
SECTION 2 DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given in this Section shall apply:

Abattoir shall mean a building or structure wherein animals are slaughtered and processed for packaging, distribution and resale.

Accessory shall mean a use, building or structure customarily incidental and subordinate to the principal use and located on the same lot with such main use.

Adult Entertainment Parlour shall mean a place in which is provided pursuant of a trade, calling, business or occupation, live entertainment or services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and may include a restaurant as an accessory use.

Adverse Effects shall mean one or more of the following: impairment of the quality of the natural environment for any use that can be made of it, injury or damage to property or plant or animal life, harm or material discomfort to a person, an adverse effect on the health of any person, impairment of the safety of any person, rendering any property or plant or animal life unfit for human use, loss of enjoyment of normal use of property and interference with normal conduct of business.

Agricultural Use shall mean the use of land, building or structures for:

- (a) the growing of crops, including all related activities such as soil preparation, manure or fertilizer storage and spreading, sludge application to land which complies with Ministry of the Environment guidelines, planting, spraying, irrigating, harvesting and also including the storage and sale of crops;
- (b) the raising, boarding, keeping and sale of all forms of domestic livestock, except dogs or exotic animals, including all related activities such as breeding, raising, training, feeding and grazing and including the breeding and raising of poultry, bees or fish;
- (c) the production of animal products such as milk, eggs, wool, fur or honey, including related activities such as the collection, storage and sale of products;
- (d) accessory greenhouse or nursery garden, including storage and sale of the products;
- (e) forestry activities including the planting, harvesting and sale of forest products, including a portable sawmill

- (f) and also including the use and accessory maintenance and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Unless allowed under the definition of a rural home occupation, an agricultural use shall not be construed to include commercial or industrial activities related to agriculture such as abattoirs, tanneries, grain drying sod farming and sale outlets, equipment sale or rental, manufacturing or processing activities involving farm crops or animal products.

Alter shall mean:

- (a) with reference to a building or part thereof, to change any one or more of the external dimensions of the building or to change the type of construction of the exterior walls or roof;
- (b) with reference to a lot, to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise.

Altered and alteration shall have corresponding meanings.

Alternative Energy System shall mean sources of energy or energy conversion process that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional systems.

Animal Hospital shall mean a building or part of a building used by a veterinary surgeon where companion domestic animals (household pets) and birds are kept for treatment including surgery, and where veterinary drugs and other related products, including pet food, may be sold. The treatment of livestock (cattle, horses, etc.) and similar animals is specifically excluded.

Assembly Hall shall mean a Building or Structure or part of thereof where facilities are provided for athletic, civic, educational, political or social events, trade shows, conferences, fashion shows and may include an arena, auditorium, community centre, gymnasium, stadium, theatre, banquet hall, auction hall or similar use and are operated for gain or profit.

Attached shall mean a building or structure otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent buildings or structures.

Attic shall mean that portion of a building immediately below the roof and wholly or partly within the roof framing.

Auction Establishment shall mean the offering for sale of new and used goods by means of request or invitation for bids, includes a livestock auction sales barn and vehicle or liquidation auction.

Automobile Body Shop shall mean an establishment where motor vehicle bodies, exteriors or undercarriages are painted or repaired. Accessory uses may include a towing service and the rental of motor vehicles to customers whose motor vehicles are being repaired. This definition shall not include a salvage yard as defined herein.

Automobile Dealership shall mean a place where new or used passenger or family vehicles such as cars, vans, motorcycles and trucks, are leased, rented, sold or auctioned at retail. Accessory uses may include enclosed and/or exterior showroom and areas for display; car wash; automobile service; automotive parts sales/distribution; automobile body and structural work and painting; storage and parking areas for vehicles which are for lease, rent, sale or auction and for those being serviced by the dealership; office space; and restricted eating establishment.

Automobile Service Station shall mean a building where gasoline, propane, diesel fuel or oil is kept for sale including alternative sources of fuel, where only minor or emergency repairs essential to the actual operation of motor vehicles may also be performed, where grease, anti-freeze, tires, spark plugs and other automobile accessories may be sold incidentally, and where motor vehicles may also be oiled, greased, or washed, but where no other activities of a commercial garage are carried on.

Automotive Store shall mean an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools. Accessory uses may include service bays for performing maintenance and repair operations on motor vehicles. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Bake Shop shall mean a building or portion of a building where baked foods are made for retail sale on the premises.

Bakery shall mean a building or portion of a building wherein baked foods are produced and processed for packaging, distribution and resale off the premises. A bake shop is a permitted accessory use in a bakery.

Basement shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above the average level of ground adjacent to the exterior walls of the building.

Bed and Breakfast shall mean a private residence, limited to a single detached dwelling, which is operated to provide the travelling public with sleeping accommodations on a maximum of four (4) rooms and other related services and facilities within the occupant's dwelling.

Biomass Energy System shall mean a renewable electrical generation facility using renewable biomass resources and/or waste products that produces electrical power for needs of a user or to feed into the transmission or local distribution grid. "Biomass" means any plant derived organic matter available on a renewable basis. A biomass energy system includes all components, supporting infrastructure, and outbuildings.

Bio-solids shall mean nutrient rich organic by-products of the anaerobic digested waste water treatment process.

Boarding House shall include a rooming house, and shall mean a building or portion thereof other than a hotel or motel where lodging with or without meals is provided for compensation and this definition shall include a lodging or rooming house.

Boat House shall mean an accessory building or structure intended for use to house, shelter, or protect a boat or other form of water transportation, which shall not be capable of being occupied as a permanent or seasonal dwelling. When constructed in association with a dwelling, a boat house shall be deemed to be an accessory building. Consultation with the applicable Conservation Authority will be required for any new boat house.

Building shall mean a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods:

- (a) **Accessory Building** shall mean a building customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.
- (b) **Main Building** shall mean the building serving the principal or primary uses for which the lot was purchased, leased or rented.
- (c) **Temporary Building** shall mean a building or structure intended for removal or demolition within a prescribed time, not exceeding two years, as set out in a building permit.

Building By-law shall mean any By-law of the Corporation passed pursuant to the Building Code Act.

Building Line shall mean a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

Building Supply Centre shall mean a building or part of a building or a place where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed or kept for sale at retail or wholesale.

Built Heritage Resources shall mean one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Bulk Storage Tanks shall mean a tank for the bulk storage of petroleum, petroleum products, chemicals, gases, flammable liquid or fluid, or similar substances. This definition shall not include a fuel storage tank which is accessory to another use on the lot where such tank is located (see Fuel Storage Tank).

