may have a balcony or uncovered terrace on the second or third storey.

DWELLING, SEMI-DETACHED shall mean a building that is divided vertically into two (2) separate dwelling units, where the two dwelling units share a common wall which is not less than ten (10) square metres and extends from the ground level to the roofline, and which may be a garage wall.

DWELLING, SINGLE DETACHED shall mean a completely detached residential building containing only one dwelling unit.

(56-2010)

DWELLING, STACKED TOWNHOUSE, shall mean a building containing four or more dwelling units where each dwelling unit is separated horizontally and vertically from another dwelling by a common wall.

DWELLING, STREET TOWNHOUSE shall mean a townhouse dwelling composed of dwelling units, where each dwelling unit is located on its own lot or has frontage on a street.

(69-2023)

DWELLING, THREE-UNIT shall mean a single detached dwelling, semi-detached dwelling or townhouse dwelling containing two attached additional residential units.

DWELLING, TOWNHOUSE shall mean a building that is divided vertically above established grade into three (3) or more dwelling units where each dwelling unit is attached with another dwelling unit by a common wall, which may be a garage wall, not less than ten (10) square metres in area from the ground level to the roofline of the wall; and where each dwelling unit has an independent entrance to the front and rear yard immediately abutting the front and rear wall of the unit.

(69-2023)

DWELLING, TRIPLEX shall mean a detached building that is divided horizontally into three (3) dwelling units, each of which has an independent entrance either directly or through a common vestibule. A triplex dwelling is not a principal dwelling as defined in Section 10.16 that contains additional residential units.

(86-2015)(69-2023)

DWELLING, TWO-UNIT, shall mean a single detached dwelling, semi-detached dwelling or townhouse dwelling which contains one attached residential unit.

DWELLING UNIT shall mean one or more habitable rooms designed or capable of being used together as a single and separate housekeeping unit by one person or jointly by two (2) or more persons, containing its own kitchen and sanitary facilities, with a private entrance from outside of the unit itself.

DWELLING UNIT, BACHELOR shall mean a dwelling unit designed for occupancy by one or two (2) persons and consisting of a combined living and bedroom, a kitchen or kitchenette and a bathroom.

ERECT shall mean to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, removal, enlargement or extension.

FITNESS CENTRE (see **HEALTH CENTRE**)

FLOOD PLAIN shall mean those lands which are subject to flooding under regulatory storm conditions, as determined by the conservation authority having jurisdiction.

FLOOR AREA, GROSS shall mean the aggregate of the area of all floors in a building, whether at, above, or below established grade, measured from the exterior of the outside walls, but excluding any parts of the building used for mechanical equipment relating to the operation or maintenance of the building, stairwells or elevators.

FLOOR AREA, GROSS COMMERCIAL shall mean the aggregate of the areas of each storey, at, above, or below established grade, measured from the exterior of the outside walls, but excluding any parts of the building used for mechanical equipment, stairwells, elevators, or any part of the building below established grade used for storage purposes.

FLOOR AREA, GROSS INDUSTRIAL shall mean the aggregate of the area of all floors in a building, whether at, above, or below established grade, measured from the exterior of the outside walls, but excluding any parts of the building used for mechanical equipment related to the operation or maintenance of the building, stairwells or elevators.

FLOOR AREA, GROSS LEASABLE COMMERCIAL shall mean the aggregate of the areas of each storey, at, above or below established grade, measured from the centre line of joint interior partitions and from the exteriors of outside walls, and used or capable of being used for commercial purposes, such as sales, display, storage and offices but excluding storage areas below established grade.

FLOOR AREA, GROSS RESIDENTIAL shall mean the aggregate of the area of all floors in a building, whether at, above or below established grade, measured between the exterior walls of the building, but excluding any porch, verandah, unfinished attic, basement or any floor area used for building maintenance or service equipment, loading area, common laundry facilities, common washroom, common children's play area, recreation area, parking of motor vehicles, or storage.

FLOOR SPACE INDEX shall mean the figure obtained by dividing the gross floor area, or, in the case of a residential area, the gross residential floor area, of all floors in a building measured between the exterior walls of the building, by the area of the lot to be built upon.

FOSTER HOME shall mean a place where parent-model care is provided for no more than four children under supervision of a licensee through a foster care service agreement as defined in the *Child and Family Services Act*.

