

## SECTION 3 - DEFINITIONS

For the purpose of this By-law, the definitions and interpretations provided in this section shall govern.

**ABATTOIR** means a slaughter-house designed for the purpose of killing animals. skinning, dressing and cutting up of carcasses, wrapping for sale for human consumption with cooler and freezer storage, and may include indoor confinement of animals while awaiting slaughter, but shall not include the manufacturing of meat by-products or any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer, or any other inedible product.

**ACCESSORY BUILDING OR STRUCTURE** means a detached building or structure that is not used for human habitation and the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith.

**ACCESSORY USE** means a use customarily incidental and subordinate to, and exclusively devoted to the main use of the lot, building or structure and located on the same lot as such main use.

**ADULT ENTERTAINMENT ESTABLISHMENT** means any premises or part thereof in which is provided, on a commercial basis, erotic services, goods or entertainment as defined in Section 154 Subsection 2 of the *Ontario Municipal Act*, R.S.O. 2006 c.32, Schedule A.s.82.

**AGGREGATE** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act*.

**AGGREGATE PROCESSING PLANT** means equipment for the crushing, screening or washing of aggregate, but does not include a concrete batching plant or an asphalt plant.

**AGRICULTURE/AGRICULTURAL USE** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures.

**AGRICULTURE-RELATED USES** means farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**ALTER** means, when used in reference to a building or part thereof, to change any one or more of the internal or external dimensions of such building, or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word “alter” means to decrease the width, depth, or area thereof or to decrease the width depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance of any portion of said lot, or otherwise. The words “altered” and “alteration” shall have a corresponding meaning.

**ARENA** means a building, or part of a building, in which the principal facilities provided are for such recreational activities as curling, skating, hockey, lacrosse, broomball, or similar athletic activity, which facilities may include dressing rooms, concession booths, bleachers, plant equipment for the making of artificial ice and such other facilities as are normally considered incidental and subordinate hereto.

**ASPHALT PLANT** means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process.

**ASSEMBLY HALL** means a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and shall include a banquet hall, private club, auditorium, arena, gymnasium or other similar facility or use.

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

**ATTIC** means the portion of a building situated between the roof and the ceiling of the top storey, which is not a one-half storey.

**AUCTION BARN** means any premises used predominantly as a livestock auction facility and may include the auction of agriculturally related chattels on an incidental or accessory basis only.

**AUDITORIUM** means a building, structure or premises where facilities are provided for athletic, civic, educational, political, religious or social events. This definition may include an arena, community centre, gymnasium, stadium, theatre or similar use.

**BASEMENT** means one or more storeys of a building located below the first storey.

**BED AND BREAKFAST ESTABLISHMENT** means a single detached dwelling in which a maximum of three (3) guest rooms are made available for rent to the travelling or vacationing public. Such establishment may offer meals to those persons patronizing the establishment. A bed and breakfast establishment shall not include an eating establishment, hotel, motel or any other form of tourist establishment.

**BOARDING, LODGING OR ROOMING HOUSE** means a single detached dwelling house, containing not more than four guest rooms, in which the proprietor supplies lodging, with or without meals, in return for monetary compensation. For the purposes of this By-law a boarding or rooming house shall not include a motel, hotel, bed and breakfast establishment, group home, hospital or any other similar use defined or classified herein. A Boarding, Lodging or Rooming House shall be permitted only by amendment to this By-law.

**BOAT DOCKING AND LAUNCHING FACILITY** means a structure used to take a boat into or out of a waterbody or watercourse or to moor a boat. This definition shall include a boat launching ramp, boat lift or dock but shall not include a boat house nor any building used for human habitation or any boat servicing, repair or sales facility.

**BOAT HOUSE** means a detached accessory building, or structure which is designed or used for the sheltering of a boat or other form of water transportation and may include storage of household equipment incidental to the residential use permitted on the lot but shall not include any areas for human habitation.

**BUILDING** means a structure having a roof, supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of persons, animals or goods.

**BUILDING BY-LAW** means a By-law passed by the Corporation pursuant to the *Ontario Building Code Act*, and Regulations passed thereunder, as amended.

**BUILDING PERMIT** means a building permit issued under the authority of the *Ontario Building Code Act* by the Chief Building Official of the Corporation of the Township of Otonabee-South Monaghan under the Building By-law.

**BUILDING SUPPLY OUTLET** means a building or structure in which building or construction and home improvement materials are offered or kept for sale at retail or wholesale and may include the fabrication of certain products related to home improvements and also includes a lumber yard.

**BULK FUEL STORAGE TANK** means a tank for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane or flammable liquid or fluid but does not include a container for flammable liquid or fluid legally and properly kept in a retail

store or a tank for storage merely incidental to some other use of the premises where such tank is located.

**BUSINESS, PROFESSIONAL OR ADMINISTRATIVE OFFICE** means a building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and for the purposes of this By-law may include the administrative offices of a non-profit or charitable organization.

**BY-LAW** means the Corporation of the Township of Otonabee-South Monaghan Comprehensive Zoning By-law.

**BY-LAW ENFORCEMENT OFFICER** means an officer or employee of the Corporation of the Township of Otonabee-South Monaghan for the time being charged with the duty of enforcing the provisions of this By-law of the Corporation.

**CABIN** means a detached accessory building or structure, located on the same lot as the principal building or structure, the accessory use being for sleeping accommodation in which sanitary facilities may be provided, but shall not contain cooking facilities.

**CAMPING PARK** means a tourist trailer park owned and operated by the Corporation or the County, any local board of either the Corporation or the County, any Conservation Authority established by the Government of Ontario, or any Ministry or Commission of the Government of Ontario or Canada.

**CAMPING SITE** means that part of a trailer park or camp which is intended to be occupied by a single trailer, motor home, truck camper, camper or tent.

**CARPORT** means a portion of a dwelling house which is a roofed enclosure designed for the storage or parking of a motor vehicle with at least 40 percent of the total perimeter, which shall include the main wall of the dwelling house to which such carport is attached, open and unobstructed.

**CARTAGE OR TRANSPORT DEPOT** means a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include a bonded warehouse.

**CEMETERY** means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried, within the meaning of the

*Cemeteries Act*, as amended. A cemetery may include such accessory uses as mausoleums, crematoriums and columbariums.

**CERTIFICATE OF OCCUPANCY** means a certificate issued by the Chief Building Official for the occupancy of any building or structure associated with a Building Permit to the effect that the proposed occupancy complies with this By-law.

**CHIEF BUILDING OFFICIAL** means the officer employed by the Corporation of the Township of Otonabee-South Monaghan as is appointed under the Building By-law.

**COMMERCIAL CLUB** means a building or part of a building where a club is operated for gain or profit and may include facilities for physical fitness and recreation.

**COMMUNITY CENTRE** means any tract of land, or building, or any part of a building used for community recreational and/or social activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof, including any building, structure or facility established as a Community Recreation Centre within the meaning of the *Community Recreation Centres Act*. Ancillary uses may include meeting rooms and a banquet hall and related kitchen facilities.

**CONCRETE BATCHING PLANT** means a building or structure designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process, and which is of permanent construction.

**CONCRETE BATCHING PLANT, PORTABLE** means a concrete batching plant which is not of permanent construction, and which is designed to be dismantled at the completion of a construction project.

**CONDOMINIUM** means the ownership of individual units in a multiple-unit building or multiple-unit development, with common elements, established under the provisions of the *Condominium Act*.

