

**SECTION 4****DEFINITIONS****4.1 GENERAL**

- .1 In this By-law, unless the contrary intention appears, words importing the singular number or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males, and the converse.
- .2 In this By-law, the word "**shall**" is to be construed as being always mandatory and not directory.
- .3 In this By-law, unless the context otherwise requires, the expression "use" or "to use" shall include anything done or permitted by the owner or occupant, of any land, building or structure, directly or indirectly or by or through any trustee, tenant, servant or agent of such owner or occupant, for the purpose of making use of the said land, building or structure.  
(By-law 2003-163, S.1)

**4.2 SPECIFIC**

In this By-law:

**"Above Grade"** means any portion of a building not below grade. (By-law 2013-138, S.11)

**"Accessory"**, when used to describe a use or building, means a use or building which is commonly incidental, subordinate and exclusively devoted to the main use or main building situate on the same lot.

**"Additional Dwelling Unit (Attached)"** means the use of a single detached dwelling, semi-detached house, or street townhouse dwelling where a separate self-contained dwelling unit is located within the principal building. (By-law 2023-102, S.3)

**"Additional Dwelling Unit (Detached)"** means the use of a building where a separate self-contained dwelling unit is located in a detached building on the same lot as an associated single detached dwelling, duplex dwelling, semi-detached house, semi-detached duplex house, or street townhouse dwelling unit. An additional dwelling unit (detached) is not an accessory building. (By-law 2021-040, S.2)

**"Adult Sex Film Theatre"** means the use of an establishment or part thereof, for a fee, for the showing of film classified as adult sex film by the Ontario Film Review Board. (By-law 2000-53, S.1)

**"Agriculture"** means the use of land and buildings for apiaries, animal husbandry or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and other crops or ornamental plants. Agriculture shall include a farm related single detached dwelling. (By-law 91-196, S.4)

**"Amusement Arcade"** means a place where coin or token operated arcade games are provided for public amusement, which accommodates three or more persons capable of playing simultaneously. (By-law 2000-229, S.1) (OMB Order No. 1640, dated October 15, 2004)

**"Arcade Game"** means a coin or token operated machine, device or contrivance or part thereof designed for public amusement for the participation of one person, excluding a coin operated machine which provides musical entertainment, rides, food or drink, and a coin-operated billiard table. For the purpose of regulating the number of games, the number of arcade games shall be equal to the maximum number of players able

to be accommodated at any one time. (By-law 2000-229, S.2) (OMB Order No. 1640, dated October 15, 2004)

**"Artisan's Establishment"** - means the use of a premises for the making, study, or instruction of a performing or visual art; or the workplace of an artisan such as a painter, sculptor, photographer, dressmaker, houseware/craft maker (including candles, soap, textiles, or similar household items) or tailor. Artisan's establishment shall not include an adult sex film theatre. (Amended: By-law 2023-181, S.2)

**"Attic"** means the uninhabitable portion of a building or structure which is immediately below the roof and wholly or partially within the roof framing having an interior height of 1.8 metres or less. A habitable or finished attic, or an uninhabitable or unfinished attic with an interior height greater than 1.8 metres, is considered to be a storey. (By-law 2013-138, S.12)

**"Automobile Service Station"** - see Gas Station

**"Base"** means the ground floor and immediate floors above the ground floor of a building that form the bottom section or podium of a *mid-rise building* or *tall building*. (By-law 2018-125, S.2)

**"Basement"** means any enclosed portion of a building which is partially below grade and which has 50 percent or more of its height, from floor to ceiling, above finished grade level.

**"Biotechnological Establishment"** means an establishment used for the research, development, application, and production of bio-organisms, which may or may not be used in a manufacturing process, and shall in no way be construed to be the slaughtering, eviscerating, rendering, or cleaning of meat, poultry, or fish or by-products thereof, or animal husbandry, or the raising of animals. (By-law 2000-114, S.1)

**"Below Grade"** means any portion of a building where the finished grade meets the exterior wall at an elevation not more than 0.5 metres below the elevation of the underside of an interior ceiling and the maximum slope taken from the closest property line is not more than 18 degrees (3:1 slope). In the case where a retaining wall(s) has been installed to meet these criteria, that portion of the building shall in no way be considered to be below grade. Where portions of a building are partially exposed, the floor area of that whole storey is considered to be above grade. (By-law 2013-138, S.13)

**"Bonus Floor Area"** means the amount of building floor area permitted by bonus values, in excess of the building floor area otherwise permitted on a lot. (By-law 92-232, S.3[e])