FURNITURE AND APPLIANCE STORE shall mean a retail establishment, not less than four hundred (400) square metres in size, for the display and sale of furniture and appliances such as stoves, washers and dryers,

refrigerators, and freezers, and where at least fifty (50) percent of the gross floor area is devoted to the display of furniture and appliances.

GARAGE, PRIVATE shall mean an enclosed structure for the storage of one or more vehicles from which no business, occupation or service other than a home occupation is conducted for profit.

GARAGE, PUBLIC shall mean a building or place where motor vehicles are kept or stored for remuneration.

GARDEN CENTRE SALES ESTABLISHMENT shall mean a retail establishment engaged in the business of selling plants, gardening supplies and related goods or materials to the general public, such as soil, aggregates, concrete and wood products, fencing materials, and firewood, and may include the outdoor storage of such goods.

(156-2022)(69-2023)

GARDEN SUITE shall mean an Additional Residential Unit (ARU) that is located in an ancillary building on the same lot as a principal dwelling as defined in Section 10.16.

GAS BAR or **SERVICE STATION** shall mean a building or place where fuels and other minor parts, supplies and accessories for motor vehicles are kept for sale and minor repairs to motor vehicles other than large trucks may be performed, but shall not include a motor vehicle repair shop, a motor vehicle sales establishment or a motor vehicle washing establishment.

GAS REGULATOR FACILITY shall mean a facility used for the reduction and regulation of gas pressure and the distribution of gas to the public, comprised of above and below ground pipes, appurtenances, valves, regulators and accessory equipment.

GOLF COURSE shall mean an area operated for the purpose of playing golf and may include an accessory driving range, a miniature golf course and putting greens.

GRADE, ESTABLISHED or **GRADE, FINISHED** shall mean the average finished surface elevation at the outside walls of any building or structure, which is determined by taking the arithmetic mean of the levels of the finished ground surface at the midpoint of each of those outside walls.

GRADE, FINISHED (see **GRADE, ESTABLISHED**)

GROCERY STORE (see **CONVENIENCE STORE**)

HABITABLE ROOM means any room in a dwelling unit used or that can be used for purposes of living, sleeping, cooking or eating.

(327-07)

HAZARDOUS WASTE shall mean wastes that include:

- i) “Severely Toxic Waste” shall mean commercial chemical products or manufacturing intermediates defined as Severely Toxic Waste under O.Reg. 347 of the *Environmental Protection Act*, however it shall not include Pharmaceutical Waste.

- ii) “Hazardous Waste Chemicals or Manufacturing Intermediaries” shall mean hazardous wastes that include: Hazardous Industrial Waste, Acute Hazardous Waste Chemicals, Hazardous Waste Chemicals, Ignitable Waste, Corrosive Waste, Reactive Waste and Leachate Toxic Waste; but does not include: Medical, Veterinary or Pathological Waste, Severely Toxic Waste, Radioactive Waste and PCB Waste as defined by O.Reg. 347 of the *Environmental Protection Act*.
- iii) “Medical, Veterinary or Pathological Waste” shall mean any waste items generated through medical treatment, such as parts of the human body, including tissues and bodily fluids, or any part of the carcass of an animal, and includes Pharmaceutical Waste.
- iv) “PCB Waste” shall mean PCB Waste as defined by O.Reg. 362 of the *Environmental Protection Act*, such as PCB equipment, PCB liquid or PCB material but excluding decontaminated PCB material or equipment, or equipment with PCB at levels below the definition of PCB waste in Provincial regulations.
- v) “Radioactive Waste” shall mean waste is required to be licensed to permit handling under the federal *Nuclear Safety and Control Act*.

(328-07)

HAZARDOUS WASTE PROCESSING USE shall mean a Waste Disposal Use that manages or prepares hazardous waste for subsequent reuse or disposal, that handles hazardous waste, either solid or liquid, that is defined as hazardous waste by O.Reg. 347 of the *Environmental Protection Act*, but shall not include the thermal degradation of hazardous waste, nor shall it include mechanical sterilization.

(327-07)

HAZARDOUS WASTE TRANSFER USE shall mean a Waste Disposal Use used for the purpose of transferring hazardous waste as defined by O.Reg. 347 of the *Environmental Protection Act*, from one vehicle to another for transport to another Waste Disposal Use. Some limited degree of processing (e.g., compaction) of the waste may take place at a Hazardous Waste Transfer Use.