**CONSERVATION** means the preservation, protection and improvement of the components of the natural environment through comprehensive management and maintenance for both the individual or public uses both in the present and in the future.

**CONSERVATION AUTHORITY** means the Otonabee Region Conservation Authority.

**CONTRACTOR OR TRADESMAN'S YARD** means a yard of any building trade or contractor where equipment and material are stored or where a contractor performs shop or assembly work, but does not include any other yard or establishment otherwise

defined or classified herein. This definition includes any building or shop situated on the same property.

**CONVENIENCE STORE** means a retail commercial establishment supplying groceries and other daily household conveniences to the immediate surrounding area.

**CORPORATION** means the Corporation of the Township of Otonabee-South Monaghan.

**COTTAGE, HOUSEKEEPING** means one of a group of buildings in a tourist establishment designed for human habitation and equipped with a kitchen, which has a common private piped water supply with other such buildings in the group.

**COUNCIL** means the Municipal Council of the Corporation of the Township of Otonabee- South Monaghan.

**COUNTY** means the Corporation of the County of Peterborough.

**COUNTY ROAD** means a street or road under the jurisdiction of the Corporation of the County of Peterborough.

**CRAFT SHOP** means a building or part of a building where crafts, souvenirs and other similar items are offered or kept for sale at retail to the general public.

**DAY CARE CENTRE** means a building or part thereof which receives for temporary custody for a continuous period not exceeding twenty-four hours, more than three children under 10 years of age and not of common parentage.

**DAY NURSERY** means a facility operated for pre-school age children within the meaning of the *Day Nurseries Act*, as amended.

**DEVELOPMENT** means the construction, erection or placing of one or more buildings or structures of any kind on land or the making of an addition or alteration to a building or structure which has the effect of increasing the size or usability thereof, and includes such related activities as site grading and placing or dumping of fill and the laying out and establishment of a commercial parking lot.

**DRIVEWAY SETBACK** means the least horizontal distance permitted between a lot line of a lot and the nearest portion of any driveway on such lot.

**DRY CLEANING ESTABLISHMENT** means a building or portion thereof where dry cleaning, dying, cleaning or pressing of articles or goods of fabric is carried on.

**DRY CLEANING OR LAUNDRY OUTLET** means a building or portion thereof used for the purpose of receiving and distributing articles or goods or fabric to be subjected to the process of dry cleaning or cleaning elsewhere, and shall not include a Dry Cleaning Establishment as defined in this By-law.

**DWELLING** means a building or part thereof containing one or more dwelling units but does not include a tent, tourist trailer, park model trailer, camper, mobile home, houseboat or a room or suite of rooms in a rooming house, hotel, motel, tourist home or institution.

**DWELLING, ACCESSORY** means a single detached dwelling where such dwelling is ancillary to a permitted non-residential use and is occupied by the owner, operator, manager, caretaker, or other similar person, and family, as are employed on the lot on which such dwelling house is located.

**DWELLING, CONVERTED** means a dwelling originally constructed as a single detached dwelling which has been subsequently altered, converted or enlarged so as to provide therein not more than two dwelling units.

**DWELLING, DUPLEX** means the whole of a dwelling that is divided horizontally into two separate dwelling units, each of which has a separate independent entrance either directly from the outside or through a common vestibule.

**DWELLING, MULTI-UNIT** means the whole of a dwelling that contains three or more dwelling units that are horizontally and vertically attached, and each dwelling unit has an independent entrance either from the outside or through a common corridor.

**DWELLING, ROW** means a series of three (3) to six (6) attached dwelling units under a common roof, which may be staggered, with each dwelling unit being attached above and below finished grade to another dwelling unit or units by a continuous fully attached unpierced vertical party wall without openings from basement or cellar to roof, with each dwelling unit having a separate, independent entrance directly from the outside.

**DWELLING, SEASONAL** means a single detached dwelling used for recreation purposes but not occupied continuously or as a principal or permanent residence.

**DWELLING, SEMI-DETACHED** means two vertically attached dwelling units having a continuous, fully-attached common masonry wall where the units

overlay, above and below finished grade connecting the two dwellings, each of which has a separate independent entrance directly from outside.

**DWELLING, SINGLE DETACHED** means a detached dwelling containing not more than one dwelling unit.

**DWELLING, TRIPLEX** means the whole of a dwelling that is divided horizontally into three (3) separate dwelling units, each of which has a separate independent entrance either directly from the outside or through a common vestibule.

**DWELLING UNIT** means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities. The word "suite" in this definition means a single room or series of rooms of complementary use, and operating under a single tenancy.

**DWELLING UNIT, ACCESSORY** means a dwelling unit located in a portion of a non-residential building, except as noted herein, which is ancillary to a permitted non-residential use located on the same property, and is occupied by the owner, operator, manager, caretaker, or other similar person, as are employed in an activity permitted on the property. An accessory dwelling unit for farm-related use may be located as a second-dwelling unit within a farmrelated dwelling.

**DWELLING UNIT, BACHELOR** means a dwelling unit consisting of one bathroom and not more than two (2) habitable rooms providing therein living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.

**DWELLING UNIT AREA** means the habitable area contained within the inside walls, excluding the thickness of the outside walls, of a dwelling unit, excluding any private garage, carport, porch, veranda, cellar, the unfinished portion of any attic or basement or sunroom (unless such sunroom is habitable in all seasons of the year); and, excluding public or common hall areas or stairways in dwelling houses containing more than one dwelling unit.

**EATING ESTABLISHMENT** means a building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes a restaurant, dining room, café, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand; but does not include a bed and breakfast establishment.

**EATING ESTABLISHMENT, TAKE-OUT** means a building or part of a building designed, intended or used for the sale of food and refreshments to the general public

but which does not include any provision for consumption of the food by the customer while in his vehicle, within the building or elsewhere on the site.

**EAVE** means a roof overhang, free of enclosing walls, without supporting columns.

**ELDERLY PERSONS CENTRE** means any facility intended primarily for the use of elderly persons for purposes which include social, cultural, athletic or recreational activities, and shall include any centre established under the *Elderly Persons Centres Act*.

**ENTRANCE**, when used as a reference to a lot, means an unobstructed passageway used to provide vehicular access from the travelled portion of a street or lane to a driveway.

**ENTRANCE SEPARATION** means the least horizontal distance permitted between the nearest portions of any entrances on a lot.

**ENTRANCE SETBACK** means the least horizontal distance permitted between an intersection of street lines and the nearest portion of any entrance, measured along the limit of the travelled portion of the street or lane.

**ENTRANCE WIDTH** means the horizontal distance permitted between the extremities of an entrance, measured along the limit of the travelled portion of the street or lane.

**EQUIPMENT SALES, RENTAL AND REPAIR ESTABLISHMENT** means a building or part of a building, structure or yard in which articles, machinery and equipment, including heavy machinery and equipment, are serviced or repaired and may be offered or kept for rent, lease or hire under agreement for compensation.

**ERECT** means setting up, building, constructing, reconstructing and relocating and, without limiting the generality of the work, also includes:

- (a) any preliminary physical operation, such as excavating, filling or drainage;
- (b) altering any existing building or structure by an addition, enlargement, extension, relocation or other structural change;
- (c) any work for the undertaking of which a building permit is required under the Building By-law or the *Building Code Act* and Regulations, as amended; and
- (d) erect, erected and erection shall have a corresponding meaning.