Campground Recreational shall mean an area of land containing sleeping accommodations and facilities which are used to provide short term accommodation for persons engaged in passive or active recreation or leisure, which shall include, but shall not be limited to the following: children's camp or establishment, scout camp, religious camp, institutional camp, or other like or similar camp establishment, but shall not include a tourist establishment, mobile homes or a mobile home park.

Campground Tourist shall mean an area of land providing short term accommodation for tents, recreational vehicles or campers and may include accessory uses such as a Laundromat, convenience store, sale of propane fuels and recreational uses for persons using the campground where a fee is charged or paid for such accommodation but shall not include mobile homes or a mobile home park.

Campsite shall mean a parcel of land within a tent and trailer park occupied by a tent or recreational vehicle.

Canteen shall mean a snack bar or small cafeteria providing food and drink and could also include the sale of personal supplies.

Carport shall mean a covered parking area which is open on at least two sides.

Car Washing Establishment shall mean a building or structure or part thereof containing facilities for washing automobiles, either by production line methods and mechanical devices, or by a self-service operation.

Catering Establishment shall mean a building or part of a building where food is cooked or otherwise prepared for delivery to a location other than the zoned premises. Storage of supplies, equipment and parking of delivery vehicles shall be permitted as accessory uses. This definition shall not include a restaurant.

Cellar shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the average level of ground adjacent to the exterior walls of the building.

Cemetery shall mean a property used for interring dead persons or in which human bodies have been buried and as regulated by the Cemeteries Act, R.S.O. 1990, c.C.4. A cemetery may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments, but shall not include crematoriums or pet cemeteries.

Cemetery (Pet) shall mean a property used for the disposal of material consisting entirely of the remains of dead domestic pets.

Chief Building Official shall mean the officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building Code Act, together with any regulations made thereunder, and the provisions of the Building By-law.

Church shall mean a building dedicated to religious worship and includes accessory uses such as a church hall, auditorium, daycare, school or other non-profit organizational uses.

Clinic shall mean a building or part of a building wherein health services are provided to the public in the form of a medical, paramedical, dental, surgical, physiotherapeutic, or other human health services including associated technical and laboratory facilities, and may also include a pharmaceutical outlet for the sale of prescription and therapeutic drugs, medication, optical equipment and similar drug store products.

Commercial Garage shall mean a building or premises where vehicles owned by the general public are repaired or maintained.

Commercial Greenhouse shall mean a building used for the growing of flowers, vegetables, shrubs, trees and similar vegetation for wholesale or retail sale. This definition shall not include any premises used for growing of mushrooms.

Commercial Patio shall mean an outdoor area in association with a restaurant where food, beverages, wine, spirits or any combination of these are served to the public or to members of a private club or other similar organization.

Communications Facility shall mean an installation which transmits, receives and/or relays communications such as microwave relay tower, cellular telephone tower, radio or television broadcast tower or similar facility.

Community Centre shall mean a building, structure or premises where facilities are provided for athletic, civic, educational, political, recreational, religious, social events, trade shows, conferences or fashion shows, and is operated by a Public Authority. This definition may include an arena, assembly hall, auditorium, canteen, gymnasium, hall, stadium, theatre, the sale of recreational/sporting equipment, or similar use.

Compost Facility shall mean premises owned and/or operated by a government authority or by a private operator with a Ministry of Environment Certificate of Approval where the primary purpose is for the composting of food waste and organic material.

Conservation Authority shall mean a Conservation Authority as defined by the Conservation Authorities Act.

Conservation Use shall mean a use related to the preservation of natural resources or the natural environment.

Contractor's Shop or Yard shall mean a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working and carpentry, or truck, bulldozer, loader and backhoe operating and such place of business may be used for the storage of equipment, materials and vehicles which are used on construction sites and may include such related uses as office space, or maintenance facilities, and may also include a retail business, sales counter or a wholesale business as an accessory use.

Convenience Store shall mean an establishment where food, tobacco, drugs, periodicals or similar items of household necessity are kept for retail sale to residents of the immediate neighbourhood or area.

Corporation shall mean the Corporation of the Township of South Dundas.

Council shall mean the Council of the Corporation of the Township of South Dundas.

County shall mean the Corporation of the United Counties of Stormont, Dundas and Glengarry.

Coverage shall mean the percentage of lot area covered by the ground floor area of all principal buildings located thereon.

Crematorium shall mean a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

Cultural Heritage Landscape shall mean a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act, and the village, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

Custom Workshop shall mean land and/or a building or part of a building used by a contractor, builder or tradesman to perform manufacturing, repair or assembly work or for the storage of equipment and materials used for off-site work and includes those operated by a carpenter, well driller, tile drainage installer, a locksmith, blacksmith, tinsmith, gunsmith, welder or persons involved in similar occupations.

Day Nursery shall mean a place where temporary care of children is provided which must be licensed by the province and operated in accordance with the Day Nurseries Act.

Dry Cleaning or Laundry Outlet shall mean a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to the process of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods which have been received therein.

Dry Cleaning or Laundry Plant shall mean a building or part thereof where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is conducted in which solvents which emit no odours or fumes are, or can be, used, and in which no noise or vibration causes a nuisance or inconvenience without the premises. This definition may include a dry cleaning or laundry outlet.

Dwelling shall mean a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on. For the purposes of this By-law, dwelling shall not include a mobile home as defined herein.

- (a) **Accessory Dwelling** shall mean a single detached dwelling which is accessory to a permitted non-residential use, located on the same lot therewith and is occupied either by the family of the owner of such non-residential use or by a family of a person employed on the lot where such dwelling is located.
- (b) **Apartment Dwelling** shall mean a building consisting of three or more independent dwelling units other than a row house dwelling.

- (c) **Converted Dwelling** shall mean a dwelling altered to contain a greater number of dwelling units, with each self-contained dwelling unit having a floor space of not less than 55 m².
- (d) **Duplex Dwelling** shall mean a dwelling that is divided horizontally into two dwelling units.
- (e) **Four-Plex Dwelling** shall mean a building that is divided horizontally and/or vertically in four (4) separate dwelling units, each of which has an independent entrance either directly from the outside or through a common entrance, but does not include a converted dwelling or townhouse dwelling.
- (f) **Row House Dwelling** shall mean a dwelling that is divided vertically into three or more dwelling units.
- (g) **Semi-Detached Dwelling** shall mean a dwelling that is divided vertically into two dwelling units.
- (h) **Senior Citizens Apartment Dwelling** shall mean an apartment dwelling for the specific use of senior citizens.
- (i) **Single Detached Dwelling** shall mean a dwelling containing only one dwelling unit.