HEALTH CENTRE or **FITNESS CENTRE** shall mean a building or place used primarily by people doing group exercise, bodybuilding, and fitness, but it shall not include a medical professional office as a principle use or a personal service shop.

HOME OCCUPATION shall mean an occupation or undertaking conducted for gain or profit within a dwelling unit or an accessory building, but shall not include the repair and servicing of motor vehicles or internal combustion engines.

HOSPITAL, PRIVATE shall mean a private hospital as defined by the *Private Hospitals Act*.

HOSPITAL, PUBLIC shall mean an institution that is approved under the *Public Hospitals Act*.

HOTEL shall mean a building or place that provides, for gain or profit, at least twelve (12) furnished guest rooms for the sleeping accommodation of the traveling public, with or without private cooking facilities, and which may also provide retail uses, a public restaurant, and a convention centre, public hall or other types of public meeting rooms.

INDUSTRIAL MALL shall mean a building or group of buildings upon which a group of at least five separate industrial users have been developed and are managed as a unit by a single owner or tenant, or by a group of owners or tenants.

INSTITUTIONAL USE shall mean the use of land, buildings or structures by an organized body or society for the promotion of a particular purpose, with no intent of profit, but shall not include a community club.

(214-2020)

INTERMODAL SHIPPING CONTAINER shall mean an enclosed metal structure designed to facilitate the transportation of goods by several different means of transportation, and shall include shipping containers, seacans, transport truck trailers, and straight truck boxes and similar prefabricated metal storage units.

KENNEL shall mean a place, whether enclosed or not, where cats, dogs, or other household pets are kept for the purposes of raising, breeding, boarding, training, or selling them.

LANDSCAPED BUFFER AREA shall mean open space in a yard which is used exclusively for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation and may include a noise attenuation wall.

LANDSCAPED DECK shall mean a deck or similar structure less than 0.6 of a metre above ground level used in the same manner as landscaped open space.

LANDSCAPED OPEN SPACE shall mean an unoccupied area of land which is used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall, or any covered space beneath or within any building or structure.

(233-2006)

“LANDSCAPING, RESIDENTIAL, shall be either, or any combination of both, of the following surfaces on detached, semi-detached and townhouse dwelling lots: 1) the soft surface (level or otherwise) capable of supporting the growth of vegetation (such as grass, trees, shrubs, flowers or other plants), or 2) the rough or irregular surface that permits the infiltration of water into the ground (such as rocks and stones) that is not capable of being parked upon by part of the whole of a motor vehicle. Residential Landscaping may include non-permeable portions of noise and retaining walls or non-permeable patios and walks not situated parallel to the Residential Driveway in a manner capable of being parked or driven upon by part of the whole of a motor vehicle. Residential Landscaping may also include non-permeable stairs or stepped surfaces not capable of being parked or driven upon by part or the whole of a motor vehicle.”

LANE shall mean a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general circulation of traffic, and shall not include a street.

LOADING SPACE shall mean an unobstructed area of land upon the same lot or lots upon which the principle use is located, for use in connection with that principle use, which area is provided for the parking of one motor vehicle while such vehicle is being loaded or unloaded.

(207-2020)

LODGING HOUSE shall mean a single detached dwelling in which residential accommodation is provided, or is intended to be provided in which each lodger does not have access to all of the habitable areas of the building and

consists of more than four (4) lodging units; or a single detached dwelling in which lodging is provided for more than four (4) persons with or without meals.

LODGING UNIT shall mean a room with sleeping facilities supplied to a lodger or lodgers for the use of such person(s).

LOT shall mean a parcel of land which fronts on or abuts a street and which is permitted to be conveyed by the *Planning Act*.

LOT AREA shall mean the total horizontal area enclosed within the lot lines of a lot, excluding the horizontal area covered by water, marsh or flood plain, or between the top and toe of a cliff or embankment having a slope of thirty degrees or more from the horizontal; and in the case of a corner lot having a street line rounding at the corner with a radius of seven decimal five (7.5) metres or less, the lot area shall be calculated as if the lot lines were produced to their point of intersection.

LOT, CORNER shall mean a lot situated at the intersection of two or more streets, or at the intersection of two parts of the same street, which parts have an interior angle of intersection of not more than one hundred and thirty-five (135) degrees.

LOT DEPTH shall mean the straight-line distance from the mid-point of the front lot line to the mid-point of the rear lot line of the same lot.

