

2.0 DEFINITIONS

For the purpose of this By-law, all words shall carry their customary meaning, as defined in the Webster’s New World Dictionary, except for those defined hereinafter. In the event of conflict, Council, in consultation with the Chief Planning Officer, shall have sole discretion for interpreting the meaning of words.

INDEX OF DEFINED TERMS

A

Accessory, 2-5
 Accessory Dwelling Unit, 2-5
 Adult Entertainment Establishment, 2-5
 Agricultural Use, 2-5
 Alter, 2-5
 Amenity Area, 2-6
 Angular Plane, 2-6
 Animal Shelter, 2-6
 Apartment Dwelling, 2-6, 2-16
 Apartment Unit, 2-16
 Arcade, 2-6
 Artist’s Workshop, 2-6
 Assembly Hall, 2-6
 Attached, 2-6
 Attic, 2-7
 Auctioneer’s Establishment, 2-7
 Auditorium, 2-7
 Automobile Body Shop, 2-7
 Automobile Gas Bar, 2-7
 Automobile Rental Agency, 2-7
 Automobile Repair Garage, 2-7
 Automobile Sales Establishment, 2-7

Automobile Service Station, 2-7
 Automotive Trade Use, 2-8

B

Bakery, 2-8
 Bake Shop, 2-8
 Banquet Hall, 2-8
 Basement, 2-8
 Bed and Breakfast Establishment, 2-8
 Block, 2-8
 Block Face, 2-8
 Boarding, Rooming or Lodging House, 2-8, 2-16
 Boat House, 2-9
 Building, 2-9
 Building By-law, 2-9
 Building Code, 2-9
 Build to Plane, 2-9
 Bus, 2-9
 Business and Professional Office, 2-9
 Business Incubator/Accelerator, 2-9
 Business Service Establishment, 2-10

C

Campground, 2-10
 Car Sharing, 2-10
 Car Wash, 2-10
 Carport, 2-10

Catering Service, 2-10
 Cellar, 2-10
 Chief Building Official, 2-10
 Chief Planning Officer, 2-10
 Child Care Centre, 2-10
 Children’s Play Area, 2-11
 Church, 2-11
 City, 2-11
 Clinic or Medical Office, 2-11
 Commercial Greenhouse, 2-11
 Commercial Motor Vehicle, 2-11
 Commercial Recreation Establishment, 2-11
 Commercial School, 2-11
 Commercial Use, 2-11
 Common Carrier, 2-12
 Community Centre, 2-12
 Community Health and Resource Centre, 2-12
 Computer Design and Development Facility, 2-12

Computer Service, 2-12
Contractors' Establishment, 2-12
Convenience Store, 2-12
Converted Dwelling, 2-12, 2-15
Corporation, 2-12
Cottage, 2-12
Council, 2-13
County, 2-13
Courier Service, 2-13
Custom Workshop, 2-13
D
Day Care, Adult, 2-13
Day Care, Private-Home, 2-13
Delicatessen, 2-13
Density, 2-13
Department Store, 2-13
Development, 2-13
Downtown and Central Waterfront Area, 2-14
Drive Through, 2-14
Driveway, 2-14
Driveway Access, 2-14
Dry Cleaning Outlet, 2-14
Dry Cleaning Plant, 2-14
Duplex Dwelling, 2-14, 2-15
Dwelling, 2-14
Dwelling Unit, 2-14
Dwelling Unit Area, 2-17
Dwelling Unit, Accessory, 2-15
Dwelling Unit, Bachelor, 2-15
E
Erect, 2-17

Existing, 2-17
F
Factory Outlet, 2-17
Farmers' Market, 2-17
Film, Television and Recording Studio, 2-18
Financial Service, 2-18
Fire Code, 2-18
Flea Market, 2-18
Floodplain, 2-18
Floor Area, Gross, 2-18
Floor Area, Gross Leasable, 2-18
Floor Area, Ground, 2-19
Floor Space Index or F.S.I., 2-19
Front Yard Setback, 2-34
Fuel Pump Island, 2-19
Fuel Storage Tank, 2-19
G
Garage, Parking, 2-19
Garage, Private, 2-19
Garage Sale, 2-19
Garden Suite, 2-19
Garden Suite Dwelling, 2-16
Golf Course, 2-19
Grade, 2-19
Grade, Finished, 2-19
Grocery Store, 2-20
Group Home Dwelling, 2-16
Group of Persons, 2-20
Guest Room, 2-20
H
Habitable Room, 2-20

Health Club, 2-20
Height or Building Height or Height of Building, 2-20
Hereafter, 2-21
High Technology Retail Store, 2-21
Highway, 2-21
Home Appliance Store, 2-21
Home Decorating Store, 2-22
Home Furnishing Store, 2-22
Home Improvement Store, 2-22
Home Industry, 2-22
Home Occupation, 2-22
Homeless or Emergency Shelter, 2-22
Hospice, 2-22
Hospital, 2-22
Hotel, 2-22
I, J
Industrial Equipment Sales, Service and Rental, 2-23
Industrial Mall, 2-23
Industrial Service, 2-23
Industrial Use, 2-23
Industrial Use, Light, 2-23
Institutional Residence, 2-23
K
Kennel, 2-24
L
Landscaped Open Space, 2-24
Lane, 2-24
Large Format Retail, 2-24
Laundromat, 2-24
Linked Dwelling, 2-16, 2-24
Loading Area, 2-24

Loading Space, 2-24
 Local Board or Commission, 2-25
 Lot, 2-25
 Lot Area, 2-25
 Lot, Corner or Lot, Exterior, 2-25
 Lot Coverage, 2-25
 Lot Depth, 2-25
 Lot Frontage, 2-25
 Lot, Interior, 2-25
 Lot Line, 2-25
 Lot Line, Exterior Side, 2-25
 Lot Line, Front, 2-26
 Lot Line, Interior Side, 2-26
 Lot Line, Rear, 2-26
 Lot Line, Side, 2-26
 Lot, Through, 2-26
 Lot of Record, 2-26

M

Main Building or Use, 2-26
 Maisonette Dwelling, 2-15, 2-26
 Marina, 2-26
 Marine Facility, Private, 2-26
 Marine Sales and Service, 2-27
 Medical/Dental Laboratory, 2-27
 Micro-Brewery and Micro-Winery, 2-27
 Mixed Commercial/Residential Building, 2-27
 Mobile Home, 2-27
 Motel, 2-27
 Motor Home, 2-27
 Motor Vehicle, 2-28

N

Non-Complying, 2-28
 Non-Conforming, 2-28
 Nursery School, 2-28

Nursing Home, 2-28

O

Occupancy, 2-28
 Outdoor Furnace, 2-28
 Outdoor Patio, 2-28
 Outside Storage, 2-28

P, Q

Park, Private, 2-29
 Park, Public, 2-29
 Parking Area, 2-29
 Parking Lot, 2-29
 Parking Space, 2-29
 Parking, Bicycle, 2-29

Person, 2-29

Personal Service Establishment, 2-29

Pet Shop, 2-30

Photographic Service, 2-30

Place of Worship, 2-30

Planning Act, 2-30

Planting Strip, 2-30

Post-Secondary Institution, 2-30

Premises, 2-30

Printing Establishment, 2-30

Private Club, 2-30

Private Garage, 2-30

Private Road, 2-30

Public Authority, 2-31

Public Highway, 2-31

Public Use, 2-31

R

Rear Yard Setback, 2-34

Recreational Vehicle, 2-31

Redevelopment, 2-31

Refreshment Vehicle, 2-31

Research and Development Establishment, 2-31

Respite Care, 2-31

Restaurant, 2-32

Restaurant, Outdoor Patio, 2-32

Restaurant, Take-Out, 2-32

Retail Store, 2-32

Retail Warehouse, 2-32

Retirement Home, 2-32

Rowing Club, 2-32

S

Salvage Yard, 2-32

Sanitary Sewer, 2-33

Satellite Dish, 2-33

School, 2-33

School, Commercial, 2-33

School, Private, 2-33

Seasonal Use, 2-33

Second Suite, 2-33

Second Suite Dwelling, 2-16

Self-Service Storage Facility, 2-34

Semi-detached Dwelling, 2-15, 2-34

Semi-permanent Covered Structure, 2-34

Service and Repair Shop, 2-34

Service Use, 2-34

Setback, 2-34

Shopping Centre, 2-34

Shoreline or Water's Edge, 2-35

Side Yard Setback, 2-34

Single Detached Dwelling, 2-15, 2-35

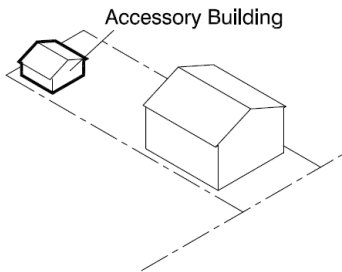
Single Detached Dwelling, 2-15, 2-35

Slaughter House, 2-35
Small-Scale Renewable Energy Structure, 2-35
Stacking Lane, 2-35
Stacking Space, 2-35
Storey, 2-35
Storey, First, 2-35
Storey, One-half, 2-35
Storm Sewer, 2-35
Street, 2-35
Street Edge, 2-36
Street Line, 2-36
Street, Centre Line, 2-36
Street, Improved Public, 2-36
Structure, 2-36
Sub Post Office, 2-36
Supermarket, 2-36
Swimming Pool, Outdoor Private, 2-36
T
Taxi Dispatch Office, 2-36
Taxi Stand, 2-36
Taxi or Vehicle Sharing Service Facility, 2-36
Testing and Research Laboratory, 2-36
Theatre, 2-37