**ESTABLISHED BUILDING LINE** means the average setback from the street line (or navigable waterway as the case may be) of existing buildings located on one side of the street where three (3) or more of the lots having street access, and located within 300 metres (984.25 ft.) of each other, have been built upon.

**EXISTING** means, unless otherwise described, legally existing on the date of passing of this By-law.

**FACTORY OUTLET** means a building or part of a building accessory to a permitted industrial use where the products manufactured by that industry are kept for wholesale or retail sale.

**FARM** means land used for agriculture and includes a single detached dwelling and buildings and structures, such as barns and silos, which are incidental to the operation of the farm.

**FARM IMPLEMENT AND EQUIPMENT SALES AND SERVICE ESTABLISHMENT** means a building, structure or area where farm implements, equipment and farm supplies are kept for sale at retail and may include facilities for the servicing of such implements or equipment but shall not include any other establishment otherwise defined or classified herein.

**FARM PRODUCE RETAIL OUTLET** means a building, or part of a building or a structure, in which farm produce is offered for sale at retail on a seasonal basis, and which sells produce which is predominantly produced on the farm where the outlet is located. A farm produce retail outlet shall not include the sale of farm produce or other agricultural products which have been processed or reprocessed at other locations and supplies or returned to the outlet for sale, nor shall it include the transient roadside sales of non-farm products, or an abattoir.

**FEED MILL** means a full farm service centre including a feed manufacturing/processing plant, grain elevators, grain or feed storage silos or bins, a retail farm supply store including the sale of farm chemicals and storage tanks and equipment for handling liquid nitrogen and fertilizers, gasoline and diesel fuel tanks to service the vehicles and equipment of the operator.

**FLEA MARKET** means a building or open area in which stalls or sales areas are set aside for use by various unrelated individuals to sell articles that are either homemade, home-grown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

**FLOOD PLAIN** means the area, usually low land, adjoining a watercourse which has been or may be subject to flooding hazards.

**FLOOR AREA, GROUND** means the floor area of the first storey of a building, measured between the exterior faces of the exterior walls of such storey, but excluding, in the case of a dwelling, any private garage, carport, porch, veranda, sunroom (unless such sunroom is habitable at all seasons of the year), and any finished or unfinished basement.

**FLOOR AREA, NET** means that portion of the total floor area of a building which is used by a non-residential use as defined herein or specifically named elsewhere in this By-law, but excluding:

- (a) any part of such building used by another non-residential use which is defined herein or specifically named elsewhere in this By-law;
- (b) any part of such building used as a dwelling unit;
- (c) any part of such building used for parking or storage of motor vehicles;
- (d) any part of such building used for equipment to heat such building or a portion thereof; and
- (e) the thickness of any exterior walls of such building.

**FLOOR AREA, TOTAL** means the total floor area of all storeys of a building, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, or the centre lines of partitions where applicable, but excludes any finished or unfinished basement.

**FOOD SUPERMARKET** means a building or part of a building wherein food and other household items are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis.

**FORESTRY** means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection and production of water supplies, and preservation of the recreation resource.

**FRATERNAL LODGE** means a building or part of a building used for the purposes of a club, society or association organized and operated on a non-profit basis exclusively for social welfare, civic improvement, pleasure or recreation or for any other similar purposes.

**FUEL REFILL ISLAND** means a private outlet as defined in the *Technical Standards and Safety Act*. This definition shall only apply to an establishment permitted in Section

17.6.7 of this By-law.

**FUNERAL HOME** means a building or structure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

**GARAGE, COMMERCIAL** means an establishment or premises where vehicles owned by the general public are repaired or maintained.

**GARAGE, PRIVATE** means a detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed. For the purposes of this By-law a private garage excludes a carport or other open shelter.

**GARDEN NURSERY SALES AND SUPPLY ESTABLISHMENT** means a building or part of a building and land adjacent thereto for growing or displaying of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation which is sold to the public at retail and shall also include the sale of such goods, products and equipment as are normally associated with gardening or landscaping.

**GOLF COURSE** means a public or private area operated for the purpose of playing golf, inclusive of club house facilities and driving ranges, but excludes a miniature golf course.

**GRADE, FINISHED** when referenced to a building or structure means the average elevation of the ground immediately surrounding such building or structure but excluding any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway.

**GREENHOUSE, COMMERCIAL** means a building or structure for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation, which are not necessarily planted outdoors on the same lot containing such greenhouse, and, which are sold directly from such lot at wholesale or retail.

**GROUP HOME** means a single detached dwelling for the accommodation of three (3) to ten (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 environment. A Group Home shall be licensed and/or approved under Provincial or Federal statutes, and in compliance with municipal bylaws. A Group Home shall not include a foster home.

**GUEST** means a person, other than a boarder, who contracts for accommodation and includes all the members of the person's party.

**GUEST ROOM** means a room or suite of rooms used or maintained for the accommodation of an individual or individuals to whom hospitality is extended for compensation.

**HABITABLE ROOM** means a room designed for living, sleeping, eating or food preparation, including a den, library, sewing-room or enclosed sunrooms but not including any space in a dwelling used as a lobby, hallway, closet, or bathroom or any room having floor space of less than 4.6 m<sup>2</sup> (49.52 ft.<sup>2</sup>).

**HEIGHT AND HEIGHT OF BUILDING** means the vertical distance, measured between the finished grade at the front of the building, 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 roof line; and
- (c) in the case of a gable, hip or gambrel roof, the average height between the eaves and ridge.

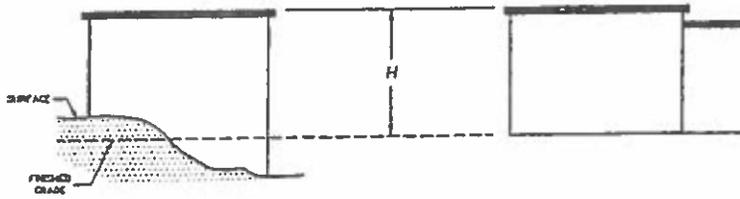
Accessory roof fixtures and facilities, such as chimneys, towers, steeples or television antennas, shall be disregarded in calculating the height of a building.

**HIGHWAY** means a highway within the meaning of the *Municipal Act*, as amended, and the *Highway Traffic Act*, as amended.

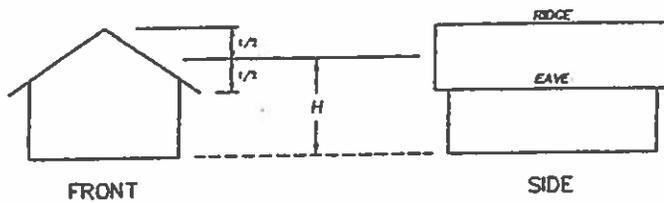
**HOME FOR THE AGED** means a home for the aged within the meaning of the *Homes for the Aged and Rest Homes Act*, as amended.

**HOME INDUSTRY** means a small-scale commercial or industrial establishment that operates entirely within a separate accessory building on the same lot as the home of the proprietor. Home industries include uses such as a carpentry shop, a metal/welding shop, an electrical shop, a plumbing shop, small engine repair, a landscaping or landscape contracting business, a nursery greenhouse, and a bus-truck parking and maintenance facility.