LOT, INTERIOR shall mean a lot other than a corner lot.

LOT LINE shall mean any boundary of any lot.

LOT LINE, FLANKAGE shall mean the longer lot line which abuts a street on a corner lot.

LOT LINE, FRONT shall mean the line that divides a lot from the street, provided that in a case of a corner lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a street shall be deemed to be the flankage lot line.

LOT LINE, REAR shall mean the lot line opposite the front lot line.

LOT LINE, SIDE shall mean a lot line other than a front or rear lot line.

LOT, THROUGH shall mean a lot bounded on two (2) opposite sides by streets, provided however that if any lot qualifies as being both a corner lot and a through lot, such lot shall be deemed to be a corner lot for the purposes of this By-law.

LOT WIDTH shall mean the least distance, measured in a straight line, between the side lot lines, where the side lot lines are parallel, and:

- (a) where such lot lines are not parallel but converge towards the front lot line, the lot width shall be the straight line distance between two points, one on each side lot line, each six (6) metres back from the front lot line, or

- (b) where such lot lines are not parallel but converge towards the rear lot line, the lot width shall be the straight line distance between two points, one on each side lot line, each fifteen (15) metres back from the front lot line, or
- (c) in the case of a corner lot having a street line rounding at the corner with a radius of seven decimal five (7.5) metres or less, the lot width of such lot shall be calculated as if the lot lines were produced to their point of intersection.

MAIN WALL shall mean the exterior front, side, or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.

MASSAGE OR BODY RUB PARLOUR shall mean a building or portion thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body rubs performed or offered by persons duly qualified, licensed or register to do so under the laws of the Province of Ontario.

(327-07)

MECHANICAL STERILIZATION shall mean the destruction of microbes in medical, veterinary and pathological waste through the use of high pressure steam.

MIXED USE DEVELOPMENT shall mean a premise upon which any combination of office, retail, commercial, or residential uses have been developed and managed as a unit.

MOBILE HOME shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one (1) or more persons, but does not include a travel trailer, house trailer, tent trailer or trailer otherwise designed.

MOTEL shall mean a building or place that provides, for gain or profit, at least twelve (12) furnished guest rooms for the sleeping accommodation of the traveling public, with or without private cooking facilities and which may also provide retail uses, a public restaurant and no more than three hundred (300) square metres of public meeting rooms.

MOTOR VEHICLE shall mean any vehicle propelled by a motor and includes an automobile, truck, bus, self-propelled mobile home, motorcycle, motor-assisted bicycle, snowmobile and farm implement,

MOTOR VEHICLE BODY SHOP shall mean a building or place used for the repair, rebuilding and painting of the exterior portions of motor vehicles.

MOTOR VEHICLE LEASING ESTABLISHMENT shall mean a building or place used for the display or leasing of motor vehicles.

MOTOR VEHICLE REPAIR SHOP shall mean a building or structure used for the repair and servicing of motor vehicles, but shall not include a motor vehicle body shop, a motor vehicle sales establishment or a service station.

MOTOR VEHICLE SALES ESTABLISHMENT shall mean a building or place used for the display, sale or rental of motor vehicles.

MOTOR VEHICLE WASHING ESTABLISHMENT shall mean a building or place containing facilities for washing motor vehicles either through production line methods, which may include a conveyor system or similar mechanical devices, or a self-service operation.

NOISE ATTENUATION BARRIER shall mean a physical structure placed between a noise source and an area where the noise from that source can be heard where required by a public authority.

NON-COMPLYING shall mean the lot, building or structure which is described as such is being used for a purpose permitted in the zone in which it is located, but does not comply with one or more of the other requirements and restrictions relating to that zone.

NON-CONFORMING shall mean that the lot, building or structure which is described as such is being used for a purpose not permitted in the zone, in which it is located.

(327-07)

NON HAZARDOUS SOLID WASTE PROCESSING USE shall mean a Waste Disposal Use that manages or prepares waste for subsequent reuse or disposal. Non-hazardous Solid Waste Processing Use typically include material recovery facilities (MRFs) and compost facilities (i.e., for municipal waste). The waste handled at a Non-hazardous Waste Solid Processing Use is not liquid industrial waste and is not hazardous waste, both as defined by O.Reg. 347 of the *Environmental Protection Act*.