Towing Service, 2-36
Townhouse, 2-37
Townhouse Dwelling, or Block Townhouse Dwelling or Cluster Townhouse Dwelling, 2-15
Townhouse Dwelling, Street, 2-16
Trailer, 2-37
Transportation Depot, 2-37
Transportation Terminal, 2-37
Tree Cutting Service, 2-37
Triplex Dwelling, 2-15, 2-37
U
Undertaker's Establishment, 2-37
Use, 2-37
Used Automobile Sales Establishment, 2-38

V
Vehicle Length, 2-38
Vehicle Sharing Parking Space, Motorized, 2-37
Vehicle Sharing Parking Space, Non-Motorized, 2-38
Vehicle Sharing Service, 2-38
Veterinarian's Office, 2-38
Veterinary Hospital, 2-39
Visibility Triangle, 2-39
Vocational Training Centre, 2-39
W, X
Warehouse, 2-39
Water Supply, 2-39
Wholesale Establishment, 2-39
Y, Z
Yacht Club, 2-39
Yard, 2-40
Yard Sale, 2-40
Yard, Front, 2-40
Yard, Rear, 2-40
Yard, Required, 2-40
Yard, Side, 2-40
Yard, Side, Exterior, 2-40
Yard, Side, Interior, 2-40

A

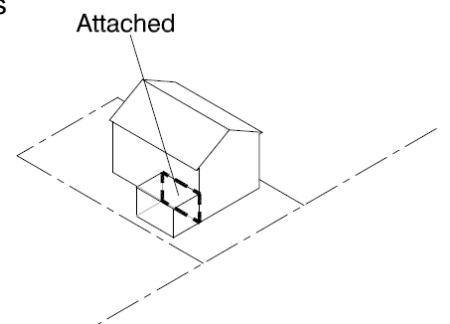
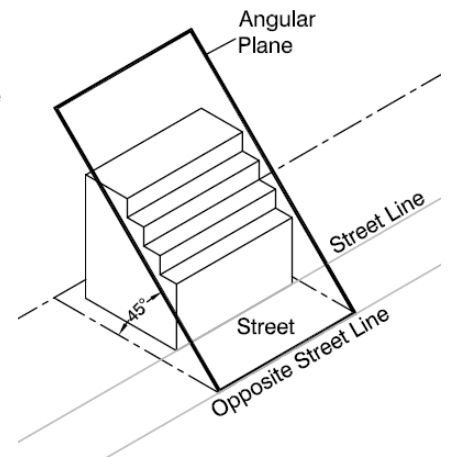


1. **Accessory**, when used to describe a use, building or structure, means a use, building or structure that is normally and customarily incidental, subordinate, clearly secondary to, and exclusively devoted to a main use, building or structure and located on the same lot therewith. An accessory building or structure shall not be used for human habitation unless explicitly permitted by this By-law and shall be detached from the main building in accordance with this By-law.
2. **Accessory Dwelling Unit** - see "Dwelling".
3. **Adult Entertainment Establishment**, means any premises or part thereof, used in pursuance of a trade, calling, business or occupation, if:
 - a) goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations where such goods or services account for 5.0 percent or more of all goods or services provided on the premises, and shall include, without limiting the generality of the foregoing, the sale of goods, services or entertainment in which partial or complete nudity is a principal feature or characteristic; or,
 - b) services appealing to or designed to appeal to erotic or sexual appetites or inclinations, including body rubs, but excluding any services offered or solicited for the purpose of medical or therapeutic treatment and performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.
4. **Agricultural Use**, means land used for the pasturing of animals and for the cultivation of crops, and may include a tree farm or sod farm, market gardening and riding stables.
5. **Alter**, means:
 - a) In reference to a building or part of a building, to change any one (1) or more of the dimensions of such building or to change the type of construction of one (1) or more walls or roof thereof.
 - b) In reference to a lot, to increase or decrease the width, depth or area of any required yard, landscaped open space or parking area, to grade, excavate or place fill that would change the landform and natural vegetative characteristics of a site, or to

change the location of any boundary of such lot in relation to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise.

The words “altered” and “alteration” shall have corresponding meanings.

6. **Amenity Area**, means recreational facilities which may include patios and landscaped areas of the site, balconies, swimming pools, communal lounges and other areas within the site which can be used for recreational purposes.
7. **Angular Plane**, means a plane which projects up at a forty-five degree (45°) angle away from the improved public street right-of-way and establishes the maximum building height. The angular plane commences on the street line on the opposite side of the street and extends up and across the street and the entire width of the lot.
8. **Animal Shelter**, means premises used for the care of lost, abandoned or neglected animals and operated by a public authority or non-governmental not-for-profit organization.
9. **Apartment Dwelling** - see “Dwelling”.
10. **Arcade**, means a place, building or structure where five (5) or more electronic, mechanical or other such machines for amusement are operated for gain or compensation for their owner, and may or may not be operated in conjunction with any other activity, but does not include premises licensed under the *Liquor License Act*.
11. **Artist’s Workshop**, means a place used for purposes such as commercial photography, painting, art, needlework, tapestry making, pottery making, hand weaving or sculpting, and includes a gallery for displaying or selling goods provided that such gallery is ancillary to the production process.
12. **Assembly Hall**, means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes, and which may include the consumption of food or drink and includes a banquet hall.
13. **Attached**, means a building which is otherwise complete in itself, but which depends on structural support or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.



14. **Attic**, means the space between the roof and the ceiling of the top storey or between a dwarf wall and a sloping roof; said space is not considered to be habitable space.
15. **Auctioneer's Establishment**, means a building, structure or land used for the retail sale of articles or goods by way of public auction, and may include the auctioning of motor vehicles as an accessory use. Items sold for auction shall be subject to the applicable requirements for open storage and motor vehicle storage.
16. **Auditorium** - see "Assembly Hall".
17. **Automobile Body Shop**, means a building or structure used for the painting or repairing of automobile bodies or fenders, including frame straightening, fibreglassing, sanding, filling, painting, grinding and any other activity associated with restoration or replacement of body panels, but shall not include an automobile wrecking yard or salvage yard.
18. **Automobile Gas Bar**, means the premises where gasoline, propane or diesel fuel is kept for sale, or electric vehicles charged, with or without lubricants or other items and accessories associated with the operation of automobiles and normally sold at a gasoline pump island, but where no servicing, repair or equipping of motor vehicles is carried on.
19. **Automobile Rental Agency**, means a premises where vehicles are stored and rented to the public on a short term basis, and may include a clean-up/detail bay and shall include an agency for vehicle sharing. For the purposes of this definition, short term shall mean less than six (6) months.
20. **Automobile Repair Garage**, means a building or structure where repair, refitting or customization of motor vehicles may be undertaken for compensation but shall not include an automobile body shop, and shall include electric motor vehicle charging stations.
21. **Automobile Sales Establishment**, means a building or structure or place where new motor vehicles, as defined by the *Highway Traffic Act*, are kept for display and/or sale, with the display and/or sale of used motor vehicles permitted as an accessory use. All automobile repairs, including electric vehicle charging stations, may be carried on within an automobile sales establishment.
22. **Automobile Service Station**, means a building or place where gasoline, diesel fuel, propane, oil, grease, antifreeze, tires, tubes, tire

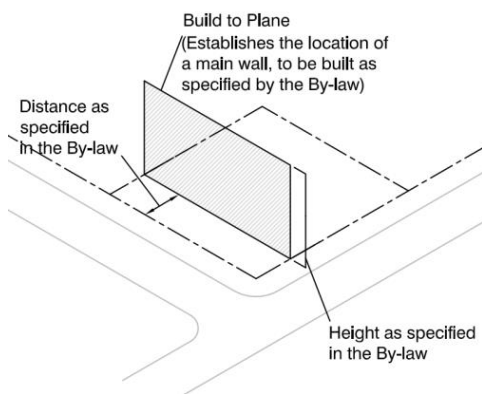
accessories, electric light bulbs, spark plugs and batteries for motor vehicles, and new auto related retail goods are stored or kept for sale, or where automobile repairs are carried on. An automobile service station may include a car wash or convenience store as an accessory use. An automobile service station may include electric vehicle charging stations. An automobile service station shall exclude any other use otherwise defined herein, unless such use is specifically permitted in the Zone.

23. **Automotive Trade Use**, means any automobile related use, such as tire sales and repair, dealer preparation of vehicles, radiator repairs, transmission or muffler repairs, automotive glass repairs, automotive seat covering and customizing, but shall not include any other use otherwise classified or defined herein.

B

24. **Bakery**, means a place, building or structure wherein the principal activity is the baking of goods, including the preparation, storage, wrapping, and packing, and other activities associated with the preparation for sale or other distribution.
25. **Bake Shop**, means a place, structure or building wherein the principal activity is the retailing of baked goods, including incidental baking of products for retail sale on the premises only.
26. **Banquet Hall** - see "Assembly Hall".
27. **Basement**, means that portion of a building below the first storey which is not a cellar. See also the definition for "Cellar."
28. **Bed and Breakfast Establishment**, means a single detached dwelling in which no more than four (4) guest rooms are made available by the resident of the said dwelling for the temporary accommodation of travellers. This does not include a hotel, motel, boarding, rooming or lodging house, or restaurant, as defined herein.
29. **Block**, means an area bounded on four (4) sides by public streets or by one (1) or more public streets and one (1) or more natural or human-made barriers such as a river, railway or boundary.
30. **Block Face**, means all land fronting on one (1) side of one (1) block.
31. **Boarding, Rooming or Lodging House** - see "Dwelling".

32. **Boat House**, means a detached accessory building used for the storage of boats and other marine craft. A boat house shall not be used for human habitation or sleeping accommodations.
33. **Building**, means any edifice used or intended to be used for shelter, accommodation or enclosure of persons, animals, or chattels but shall not include a lawful boundary wall or fence.
34. **Building By-law**, means any building by-law of the Corporation and amendments thereto.
35. **Building Code**, refers to the *Ontario Building Code Act*, and any regulations thereto.