Dwelling Unit shall mean one or more rooms designed as a housekeeping unit, used or intended to be used as a domicile by one or more persons and in which separate cooking, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building. A dwelling unit shall contain only one full kitchen.

- (a) **Accessory Dwelling Unit** shall mean a dwelling unit which is part of and accessory to a permitted non-residential building and is occupied by the family of the owner of the non-residential building or by the family of a full time employee on the lot where such dwelling unit is located.
- (b) **Accessory Apartment** shall mean a self-contained dwelling unit created through the conversion of part of or the addition on to an existing single detached, semi-detached, duplex dwelling, or row house.

Dwelling – Mobile Home shall mean a transportable, factory built dwelling designed to be used as a year-round residential dwelling and has been manufactured to comply with the Canadian Standards Association (CSA) Standard No. Z240, as amended or replaced from time to time, but does not include a modular home dwelling, a park model trailer, a motor home, a mobile camper trailer, a truck camper, or any other dwelling defined in this by-law. For the purposes of this by-law a single section factory manufactured home shall be deemed to be a "mobile home dwelling".

Dwelling – Modular Home shall mean a single detached dwelling that is constructed by assembling, on a permanent foundation, at least two factory manufactured modular units each of which comprises at least one room or living area and has been manufactured in a Canadian

Standards Association (CSA) A277 certified factory. For the purposes of this By-law a modular home dwelling shall be considered as a single detached dwelling.

Dwelling – Park Model Trailer shall mean a manufactured building designed and constructed in conformance with CAN/CSA-Z241 Series M “Park Model Trailer, as set out in the *Ontario Building Code Act*, R.S.O. 1992, c.23, and is used or intended to be used as a dwelling or seasonal dwelling.

Easement shall mean the legal right acquired by contract to pass over, along, upon or under the lands of another.

Energy from Waste shall mean the incineration of municipal solid waste (garbage) to produce electricity. Energy from waste is primarily to provide a means for waste reduction and disposal. Electrical generation is a secondary consideration of this process.

Erect shall mean build, construct, reconstruct, remove or relocate and shall include any preliminary physical operations such as cutting, grading, excavating, filling or draining, or any altering of an existing building by an addition, extension or other structural change, or any work which requires a building permit.

Established Building Line, Rural shall mean the average setback from the street line of existing buildings in either the Agriculture, Rural or Rural Residential Zones when at least five buildings have been erected on any one side of a continuous 200 metres of land with frontage on an improved street.

Established Building Line, Urban shall mean the average setback from the street line of existing buildings in the Residential Zones (R1, R2,....) on one side of one block where more than one-half of the lots on the said side of the block have been built upon.

Existing shall mean existing as of the date of final passing of this By-law.

Factory Outlet shall mean 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.

Fairgrounds shall mean lands where fairs, livestock shows, horseracing, demolition derbies, other sports events, circuses or exhibitions are held primarily outdoors and includes any accessory and temporary buildings.

Farm Equipment Dealer shall mean an agency which offers for sale, and maintains and repairs machinery normally used in farming.

Farm Produce Outlet shall mean a use accessory to a permitted farm which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

Farmer's Market shall mean an establishment or premises where the farm products of a local farming community are sold at retail by the grower from unenclosed or open air areas designated for individual retailers.

Financial Service shall mean an establishment operated by a chartered trust bank, trust company, mortgage broker, accountant, financial adviser or similar such establishment.

Finished Grade shall mean:

- (a) when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building;
- (b) when used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;
- (c) when used with reference to a street, road or highway, the elevation of the street, road or highway established by the Township or other designated authority.

Flea Market shall mean an occasional or periodic market held in a building or in an open area where persons offer second hand goods, new articles or antiques for sale at retail but shall not include any other establishment defined herein.

Floodline shall mean the line which delimits the area that would be flooded with an expected average frequency of once in 100 years.

Flood Plain shall mean the area below the floodline, usually low lands adjoining a watercourse which has been or may be covered by flood water.

Floor Area shall mean:

- (a) for a dwelling or dwelling unit, the total area of the storeys contained within the outside walls of the dwelling or dwelling unit exclusive of any garage, carport, porch, verandah, sunroom, attic, basement or cellar;
- (b) for a building other than a dwelling or dwelling unit, the total area of all the floors contained within the outside walls of the building.

In all cases, only that floor area having a clear height to the ceiling of at least 2.2 metres shall be considered in the calculation of the floor area. The minimum floor area requirements for a dwelling as required in this By-law will apply to the floor area above finished grade.

Forestry Use shall mean the planting, management and harvesting of timber resources in accordance with good forestry practices. This definition may include the establishment and occasional use of an accessory portable sawmill but shall not include the establishment of a permanent sawmill.

Fuel Storage Tank(s) shall mean a tank which is an accessory to a permitted use for the bulk storage of petroleum, gasoline, fuel oil, gas or flammable liquid or fluid.

Funeral Home shall mean a building or part thereof designed for the purpose of furnishing funeral services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

Garden Centre shall mean land, building, structure or part thereof or an outdoor area primarily used for the retail sale of gardening equipment, landscaping products and planting materials.

Garden Suite shall mean a temporary, detached portable housing unit intended for the use of an elderly member of the immediate family which is located on the same lot with an existing single detached dwelling where the family is residing and which shares the water supply and sewage disposal facilities with the single detached dwelling.

Gasoline Retail Facility shall mean an establishment or a lot where the retail sale of gasoline or other petroleum products for motor vehicles constitutes either the sole use, such as a gas bar, or an accessory use such as a self serve facility in combination with a retail store. This definition shall not include an automobile service station or commercial garage.

Golf Course shall mean a public or private area operated for the purpose of playing golf and shall include:

- (a) Par 3 Golf Course
- (b) Clubhouse
- (c) Proshop
- (d) Putting Green
- (e) Driving Range
- (f) Miniature Golf Course
- (g) Office
- (h) Storage Buildings
- (i) Storage Yard
- (j) Repair shop limited to repair of equipment
- (k) Banquet hall and Conference facilities
- (l) Accessory Dwelling
- (m) Canteen
- (n) Accessory Use

Group Home shall mean a single housekeeping unit in a residential dwelling in which up to eight unrelated residents, excluding supervisory staff or the receiving family, live as a family under responsible supervision consistent with the requirements of its residents and only if licensed or approved under provincial statutes and in compliance with municipal By-laws, but excluding a Correctional Group Home.

Habitable Room shall mean a room commonly used for living purposes, including a bedroom and a kitchen 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 4.65 m².

Hauled Sewage shall mean material removal from a holding tank (class 5 system) or from a septic tank (class 4 system).