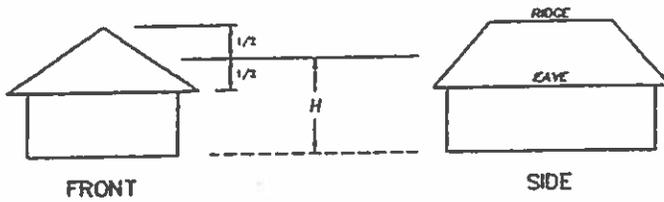
# ILLUSTRATION OF BUILDING HEIGHT DEFINITIONS



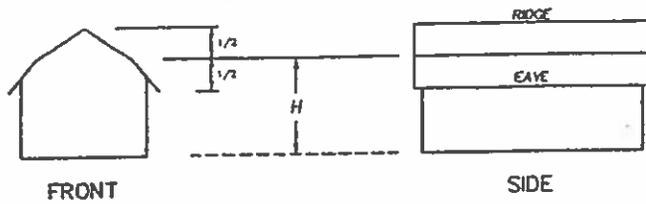
FLAT ROOF



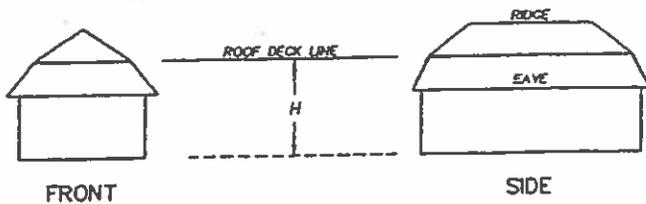
GABLE ROOF



HIP ROOF



GAMBREL ROOF



MANSARD ROOF

*H = HEIGHT OF BUILDING*

THE ILLUSTRATION OF BUILDING HEIGHT DEFINITIONS DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE

**HOME OCCUPATION** means an occupation or business conducted for gain or profit within a dwelling unit by a person residing therein. Home occupations include uses such as an office for a professional or trades person, an art or photographic studio, a work room for a dressmaker, seamstress, hairstylist, art or music teacher or similar activity, and a private-home day care operation in a dwelling unit that does not require a licence under the *Day Nurseries Act*.

**HOSPITAL** means any institution, building or other premises established for the treatment of persons afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill persons that is approved under the *Public Hospitals Act* as a public hospital.

**HOTEL** means a tourist establishment containing five or more guest rooms served by a common building entrance. Accessory uses may include accommodation for permanent staff, dining rooms, beverage rooms, meeting rooms or similar uses.

**INDUSTRIAL FACILITY** means a facility or activity relating to: the assemblage and/or storage of substances/goods, raw materials; their processing and/or manufacturing; and/or the packaging and shipping of finished products. Industrial facilities are further defined as being either Class I, II or III, as follows:

**Class I Industrial Facility** means a place of business for a small scale, self contained plant or building which produces/stores a product that is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.

**Class II Industrial Facility** means a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e., it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.

**Class III Industrial Facility** means a place of business for large scale manufacturing or processing, characterized by large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.

**KENNEL, COMMERCIAL** means a “Kennel” or a “Kennel, Commercial Boarding or Commercial Breeding” as defined in By-law No. 2009-31 of the Township of Otonabee- South Monaghan, being a By-law to regulate and govern kennels in the Township of Otonabee-South Monaghan.

**LANDFILL GAS ELECTRICITY GENERATING STATION** means an electrical generation facility that uses landfill gas comprised of methane and other gases produced by garbage disposed of at an active and/or closed sanitary landfill site to produce electricity.

**LANDSCAPED OPEN SPACE** means the open unobstructed space from ground to sky at finished grade on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, shrubs and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb retaining wall, parking area of any open space beneath or within any building or structure.

**LANE** means a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

**LAUNDROMAT** means a building or structure or part thereof where self-service or coin- operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning. This definition does not include dry-cleaning, dyeing or pressing.

**LEASE SITE**, for the purposes of the CT-2 and CT-3 Zones only, means a parcel of land owned by an individual or organization and leased to another individual or individuals for a specified period of time. The boundaries of the lease site shall be the description of the property as defined in the lease agreement executed between the Owner and the leasee and illustrated on an approved Site Plan.

**LIBRARY** means a public library within the meaning of the *Public Libraries Act*, as amended.

**LIQUOR LICENCED PREMISES** means any building, structure or premises licensed under the Liquor Licence Board of Ontario.

**LIVESTOCK FACILITY** means one or more barns or permanent structures with livestock- occupied portions, intended for keeping or housing livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.

**LIVESTOCK HOUSING CAPACITY** means the maximum livestock capacity for all facilities on a lot at one time, even if currently empty but able to house livestock.

**LOADING SPACE** means an off-street space on the same lot as the building or contiguous to a group of buildings for the temporary parking of a commercial vehicle, while loading or unloading merchandise or materials, which space abuts a street, lane, road, highway or other appropriate means of access.

**LODGE** means a tourist establishment containing five or more guest rooms served by a common building entrance or with separate entrances directly from outside the building. Accessory uses may include rental cabins or rental cottages, accommodations for permanent staff, dining rooms, beverage rooms, meeting rooms, recreational facilities and similar uses.

**LOT** means a parcel or tract of land described in a deed or other legal document which is legally capable of conveying title and:

- (a) which is a whole lot within a registered plan of subdivision, other than a registered plan of subdivision which has been deemed not to be registered plan of subdivision under a By-law passed pursuant to Section 50 of the *Planning Act*, 1990, as amended; or
- (b) which is a legally separated parcel of land in existence on the date of passing of this By-law without the owner holding the fee or the equity of redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or
- (c) the description of which is the same as in a deed which has received final consent to a conveyance pursuant to Section 53 of the *Planning Act*, 1990, as amended; or
- (d) is the whole remnant remaining to an owner or owners after a consent to sever has been granted pursuant to Section 53 of the *Planning Act*, 1990, as amended, with respect to all other adjoining lands of the owner or owners provided that the consent or consents mentioned above have not lapsed under Subsection 53 (43) of the *Planning Act*, 1990, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Township of Otonabee-South Monaghan, the County of Peterborough, Her Majesty in the Right of Ontario, or Her Majesty in the Right of Canada; or,
- (e) which is the subject of an order of the Minister of Municipal Affairs and Housing pursuant to the provisions of Section 50 of the *Planning Act*, 1990, as amended.

**LOT AREA** means the total horizontal area bounded by the lot lines of a lot. In the case of corner lots having a road line rounding at the corner of a radius of 6.1 metres (20 ft.) or less the lot area of such lot shall be calculated as if the lot lines were produced to their point of intersection.

**LOT, CORNER** means a lot situated at the intersection of two streets, of which two adjacent sides, that abut the intersecting streets, contain an angle of not more than one hundred and thirty-five (135) degrees; where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, provided that in the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.

**LOT COVERAGE** means that percentage of the lot area covered by buildings and structures above ground level and excludes that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level.

**LOT DEPTH** means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. When there is no rear lot line, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

**LOT FRONTAGE** means the horizontal distance between parallel side lot lines measured along a straight front lot line. Where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage shall be measured perpendicular to a line joining the mid-points of the front and rear lot lines measured back from the front lot line a distance equivalent to the minimum front yard depth as specified in this By-law. In the case where there is no rear lot line, the lot frontage shall be measured by a line perpendicular to the line joining the mid-point of the front lot line to the apex of the triangle formed by the side lot lines.

In the case of a standard waterfront lot, the lot frontage shall be the straight line horizontal distance between the two most widely separated points on any one shoreline of a lot, unless the standard waterfront lot abuts a public street, in which case the lot frontage shall be deemed to be along the public street. In the case of a through waterfront lot, the lot frontage shall be measured in the same way as a standard waterfront lot, unless the through waterfront lot abuts a public street, in which case the lot frontage shall be deemed to be along the public street.