36. **Build to Plane**, means a vertical plane which runs parallel to and at a specified distance from an improved public street right-of-way. The location of the build-to plane is measured perpendicular to the improved public street right-of-way to the nearest part of any main wall of any building or structure on a property. The build-to plane specifies the location of buildings and structures adjacent to an improved public street. Where a build-to-plane is required by this By-law, the location of the build-to plane, its height and other requirements of the build to plane are specified in the associated provisions. Unless otherwise stated, the build-to-plane applies to the entire width of the property along the public street right-of-way.
37. **Bus**, means a vehicle designated for carrying ten (10) or more passengers and used for the transportation of persons.
38. **Business and Professional Office**, means the use of a building or part thereof, exclusive of a clinic, in which one (1) or more persons are employed in the administration, management, direction or conducting of a business, non-governmental or not-for-profit organization or where professionally qualified persons and their staff serve clients who seek advice or consultation, and may include a call centre.
39. **Business Incubator/Accelerator**, means a building or portion thereof used to provide leasable space, mentorship, instruction and administrative support services to new small industrial, technology, innovation or service uses and their employees on a short term basis usually up to twelve (12) months. For the purposes of this definition, “new” shall mean less than four (4) years old and “small” shall mean having less than ten (10) employees.

40. **Business Service Establishment**, means an establishment primarily engaged in providing services to business establishments on a fee or contract basis, including but not limited to advertising and mailing, building maintenance, employment services, protective services, information technology and computer services, and small equipment rental, leasing and repair.

C

41. **Campground**, means an establishment providing for the public temporary accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers, but does not include a mobile home park.
42. **Car Sharing** - see “Vehicle Sharing Service,” “Vehicle Sharing Parking Space, Motorized” and “Vehicle Sharing Parking Space, Non-Motorized”.
43. **Car Wash**, means a building or structure containing facilities for washing motor vehicles either using production line methods and mechanical devices or by a self-service operation.
44. **Carport**, means a roofed structure intended for the temporary storage of a motor vehicle built in conjunction with and attached to a dwelling. No more than two (2) sides may consist of a solid or enclosed wall, nor shall there be any type of door where the automobile enters.
45. **Catering Service**, means a building where food is prepared for the purpose of distribution and may include a catering truck operation but does not include a restaurant or refreshment vehicle.
46. **Cellar**, means that portion of a building which is below the first storey, has more than one half of its height from finished floor to finished ceiling below the adjacent finished grade, and has not more than 1.8 metres measured vertically between the floor and ceiling.
47. **Chief Building Official**, means an officer or employee of the Corporation charged with the duty of enforcing the provisions of building by-laws of the Corporation and the Ontario *Building Code Act*.
48. **Chief Planning Officer**, means an officer or employee of the Corporation charged with the duty of enforcing the provisions of Zoning By-laws of the Corporation and the *Planning Act*.
49. **Child Care Centre**, means a licensed facility that provides temporary care, or guidance, or both temporary care and guidance for children in

accordance with the Day Nurseries Act, as amended, and any regulations thereto.

50. **Children's Play Area**, means an area, at or above grade level, developed with play equipment and suitably surfaced and fenced or otherwise enclosed for use by children.
51. **Church** - see "Place of Worship".
52. **City**, means the Corporation of the City of Brockville.
53. **Clinic** or **Medical Office**, means a building or part thereof, used exclusively by physicians, dentists, and drugless practitioners, their staff and their patients or clients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include overnight accommodation for in-patient care.
54. **Commercial Greenhouse**, means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail, and shall not include a medical marijuana production facility, as defined and regulated by Federal and Provincial legislation and regulations.
55. **Commercial Motor Vehicle**, means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highway.
56. **Commercial Recreation Establishment**, means a privately owned sports or recreation establishment operated for use by private members and/or the general public for compensation and includes uses such as a pool room, bowling alley, ice or roller rink, dance hall, gym, bingo hall, off track betting (OTB) facility and miniature golf, but does not include any other use otherwise classified or defined herein.
57. **Commercial School** - see "School, Commercial".
58. **Commercial Use**, means the use of land, buildings or structures for the purpose of buying and/or selling of commodities at retail or wholesale or supplying of services but shall not include any other use otherwise classified or defined herein.

59. **Common Carrier**, means any vehicle which is available for hire for a commercial purpose.
60. **Community Centre**, means any tract of land, or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local Board or Agent of the Municipality.
61. **Community Health and Resource Centre**, means a place where members of the public are provided with health services, social support services, cultural, social or recreational programs or life/work skills training programs but shall not include any other establishment or use otherwise defined herein.
62. **Computer Design and Development Facility**, means a company whose primary business activities are associated with technology industry which includes computer hardware, software, electronics, semiconductor, internet, telecom equipment, e-commerce and computer services.
63. **Computer Service**, means a place where computer facilities are provided on a rental, leasing or time sharing basis, and where program development and computer consulting services are provided.
64. **Contractors' Establishment**, means a place, building or structure where construction, mechanical, electrical, plumbing, heating, roofing, siding, insulation, refrigeration, painting, decorating, grounds maintenance or general contractors or other similar contractors conduct their businesses, and may include offices, drafting facilities and display areas of pertinent samples, but may not include the retailing of materials from the premises unless the establishment is located in a commercial zone.
65. **Convenience Store**, means a retail store of not more than 300.0 square metres of gross leasable area where a variety of both household and grocery items are offered for sale primarily to serve people's daily needs and may include interior take-out food facilities and video rentals as accessory uses.
66. **Converted Dwelling** - see "Dwelling".
67. **Corporation**, means the Corporation of the City of Brockville.
68. **Cottage**, means a single detached dwelling which is used as a secondary residence for recreation purposes on a periodic basis.

- 69. **Council**, means the Council of the Corporation of the City of Brockville.
- 70. **County**, means the Corporation of the United Counties of Leeds and Grenville.
- 71. **Courier Service**, means the premises of a courier or parcel delivery service, but shall not include the premises of Canada Post.
- 72. **Custom Workshop**, means a building where there is carried on individual custom productions of drapes and slipcovers, venetian blinds, handmade leather goods, millinery, orthopedic and prosthetic appliances, weaving, awnings, signs, gold and silver engraving and other non-offensive, non-dangerous custom production of any article or thing, but does not include any factory production or any shop or factory otherwise classified or defined in this By-law.

D

- 73. **Day Care, Adult**, means a place wherein the temporary care of adults, including persons with disabilities or seniors who require care, provided it is operated in accordance with the *Long Term Care Homes Act*, as amended, or any other applicable Provincial legislation.
- 74. **Day Care, Private-Home**, means a place wherein the temporary care of children is provided and is operated as an accessory use within a residential dwelling in accordance and licensed under the Child Care and Early Years Act 2014, 5.0.2014 c.11, Schedule 1, as amended, or any other applicable Provincial legislation, and in accordance with the provisions for Home Occupations in Subsection 3.21.
- 75. **Delicatessen**, means a food store having a gross leasable floor area of less than 100.0 square metres, wherein the food offered for sale may also be prepared and sold for immediate consumption on or off the premises.
- 76. **Density**, means the ratio of the number of dwelling units to the gross lot area.
- 77. **Department Store**, means a retail facility containing not less than 3,000.0 square metres of gross leasable area offering a wide range and depth of merchandise including clothing, men's and women's accessories, toiletries, furniture and appliances as well as a range of services.
- 78. **Development**, means the creation of a new lot, a change in land use, the construction or alteration of buildings and structures, the alteration

of a lot, and redevelopment. See also the definitions for “Alter” and “Redevelopment.”

79. **Downtown and Central Waterfront Area**, means the area delineated as the Downtown and Central Waterfront Area on Schedule “B” of this By-law.
80. **Drive Through**, means the accessory use of land, buildings or structures to provide or dispense products through an attendant window or an automated machine to persons remaining in their automobile in a designated stacking lane.
81. **Driveway**, means the surfaced area on a lot which allows vehicular access to one (1) or more parking spaces either directly or indirectly by connection to a parking aisle within a parking area.
82. **Driveway Access**, means the depressed area and/or curb-cut on a public highway which allows vehicular access onto private property, and which includes the area travelled on public property after leaving the driving lane(s).
83. **Dry Cleaning Outlet**, means a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dyeing or cleaning elsewhere, and for the pressing and distribution of any such articles of goods which have been subjected to any such process.
84. **Dry Cleaning Plant**, means a building or part of a building in which the business of dry cleaning, pressing of articles or goods of fabric is undertaken.
85. **Duplex Dwelling** - see “Dwelling”.
86. **Dwelling**, means a building occupied, or capable of being occupied, as the home or residence of one (1) or more persons, but shall not include a trailer or motor home.
 - a) **Dwelling Unit**, means two (2) or more habitable rooms, designed or intended for use by one (1) group of persons only who maintain a common household, and in which cooking (one kitchen only), eating, living, sleeping and sanitary facilities are commonly provided for such group of persons, but excluding a hotel, motel, boarding, rooming or lodging house, recreational vehicle, or mobile home. A common household shall be deemed to exist where all members of the group of persons within a dwelling unit have access to all points of the dwelling

unit. A dwelling unit shall have a private entrance from outside the building, or from a common hallway or stairway inside the building.

b) **Dwelling Unit, Accessory**, means a dwelling unit accessory to a non-residential use.

c) **Dwelling Unit, Bachelor**, means a dwelling unit consisting of one (1) bathroom and not more than one (1) other habitable room providing a combined space for living, dining, sleeping and cooking facilities.

d) **Single Detached Dwelling**, means a building containing one (1) dwelling unit as the principal use of the building.