Height shall mean when used in reference to a building, the vertical distance measured between finished grade and:

- (a) the highest point of the roof surface of a flat roof; or
- (b) the average (mean) level between eaves and ridge of any other type of roof.

High Water Mark shall mean the mark made by the action of water under natural conditions on the shore or bank of a waterbody which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

Highway shall mean a public thoroughfare intended for vehicular use by the general public.

Hobby Farm shall mean the keeping, breeding, raising and grazing of livestock, and/or poultry, other than domestic pets, for the personal use of the household operating the hobby farm and excludes an agricultural use as defined herein which is operated for commercial purposes.

Home for the Aged shall mean an establishment operated under the Homes for the Aged and Rest Homes Act.

Home Improvement Centre shall mean an establishment engaged in the wholesale and/or retail sales, or installation of, home furnishings and building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning and similar items.

Home Industry shall mean a use which is clearly incidental or secondary to the residential use of a single detached dwelling house and is conducted either entirely within a single detached dwelling house or in an accessory building to a single detached dwelling house, by an inhabitant

thereof. Such use may include a carpentry shop, a craft shop, an electrical shop, a small engine repair shop, a welding shop, a blacksmith shop or other similar use.

Home Occupation shall mean an occupation, trade, business, profession or craft carried on as an accessory use to the use of the dwelling and shall include the following:

- (a) instruction in or business involving music, academic subjects, religion, dancing, arts and crafts such as pottery, weaving, painting or sculpting, sewing, hairdressing or similar use;
- (b) business involving work conducted primarily in other locations, such as those operated by electricians, plumbers, carpenters or operators of commercial vehicles, including school buses, provided that the storage of commercial vehicles, equipment or materials does not take place at the residence except in accordance with the provisions of the By-law;
- (c) business involving work conducted primarily in other locations, such as those operated by electricians, plumbers, carpenters, caterers or operators of commercial vehicles, equipment or materials does not take place at the residence except in accordance with the provisions of the By-law;
- (d) business involving the repair of small appliances, radios, televisions and similar items, skate or knife sharpening or similar uses;
- (e) an office used by a physician, dentist or other medical practitioner, an insurance agent, accountant, engineer, sales person, or a person engaged in a similar occupation;
- (f) business involving catering;
- (g) a bed and breakfast.

Hospital shall mean a Public or Private Institution as defined under the Public Hospitals Act and amendments thereto or under the Private Hospitals Act and amendments thereto.

Hotel shall mean a building designed or used for the accommodation of the travelling or vacationing public, containing therein more than five guest rooms served by a common building entrance. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms or similar uses.

Industrial Uses

- (a) **Class I – Light Industrial Uses** shall mean a place of business for a small scale, self-contained plant, or building which produces, manufactures, assembles, or stores a product which is contained in a package and has a low probability of fugitive emissions, e.g. noise, odour, dust, and vibration. Such industries operate in the daytime only with infrequent movement of products and/or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries,

furniture repair and refinishing, beverage bottling, package, and crafting services, small scale assembly, auto parts supply.

- (b) **Class II – Medium Industrial Uses** shall mean a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractor's yard.
- (c) **Class III - Heavy Industrial Uses** shall mean a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes, or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations, and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit any potential adverse effects on the environment or the surrounding areas and public health.

Intensive Livestock Operation shall mean an agricultural operation as defined in a Nutrient Management Plan By-law adopted by Council.

Kennel shall mean a building or structure where dogs are bred, boarded, groomed or trained, given medical treatment or housed for similar purposes for which compensation is paid and shall include a Humane Society shelter or pound.

Landscaped Open Space shall mean open space comprised of a combination of shrubs, flowers, trees, grass, bushes and other landscaping materials and may include space occupied by paths, walks, courts, patios and pools, but shall not include parking areas, traffic aisles, driveways or ramps for vehicles, or any open space beneath or within a building or structure.

Lane shall mean:

- (a) a subsidiary thoroughfare providing access from within a lot, principally from parking or loading spaces to a public street; or
- (b) a subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open space or public buildings.

Laundromat shall mean a building or structure or part thereof containing two (2) or more washing machines and/or self-service dry cleaning machines and/or dryers for use by the public which is operated for a profit or gain.

Library shall mean a public building or structure where books, printed materials, electronic and other audio-visual resources may be read, consulted or borrowed.

Livestock shall mean dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur bearing animals, deer and elk, game animals, birds, and other animals identified in Table 1 of the Minimum Distance Separation Formula Implementation Guidelines Publication 707 – Ministry of Agriculture, Food and Rural Affairs.

Loading Space shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the use of the lot or any building thereon, and which has unobstructed access to a street or lane.

Lot shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act:

- (a) **Corner Lot** shall mean a lot situated at the intersection of two streets having an angle of intersection of not more than 135 degrees.
- (b) **Interior Lot** shall mean a lot situated between adjacent lots and having access to one street.
- (c) **Through Lot** shall mean a lot having street frontage on two opposite sides.
- (d) **Waterfront Lot** shall mean a lot which has no street access, but has water access on one shoreline only.

Lot Area shall mean the total horizontal area within the lot lines of a lot.

Lot Coverage shall mean the percentage of lot area covered by the ground floor area of all buildings located thereon.

Lot Frontage shall mean the width of a lot measured between the intersection of the side lot lines with a line back from and parallel to the front lot line, at a distance equal to the minimum required front yard.

Lot Line shall mean any boundary of a lot or the vertical projection thereof.

- (a) **Front Lot Line** shall mean in the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot or a through lot where the lot lines abutting the streets are the same length, the lot line where the principal vehicular access to the lot is provided shall be deemed to be the front lot line. In the case of a corner lot where the street lines are joined by an arc, the shortest straight street line shall be deemed to be the front lot line. In the case of a corner lot where the street lines do not intersect at one single point, the shorter of the two street lines shall be deemed to be the front lot line. In the case of a waterfront lot, the shoreline shall be deemed to be the front lot line.

- (b) **Rear Lot Line** shall mean in the case of a lot having four or more lot lines, the lot line furthest from and opposite to the front lot line. If a lot has less than four lot lines, there shall be deemed to be no rear lot line.
- (c) **Side Lot Line** shall mean a lot line other than a front or rear lot line.
- (d) **Exterior Side Lot Line** shall mean a side lot line which is also a street line.

Marina shall mean a building, structure or place containing docking facilities and located on or abutting a waterbody, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels and lubricants may be provided.