(327-07)

NON-HAZARDOUS SOLID WASTE TRANSFER USE shall mean a Waste Disposal Use used for the purpose of transferring waste from one vehicle to another for transport to another Waste Disposal Use. Some limited degree of processing (e.g., compaction) of the waste may take place at a Non-hazardous Solid Waste Transfer Use. The waste handled at a Non-hazardous Solid Waste Transfer Use is not liquid industrial waste and is not hazardous waste, both as defined by O.Reg. 347 of the *Environmental Protection Act*.

NURSERY shall mean the use of land, structure or buildings for the sale of products grown on the farm from which the sale is made.

OBNOXIOUS INDUSTRIAL USE shall mean a use which, from its nature of operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, glare, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials, and, without limiting the generality of the foregoing, shall include any uses which, under the *Public Health Act* and regulations made there under, are declared by the Peel Regional Health Unit to be an obnoxious or offensive trade, business or manufacture.

OFFICE shall mean any building or place in which one or more persons are employed in the management, direction or conduct of an agency, profession, business or brokerage, but shall exclude any office of a veterinary surgeon, a social organization or a community club.

OUTDOOR LIVING AREA shall mean an uninterrupted, screened area immediately adjacent to and accessible from the dwelling unit which provides a quiet and private environment for a range of outdoor living activities, but does not include side yards or parts of front yards which are less than two decimal five (2.5) metres in width.

OUTSIDE STORAGE shall mean the storage of goods, inventory, materials, machinery or vehicles including oversized motor vehicles not actively engaged in loading and unloading of goods and materials in conjunction with a business located within a building or structure on the same lot.

(234-2010)

OVERSIZED MOTOR VEHICLE shall mean any motor vehicle having a height greater than 2.6 metres or overall length greater than 6.7 metres or combination of both. External attachments to the vehicle are included in the measurement of height and length.

PARK, PUBLIC shall mean a park owned or controlled by the City of Brampton, the Regional Municipality of Peel or any conservation authority, and shall include a walkway leading from a street to a public park.

PARKING LOT shall mean an area at, above or below establishment grade, other than a street, used for the temporary parking, of four (4) or more motor vehicles for a period of not more than twenty-four (24) hours except for an accessory purpose related to a residential purpose, and available for public use whether free, for compensation, or as an accommodation for clients, visitor, customers or residents.

PARKING SPACE shall mean an area accessible from a street or a lane for the parking or temporary storage of one motor vehicle but shall not include any part of an aisle and does not include any area used by a motor vehicle manufacturer or motor vehicle sales establishment for the storage of motor vehicles.

PARKING SPACE, TANDEM shall mean a parking space, which has access through another parking space.

PERSON shall include any association, partnership, corporation, municipal corporation, agent or trustee and the heirs, successors, assigns, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

(327-07)

PHARMACEUTICAL WASTE shall mean a waste that is derived from medicines, pharmaceuticals and instruments used to administer medicines or pharmaceuticals.

PLACE OF COMMERCIAL RECREATION shall mean a building or place which is designed and used for commercial conduct of leisure time activities, and may include a bowling alley, billiard or pool room, and recreation facility as defined in the by-law, but shall exclude an amusement arcade, cinema or theatre, health and/or fitness club, massage or body rub parlour, bingo hall and go-kart track.

(204-2010)

PLACE OF WORSHIP shall mean a building or place (or portion of a building or place), primarily used for, or used in conjunction with another permitted purpose on a regular basis, for faith-based spiritual purposes wherein people assemble for religious worship, and which may include faith-based instruction or teaching, fellowship, recreation and charitable community outreach activities. Accessory uses or facilities to a Place of Worship shall include, but not be limited to classrooms for religious instruction, nursery or daycare facilities, assembly areas related to faith-based activities, kitchens and eating areas, fellowship halls, recreation facilities and administrative offices related to the place of worship, and one residential unit with up to 5 guest rooms.

(204-2010)

PLACE OF WORSHIP – MAIN WORSHIP AREA shall mean the portion of the Place of Worship in which the main worship functions occur, and contain seating such as seats or benches permanently attached to the floor, or linked yet moveable seats, or a number of moveable seats, or seating as open floor area that shall exclude any areas intended solely for the use of the worship group leader or leaders, or musicians, such as an alter, a pulpit, a sanctuary, holy book area, or other named areas that are not intended to be occupied by the general worshipping public.

(204-2010)

PLACE OF WORSHIP – NET WORSHIP AREA shall be 70 percent of the floor area of the Place of Worship – Main Worship Area.