e) **Semi-detached Dwelling**, means a dwelling that is divided vertically into two (2) dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

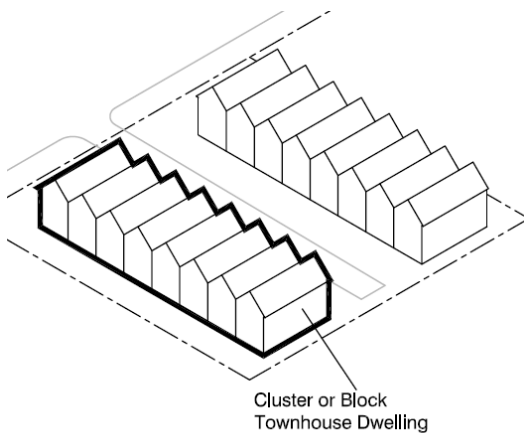
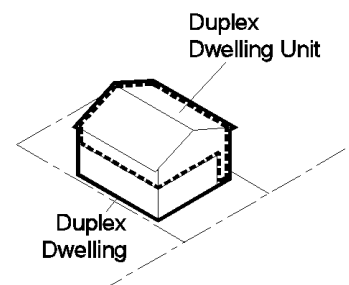
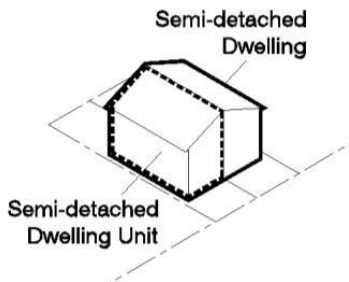
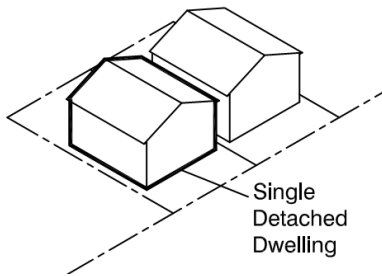
f) **Duplex Dwelling**, means a dwelling that is divided horizontally into two (2) separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

g) **Triplex Dwelling**, means a dwelling that is divided vertically, horizontally or a combination thereof into three (3) separate dwelling units each of which has an independent entrance whether directly from the outside or through a common vestibule.

h) **Converted Dwelling**, means a dwelling, originally constructed as a single detached dwelling, the interior of which has been altered or is proposed to be altered, to form not more than three (3) dwelling units. The building must have been built prior to 1940.

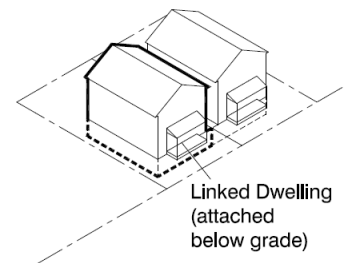
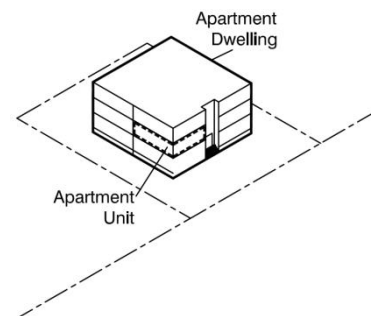
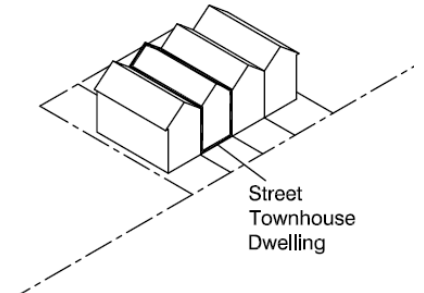
i) **Maisonette Dwelling**, means a dwelling containing four (4) or more dwelling units, each unit having access directly from an outside landscaped yard area or exterior stairways located adjacent to said dwelling unit, but does not include any other type of dwelling unit as defined herein.

j) **Townhouse Dwelling**, or **Block Townhouse Dwelling** or **Cluster Townhouse Dwelling**, means one (1) of a group of four (4) or more but not more than ten (10), attached dwellings



divided vertically by common walls, with each dwelling unit having an independent entrance directly from the outside and is not intended for freehold ownership, but does not include any dwelling unit otherwise defined herein.

- k) **Townhouse Dwelling, Street**, means a townhouse dwelling on a separate lot and having legal frontage on a public street.
- l) **Boarding, Rooming or Lodging House**, means a dwelling, used or maintained for the accommodation of the public, in which the owner or head lessee supplies lodgings, with or without meals, for three (3) or more persons, but does not include any other use otherwise defined or classified herein.
- m) **Apartment Dwelling**, means a dwelling that contains four (4) or more dwelling units, which have a common entrance from street level and are served by a common corridor and the occupants of the units have the right of use in common of the corridors, stairs, yards, or one (1) or more of them. An “Apartment Dwelling” does not include any other dwelling unit defined herein.
- n) **Apartment Unit**, means a dwelling unit of two (2) or more rooms designed or intended for use by a group of persons in which cooking and sanitary facilities are provided for the exclusive use of such group of persons, and with a private entrance from outside the building or from a common hallway or stairway inside, but does not include any other use defined or classified herein.
- o) **Linked Dwelling**, means two (2) or more dwelling units which are connected by a permanent wall or structure which is entirely below grade, but which are not attached above grade.
- p) **Garden Suite Dwelling**, means a temporary, detached residential dwelling unit accessory to a principal residential use, permitted by way of a temporary use by-law and in accordance with the provisions of this By-law.
- q) **Second Suite Dwelling**, means a secondary residential dwelling which is accessory to a principal residential dwelling and is located entirely within the principal building.
- r) **Group Home Dwelling**, means a residence licensed or funded under a federal or provincial statute for the accommodation of



four (4) to six (6) persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.

87. **Dwelling Unit Area**, means the habitable floor area contained within the inside walls of a dwelling unit, inclusive of the floor area of any basement, but excluding any private garage, carport, porch, verandah, unfinished attic, and excluding public or common halls or areas, stairways and the thickness of outside walls.

E

88. **Erect**, when used in this By-law includes build, construct, reconstruct and relocate, and without limiting the generality of the work also includes:

- a) any preliminary physical operation, such as cutting, grading, excavating, filling or draining;
- b) altering any existing building or structure by an addition, enlargement, extension or other exterior structural change;
- c) installation of a building unit fabricated or moved from elsewhere; and
- d) any work for the doing of which a Building Permit is required under the Building By-law of the Corporation.

89. **Existing**, means lawfully existing on the date of the passing of this By-law.

F

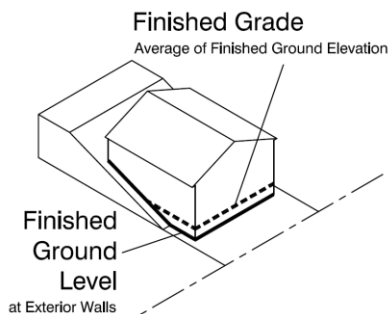
90. **Factory Outlet**, means a building or part thereof where goods, wares and merchandise, all of which are produced by the manufacturer, and which are primarily classified as seconds, discontinued or liquidated goods, or goods manufactured to be sold directly to the general public by the manufacturer, are offered for sale directly to the general public by the manufacturer or an exclusive agent of the manufacturer that produces them.
91. **Farmers' Market**, means a place, building or structure where produce, meat, flowers, fruit, and other items are sold to the public at retail by the producer(s) of such items.

92. **Film, Television and Recording Studio**, means premises used for any combination of television or movie filming, radio or sound recording.
93. **Financial Service**, means a place, building or structure wherein the principal activity involves money management services directly to the public, and may include a bank, trust company, credit union, securities dealer, finance company or stock broker, and an automated teller machine (ATM).
94. **Fire Code**, means the Ontario *Fire Code Act* and any regulations or amendments thereto.
95. **Flea Market**, means a building, or part thereof, or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique.
96. **Floodplain**, means the area, usually lowlands, adjoining a watercourse, which has or may be subject to flooding hazards. For Buells Creek and Butlers Creeks, the floodplain consists of all land below the 1:100 year water elevation. For the St. Lawrence River, the floodplain consists of all land below the 1:100 year water level plus a factor for wave uprush. The floodplain forms part, but not all, of the Environmental Protection (EP) Zone, delineated on Schedule "A".
97. **Floor Area, Gross**, means the aggregate of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of:
- a) any part of the building or structure which is used for heating equipment, the storage or parking of motor vehicles, locker storage and laundry facilities, children's play areas and other accessory uses, or used as living quarters by a caretaker, watchman or other supervisor of the building or structure; and
 - b) enclosed malls when used as a common area between stores.
98. **Floor Area, Gross Leasable**, means the total floor area of a building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, and measured from the centre line of joint partitions and from outside wall faces.

99. **Floor Area, Ground**, means the area of the first storey of a building measured to the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, verandah, sun room (unless such sun room is habitable at all seasons of the year).
100. **Floor Space Index** or **F.S.I.**, means the ratio of the gross floor area of a building or buildings to the gross area of the lot on which the building or buildings are located. For this purpose, any floor area above grade used for the parking of motor vehicles shall be counted as part of the gross floor area.
101. **Fuel Pump Island**, means the structure on which pumps for the dispensing of gasoline, diesel or other motor vehicle fuel are mounted to service motor vehicles.
102. **Fuel Storage Tank**, means a tank for the bulk storage of petroleum, gasoline, fuel oil, gas or flammable fluid or liquid legally kept in a retail store or a tank for storage incidental to the primary use of the premises where such tank is located.