**SHORELINE FRONTAGE** means the straight line horizontal distance between the two most widely separated points on any one shoreline of a lot.

**LOT, INTERIOR** means a lot other than a corner lot.

**LOT LINE** means any boundary of a lot or the vertical projection thereof.

**LOT LINE, FRONT** means in the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street or private right-of-way shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side lot line. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line. In the case of a lot fronting on a navigable waterway and an improved public street, the lot line abutting the street shall be deemed to be the front lot line. In the case of a lot fronting on a navigable waterway and which does not abut an improved public street, the lot line abutting the navigable waterway shall be deemed to be the front lot line. For lots in the Limited Service Residential (LSR) Zone that do not abut a navigable waterway, the front lot line shall be the lot line dividing the lot from a private right-of-way.

**LOT LINE, REAR** means the lot line farthest from and opposite to the front lot line.

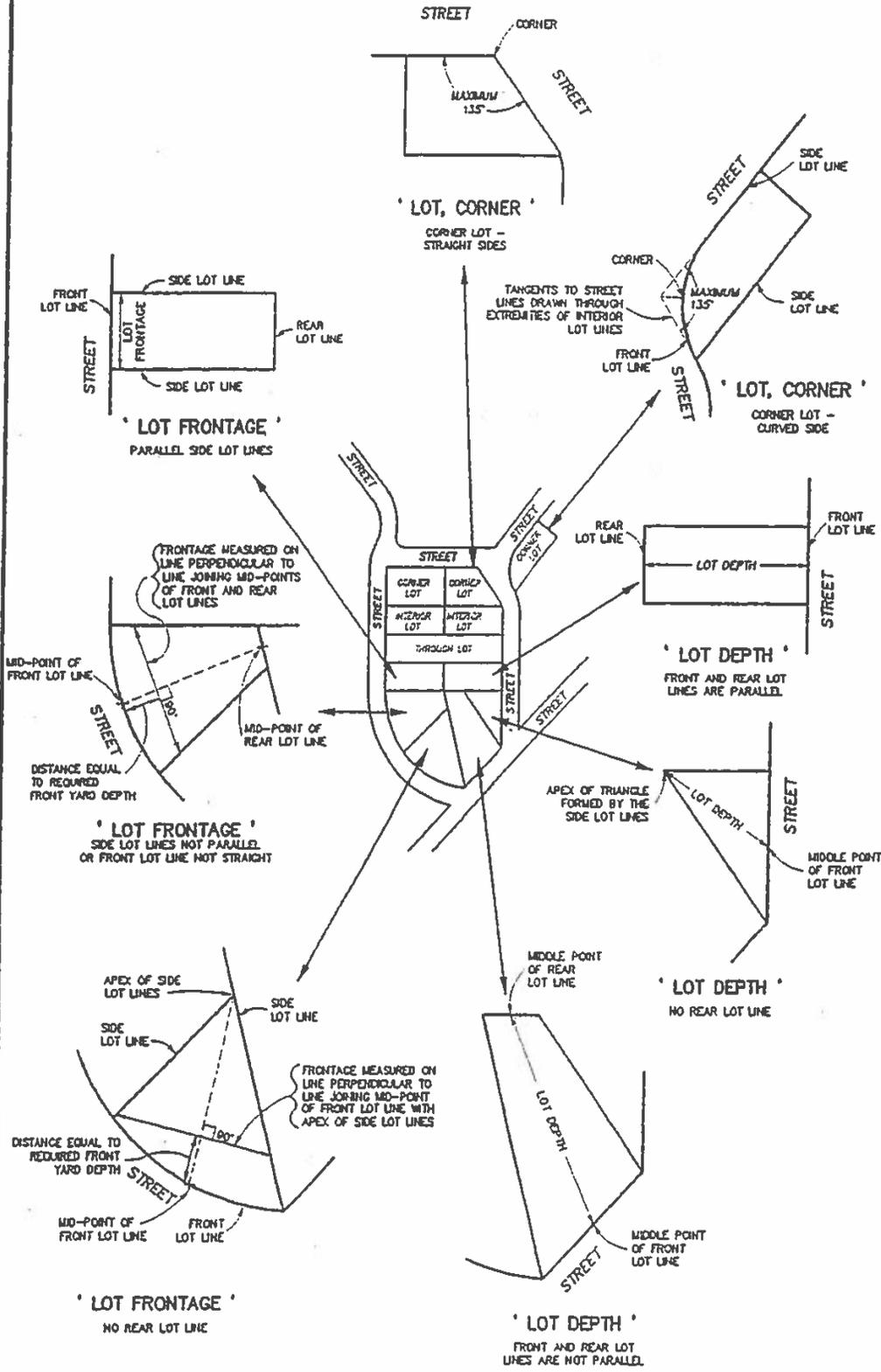
**LOT LINE, SIDE** means a lot line other than a front or rear lot line.

**LOT, STANDARD WATERFRONT** means a lot that may or may not have street access, but has water access on one shoreline only on a navigable waterway.

**LOT, THROUGH** means a lot bounded on two opposite sides by streets.

**LOT, THROUGH WATERFRONT** means a lot that may or may not have street access, but has water access on one or more shorelines of a navigable waterway.

# ILLUSTRATION OF LOT DEFINITIONS



THE ILLUSTRATION OF LOT DEFINITIONS DOES NOT FORM PART OF THIS BY-LAW BUT IS PROVIDED FOR CONVENIENCE

**MANUFACTURING, PROCESSING, ASSEMBLING OR FABRICATING PLANT** means a plant in which the process of producing any product, by hand or mechanical power and machinery, is carried on systematically with division of labour.

**MAINTENANCE DEPOT, MUNICIPAL, DISTRICT OR PROVINCIAL** means any land, building or structure owned by the Corporation of the Township of Otonabee-South Monaghan, the County of Peterborough or the Province of Ontario used for the storage, maintenance or repair of equipment, machinery or motor vehicles used in connection with civic works and shall include a public works yard.

**MARINA** means a building, structure or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

**MARINE DEALER** means any building, lot or structure where boats and marine equipment is kept for sale at retail and may include the servicing of boats and marine equipment.

**MARINE FACILITY** means an accessory building or structure which is used to take a boat into or out of a waterbody, to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, or a dock, but shall not include a boathouse or any building used for human habitation or any boat service, repair or sales facility.

**MEDICAL OR DENTAL CLINIC** means a building where members of the medical profession, dentists, chiropractors, osteopaths, optometrists, physicians or occupational therapists, either singularly or in union, provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices for consultation, x-ray and minor operating rooms, a pharmaceutical dispensary and a coffee shop, provided that all such uses have access only from the interior of the building.

**MOBILE CANTEEN** means any vehicle, whether mechanically propelled, or otherwise, from which food refreshments or merchandise is sold, or offered for sale to the public.

**MOBILE HOME** means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer.

**MOBILE HOME PARK** means land which has been provided and designed for the location thereon of two (2) or more occupied mobile homes.

**MOBILE VENDOR** means any operator of a mobile canteen as defined herein who has received a licence to operate such mobile canteen, and may include an employee, agent, or servant of the licensee.