Marine Facility shall mean a non-commercial accessory building or structure having a maximum height of 5.0 m which is used to moor, berth or store a boat. This definition may include a boat launching ramp, boat lift, dock or boathouse but does not include any building used for human habitation or any boat service, repair or sales facility.

Mini Warehouse and Storage shall mean a building or part thereof wherein general merchandise, vehicles, furniture and household goods are stored in separately occupied, secured storage areas or lockers which are generally accessible by means of individual loading doors. Employees associated with such a use shall be limited to a facility manager and/or security personnel.

Mobile Home shall mean a prefabricated building which bears a CSA Z240 approval, 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 park model trailer or recreational vehicle as defined herein.

Mobile Home Park shall mean a lot developed and managed under single or corporate ownership which has been planned, divided into mobile home sites, improved and provided with approved water and sewer services and intended to be used for the placement of mobile homes for permanent residential use.

Mobile Home Site shall mean the space for the placement of one mobile home for the exclusive use of its occupants.

Motel shall mean a building or buildings designed or used for the accommodation of the travelling or vacationing public, containing therein more than five guest rooms, each guest room having a separate entrance directly from outside the building. Accessory uses may include

accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms or similar uses.

Municipality shall mean the Corporation of the Township of South Dundas.

Nameplate Generating Capacity means the manufacturer's posted maximum generating capacity of a renewable energy system under optimal conditions.

Non-Complying shall mean a lot, building, or structure that does not meet the regulations of the Zone in which it is located as of the date of passage of this By-law.

Non-Conforming shall mean an existing use or activity on any land, building, or structure that is not a permitted use for the Zone in which it is located as of the date of passage of this By-law.

Nursery shall mean lands used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale.

Nursing Home shall mean a building used in accordance with the definitions in the Nursing Homes Act and amendments thereto.

Nutrient Management Plan shall mean a report that evaluates the relationship between the land-based application of nutrients, management techniques, and agricultural land use.

Office shall mean a building or part of a building used or intended to be used in the performance and transaction of business including administrative and clerical activities as well as professional offices, but not including the use of manual labour.

Open Space shall mean a use whereby the land remains unoccupied by buildings and is used for purposes such as hiking trails, nature trails, parks, wildlife sanctuaries and similar uses.

Open Storage shall mean the storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, including such uses as automobile and trailer sales lots, building materials supply yards but does not include the outdoor display of a limited number of samples of the goods, merchandise or equipment for the purpose of sales and advertisement. This definition shall not include the open storage of goods or equipment which are incidental to the residential occupancy of a lot.

Outdoor Recreational Facility shall mean an establishment which provides recreational activities primarily located outside of a building such as a golf driving range, miniature golf, lawn bowling, tennis courts, or similar activities. A go cart track is not included within this definition.

Park shall mean an area of land consisting mainly of open space which may include a recreational area, playground, playfield or similar use.

- (a) **Public Park** shall mean a park owned and maintained by the Municipality or other public authority;
- (b) **Private Park** shall mean a park other than a public park.

Park Model Trailer shall mean a manufactured building used or intended to be used as seasonal recreational building of residential occupancy. It is deemed to comply with the Ontario Building Code if it is designed and constructed in conformance with CAN/CSA-Z241 Series-M standards.

Parking Area shall mean an area or structure, other than a street, used or intended to be used for the temporary storage of motor vehicles and includes a private garage or carport, aisles, driveways and parking spaces.

Parking Garage shall mean an enclosed structure used for the temporary parking for more than four vehicles and available for public use either free, for compensation or as an accommodation to customers.

Parking Space shall mean a portion of a parking area exclusive of driveways or aisles, used for the temporary parking or storage of motor vehicles.

Person shall include an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

Personal Service Establishment/Shop shall mean a business which is associated with the grooming of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlour, shoe repair shop, self-service laundry or dry cleaning distribution station or similar uses.

Pet Shop shall mean a building where domestic animals or birds and pet food and supplies are kept for sale. Accessory services such as grooming and training may be included but overnight boarding or breeding are specifically excluded.

Pit shall mean land or land under water licensed by the Ministry of Natural Resources from which unconsolidated aggregate is being or has been excavated and that has not been rehabilitated but shall not include an excavation incidental to the erection of a building or structure or an excavation incidental to the construction of any public work. This definition includes all activities which are normally associated with the operation of a pit such as crushing, stockpiles, screening, processing, washing, weighing scales, offices and open and enclosed storage and also includes a wayside pit as defined herein.

Place of Entertainment shall mean an establishment where amusement facilities are provided such as an arcade, auditorium, billiard room, bowling alley, skating rink, dance hall, music hall, or motion picture or other theatre operated for gain or profit.

Point of Reception refers to the Ministry of Environment publication "Interpretation for Applying MOE NPC Technical Publications to Wind Turbine Generators" (V1) which defines a point of reception as any point on the premises of a person within 30 metres of a dwelling or camping area, where sound or vibration originating from other than those premises is received.

Portable Asphalt Plant shall mean 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 which is to be dismantled at the completion of the construction project.

Printing Shop shall mean an establishment used for printing, typesetting, blueprinting, engraving, stereotyping, duplicating and offset printing, and shall include such uses as newspaper publishing.

Private Club shall mean a building or premises used as an athletic, recreational or social club not operated for gain or profit. This definition may include a social service club, a lodge, a fraternity or sorority, a hostel, a labour union hall, Royal Canadian Legion, or similar use.

Private Garage shall mean an accessory building or portion of a residential building which is fully enclosed and used for the storage of motor vehicles and household equipment incidental to the residential occupancy.

Private Road shall mean a private right-of-way over private property which affords access to at least two (2) abutting lots and which is not maintained by a Public Authority.

Public Authority shall mean the Township of South Dundas, the United Counties of Stormont, Dundas & Glengarry, a Conservation Authority and any department of the Governments of Ontario or Canada, including any Boards or Commissions thereof.

Public Use shall mean a building, structure or lot used by a public authority.

Quarry shall mean land or land under water from which consolidated aggregate is being or has been excavated and that has not been rehabilitated but shall not include an excavation incidental to the erection of a building or structure or an excavation incidental to the construction of any public works. This definition includes all activities which are normally associated with the operation of a quarry such as crushing, stockpiles, screening, washing, offices and open and enclosed storage and also includes a wayside quarry as defined herein.

Recreational and Athletic Facility shall mean a place, building or parcel of land designated and equipped with facilities such as a swimming pool, squash or tennis courts, gymnasias, weight-lifting and exercise rooms and used for recreational fitness or athletic pastimes, and may include an ancillary sports field or sports arena.