G

103. **Garage, Parking**, means a main building or structure where validly licensed motor vehicles are parked but does not include a private garage.
104. **Garage, Private**, means a detached accessory building or portion of a dwelling which is designed or used for sheltering of private motor vehicles and storage of household equipment incidental to the residential use.
105. **Garage Sale**, means an occasional event, not to exceed 3 one day events annually, in which the occupants of the dwelling unit resell household items to the general public on the same lot.
106. **Garden Suite** - see "Dwelling".
107. **Golf Course**, means a public or private area operated for the purpose of playing golf and may include a driving range, mini golf and accessory uses such as a club house, a restaurant, an indoor driving range, a putting green and similar uses.
108. **Grade**, means the elevation of the ground.
109. **Grade, Finished**, means the average elevation of the finished level of the ground adjoining all walls of a building.

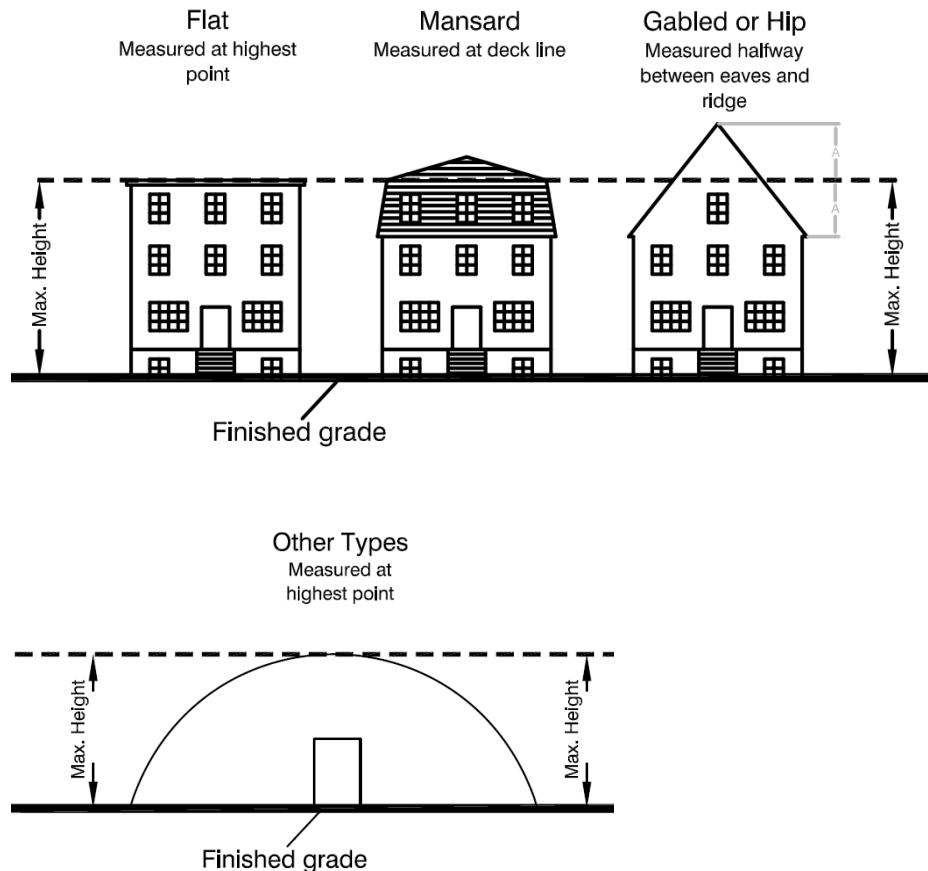


110. **Grocery Store**, means a building or part thereof used for the sale of food, and may include the incidental sale of household items, with a gross leasable floor area of less than 3,000.0 square metres.
111. **Group Home Dwelling**, see “Dwelling”
112. **Group of Persons**, means one (1) or more individuals, whether or not related by blood, marriage or legal adoption, who live in one (1) dwelling unit and maintain a common household. Group of persons shall also include domestic servants, nursing aides and not more than two (2) boarders or lodgers.
113. **Guest Room**, means a room or suite of rooms used or maintained for the accommodation of the public for financial compensation but does not include any other use as defined herein.

H

114. **Habitable Room**, means a room designed for living, sleeping, eating or food preparation, including a den, kitchen, bedroom, library, sewing room or enclosed sun room, but does not include a bathroom.
115. **Health Club**, means an indoor facility for active sports or physical fitness which may include such uses as game courts, exercise equipment, swimming pools, locker rooms and accessory uses such as saunas and whirlpools.
116. **Height** or **Building Height** or **Height of Building**, means the vertical distance 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 or the parapet, whichever is the greater;
 - b) in the case of a mansard roof, the deck roof line;
 - c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridge; or
 - d) in all other cases, the highest point of the roof surface.

Where the height is established in the regulations as a number of storeys, height means the number of storeys.



117. **Hereafter**, means after the date of the passing of this By-law.
118. **High Technology Retail Store**, means a building or part thereof wherein specialty merchandise is offered for sale or rental or can be serviced, and this shall include computers, communication equipment, office and audio visual equipment and electrical and electronic equipment which may be associated with high technology. This use shall not include the sale or rental of any household appliances, domestic stereo equipment or toys.
119. **Highway**, means a common and public highway, street, avenue, parkway, lane, alley, driveway, square, place, bridge, viaduct or trestle, any part of which is designed and intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
120. **Home Appliance Store**, means a building, or part thereof, used for the retail sale of household equipment such as major and small appliances, electronic devices and audio or visual equipment.

121. **Home Decorating Store**, means a building, or part thereof, used for the retail sale of goods and materials required for decorating the interior of a home or office, including floor, wall and window coverings; lighting fixtures; bathroom fixtures; kitchen fixtures and accessories.
122. **Home Furnishing Store**, means a building, or part thereof, used for the retail sale of movable contents of a room or home. Such goods may include furniture, light fixtures, clocks, organs or pianos, carpeting and indoor window coverings.
123. **Home Improvement Store**, means a building, or part thereof, used for the retail sale of goods or materials required for the construction or alteration of buildings, including such merchandise as wall panelling; wood products; sheet glass products; windows and mirrors; floor, wall and ceiling tiles; paint and wallpaper; bathroom and kitchen cupboards and fixtures; landscaping materials and similar goods. Open storage may be permitted as an accessory use.
124. **Home Industry**, means a business or activity conducted as a secondary use to the principal use of a rural lot within any dwelling unit or other accessory building on the lot.
125. **Home Occupation**, means a business or professional activity conducted as a secondary use to the residential use within any dwelling unit which is the primary residence of the person or persons conducting the business or professional activity.
126. **Homeless or Emergency Shelter**, means a facility, whether or not for profit, used for the temporary accommodation of persons in need.
127. **Hospice**, means an institution, building or other premises or place that is established for the purpose of the treatment of patients who are terminally ill, sick or injured or for palliative care.
128. **Hospital**, means an institution, building or other premises or place that is established for the purposes of the treatment of patients and that is approved under the *Public Hospitals Act* as a public hospital, and includes a hospice, but does not include any other use as defined herein.
129. **Hotel**, means any inn, lodge or public house which is greater than two (2) storeys in height and is used mainly for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation in guest rooms, which guest rooms may contain provision for cooking.

The guest rooms in a hotel are accessed by common corridors, and access is not provided from the outside.

I

130. **Industrial Equipment Sales, Service and Rental**, means an establishment primarily engaged in the rental and sale of machinery and equipment, and other goods of a size and type that would be used for business, industrial, agricultural and major construction undertakings. Outdoor storage of such machinery and equipment may be an accessory use to an Industrial Equipment Sales, Service and Rental Establishment, unless otherwise stated in this By-law.
131. **Industrial Mall**, means one (1) or more buildings on a separate lot which contain(s) not less than 1,345.0 square metres of gross floor area, developed and managed as a whole, which is divided, or is capable of being divided, into ten (10) or more individual components for separate use by different firms or individuals.
132. **Industrial Service**, means an establishment where professionally qualified persons provide a service primarily to industry on a consulting basis with respect to their development process, research for product development or physical development.
133. **Industrial Use**, means the occupation or use of a building or part thereof for assembling, fabricating, manufacturing, processing, repairing or storing of goods or materials but shall not include any other establishment or use otherwise defined herein.
134. **Industrial Use, Light**, means the use of a building or part thereof for clean industries which are entirely enclosed within the building or structure. Such clean industries would be those requiring no treatment of their wastewater or air prior to discharge off-site.
135. **Institutional Residence**, means a residence or facility that is licensed or funded under an Act of the Parliament of Canada or Province of Ontario for the accommodation of more than six (6) persons living under supervision, and who by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being, but does not include a jail, prison, reformatory or penitentiary. See also the definition for “Group Home Dwelling”.

J

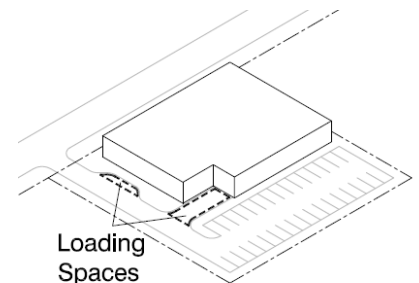
(none)

K

136. **Kennel**, means any building, structure or premises other than a veterinary hospital, veterinarian office or pet shop as defined herein, wherein four (4) or more dogs or cats, or aggregate thereof, are kept for commercial purposes, including but not limited to boarding, breeding and grooming.