**MOTEL** means an establishment which consists of one or more than one building containing more than one rental unit for the purpose of catering to the travelling public by furnishing sleeping accommodation with or without meals, may include permanent staff accommodation, and may or may not be licensed under the *Liquor Licence Act*.

**MOTOR HOME** means a self-propelled vehicle designed for the temporary living, sleeping or eating accommodation of persons, including a truck camper.

**MOTOR VEHICLE** means a motor vehicle within the meaning of the *Highway Traffic Act*, as amended.

**MOTOR VEHICLE, COMMERCIAL** means a commercial motor vehicle within the meaning of the *Highway Traffic Act*, as amended.

**MOTOR VEHICLE, DERELICT** means a motor vehicle within the meaning of the *Highway Traffic Act*, as amended, whether or not same is intended for use as a private passenger motor vehicle, which is inoperable, does not have current licence plates, and has no value as a means of transportation.

**MOTOR VEHICLE, SNOW** means a motorized snow vehicle within the meaning of the *Motorized Snow Vehicle Act*, as amended.

**MOTOR VEHICLE BODY SHOP** means a building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be a towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include a salvage yard operation or any other establishment otherwise defined or classified in this By-law.

**MOTOR VEHICLE DEALERSHIP** means a building or structure where a licensed dealer displays new or used motor vehicles for sale or rent in conjunction with which there may be a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop.

**MOTOR VEHICLE FUEL ESTABLISHMENT** means one or more pump islands, each consisting of one or more fuel pumps, and a shelter having a floor area of not more than

9.1 square metres, and may include facilities for the refilling of propane tanks and the changing of oil, greasing and lubricating of motor vehicles, including the sale of accessories, antifreeze and additives.

**MOTOR VEHICLE RENTAL ESTABLISHMENT** means a building or structure where motor vehicles are kept for rent, lease or hire under agreement for compensation.

**MOTOR VEHICLE REPAIR GARAGE** means a building or structure where the services performed or executed on motor vehicles for completion shall include the installation of exhaust systems, repair of the electrical systems, transmission repair, brake repair, radiator repair, tire repair and installation, rust-proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar uses. There may also be, in conjunction with these services, a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired.

**MOTOR VEHICLE SERVICE CENTRE** means a building or structure to accommodate the travelling public by providing an eating establishment and supplying fuel, grease and oil and in conjunction may include a motor vehicle fuel establishment, motor vehicle service station and a motor vehicle repair garage.

**MOTOR VEHICLE SERVICE STATION** means a building where gasoline, propane, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries and automotive accessories for motor vehicles, or similar automotive products are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed.

**MOTOR VEHICLE WASH** means a building or structure containing facilities for washing motor vehicles for profit or gain either using production line methods and mechanical devices or by a self-service operation, and for the purpose of this By-law may include a motor vehicle fuel establishment.

**NON-COMPLYING USE** means an existing use which is a permitted use in the zone in which the said use is situated, but which does not meet the standards set for some other provision or regulation required by this By-law such as minimum frontage, depth, area, setbacks, etc.

**NON-CONFORMING USE** means an existing use which is not a permitted use in the zone in which the said use is situated.

**NOXIOUS** means, when used with reference to any use or activity in respect of any land, building or structure or a use or activity which, from its nature or from the manner

of carrying on same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk waste or other materials, a condition which may become hazardous or injurious in regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use or activity in respect of any land, building or structure.

**NURSING HOME** means any premises maintained and operated for persons requiring nursing care, which is licensed under the *Nursing Homes Act*, as amended.

**OPEN STORAGE AREA** means land used for the outside storage of equipment, goods, or materials. This definition shall not include a storage use located in a building, a salvage yard, a parking area, a delivery space, or a parking space. This definition shall only apply to a use permitted in Sections 15.7.7 and 17.6.7 of this Bylaw.

**OUTSIDE DISPLAY OR SALES** means the outdoor display and sale of goods or merchandise as an accessory activity to a permitted use that is carried out within a building on the same lot, and which shall not extend onto any adjoining lot.

**OUTSIDE STORAGE** means an accessory storage area outside of the principal or main building on the lot.

**PARK, PRIVATE** means any park other than a public park.

**PARK, PUBLIC** means any open space area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario or Government of Canada and may include therein neighbourhood, community, regional and special parks or areas and may include one or more athletic fields, field houses, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, refreshment rooms, fair grounds, golf courses, or similar uses including accessory buildings, but for the purpose of this By-law shall not include a trailer park or camp.

**PARK MODEL TRAILER** means a recreational unit which is built on a single chassis, mounted on wheels designed to facilitate relocation from time to time, is designed as living quarters for temporary/seasonal living accommodations, as per CSA Z241 standards, and may be connected to those utilities necessary for operation of installed fixtures and appliances, and it has a gross floor area, including lofts not exceeding 50 square metres (538.21 sq. ft.) when in the set up mode, and having a width no greater than 3.66 metres (12 ft.) in the transit mode.

**PARKING ANGLE** means the angle which is equal to or less than a right angle, formed by the intersection of the side of the parking space and line parallel to the aisle.

**PARKING AREA** means an area provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.

**PARKING LOT** means any parking area other than a parking area accessory to a permitted use.

**PARKING SPACE** means an area, exclusive of any aisles, ingress or egress lanes, for the parking or storage of motor vehicles and may include a private garage.

**PERSON** means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

**PIT** means land or land under water from which unconsolidated aggregate including gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock, or other material prescribed under the *Aggregate Resources Act*, is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site. A pit does not include a wayside pit as defined in this By-law.

**PIT OR QUARRY, WAYSIDE** means a temporary pit or quarry opened under the authority of a wayside permit issued under the *Aggregate Resources Act* and used by or for a public authority solely for the purposes of a particular project or contract of road construction, and not located on the road right-of-way.

**PLACE OF ENTERTAINMENT** means a motion picture or other theatre, public hall, billiard or pool room, a bowling alley, ice or roller skating rink, dance hall or music hall or any similar use intended for entertainment functions. A place of entertainment shall not include an adult entertainment establishment as defined herein.

**PLACE OF WORSHIP** means a building dedicated to religious worship and includes a church, synagogue or assembly hall and may include such accessory uses as a nursery school, a school of religious education, convent, monastery or parish hall.

**PLANTING SCREEN** means a continuous hedgerow of evergreen trees or shrubs, not less than 1.5 metres (4.92 ft.) in height, immediately adjacent to the lot line or portion thereof along which such planting screen is required herein.

**PORTABLE ASPHALT PLANT** means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

**PORTABLE PROCESSING PLANT** means equipment for the crushing, screening or washing of sand and gravel aggregate materials, but does not include a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.

**POST OFFICE** means a building or structure or part thereof used for the sale of postal products and/or the distribution, collection and sorting of mail.

**POSTAL OUTLET** means a building or structure or part thereof authorized by Canada Post to provide over-the-counter postal services and agency services to the public.

**PRINCIPAL OR MAIN BUILDING** means the building in which is carried on the principal purpose for which the lot is used.

**PRIVATE CLUB** means a building or part of a building used for the purposes of a non-profit, non-commercial organization which includes social, cultural, athletic or recreational activities.

**PRIVATE HOME DAYCARE** means the temporary care for compensation of five (5) children or less who are under ten (10) 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. Private home day care shall not include a Day Care Centre as defined in the By-law.

**PROVINCIAL HIGHWAY** means a street or road under the jurisdiction of the Province of Ontario.

**PUBLIC AUTHORITY** means Federal, Provincial, County or Municipal agencies, and includes any commission, board, authority or department established by such agency.