(212-2020)

PORCH shall mean an attached unenclosed platform, with or without a foundation and/or basement with direct access to the ground.

(327-07)

POWER GENERATION (FUEL COMBUSTION) USE shall mean a facility that, by means of combustion of a fuel, converts thermal energy to electricity through a series of turbines and generators. This excludes centralized heating plants and localized district energy facilities that do not sell power to the provincial electrical distribution system.

(213-2020)

PRIVACY SCREEN shall mean an constructed barrier or feature with a maximum of two vertical sides or segments, that is affixed to, and designed to obscure sightlines and provide privacy for, a patio, porch, deck, landscaped deck or balcony.

PUBLIC AUTHORITY includes The Corporation of the City of Brampton, The Regional Municipality of Peel, the Crown, in Right of Ontario, and the Crown, in Right of Canada, and any board, commission, committee or body established or exercising any power or authority under a statute of Ontario with respect to any of the affairs or purposes, including school purposes, of the City of Brampton or parts thereof.

PUBLIC USE shall mean uses that are owned or leased by a public authority for community, recreational, administrative, educational, health care, protection, waste disposal, utility or other governmental purposes, and includes accessory uses to public use.

(214-2020)

QUONSET HUT shall mean a building or structure made of corrugated steel, plastic or fabric covering or any combination of steel, plastic, fabric and concrete, having a semi-circular or rounded peak cross-section, which may or may not include end walls.

RECREATION FACILITY shall mean an area, surface, place, installation or device, which is designed and used, for active recreational pursuits. A recreation facility may include, but shall not be limited to, a tennis court,

ice skating rink, horseshoe pit, bocce court, lawn bowling court, croquet pitch and shuffleboard court. A recreation facility shall not include a bowling alley, billiard hall or amusement arcade.

(253-2021)

RESIDENTIAL CARE HOME shall mean a building or place offering supervised living accommodation that may include associated support services, accessory uses and amenities, and:

- a. is licenced or funded under Federal or Provincial legislation;
- b. is for persons requiring semi-independent or supervised group living arrangements; and,
- c. is for mor than 10 residents, exclusive of staff.

RESIDENTIAL UNIT shall mean a unit that:

- (a) consists of a self-contained set of rooms located in a building or structure;
- (b) is used or is intended to be used as a residential premises;
- (c) contains kitchen and bathroom facilities that are used only by the occupants of the unit;
- (d) is used as a single housekeeping unit, which includes a unit in which an occupant has exclusive possession of any part of the unit; and
- (e) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.

RESTAURANT, CONVENIENCE shall mean a building or place having eleven (11) seats or more where food and drink are prepared and offered for sale to the public for consumption either on or off the premises, and may include a drive-through facility or window.

RESTAURANT, DINING ROOM shall mean a building or place having eleven (11) seats or more where food and drink are prepared and offered for sale to the public for consumption either on or off the premises, and does not include a drive-through facility or window.

RESTAURANT, TAKE-OUT shall mean a building or place having less than eleven (11) seats for customers, where food and drink are prepared and offered for sale to the public primarily to be taken out or delivered for consumption off the premises.

RETAIL ESTABLISHMENT shall mean a building or place where goods or materials are sold or kept for sale to the general public and, unless otherwise stated elsewhere in this by-law, includes a convenience store, but does not include a supermarket, a garden centre, or a motor vehicle sales establishment.

SALVAGE, SCRAP AND/OR JUNK YARD shall include a place where land is used for the keeping, outdoors, of used goods and materials intended for reclamation, resale and/or disposal purposes, and without limiting the generality of the foregoing, includes uses such as auto wreckers and scrap metal dealers.

(327-07)

SANITARY LANDFILL SITE shall mean a waste disposal use used for the disposal of waste by deposit, under controlled conditions, on land or on land covered by water, including compaction of waste into a cell and covering the waste with cover materials at regular intervals.

SATELLITE DISH ANTENNAE shall mean a structure having a surface area of one (1) square metre or more designed to be used to send or receive communication signals to or from satellites.

SCHOOL, COMMERCIAL, TECHNICAL OR RECREATIONAL shall mean a building or place where training in language skills, secretarial skills or other trade skills, or training in sports, dance or other recreational skills, is provided for compensation.

SCHOOL, PRIVATE shall mean a school that is not a public school that provides the same services as a public school.