L

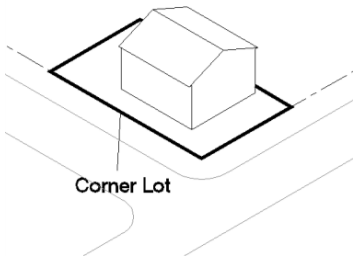
137. **Landscaped Open Space**, means the open unobstructed space, at grade on a lot, accessible by walking from the street on which the lot is located, and which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and includes, but is not limited to, any surfaced walk, patio or outdoor swimming pool area, but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.
138. **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.
139. **Large Format Retail**, means any retail use, including but not limited to supermarkets, home improvement stores, department stores, home furnishing stores, home decorating stores, retail warehouses and specific category retail, greater than 3,000.0 square metres in gross floor area.
140. **Laundromat**, means a building or part thereof wherein machines and facilities for wet laundering, drying or finishing are available for public use at a charge and may include a laundry service.
141. **Linked Dwelling** - see "Dwelling".
142. **Loading Area**, means the area of a lot consisting of one (1) or more loading spaces.
143. **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 and which abuts a street, lane or other means of access in accordance with the provisions of this By-law.



144. **Local Board or Commission** - see “Public Authority”.

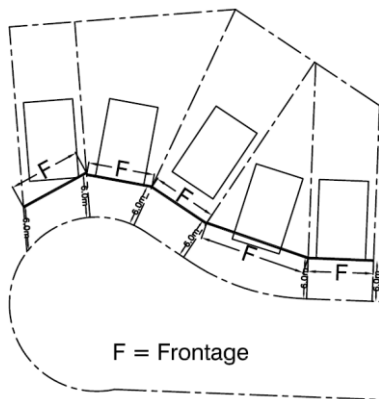
145. **Lot**, means a parcel, tract or block of land described either:

- a) in accordance with and within a Plan of Subdivision providing such subdivision is deemed to be a registered Plan of Subdivision under the *Planning Act*;
- b) in a registered deed and given consent pursuant to the *Planning Act*; or
- c) for those situations not described by either a) or b) above, a lot shall mean a parcel, tract or block of land described in a registered deed or deeds.



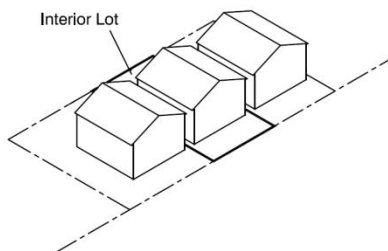
146. **Lot Area**, means the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water or between the rim of the banks of a river or watercourse.

147. **Lot, Corner** or **Lot, Exterior**, means a lot situated at the intersection of two (2) or more streets, or on the inner side of a bend in a single street having an angle of intersection or bend of not more than one hundred and thirty-five degrees (135°).



148. **Lot Coverage**, means that percentage of the lot area covered by buildings or structures, including accessory buildings above finished grade, calculated as the ratio of the covered areas on the lot excluding canopies, balconies, overhanging eaves and private open air swimming pools to the total lot area.

149. **Lot Depth**, means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, “Lot Depth” means the length of a straight line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines.



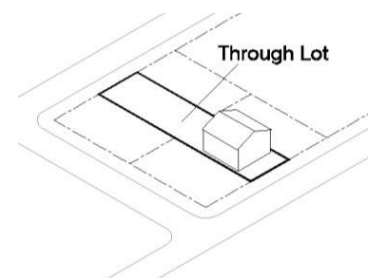
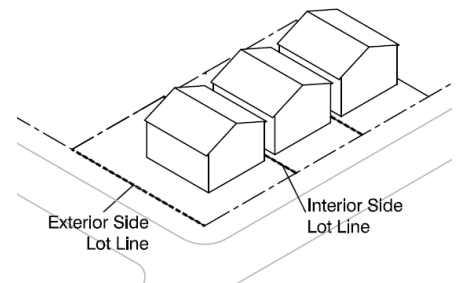
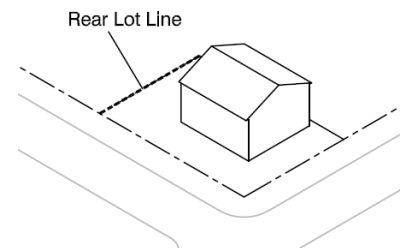
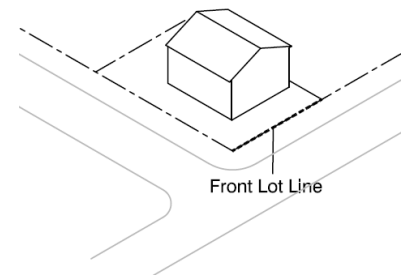
150. **Lot Frontage**, means the horizontal distance between the side lot lines, such distance being measured at a point 6.0 metres from the front lot line.

151. **Lot, Interior**, means a lot other than a corner lot.

152. **Lot Line**, means any boundary of a lot or the vertical projection thereof.

153. **Lot Line, Exterior Side**, means a side lot line of an exterior lot that abuts a street line.

154. **Lot Line, Front**, means in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot abutting two (2) or more street lines, the shorter lot line abutting a street 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, or a corner lot whose exterior lot lines are the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
155. **Lot Line, Interior Side**, means a side lot line that is not an exterior side lot line.
156. **Lot Line, Rear**, means the lot line farthest from and opposite to the front lot line.
157. **Lot Line, Side**, means a lot line other than a front or rear lot line.
158. **Lot, Through**, means an interior lot bounded on two (2) opposite sides by streets.
159. **Lot of Record**, means a lot as defined herein and which existed and was registered in the Registry Office on or before 20 December, 1977, or for which a consent to severance had been obtained on or before the said date from the Committee of Adjustment for the City of Brockville and certified by the appropriate officer within the period prescribed by the *Planning Act* of the Province of Ontario.



M

160. **Main Building or Use**, means the principal use or uses for which a structure, building or parcel of land is to be used.
161. **Maisonette Dwelling** - see "Dwelling".
162. **Marina**, means buildings and facilities specifically designed to cater to boating needs and may include, but not be restricted to marine facilities, docks, wharves and moorings, the sale of petroleum, fuels and lubricants, the servicing of boats, the storage of boats, the sale of boats, boating equipment and associated merchandise, provided that the land upon which the structures are located abuts a navigable body of water. A marina may include a restaurant as an accessory use, provided a restaurant is a permitted use in the applicable zone.
163. **Marine Facility, Private**, means an accessory building or structure which is used to place a boat into or out of a water body, or is used to moor, berth or store a boat. This definition includes a boat launching

ramp, boat lift, dock, boathouse, boatport or slip. However, this definition shall not include any building used for human habitation nor any marina or marina sales and service station, but may include an unenclosed rooftop deck on a boathouse.

164. **Marine Sales and Service**, means a building or structure where gasoline, oil, grease, spark plugs, batteries, and outboard motors and accessories for boats in general are stored or kept for sale to the general public, as well, boats, motors, and trailers may be kept for sale to the general public or stored. Minor repairs may also be carried out in such a building or structure.
165. **Medical/Dental Laboratory**, means a building, or part thereof, used for medical and/or dental testing, medical and/or dental experimentation and medical and/or dental research.
166. **Micro-Brewery and Micro-Winery**, means a building used primarily for the small scale production and distribution of beer, cider and/or wine products and must include retail and/or restaurant and/or a sampling area component.
167. **Mixed Commercial/Residential Building**, means a building or structure not less than 1,000.0 square metres gross floor area which is used for a mixture of commercial and residential uses, the ground floor of which shall be primarily used for commercial uses.
168. **Mobile Home**, means a prefabricated building which bears a CSA Z240 approval and which is designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), designed and equipped for year round occupancy and containing therein facilities for cooking or for the installation of cooking equipment, as well as sanitary facilities including a flush toilet and shower or bathtub. This definition shall not include a travel trailer or tent trailer or trailer as defined in this By-law.
169. **Motel**, means any motor hotel, lodge or public house which is two (2) storeys or less in height, the main purpose of which is to provide sleeping accommodation to the motoring public in guest rooms which may contain ancillary provisions for cooking. The guest rooms of a motel are accessed from the outside, and may or may not be accessed from common corridors.
170. **Motor Home**, means a self-propelled recreational vehicle designed for temporary living, sleeping and eating accommodation of persons.

171. **Motor Vehicle**, includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine.

N

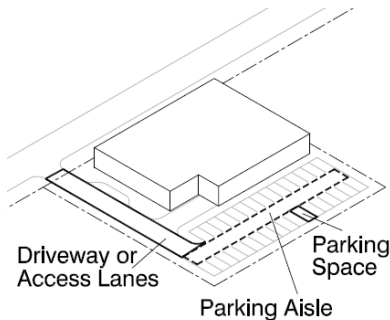
172. **Non-Complying**, means a lot, a building or a structure which did not comply with one (1) or more of the provisions of this By-law for the Zone in which such building or structure is located as of the date of passing of this By-law.
173. **Non-Conforming**, means a use, a building or a structure which is not a permitted use in the Zone within which such use, building or structure is located on the date of passing of this By-law.
174. **Nursery School** - see “Child Care Centre”.
175. **Nursing Home**, means a dwelling or other building in which rooms or lodging are provided for hire or pay in conjunction with the provision of meals, personal care, nursing services and medical care and treatment, but does not include a hospital.

O

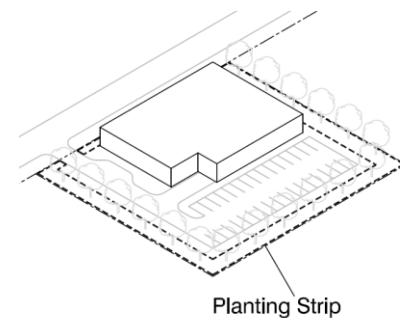
176. **Occupancy**, means the use or permitted use of a building or part thereof for the shelter or support of persons, animals or chattel.
177. **Outdoor Furnace**, means a solid fuel burning appliance, which is used for the space heating of buildings, the heating of water or other such purpose and which is located in a separate building or otherwise exterior to the building or structure which it serves and is connected to said building by an above-ground or below-ground transfer system.
178. **Outdoor Patio** - see “Restaurant, Outdoor Patio”.
179. **Outside Storage**, means the stockpiling or storage of goods or a commodity required in association with the main use in an open yard not housed in any permanent building or structure but does not include the storage of vehicles for sale or repair or the display of finished merchandise for sale to the general public.