**"Bonus Value"** means the figure by which the area of the facility or matter provided on a lot is multiplied to obtain the bonus floor area. (By-law 92-232, S.3[e])

**"Building"** means any structure consisting of walls and a roof which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods or materials or any structure defined as a building in The Building Code Act, R.S.O. 1992, but shall not include a wall, shipping container, fence or sign. (By-law 2003-163, S.4) (Amended: By-law 2016-138, S.1)

**"Building Floor Area"** means the aggregate horizontal floor area measured from the exterior walls of all floors or storeys of a building excluding any floor area located totally below grade or within an uninhabitable attic. The mid-point of a common wall shall be considered the face of the exterior in the case of common walls located on a property line. (By-law 92-232, S.3[a]) (Amended: By-law 2013-138, S.14)

**"Building Height"** means the vertical distance between the highest finished grade level at the perimeter of the building and the uppermost point of the building. For all uses except single detached and duplex dwellings, at no point shall the vertical distance between the lowest finished grade and the uppermost

point of the building exceed 110% of the maximum building height in the applicable zone. Provided, however, where this by-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such yard at that point closest to the building and the horizontal extension of the uppermost point of the building. Antennae, chimneys, spires, cupolas, elevator penthouses, or other similar features shall be disregarded in calculating building height. In the case of a building on a lot within more than one zone, building heights shall be measured to the uppermost point of that portion of the building within each zone. (By-law 92-232, S.3[b]) (Amended: OMB Order PL140037, By-law 2013-147, S.1) (Amended: By-law 2015-068, S.2)

**"Building Height (Single Detached and Duplex Dwellings)"** means the vertical distance between the highest finished grade level at the perimeter of the building and the uppermost point of the building. Provided, however, where this by-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such yard at that point closest to the building and the horizontal extension of the uppermost point of the building. Antennae, chimneys, or other similar features shall be disregarded in calculating building height. In the case of a building on a lot within more than one zone, building heights shall be measured to the uppermost point of that portion of the building within each zone. (By-law 2015-068, S.3)

**"Canine and Feline Grooming"** means the grooming of a dog or domestic cat, including bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming but shall exclude veterinary services, breeding, boarding, pet related or pet grooming related retail sales and overnight accommodation of dogs or cats. (By-law 2012-033, S.3)

**"Carwash"** means a building that is used or designed to be used for the washing of motor vehicles by mechanical means, including pressurized wands.

**"Cellar"** means any enclosed part of a building which has more than 50 percent of its height, from floor to ceiling, located below finished grade level.

**"City"** means The Corporation of the City of Kitchener.

**"Cluster Townhouse Dwelling"** means a multiple dwelling divided vertically into three or more townhouses by common walls which prevent internal access between townhouses and extend from the base of the foundation to the roof line and for a horizontal distance of not less than 35 percent of the horizontal depth of the building. This shall not include a street townhouse dwelling. (By-law No.94-183, S.2[e])

**"Commercial Entertainment"** means the use of an establishment, for a fee, for the provision of entertainment or amusement without the necessity of active participation by the user and shall include, for example, such uses as movie theatres (but shall not include an 'Adult Sex Film Theatre' as defined herein), playhouses, bingo and other assembly halls, and shall also include public dance halls and amusement arcades. (By-law 2000-53, S.2)

**"Commercial Parking Facility"** means an area, other than a street or lane, used for the parking of motor vehicles and available for public and/or private use whether or not for compensation but not including parking accessory to an on-site use. For the purposes of this By-law, if the only use of a Lot is a parking facility then in such case parking spaces may be designed to include the use of stacked or valet arrangements. (By-law 2006-174, S.2); Amended: (By-law 2009-105, S.2)

**"Commercial Recreation"** means the use of an establishment, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user-public in a sports-related activity and shall

include, for example, such facilities as racquet courts, fitness club, billiard parlour, bowling alley, golf courses and driving range, skating or curling surfaces, riding stables, water sports, go-kart track or amusement parks, but shall not include an amusement arcade.

**"Commercial Vehicle"** means any motor vehicle having permanently or temporarily attached thereto a truck box or any other form of delivery body, tow trucks, tilt/n/load trucks, buses exceeding 7 metres in length, and shall include, for example, tractor trailers or semi-trailers and any component thereof, or other like or similar vehicle, but excludes major recreation equipment and industrial equipment as otherwise defined and regulated. (By-law 94-1, S.5[g]) (Amended: By-law 2012-034, S.6)

**"Commercial Water Taking"** shall mean a use of land where water is extracted from surface or ground water and where some or all of such extracted water is transported from the site for sale. (By-law 2006-174, S.3)

**"Conference or Convention Facility"** means a building, or part thereof, which is not a hotel, and in which the main use is lecture auditorium or meeting room facility for the exclusive use of conference or convention participants. (By-law 87-67, S.5[c])

**"Convenience Retail"** means a retail outlet serving the day-to-day, non-comparison shopping needs of a consumer including, for example, a variety store, bake shop, drug store or small food/grocery store, and shall also include a florist, photo depot (no processing on site) and video film outlet, but except for a video film outlet, shall not include any retail outlet having its main product line involving hardwares, housewares, apparel, footwear or fashion accessories.