SCHOOL, PUBLIC shall mean a school operated by the Peel District School Board, the Dufferin-Peel Catholic District School Board, the Conseil scolaire district catholique center-sud or the Conseil scolaire du district-sud-ouest.

SENIOR CITIZEN RESIDENCE shall mean a building owned and operated by a government agency, or by a non-profit and non-commercial organization, primarily for the housing of senior citizens, containing only one or two bedroom dwelling units, in which each one bedroom dwelling unit has a gross floor area of not more than fifty-eight decimal five (58.5) square metres and each two bedroom dwelling unit has a gross floor area of not more than seventy (70) square metres.

SERVICE SHOP shall mean a building or place used primarily for the repair, servicing, or incidental sales of articles or materials, but shall not include a building or place where articles or materials are assembled or manufactured, or where internal combustion engines or motor vehicles are repaired.

SERVICE SHOP, PERSONAL shall mean an establishment wherein a personal service is provided and, without limiting the generality of the foregoing, includes a barber shop, a beauty salon, a dressmaker shop, a shoe repair shop, a tailor shop, a photographic studio or similar use.

SERVICE STATION (see **GAS BAR**)

SETBACK shall mean the distance between a lot line and the nearest main wall of any building or structure.

SETBACK, CENTRE LINE shall mean the distance between the centre line of a street and the nearest main wall of any building or structure.

SHOPPING CENTRE shall mean the premises upon which a group of at least five separate commercial uses have been developed and are managed as a unit by a single owner or tenant, or by a group of owners or tenants.

SIGN shall mean a name, identification, description, device, display or illustration which is affixed to, represented upon or placed nearby a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.

(234-2010)

SMALL SCHOOL BUS OR BUSSING VAN shall mean any motor vehicle used only for bussing people and having no more than 5 rows (front to back) of seats for passengers.

SOCIAL ORGANIZATION shall mean a non-government, not-for-profit organization, which carries on social, cultural, welfare, athletic or recreational programmes for the benefit of the community.

STOREY shall mean that portion of a building which is included between 1 floor level and the next higher floor level or the roof, and which has its floor level not less than two (2) metres below the line where the roof and outer wall meet.

STREET shall mean a road, avenue, highway, thoroughfare, parkway, bridge or place owned by The Corporation of the City of Brampton, by The Regional Municipality of Peel, or by the Crown in Right of Ontario, and designed and intended for, or used by, the general public for the passage of vehicles but shall not include a public lane.

STRUCTURE shall mean anything that is erected, built, or constructed, the use of which requires location on the ground or attachment to something having location on the ground, but shall not include fences.

SUPERMARKET shall mean a retail establishment engaged in the business of selling groceries, meat, fruit and vegetables to the general public and occupying premises having a gross commercial floor area of at least six hundred (600) square metres.

(253-2021)(69-2023)

SUPPORTIVE HOUSING RESIDENCE TYPE 1 shall mean a single dwelling unit in a residential dwelling of any kind that is licensed, approved or funded under Federal or Provincial statute for the accommodation of 3 to 10 residents, exclusive of staff, that provides a group living arrangement under responsible supervision. A Supportive Housing Residence Type 1 shall not include a Supportive Housing Residence Type 2 or have any correctional purpose. A supportive housing residence is not permitted in a dwelling that contains additional residential unit(s) as defined in Section 10.16.

(253-2021)(69-2023)

SUPPORTIVE HOUSING RESIDENCE TYPE 2 shall mean a single dwelling unit that is licensed, approved or funded under Federal or Provincial statute for the accommodation of 3 to 10 residents, exclusive of staff, that provides housing and rehabilitation for persons on probation, parole, early or re-release, or any other form of executive, judicial or administrative release from a penal institution. A Supportive Housing Residence Type 2 shall not include a Supportive Housing Residence Type 1. A supportive housing residence is not permitted in a dwelling that contains additional residential unit(s) as defined in Section 10.16.

(259-2020)

SURFACE PARKING shall mean any parking space that is located on the finished ground surface and is not contained or otherwise enclosed in a building or structure, including an above-ground parking structure.

SWIMMING POOL shall mean any structure, basin, chamber or tank containing or capable of containing an artificial body of water for swimming, wading, diving or recreational bathing, and having, when filled, a water depth of decimal five (0.5) metres or more at any point.

TAVERN shall mean a building or place having as its primary purpose the sale and consumption of alcoholic beverages.