P

180. **Park, Private**, shall mean a privately owned area of land consisting mainly of open space which may include recreational areas, a boat launching ramp, docks and accessory uses.
181. **Park, Public**, means a recreational area owned or controlled by the Corporation or by any Board, Committee or other Authority established under any statute of the Province of Ontario, or the Government of Canada.
182. **Parking Area**, means an area located on the same lot as the main use or structure and used for the purposes of parking of motor vehicles and includes any related aisles, parking spaces, ingress and egress lanes, and private garages, but does not include any part of a public lane or public street.
183. **Parking Lot**, means any parking area used as the principal use of a lot, and shall include electric vehicle charging stations as an accessory use.
184. **Parking Space**, means an area, exclusive of any aisles or ingress and egress lanes for the temporary parking or storage of motor vehicles, and may include a private garage.
185. **Parking, Bicycle**, means an area located on the same lot as the main use or structure and provided for the purposes of parking bicycles, and includes related aisles, bicycle parking spaces and indoor bicycle parking spaces, as may be provided, but does not include any part of a public lane or public street.
186. **Person**, means any human being, association, firm partnership, incorporated company, corporation, agent or trustee, and heirs, executors or other legal representatives of a person to whom the context can apply according to law.
187. **Personal Service Establishment**, means a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, comprising the premises of a barber, hairdresser, beautician, tailor, dressmaker and/or shoemaker, and sun tanning shop. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.



188. **Pet Shop**, means any establishment maintained for the purpose, sale or exchange of domestic pets of any type.
189. **Photographic Service**, means an establishment engaged primarily in the sale of film and photographic equipment and limited film processing and developing, and which may include the developing and processing of film, printing of digital photographs or repair or photographic equipment.
190. **Place of Worship**, means a building dedicated to religious worship and may include a mosque, synagogue, church or other such religious institution and may include accessory uses such as an assembly hall, auditorium, school, convent, parish hall and/or manse, if the manse is located on the same lot as the place of worship.
191. **Planning Act**, means the Ontario *Planning Act*, R.S.O. 1990, c. P.13, as amended and all regulations thereto.
192. **Planting Strip**, means a linear parcel of land whose size and location is defined by the provisions of this By-law. There shall be no building erected nor vehicle parking in a planting strip; however, pedestrian walkways, fountains, sculptures and similar ornamental features are permitted.
193. **Post-Secondary Institution** means a public college or university and includes student residences.
194. **Premises**, means an area of land with or without buildings.
195. **Printing Establishment**, means a building or part of a building used primarily for printing, regardless of the method, and/or publishing of newspapers, periodicals, books, maps and similar publications.
196. **Private Club**, means a facility which is owned, or leased, and is operated by an organization for its members only and shall include a union hall, fraternal lodge, sorority house, legion hall, yacht club, rowing club and other such establishments.
197. **Private Garage** - see “Garage, Private”.
198. **Private Road**, means a road or right-of-way on privately owned property, limited in use to the owner or group of persons who share the use and maintenance of said road.



- 199. **Public Authority**, means Federal, Provincial, County, District or City agencies and includes any commission, board, authority or department established by such agency.
- 200. **Public Highway**, means a street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- 201. **Public Use**, means any essential or public service or utility outlined in Subsection 3.38 of this By-law.

Q (none)

R

- 202. **Rear Yard Setback**, see “setback”
- 203. **Recreational Vehicle**, means a specially designed vehicle used for recreation purposes, whether or not it is required to be licensed, including an all-terrain vehicle, a snowmobile, a camper, a motor home, a boat, and a trailer whether attached to a vehicle or not. A recreational vehicle includes a vehicle for competitive purposes, such as a race car or stock car, whether for recreation or profit and includes the trailer used to transport such a vehicle.
- 204. **Redevelopment**, means the removal of buildings or structures or parts thereof from land and the construction or erection of other buildings or structures thereon. See also the definition for “Development.”
- 205. **Refreshment Vehicle**, means a mobile cart or motor vehicle used for the preparation and sale of refreshments and food to the general public at a temporary location in accordance with the *Highway Traffic Act* and the provisions of this By-law.
- 206. **Research and Development Establishment**, means a business that engages in research, or research and development, of innovative ideas. Examples include research and development of computer software, information systems, transportation systems, geographic information systems, multimedia and video technology. Development and construction of prototypes may be associated with this use.
- 207. **Respite Care**, means the provision of temporary, flexible, 24 hour support care for a client who requires care or supervision that is normally provided by his or her caregiver at home. Respite care

provides the caregiver with relief from demands of the clients care but shall not include any other establishment or use otherwise defined herein.

208. **Restaurant**, means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, and which may include the licensed sale and consumption of alcohol on the premises.
209. **Restaurant, Outdoor Patio**, means an area set aside out of doors, covered or uncovered, for the use of patrons as a restaurant in connection with, and in addition to, the operation of an adjacent restaurant.
210. **Restaurant, Take-Out**, means a building or part thereof where food is prepared, packaged and offered for sale or sold to the public for consumption off of the premises of the establishment, and may include delivery of the food to the public, and also may include a small area (less than 10.0 percent of the permitted gross floor area) for food consumption on the premises.
211. **Retail Store**, means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, but does not include any establishment otherwise defined or classified herein.
212. **Retail Warehouse**, means a retail establishment containing not less than 743.0 square metres gross leasable area, wherein goods, wares or merchandise are offered for sale at retail, but shall not include any use otherwise classified or defined herein.
213. **Retirement Home**, means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.
214. **Rowing Club**, means a club for people to take part in the activity or sport of rowing or paddling.

S

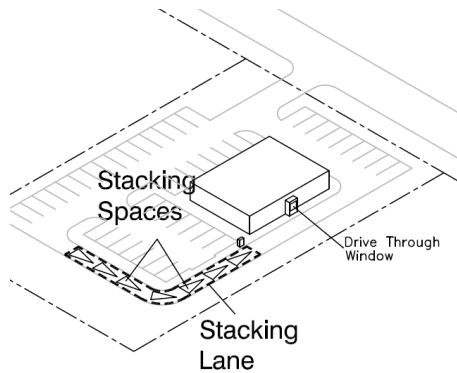
215. **Salvage Yard**, means an establishment where goods, wares, merchandise, articles or things are processed for further use or where

such goods, wares, merchandise, articles or things are stored or abandoned wholly or partly in the open and includes a junk yard, a scrap yard, and an automobile wrecking yard or premises.

216. **Sanitary Sewer**, means a system of underground conduits, operated by the Corporation for the collection and transmission of domestic, commercial, institutional and industrial sewage or any combination thereof.
217. **Satellite Dish**, means a parabolic or spherical antenna which receives television or microwave transmissions or other signals from orbiting satellites or other devices.
218. **School**, shall mean a building in which educational services are offered within the context of the elementary and secondary curriculum of, or under charter granted by, the Province of Ontario. A school shall not include any other use as defined herein.
219. **School, Commercial**, means a building or part thereof wherein teaching or instruction is offered for gain in such fields as academics, arts, crafts, motor vehicle driving, language, modelling, hairdressing, gymnastics, beauty, culture, dancing, music, golf, yoga, martial arts, photography, business or trade and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts. A commercial school does not include any other use as defined herein.
220. **School, Private**, means an institution, whether or not for profit, in which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five (5) or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study and that is not a school operated under the jurisdiction of the Province of Ontario. A private school does not include any other use as defined herein.
221. **Seasonal Use**, means the use of land, building or structure or part thereof, where the nature of such use is to provide temporary retail sales for a specific purpose such as a garden centre, Christmas wreath and tree sales, produce sales and other similar retail sales, but does not include any use otherwise classified or defined in this By-law. A seasonal use shall not exceed a cumulative period of one hundred and twenty (120) days per calendar year.
222. **Second Suite** - see "Dwelling".

223. **Self-Service Storage Facility** means a building or area within a building that provides separate storage units not exceeding 15.0 square metres each for rent by individuals or businesses. The units are designed to allow private access by the lessee for dead storage of personal property, goods and wares. Use of the storage units for human habitation is prohibited.
224. **Semi-detached Dwelling** - see “Dwelling”.
225. **Semi-permanent Covered Structure**, means any structure, whether or not fitted permanently into the ground or on a foundation, and whether or not enclosed on all sides, which is principally constructed with fabric, stretched fabric, metal, fibreglass, or a similar material, and covers an area of at least 20.0 square metres.
226. **Service and Repair Shop**, means a building or part thereof, not otherwise classified or defined herein, for the servicing or repair of goods and equipment.
227. **Service Use**, means the use of land, building or structure or part thereof, where the purpose of such enterprise is to provide a maintenance, caretaking, cleaning, security, or similar service to industry and/or the public where such service is primarily conducted and/or provided off-site at the location in need of such service.
228. **Setback**, means the horizontal distance from a lot line, measured at right angles to such lot line to the nearest part of any wall of any building or structure on the lot.
- a) **Front Yard Setback**, means the least horizontal dimension between the front lot line of the lot and the nearest part of any main building on the lot.
 - b) **Rear Yard Setback**, means the least horizontal dimension between the rear lot line of the lot and the nearest part of any main building on the lot.
 - c) **Side Yard Setback**, means the least horizontal dimension between the side lot line of the lot and the nearest part of any main building on the lot.
229. **Shopping Centre**, means three (3) or more of commercial, retail, or service occupancies planned, designed, and managed as a unit having a gross leasable area of not less than 5,000.0 square metres, having a common public parking area provided on the lot and may include a department store.