**PUBLIC WORKS YARD** - See "Maintenance Depot"

**QUARRY** means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site. A quarry does not include a wayside quarry as defined in this By-law.

**RECREATIONAL USE, ACTIVE** means a recreational use or activity with buildings or which requires alterations of soil or topography and includes such activities as golf courses, playing fields, trailer parks, campgrounds and conservation areas involving built structures.

**RECREATIONAL USE, PASSIVE** means an activity or use of land carried out for recreational purposes which does not require the construction of buildings or the alteration of soil or topography and includes open space and environmental areas.

**RECREATIONAL ESTABLISHMENT** means a billiard or pool hall, bowling alley, curling or skating rink or similar use.

**RECREATIONAL VEHICLE DEALERSHIP** means a building or structure where a licensed dealer displays new recreational vehicles, including motorcycles, all-terrain vehicles and snowmobiles, for sale or rent in conjunction with which there may be a recreational vehicle repair garage and gasoline bar.

**RECYCLING FACILITY** means enclosed or unenclosed premises for the collection, composting, sorting, processing, or temporary storage of recyclable materials such as glass, tins, paper, plastic and other non-hazardous recyclable materials but does not include unlicensed motor vehicles, trees, tires, metal, salvage, liquids or hazardous wastes.

**RENTAL CABIN OR RENTAL COTTAGE ESTABLISHMENT** means a tourist establishment designed to accommodate one family in a detached building or in one of two such buildings which have a common wall, in accordance with all regulations set out in this By-law.

**REPAIR** means the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall be in good condition. "Repair" shall be synonymous with the terms "reconstruct" and "renovate".

**RESIDENTIAL USE** means a dwelling or dwelling unit as defined herein.

**RESORT** means a tourist establishment that operates throughout all or part of the year and that has facilities for serving meals and furnishing equipment, supplies or services to persons in connection with recreational purposes.

**RETAIL COMMERCIAL ESTABLISHMENT** means a building, or part of a building, in which goods, wares, merchandise, substances, articles or services are offered or kept for sale at retail or on a rental basis.

**RIDING SCHOOL OR BOARDING STABLE** means an area of land or buildings which is/are used as an education centre for horse training, handling, care or for the lodging of horses. It may include accessory buildings for human habitation.

**RIGHT-OF-WAY, PRIVATE** means a private road which affords access to abutting lots and does not include a lane, street, road or highway as herein defined, or a railway right- of-way.

**SALVAGE YARD** means a place where goods, wares, merchandise, articles or things are processed for further use and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open. This definition may include a junk yard, a scrap metal yard and a motor vehicle wrecking yard or premises. A Salvage Yard shall not include an establishment where the principal or main use of a lot is the storage and/or recycling of use vehicle tires.

**SANITARY LANDFILL SITE or SOLID WASTE LANDFILL SITE** means a place or facility where garbage, refuse or domestic or other waste is disposed of or processed under controlled circumstances, but does not include the treatment or disposal of liquid industrial or hazardous waste.

**SANITARY SEWER** means an adequate system of underground conduits, operated either by the Corporation or by the Ministry of the Environment, which carries sewage to an adequate place of treatment which meets with the approval of the Ministry of the Environment.

**SATELLITE DISH** means a device designed to receive communication signals from a satellite.

**SAW AND/OR PLANING MILL** means a building, structure or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and may or may not include the distribution of such products on a wholesale or retail basis.

**SCHOOL, PUBLIC** means a school under the jurisdiction of a Board as defined by the Ministry of Education.

**SEASONAL CAMP** means an establishment that is owned and operated by a private club or organization for the boarding and lodging of children during the summer months only, and may include such activities as boating, riding and archery.

**SENSITIVE LAND USE** means a building, amenity area or outdoor space where routine or normal activities occurring at reasonably expected times would experience

one or more adverse effect(s) such as noise, vibration, odours and other air emissions, litter, dust and other particulates, and other contaminants, generated by a nearby industrial facility or land use. The sensitive land use may be a part of the natural or built environment.

Depending upon the particular facility or land use involved, a sensitive land use and associated activities may include, but are not limited to, one or a combination of:

- (a) residences, uses or facilities where people sleep, for example, dwellings, nursing homes, hospitals, trailer parks, camp grounds, mobile home parks, etc. These uses are considered to be sensitive 24 hours/day;
- (b) permanent institutional uses such as schools, churches, municipal offices, libraries, community centres, and day care centres); and
- (c) community and neighbourhood parks and playgrounds.

**SERVICE SHOP** means a building or part of a building for the servicing or repairing of articles, goods or materials other than heavy machinery or equipment, or motor vehicles.

**SERVICE SHOP, PERSONAL** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, such as a barber's shop, hairdressing establishment or other similar services.

**SETBACK** means the horizontal distance from the property line, measured at right angles to such property line, to the nearest part of any building or structure on the lot. Setback requirements to street centrelines shall be accordance with Section 4.30 of this By-law.

**SEWAGE TREATMENT FACILITY** means a building or structure approved by the Ministry of Environment, where domestic and/or industrial waste is treated.

**SHOPPING CENTRE** means a group of commercial uses, which has been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants, as distinguished from a business area comprising unrelated individual uses.

**SIGHT TRIANGLE** means the triangular space formed on a corner lot by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres (29.53 ft.) measured along the street line from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

This definition shall also include the sight triangle formed on a corner lot at the intersection of a rail line and a street.

**SIGN** means any identification, description, illustration or device illuminated or non-illuminated including any supporting structure that is visible from any public place or located on private property and exposed to the public which directs attention to a product, service, place, activity, person, institution, business or solicitation. Without limiting the generality of the foregoing, a sign includes any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, but sign does not include window displays and flags or emblems of patriotic, civic, educational, religious organizations or private clubs.

**SIGNIFICANT DRINKING WATER THREAT** means an activity which poses or has the potential to pose a significant risk to the source of a municipal drinking water system.

**SIGNIFICANT DRINKING WATER THREAT, EXISTING** means:

- (a) an activity that has been engaged in prior to the date that the Trent Source Protection Plan took effect (January 1, 2015) and continues to occur;
- (b) an agricultural activity as defined by the Trent Source Protection Plan that has been engaged in at sometime within the 10-year period prior to the date that the Trent Source Protection Plan takes effect (January 1, 2015);
- (c) an activity that is related to a development proposal where an application was made under the Planning Act, Condominium Act, or Building Code Act prior the Trent Source Protection Plan taking effect (January 1, 2015);
- (d) an activity that is related to an application made for the issuance or amendment of a prescribed instrument (as defined in the Clean Water Act) prior the Trent Source Protection Plan took effect (January 1, 2015).

**SIGNIFICANT DRINKING WATER THREAT, FUTURE** shall mean an activity that is proposed to commence after the date the Trent Source Water Protection Plan takes effect and is not an existing activity on January 1, 2015.

**STOREY** means that portion of a building or structure, other than an attic or basement, which is situated between the top of any floor and the top of the floor, ceiling or roof next above it.

**STOREY, FIRST** means the lowest storey of a building closest to finished grade having its ceiling 1.8 metres (5.9 feet) or more above average finished grade.

**STOREY, ONE-HALF** means that portion of a building situated wholly or in part within the roof and having its floor level not lower than 1.2 metres (3.94 ft.) below the line where roof and outer wall meet and in which there is sufficient space to provide a distance between finished floor and finished ceiling of at least 2.0 metres (6.56 ft.) over a floor area equal to at least 50 percent, but less than 75 percent, of the floor area of the storey next below.