**"Corner Visibility Triangle"** means a triangular area formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them 7.5 metres from their point of intersection. (Amended by By-law 93-129, S.1[a])

**"Correctional Group Home"** means a residence licensed or funded under a federal or provincial statute for accommodation of three to ten persons, exclusive of staff, supervised by staff on a daily basis for persons who have been placed on probation, released on parole or admitted for correctional purposes. (By-law 2012-140, S.3)

**"Craftsman Shop"** means an establishment used for the creation, finishing, refinishing or similar production of custom or hand-made commodities, together with the retailing of such commodities.

**"Day Care Facility"** means a facility licensed under Provincial legislation which accommodates a minimum of six children, for the purpose of providing temporary care for a continuous period of time not exceeding twenty-four hours. (By-law 91-196, S.4)

**"Discarded Motor Vehicle"** means a vehicle which is unlicensed and/or a vehicle which is in disrepair, has missing parts, including tires, or damaged or missing glass, or deteriorated or removed metal adjunctions which make its normal use impossible, other than a vehicle in good repair being offered for sale or rental and such use has been issued a Certificate of Occupancy for the "Sale or Rental of Motor Vehicles. (By-law 2005-106, S.1); Amended: (By-law 2009-105, S.3)

**"Display Window"** means any window which provides clear visibility from the outside to goods, exhibits or the interior of the building, has a vertical dimension of not less than 1.4 metres and has a base not more than 0.8 metres above grade for the entire width of the window. (By-law 92-232, S.3[e])

**"Drive-through facility"** means a place, with or without an intercom order station, where a product or service is available at a service window for delivery to a vehicle as a component of the main use, and shall

include an automated bank machine but not an automatic carwash. (By-law 2000-80, S.1) (Drive-through Facilities)

**"Driveway"** means a vehicle route that provides access from a street or lane to a drive aisle, parking space, or parking lot. (Amended: By-law 2023-102, S.4)

**"Driveway Visibility Triangle"** means a triangular area formed within a lot by the intersection of any driveway line and a lot line, or the projections thereof, and a straight line connecting them 4.57 metres from their point of intersection. (By-law 2012-034, S.7) (Amended: by-law 2013-124, S.2)

**"Duplex Dwelling"** means a building containing two dwelling units, but not including a semi-detached dwelling. (By-law 94-1, S.5[a])

**"Dwelling Unit"** shall mean a room or suite of habitable rooms which:

- (i) is located in a building;
- (ii) is occupied or designed to be occupied by a household as a single, independent and separate housekeeping establishment;  
(By-law 91-196)
- (iii) contains both a kitchen and a bathroom used or designed to be used for the exclusive common use of the occupants thereof; and,  
(By-law 92-58, S.3) (Amended: By-law 2018-125, S.3)
- (iv) has a private entrance leading directly from outside the building or from a common hallway or stairway inside the building.

**"Educational Establishment"** means a building, or part thereof, which is used primarily for the purpose of teaching, academic instruction or training. (By-law 2013-124, S.3)

**"Exhibition Facility"** means a place which is used to house an exhibition, operated over a duration of four consecutive weeks or less and limited to only those exhibitors registered with the organization holding the exhibition. The retailing of goods, materials or services, including motor vehicles and major recreational equipment, associated with the exhibition may be permitted in such a facility subject to municipal licencing requirements where applicable. An exhibition facility shall in no way be construed to include a conference or convention facility. (By-law 87-67, S.5[c])

**"Existing"** means existing on the day of the passing of this By-law.

**"Facade"** means a building wall or series of building walls facing a street. (By-law 92-232, S.3[e])

**"Facade Height"** means the vertical distance between the base of the facade at finished grade level and the lowest point of the top of the facade. (By-law 92-232, S.3[e])

**"Financial Establishment"** means a building, or part thereof, which is used to provide for financial services in which money is deposited, kept, lent or exchanged, including accessory clerical functions and shall include a bank, trust company, credit union or other similar banking service.