Recreational Vehicle shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping or eating accommodation of persons, notwithstanding that its running gear is or may be removed. This definition includes motor homes, travel trailers, tent trailers, campers, and park model trailers bearing a CSA-Z241 approval but shall not include a mobile home.

Recycling Depot shall mean a special waste management facility which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.

Renewable Energy System shall mean the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

Rental Establishment shall mean a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture and fixtures.

Restaurant shall mean a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the premises or off the premises.

Retail Store shall mean a building or part of a building in which goods, wares, merchandise, substances or articles are stored and offered for sale to the general public and may include the storage of such goods, wares, merchandise, substances or articles, but does not include any establishment otherwise defined or classified in this By-law.

Retirement Home shall mean premises where lodging is provided primarily for retired persons and may include common facilities for eating, recreation and other such activities and may also include limited medical care.

Rural Home Occupation shall mean an occupation, business, trade or craft which is accessory to a farming operation. This definition may include the servicing or repair of merchandise or equipment, the grading of produce, a retail outlet for farm supplies and machinery, a farm produce outlet or similar activities.

Salvage Yard shall mean a place where goods, wares, merchandise, articles or things are kept, repaired or processed for further use and offered for sale and may include a junk yard or a scrap metal yard.

School shall mean a school under the jurisdiction of a Board as defined in the Education Act.

Sensitive Land Uses shall mean buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built-up environment. Examples of sensitive land uses may include residences, education or health facilities.

Service Outlet shall mean a building or part of a building whether in conjunction with a retail store or not, articles or goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation or establishment used for the service or repair of vehicles.

Setback shall mean:

- (a) with reference to a road, the distance between the centre line of a street allowance and the nearest building line.
- (b) with reference to a waterbody, the distance between the high water mark or the flood plain and the nearest building line.
- (c) with reference to a wind energy turbine, the distance between the closest edge of the turbine base and the lot line or feature.

Shopping Centre shall mean a group of commercial and service uses, which are permitted in the zone, and are designed, developed and managed as a unit having the required loading spaces and off-street parking provided on the site and which may include freestanding or attached buildings.

Sight Triangle shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 6 m from the point of intersection of the street lines (measured along 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.

Sign, Legal shall mean a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot which directs attention to an object, product, place, activity, person, institute, organization or business and which does not contravene any By-law of the Corporation or the County, or any Regulation of the Government of Ontario or Canada.

Site Alteration shall mean activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Sludge shall mean stabilized organic soil conditioning material produced by a sewage treatment plant.

Small Batch Brewery shall mean a place that offers an individual member of the general public the location, the material and the equipment with which to make beer or wine for that individual's own personal use.

Solar Energy System shall mean a renewable electrical generation facility that produces power from the sun using photovoltaic technology to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution grid. A solar energy system includes all arrays, supporting infrastructure, and outbuildings.

Storey shall mean that portion of a building, between the surface of any floor and the surface of the floor, ceiling or roof next above it.

- (a) **First Storey** shall mean the lowest storey of a building, wherein the floor is generally at grade elevation and having its finished ceiling at least 1.8 m above finished grade.

Street shall mean a public thoroughfare under the jurisdiction of either the Corporation, the United Counties or the Province of Ontario. This definition shall not include a lane or private right-of-way.

- (a) **Improved Street** shall mean a Municipal Road which has been assumed by the Corporation and is maintained on a regular year-round basis, or a Provincial Highway, or a County Road.

Street Line shall mean the boundary of the right-of-way of the street.

Structure shall mean anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

Swimming Pool (or simply a 'pool'), shall mean an artificially enclosed body of water, built either above or in the ground, intended for swimming or water-based recreation and shall include inflatable pools with a depth in excess of 0.61 metres.

Tavern shall mean a building with a bar that is licensed to sell alcoholic drinks.

Tent and Trailer Park shall mean a parcel of land which is used to provide temporary accommodation for the public in tents, trailers or recreational vehicles, including park model trailers but which are not used as a principle place of residence, in which the water supply and sewage collection and disposal services are not designed to function during the winter months and which are closed for the period of November 1 to May 1 of the following year.

Tent and Trailer Site shall mean a parcel of land within a tent and trailer park occupied by a tent or recreational vehicle.

Tourist Lodging Establishment shall mean premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a hotel, motel, cabin, lodge or bed and breakfast, including accessory uses such as dining, meeting and beverage rooms and similar uses.

Transportation Depot shall mean an establishment where commercial vehicles are stored, repaired, washed, or maintained, including all administrative functions relating thereto, and may also mean an establishment for the distribution of goods or people in transit.

Turbine Height The height of a renewable energy system shall be measured from the base of the structure to the highest point of the structure. For instance, in the case of a typical horizontal axis wind turbine, the height is measured from the average ground level upon which the base/foundation sites to the tip of the rotor blade at its highest point.

Use shall mean the purpose for which any land, building, structure or any combination thereof is designed, arranged, occupied or maintained.

Utility shall mean a Public Utility as defined by the Public Utilities Corporation Act.

Vehicle shall mean an automobile, boat, commercial motor vehicle, farm implement, motorcycle, recreational vehicle, snowmobile or trailer.

Vehicle Sales or Rental Establishment shall mean an establishment having as its main use the storage of vehicles for sale or the storage of automobiles for rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

Veterinary Establishment shall mean a building or part of a building used by a veterinary surgeon for treating domestic animals, birds or other livestock but shall not include a commercial kennel.

Volt shall mean the amount of 'pressure' required to transport electricity and push electrical energy through a wire. A measure of the Potential Difference between two points of an electrical field.

Warehouse shall mean a building used or intended to be used for the bulk storage of goods, commodities, wares, merchandise or materials.

Waste Management Site shall mean a place where ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse is stored, processed, recycled, transferred, composted or disposed of. This definition shall not include a sewage treatment plant or lagoon.

Waterbody shall mean any bay, lake, natural watercourse, canal, municipal or other drain but does not include an irrigation channel.

Waterbody/Watercourse Setback shall mean the straight line horizontal distance from the top of the bank or the high watermark, whichever is greater, to the nearest part of any excavation, building, structure, or open storage use on the lot.

Water Frontage shall mean the horizontal distance defined by a straight line between the two most widely separated points on any one shoreline of a lot.

Watt shall mean a unit to describe the size of an electrical generation system. One megawatt (1,000 kilowatts or 1,000,000 watts), of electrical energy can supply the power needs of about 500 homes for a year. Watts of energy is the amount of electricity produced.

Wayside Pit or Wayside Quarry shall mean a temporary pit or a temporary quarry opened and used for the purpose of a particular project of road construction or maintenance and not located on the road right-of-way.