**STOREY, SECOND** means that portion of a building situated above the first storey and in which there is a vertical dimension of at least 2.0 metres (6.56 feet), measured from finished floor to finished ceiling, over a floor area equal to at least 75 percent of the floor area of the storey next below.

**STORM SEWER** means a sewer which carries storm sewage or surface runoff but excludes any sanitary sewer or any combination of sanitary sewers and storm sewers.

**STREET OR ROAD** means a highway as defined by the *Municipal Act*, as amended, and the *Highway Traffic Act*, as amended, which affords the principal means of access to abutting lots and does not include a lane or private right-of-way as defined in this Bylaw.

**STREET OR ROAD, IMPROVED PUBLIC** means a public street, road or highway under the jurisdiction of the Province of Ontario, the County or the Corporation, which is constructed to current design standards of the Province, County or Corporation, and which is maintained so as to allow normal vehicular access to adjacent properties throughout all seasons of the year.

**STREET LINE** means the limit of the street or road allowance and is the dividing line between a lot or block and street or road.

**STRUCTURE** means anything that is erected, built or constructed or parts joined together, the use of which requires location on or in the ground, or attached to something having location on or in the ground but does not include a sign or tourist trailer.

**TILLABLE HECTARES** means the total area of land including pasture that can be worked or cultivated.

**TOURIST ESTABLISHMENT** means a building, area or facilities designed or used for the accommodation of the travelling or vacationing public, and shall include a lodge,

resort, hotel, motel, and a rental cabin or rental cottage establishment, but shall not include a trailer park or camp.

**TOURIST HOME** means a private dwelling that is not part of or used in conjunction with any other tourist establishment, and in which there are more than three (3) rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally.

**TOURIST TRAILER** means any portable living unit having no permanent foundation and supported by wheels, jacks or similar supports, used or so constructed as to permit its being used as a conveyance upon public streets or highways and duly licensable as such, and designed and constructed to permit occupancy for temporary living, eating and sleeping accommodation of persons therein, and shall be deemed to include a tent and shall not be occupied continuously or as a principle residence. This definition does not include appurtenances to a trailer or park model trailer or landbased vehicles originally designed, used or intended for water use.

**TOURIST VEHICLE** means any self-propelled vehicle including a bus, motor home, truck or van, which is equipped for the temporary living, sleeping or eating accommodation of persons. For the purposes of this By-law, "Tourist Vehicle" shall include a Tourist Trailer.

**TOWNSHIP STREET OR ROAD** means a street or road under the jurisdiction of the Corporation of the Township of Otonabee-South Monaghan.

**TRAILER** means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle; which shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, and, for the purposes of this By-law does not include a mobile home dwelling as defined herein.

**TRAILER PARK OR CAMP** means a tourist establishment consisting of at least five (5) camping sites and comprising land used or maintained as grounds for the camping or temporary parking of tourist trailers, motor homes, park model trailers, truck campers, campers or tents, but does not include parks or camping grounds maintained by any department of the Government of Ontario or of Canada; or any crown corporation, commission or board.

**TRUCK TRANSPORT TERMINAL** means any land, building or structure or part thereof, where trucks or tractor trailers are rented, leased, kept for hire, or stored, parked for remuneration, or from which trucks or transports, stored or parked on the property, are

dispatched for hire as common carriers. This definition shall only apply to a use permitted in Sections 15.7.7 and 17.6.7 of this By-law.

**USE** means, when used as a noun, the purpose for which a lot or building or structure, or any combination thereof, is designed, arranged, occupied or maintained and when used as a verb, "USED" shall have a corresponding meaning.

**VEHICLE** means an automobile, all-terrain vehicle, snowmobile, motorcycle, motor assisted bicycle, traction engine, farm tractor, road-building machine, self-propelled implement of husbandry, and any other vehicle propelled or driven other than by muscular power, but not including a railroad car or other motor vehicle running only upon rails.

**VETERINARIAN** means a person registered under the provisions of the *Veterinarians Act*, as amended.

**VETERINARY CLINIC** means a building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals, and in conjunction with which there may be temporary sheltering of animals during the treatment period. A Veterinary Clinic shall not include a Commercial Kennel.

**WAREHOUSE** means a building or part of a building used for the storage of goods, wares, merchandise, articles or things, and may include facilities for a wholesale or retail commercial outlet, but shall not include a cartage or transport depot.

**WASTE TRANSFER PROCESSING FACILITY** means a facility where off-specification products, recyclable materials and wastes are received, sorted, bulked, stored, processed to facilitate shipping (but not disposed of on-site), transferred and/or offered for transport for off-site disposal, re-use, recycling or use as waste-derived fuel. Such facility shall be approved under the *Environmental Protection Act*. This definition shall only apply to a use referenced in Section 15.7.7 of this By-law and to a use permitted in Section 17.6.7 of this By-law.

**WASTE TRANSFER STATION** means premises for the temporary storage of garbage and waste materials awaiting transfer to a permanent solid waste disposal area and may include a recycling depot.

**WATER BODY** means any bay, lake, canal or natural watercourse, but excludes a drainage or irrigation channel.

**WATERCOURSE** means a body of water or the natural channel for a perennial or intermittent stream of water.

**WATER FRONTAGE** means a piece of land fronting on and providing access to a watercourse, bay or lake.

**WATER SUPPLY SYSTEM, PUBLIC** means an adequate distribution system of underground piping and related storage, including pumping and purification appurtenances operated by a municipal corporation and/or the Ministry of the Environment and/or any public utilities commission for public use.

**WATER SUPPLY PLANT** means a building or structure, approved by the Ministry of the Environment where water is treated for human consumption.

**WELL** means an underground source of water which has been rendered accessible by the drilling or digging of a hole from ground level to the water table and may include a private piped system from a surface water source.

**WETLANDS** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or other water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purpose of this definition.

**WORKSHOP** means a building or part of a building where fabrication or manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welders shop, or similar uses.

**YARD** means a space, appurtenant to a building or structure, located on the same lot as the building or structure, which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in the By-law.

**YARD, FRONT**, means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot, the nearest outside storage use on the lot, or edge or rim of an excavation on the lot.

**YARD, FRONT DEPTH**, means the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or the edge or rim of an excavation on the lot.

**YARD, REAR**, means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or the edge or rim of an excavation on the lot.

**YARD, REAR DEPTH**, means the least horizontal dimension between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or the edge or rim of an excavation on the lot.

**YARD, REQUIRED**, means the minimum yard required by the provision of this By-law.

**YARD, SIDE**, means a yard extending from the required front yard to the required rear yard and from the side lot line of the lot to the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or the edge or rim of an excavation on the lot.

**YARD, SIDE EXTERIOR**, means a side yard immediately adjoining a public street.

**YARD, SIDE INTERIOR**, means a side yard other than an exterior side yard.

**YARD, SIDE WIDTH**, means the least horizontal dimensions between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or edge or rim of an excavation on the lot.

**YARD, WATER**, means the yard extending from the high water mark on any body of water to the nearest wall of any building or structure on the lot.

**ZONE** means a designated area of land shown on Schedule "A" hereto and includes any special zone used in this By-law.

**ZONE PROVISIONS** means the permissible uses or activities, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, the minimum gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking area requirements, and all other standards and regulations of the respective Zones as are set out within the By-law.