**"Fineblanking"** means a metal manufacturing process employing a high precision blanking or stamping technique, the finished product of which has smooth or unfractured edges and requires no further machining

and, without limiting the generality of the foregoing, no further grinding, shaving, reaming or milling. (By-law 87-67, S.5[c])

**"Floor Space Ratio"** means the figure obtained when the building floor area on a lot is divided by the lot area. In the case of a building or part thereof located above a street or lane, calculation of the floor space ratio shall include that portion of the building floor area and that portion of the area of the street or lane between the lot line and the centre line of the street or lane. In the case of a building on a lot within more than one zone having different floor space ratio regulations, floor space ratios shall be obtained using only that portion of the building floor area and only that portion of the lot area within each zone. (By-law 92-232, S.3[c])

**"Garden Suite"** means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. (By-law 96-105, S.3)

**"Gas Bar"** means a place where motor vehicle fuel and lubricants are sold for retail but where no provision is made for the repair or maintenance of motor vehicles.

**"Gas Station"** means a place where motor vehicle fuel is sold by retail, including a gas bar, and where automotive accessories, parts and repairs may be available for purchase, but does not include premises where the primary or substantial use is one or more of a vehicle repair shop, transmission shop, muffler shop, or other like or similar business.

**"Grade"** means the average elevation of the finished grade of the ground immediately surrounding such building or structure and is determined by averaging (6) six grade elevations equally spaced apart along the exterior walls of the building. (By-law 2013-138, S.15)

**"Gross Floor Area"** means the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building (excluding any floor area having a ceiling height of 2.0 metres or less or devoted exclusively to parking) within all buildings on a lot. (By-law 92-232, S.3[d])

**"Gross Leasable Commercial Space"** means the total floor area designed and intended for exclusive use and occupancy by a tenant or owner measured from the centre line of interior partitions and from the outside face of exterior walls, but excludes any Gas Station, motor vehicle service centre (except ancillary retail areas), accessory office space, hotel, residential, outside garden display centre, carwash, veterinary services, printing establishment, tradesman or contractor's establishment, warehouse, wholesaling, and any public assembly area, parking area, mall, sidewalk, hall or corridor, landscaped area, washroom, employee restroom, loading/ service facility, storage areas, or mechanical, electrical or other maintenance room. (Amendment approved by O.M.B. June 13, 1985, File R850136)

**"Group Home"** means a residence licensed or funded under a federal or provincial statute for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who require a group living arrangement for their well-being and shall not include a correctional group home. (By-law 2005-106, S.2) (Amended: By-law 2012-140, S.1)

**"Health Professional"** shall mean an individual who practices any of the health disciplines regulated under a Provincial Act, such as, but not limited to, physicians, dentists, optometrists, pharmacists, physiotherapists, chiropractors and psychologists.

**"Health Office"** means a building or part thereof in which a maximum of two health professionals provide consultative, diagnostic and treatment services.

**"Health Clinic"** means a building or part thereof which is used jointly by three or more health professionals for the purpose of consultation, diagnosis and/or treatment of persons. It may include ancillary administrative offices, waiting rooms, treatment rooms, laboratories, dispensaries or other similar facilities but shall not include accommodation for in-patient care or facilities for major surgical practice. The sale of health products accessory to the practice of a health professional shall be permitted only in the same unit of the building occupied by the health professional. (By-law 91-112, S.1)

**"Highest Finished Grade"** means where the highest elevation of the grade meets the exterior wall of a building and the maximum slope taken from the closest property line is not more than 18 degrees (3:1 slope), and in no case shall a retaining wall(s) be installed to meet these criteria. (By-law 2013-138, S.16)

**"Holding Provision"** means a provision under this By-law and Section 35 of The Planning Act, 1983, whereby the City, by the use of the holding symbol "H" in conjunction with any land use designation, specifies the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to this By-law. The holding symbol used to identify lands on the Schedules in Appendix "A" is shown as a circle within which a numerical reference is followed by an "H". The numerical reference represents the subsection number in Appendix "F" which sets out the holding provision. (By-law 87-67, S.5[c])

**"Home Business"** means a vocational use conducted on a lot used for residential purposes which is secondary to the use of the dwelling unit as a primary residence. (By-law 2003-163, S.6); Amended: (By-law 2009-105, S.4)

**"Hospice"** means a residential facility where terminally ill patients receive palliative care treatment in a home-like setting with a maximum of ten patients at any given time. (By-law 2013-124, S.4)

**"Hotel"** means a building or part of a building which is used or designed to be used for overnight accommodation of the travelling public and which may offer other facilities such as convention rooms, restaurants, retail shops, commercial entertainment and commercial recreation, and for the purposes of this By-law a motel or motor hotel shall be deemed to be a "hotel"; but does not include a lodging house or residential care facility. (Amended: By-law 2010-097, S.6)