Wetlands shall mean 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 (soils in which there is an abundance of moisture) and has favoured the dominance of either hydrophilic or water tolerant plants. The four major categories of wetlands are swamps, marshes, bogs and fens.

Wholesale Establishment shall mean a building used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, or materials for resale or business use.

Wind Energy System shall mean a renewable electrical generation facility that produces power from wind primarily to provide all or a portion of the electrical power needs for a user or to feed into the transmission or local distribution grid. A wind energy system includes all supporting infrastructure, outbuildings and access roads.

Winery shall mean the use of land, buildings or structures for the processing of fruit, fermentation, production, aging and storage of wine and wine related products as a secondary use to the vineyard, where the fruit used in the production of the wine shall be predominately from the vineyard located on the same land as the winery. Accessory uses shall include:

- (a) Licensed retail outlet
- (b) Winery office
- (c) Laboratory
- (d) Restaurants
- (e) Banquet halls
- (f) Conference facilities
- (g) Bed and breakfast establishment
- (h) Dwelling

Wrecking Yard shall mean an establishment or premises where derelict, discarded, abandoned or inoperable motor vehicles or other equipment are stored wholly or partly in the open and may include a salvage yard. A wrecking yard may also include an area for recycling of tires.

Yard shall mean an open, uncovered space appurtenant to a building or structure.

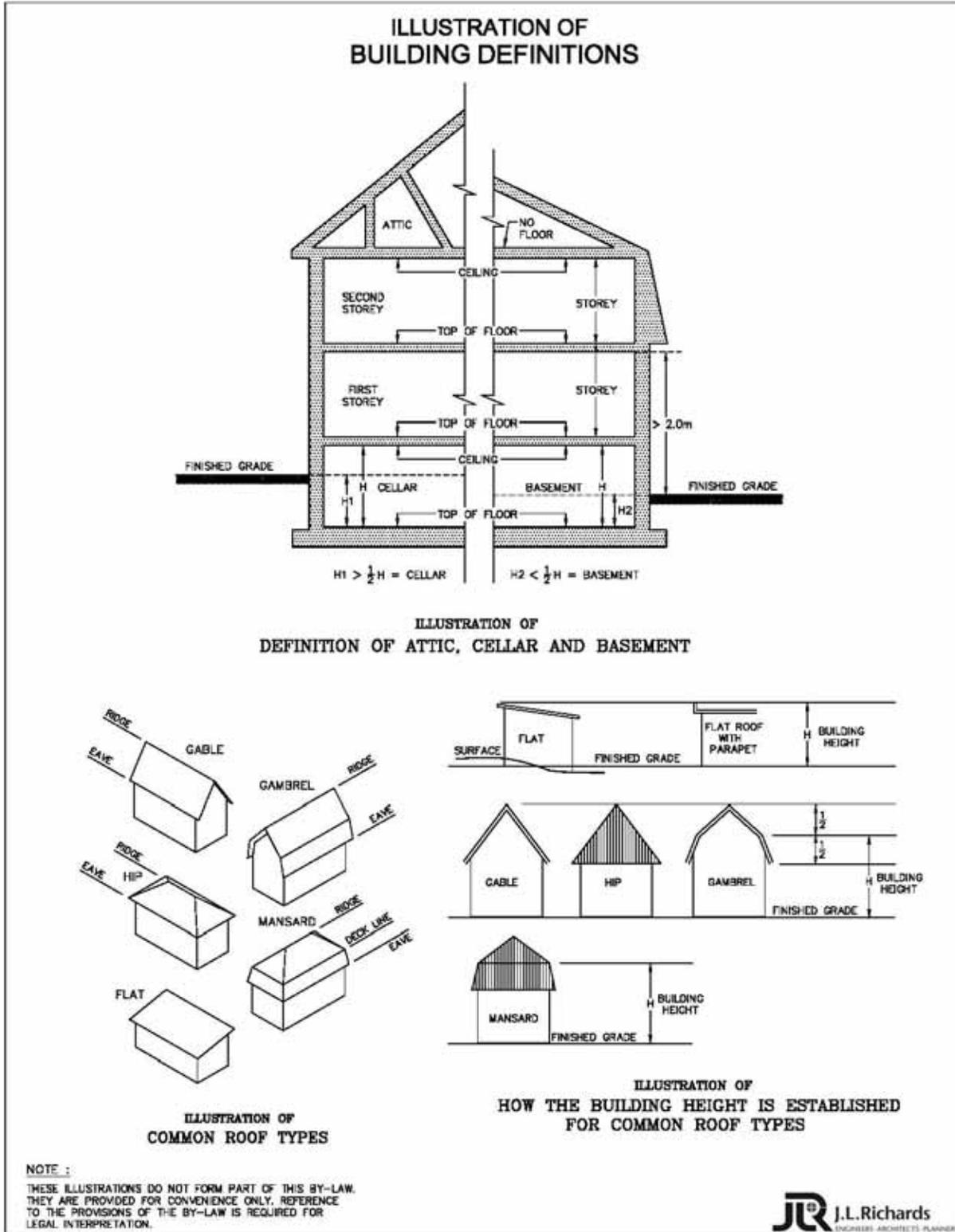
- (a) **Front Yard** shall mean the space extending across the full width of a lot between the front lot line and the nearest part of any main building or structure on the lot.
- (b) **Rear Yard** shall mean a space extending across the full width of a lot between the rear lot line and the nearest part of any building or structure on the lot.
- (c) **Side Yard** shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure on the lot.

- (d) **Exterior Side Yard** shall mean a side yard immediately adjacent to a street.
- (e) **Interior Side Yard** shall mean a side yard other than an exterior side yard.

Zone shall mean:

- (a) a land use category as defined and regulated in this By-law; or
- (b) a designated area of land use shown on the Schedule of this By-law.

Zoning Administrator shall mean the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law or his delegate.