(327-07)

THERMAL DEGRADATION shall mean a Waste Disposal Use that treats non-hazardous waste and Hazardous Waste by thermal means, including incineration, gasification, pyrolysis or plasma arc treatment, and includes:

- i) **“Thermal Degradation (Energy from Waste) Use”** shall mean a Waste Disposal Use that treats non-hazardous waste by Thermal Degradation and is accompanied by the generation of electricity, in which case the waste is used as a fuel source for the production of energy and/or heat. It shall not include the thermal degradation of hazardous wastes.
- ii) **“Thermal Degradation (Non-Energy Producing) Use”** shall mean a Waste Disposal Use designed and operated for the degradation or destruction of non-hazardous waste by Thermal Degradation. For the purposes of this category, Thermal Degradation of waste shall not include the generation of electricity. It shall not include the Thermal Degradation of Hazardous Wastes.
- iii) **“Thermal Degradation (Hazardous Waste) Use”** shall mean a Waste Disposal Use that treats hazardous waste by Thermal Degradation. Thermal Degradation shall not include mechanical sterilization.”

TRAILER, HOUSE shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by 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.

TRAILER, TRAVEL shall mean a trailer that is used or intended to be used for short-term or seasonal occupancy and is or is intended to be located or parked on a site for a temporary or seasonal period.

TRAILER, UTILITY shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for the movement of goods or material.

USE OR TO USE shall include anything that is done or permitted by the owner or occupant of any land, building or structure directly or indirectly or by or through any trustee, tenant, servant or agent acting for or with the knowledge or consent of such owner or occupant for the purpose of making use of the said land, building or structure.

UTILITY INSTALLATION shall mean any building, structure, plant or equipment essential to the provision and operation of electricity, water, storm water, sewage disposal, pipeline, railway, tele-communications or cable television.

VEHICLE WEIGHT shall mean the weight of the vehicle itself, as set out in the manufacturer's specifications.

WAREHOUSE shall mean a building or part thereof, of which the principal use is the storage of goods and materials; excluding waste.

(327-07)

WASTE DISPOSAL USE shall mean:

- (a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and,
- (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a); and,
- (c) notwithstanding clause (a) and (b), it does not include any product, returned to a manufacturer or supplier of the product for reprocessing, repackaging or resale for any reason, including that the product, substance or organism is:
 - (i) defective or otherwise not usable for its original purpose, or
 - (ii) in surplus quantities but still usable for its original purpose.
- (d) notwithstanding clause (c), it does not apply to Severely Toxic Waste, Hazardous Waste Chemicals or Manufacturing Intermediaries, Radioactive Waste, or PCB Waste; and,
- (e) notwithstanding clause (a) and (b), it does not include the temporary storage of spent or surplus material inputs or by-products of a manufacturing use that are temporarily stored at a manufacturing facility until such time as they are removed from the facility for disposal.

(327-07)

WASTE PROCESSING STATION shall mean for the purposes of Section 948, 1228, 1794, 1795 and 2719 a facility that receives, stores and/or processes waste materials for the purpose of creating new products or materials within an enclosed building unless it is owned or operated by the Regional Municipality of Peel on lands where outside storage is permitted.

(327-07)

WASTE TRANSFER STATION shall mean for the purposes of Section 948, 1228, 1794, 1795 and 2719 a facility where waste materials are collected for shipment and may be sorted and/or prepared for transportation within a storage bin or enclosed building.

YARD shall mean an open portion of the land on the same lot with the main building or structure, unoccupied and unobstructed except as specifically permitted elsewhere in this by-law, and located between the main building and one of the lot lines of the said lot.

YARD, EXTERIOR SIDE shall mean a yard extending from the front yard to the rear lot line between the flankage lot line and the nearest main wall of any building or structure on the lot.

YARD, FRONT shall mean a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot.

YARD, INTERIOR SIDE shall mean a yard, other than an exterior side yard, extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any building or structure on the lot.

YARD, REAR shall mean, in the case of an interior lot, a yard extending across the full width of the lot between the rear lot line and the nearest main wall of any building or structure on the lot, or in the case of a corner lot, a yard extending from a side lot line to an exterior side yard, and between the rear lot line and the nearest main wall of any building or structure on the lot.

YARD, SIDE shall mean an interior side yard or an exterior side yard.

ZONE shall mean an area of land designated for certain uses by this by-law.