230. **Shoreline** or **Water's Edge**, means the average annual high water mark of the St. Lawrence River.
231. **Single Detached Dwelling** - see "Dwelling, Single Detached".
232. **Slaughter House**, means a building or structure where the main occupation is the killing and butchering of animals, fish or fowl.
233. **Small-Scale Renewable Energy Structure**, means any structure and associated equipment used for the purposes of renewable energy generation, whether or not intended for the sole use of the buildings on the lot, and which is not subject to Provincial approvals or exemption from municipal regulation under the *Green Energy Act* and applicable regulations. Without limiting the generality of the foregoing, this shall include any solar panels, wind turbines and geothermal energy generation equipment which are not subject to Provincial approval or exemption from municipal regulation.
234. **Stacking Lane**, means a continuous queuing lane on the same lot as a drive-through, used by drive-through customers. A stacking lane consists of a designated set of tandem parking spaces which are separated from other vehicular traffic, pedestrian traffic and the parking area by the use of barriers, marking(s) or signs.
235. **Stacking Space**, means a portion of a stacking lane used as standing room for an automobile waiting for service in a drive-through.
236. **Storey**, means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
237. **Storey, First**, means the storey of a building that has its floor closest to finished grade and its ceiling more than 1.8 metres above grade.
238. **Storey, One-half**, means the portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling, of not less than 2.0 metres and not less than 50.0 percent of the area of the floor next below.
239. **Storm Sewer**, means a piped system used for the collection and transmission of storm water, drainage from land or from a watercourse or any combination thereof.
240. **Street**, means a public highway as defined herein.



241. **Street Edge**, means the point at which a front lot line meets the street line.
242. **Street Line**, means a limit of the road or street allowance and is the dividing line between a lot and a street.
243. **Street, Centre Line**, means the line drawn parallel to and equidistant between two (2) street lines.
244. **Street, Improved Public**, means a street under the jurisdiction of the Corporation, which has been constructed in a manner such that it would be acceptable to the Corporation.
245. **Structure**, means anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground above or below grade.
246. **Sub Post Office**, means a branch of Canada Post but does not include a major distribution facility.
247. **Supermarket**, means a retail store for the sale of food, food stuffs, beverages, housewares, health and beauty aids, pharmaceutical products, pet supplies, hardware, plants and nursery products and general merchandise related thereto and having a gross leasable floor area of more than 3,000.0 square metres.
248. **Swimming Pool, Outdoor Private**, means an accessory use intended for the purposes of swimming, wading, diving or bathing and shall be inclusive of a hot tub or outdoor spa.

T

249. **Taxi Dispatch Office**, means a building or part thereof used as an office to dispatch taxis to their fares but shall not include a Taxi Stand.
250. **Taxi Stand**, is a queue area on private property where taxicabs line up to wait for passengers.
251. **Taxi or Vehicle Sharing Service Facility**, means a parcel of land, or a building or structure, used for the parking, cleaning, and minor maintenance of a taxi or vehicle sharing service fleet, and which may include a taxi dispatch office or vehicle sharing parking spaces (motorized or non-motorized) as an accessory use.
252. **Testing and Research Laboratory**, means a place equipped with necessary appliances and apparatus to permit the critical examination,

observation, evaluation or investigation of substances, and investigation and experimentation aimed at the discovery or interpretation of facts.

- 253. **Theatre**, means a building or part of a building which is used for the commercial showing of films or presentation of live entertainment.
- 254. **Towing Service**, means premises used for the temporary storage of tow trucks and temporary impoundment of vehicles, and which may include an accessory office or garage for the maintenance of tow trucks, but does not include a salvage yard.
- 255. **Townhouse** - see "Dwelling".
- 256. **Trailer**, means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another 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, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.
- 257. **Transportation Depot**, means the use of land, buildings, or structures where commercial motor vehicles and trains pick up and discharge fare paying passengers, and without limiting the generality of the foregoing, accessory uses may include a ticket office, canteen, luggage checking facilities, parcel shipping facilities, storage facilities for the parking of the vehicles and ancillary offices, parking for passengers, but shall not include any other uses as defined herein.
- 258. **Transportation Terminal**, means a building or structure which is used for loading or unloading of trucks, or where trucks, transports or buses are stored, rented, leased, kept for hire, parked or repaired on the property, or are dispatched for hire as common carriers, or which is a bonded or sufferance warehouse.
- 259. **Tree Cutting Service**, means the use of land, building or structure or part thereof, where the purpose of such enterprise is to provide a tree pruning and cutting service, brush removal and similar services to industry and/or the public where such service is conducted off-site at the location in need of service.
- 260. **Triplex Dwelling** - see "Dwelling".

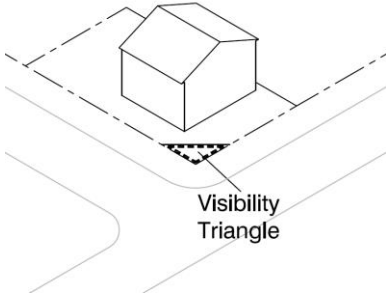
U

261. **Undertaker's Establishment**, means any premises used for preparation of human remains for interment or cremation, viewing of deceased persons and the holding of funeral services and may include an accessory dwelling unit.
262. **Use**, when used as a noun, means the purpose for which a lot or building or structure or any combination thereof, is designed, arranged, intended, occupied or maintained and "uses", shall have a corresponding meaning. "Use," when used as a verb, or "to use," shall have corresponding meanings.
263. **Used Automobile Sales Establishment**, means a building or structure or place where used motor vehicles, as defined by the *Highway Traffic Act*, are kept for display and/or sale at retail.

V

264. **Vehicle Length**, means the horizontal length of a vehicle, motorized or other, measured from the longest point, including the tongue and bumper.
265. **Vehicle Sharing Parking Space, Motorized**, means a parking space used for a motorized vehicle as part of a vehicle sharing service, including but not limited to a car, light pick-up truck, motorcycle, motorized scooter or fully motorized bicycle which is not capable of being propelled by muscle power.
266. **Vehicle Sharing Parking Space, Non-Motorized**, means a parking space used for a non-motorized vehicle as part of a vehicle sharing service, including but not limited to a bicycle or a power-assisted bicycle which is capable of being propelled with muscle power.
267. **Vehicle Sharing Service**, means a service that provides motor vehicles or non-motorized vehicles solely for the shared use by members of the service, but does not include automobile rentals, sales or any other use as defined herein.
268. **Veterinarian's Office**, means a building or structure which is used by a veterinarian to medically examine and treat domestic pets and animals, but not livestock. It shall not include facilities for boarding or breeding of animals.

269. **Veterinary Hospital**, means a building or structure which is used by a veterinarian to medically examine and treat animals, including livestock.



270. **Visibility Triangle**, means the triangular space on a corner lot formed by the street lines and a line drawn from a point in one (1) street line to a point in the other street line, each such point being measured along the street line from the point of intersection of the street lines at the required distance, as indicated in Subsection 3.49. Where the two (2) 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.

271. **Vocational Training Centre**, means a place, building or structure where employment counselling, training and retraining seminars are provided but does not include an employment agency or similar facility.

W

272. **Warehouse**, means a building or part thereof, which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food stuff substances and articles, but does not include a fuel storage tank.

273. **Water Supply**, means a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the Corporation or the Public Utilities Commission of the City of Brockville.

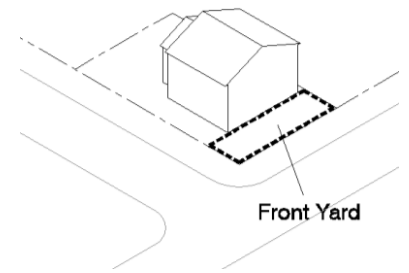
274. **Wholesale Establishment**, means a building or part thereof used or intended to be used for the bulk storage and sale of quantities of goods, merchandise, and materials for resale by a retailer, or for a business or manufacturing use, but not to the ultimate, individual consumer.

X (none)

Y

275. **Yacht Club**, means a club organized to promote and regulate yachting and boating.

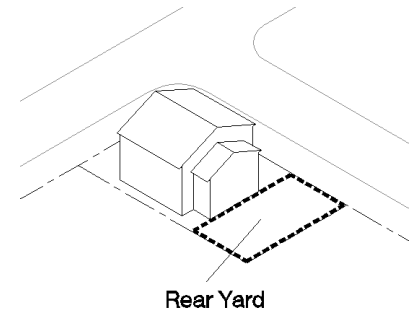
276. **Yard**, means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this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



277. **Yard Sale** – see “Garage Sale”.

278. **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 on the lot.

279. **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 the main building or structure on the lot.

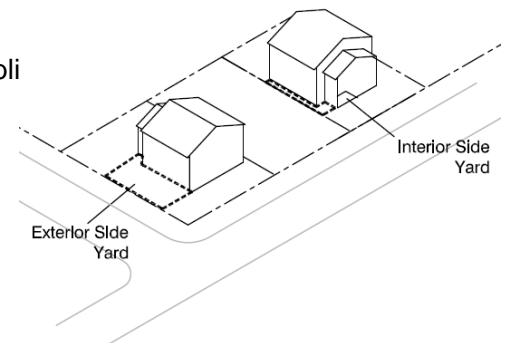


280. **Yard, Required**, means the minimum yard required by the provisions of this By-law.

281. **Yard, Side**, means a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of the main building or structure on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.

282. **Yard, Side, Exterior**, means a side yard immediately adjoining a public street.

283. **Yard, Side, Interior**, means a side yard other than an exterior side yard.



Z (none)

This page has intentionally been left blank.