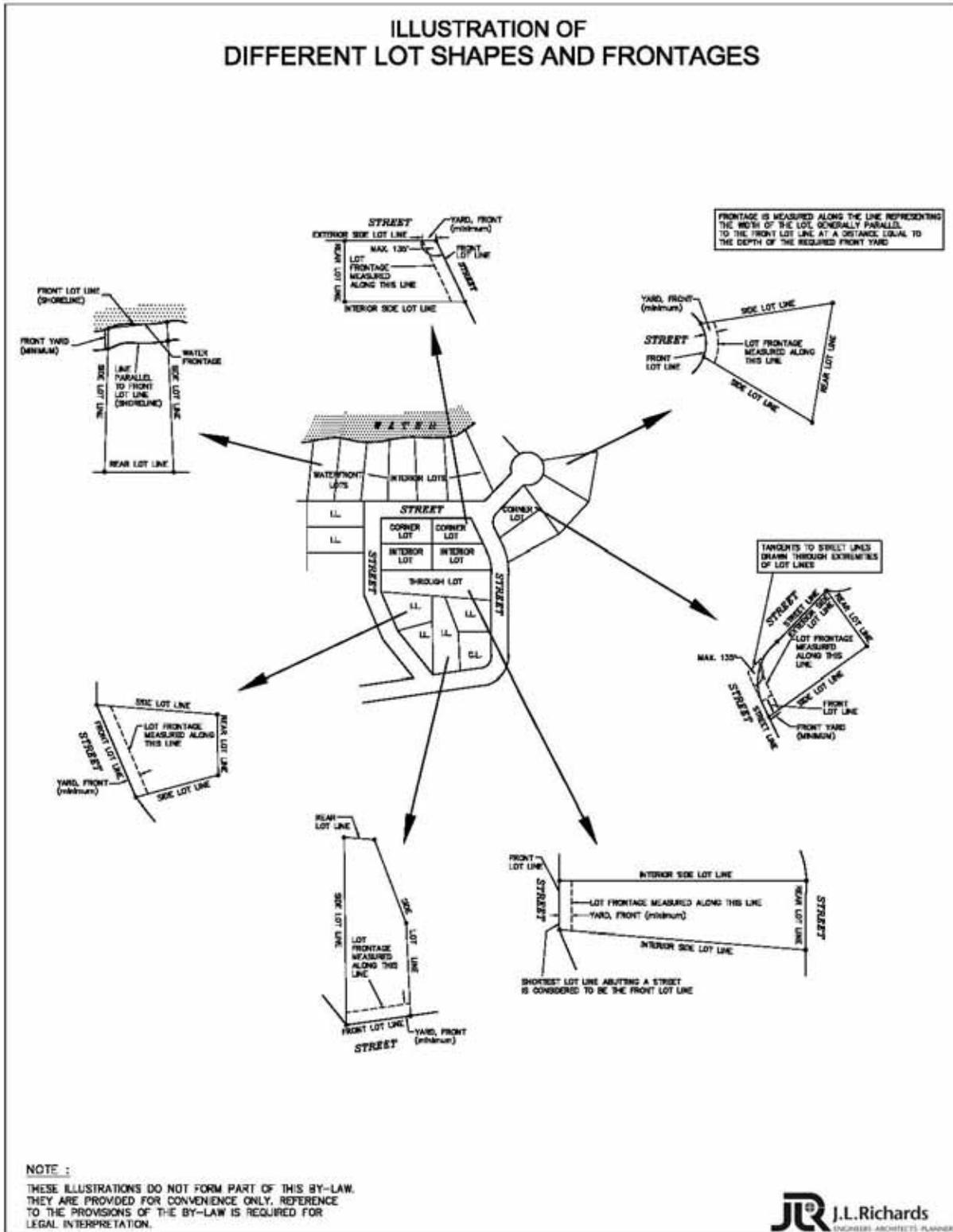
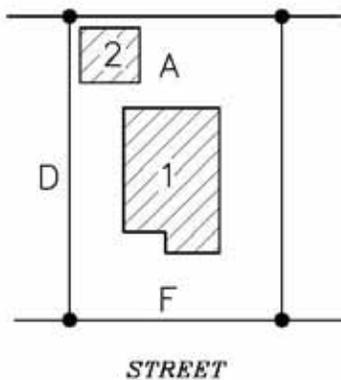
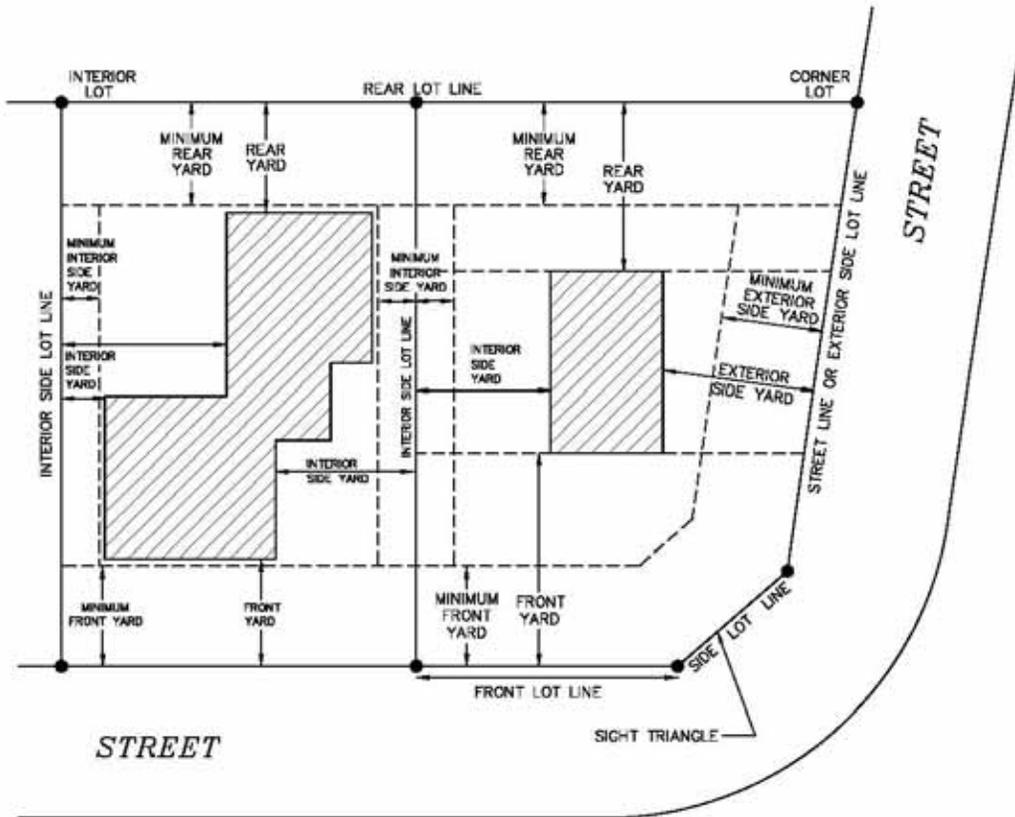


ILLUSTRATION OF LOT YARDS, SETBACKS AND LOT COVERAGE



A TOTAL AREA OF LOT = F x D

B FOOTPRINT AREA OF BUILDING/S (1 + 2 = B)

LOT COVERAGE (%) = $\frac{B}{A} \times 100$

NOTE :
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