**"Household"** shall mean one or more persons living together as a single non-profit housekeeping unit, sharing all areas of the dwelling unit and may, in addition, be designed to accommodate lodging units containing less than four residents. (By-law 94-1, S.5[d])

**"Industrial Administrative Office"** means an office for the management or administration of manufacturing establishments. (By-law 87-67, S.5[c])

**"Landscaped Area"** means any portion of a lot which:

- i) has no building thereon;
- ii) is not used for parking, access to parking, driveways or loading space;
- iii) Deleted (By-law 2016-138, S.2)
- iv) is used for the purpose of landscaping.  
(By-law 94-1, S.5[g])

**"Landscaping"** means outdoor space for use, enjoyment, recreation and utility, and may include natural vegetation areas and constructed areas such as patios, decks, playgrounds, pathways and outdoor recreational amenities. (By-law 94-1, S.5[g])

**"Lane"** means a public highway or road allowance having a width of less than 12.19 metres.

**"Loading Space"** means 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 main use of the lot and which has an unobstructed access to a street or lane.

**"Lodging House"** shall mean a dwelling unit or part thereof containing one or more lodging units designed to accommodate four or more residents exclusive of the owner or primary occupant. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household. This shall not include a group home, nursing home, hospital or any residential care facility licensed, approved or supervised under any general or specific Act or a hotel. This shall include, but not be limited to, student residences and convents. (By-law 2003-163, S.7) (Amended: By-law 2012-034, S.8)

**"Lodging Unit"** shall mean a room or set of rooms located in a lodging house or other dwelling designed or intended to be used for sleeping and living accommodation, which:

- i) is designed for the exclusive use of the resident or residents of the unit;
- ii) is not normally accessible to persons other than the residents or residents of the unit; and
- iii) may contain either a bathroom or kitchen but does not contain both for the exclusive use of the resident or residents of the unit.

(By-law 2003-163, S.8)

**"Lot"** means a parcel of land which can be legally conveyed pursuant to Section 50 of The Planning Act, R.S.O. 1990, C.P13 as amended. (By-law 2003-163, S.9)

- i) **"Corner Lot"** means a lot situate at the intersection of and abutting two streets, or parts of the same street, the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees.
- ii) **"Through Lot"** means a lot bounded by streets on two opposite sides.
- iii) **"Lot Area"** means the total horizontal area within the lot lines of a lot.
- iv) **"Lot Coverage"** means that percentage of the lot area covered by all buildings.
- v) **"Lot Line"** means the line formed by the boundary of any lot.
- vi) **"Front Lot Line"** means the lot line abutting a street with the following exceptions:
  - a) in the case of a corner lot, the shorter lot line abutting a street, not including the lot line forming part of a corner visibility triangle, shall be deemed to be the front lot line. The other lot line abutting a street and the lot line forming part of the corner visibility triangle shall be deemed to be side lot lines abutting a street;
  - b) in the case of a corner lot containing or proposed to contain a single detached, semi-detached or duplex dwelling, any lot line abutting a street except a lot line forming



part of a corner visibility triangle, may be deemed to be the front lot line, only for the purpose of determining front, side and rear yard requirements:

- c) in the case of a corner lot for a development to which the regulations in a C-7 zone apply, the front lot line shall be as provided in Section 13.3 hereof; and
- d) in the case of a through lot, one of the lot lines abutting a street shall be deemed to be the front lot line and the other lot line abutting a street shall be deemed to be the rear lot line. (By-law 2003-163, S.10)
- vii) **"Rear Lot Line"** means the lot line farthest from and opposite to the front lot line, or in the case of a triangular lot, shall be that point formed by the intersection of the side lot lines. (Amended: By-law 2013-124, S.5)
- viii) **"Side Lot Line"** means a lot line other than a front lot line or rear lot line.
- ix) **"Lot Width"** means the horizontal distance between the side lot lines of a lot measured at the required front yard. Provided, however, that in the case of a lot which has a required front yard of less than 6.0 metres, the lot width shall be measured at the 6.0 metre front yard distance. (By-law 87-67, S.5[a])

**"Lowest Finished Grade"** means where the lowest elevation of the grade meets the exterior wall of a building and the maximum slope taken from the closest property line is not more than 18 degrees (3:1 slope), and in no case shall a retaining wall(s) be installed to meet these criteria. (By-law 2013-138, S.17)

**"Major Recreational Equipment"** means either a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel and shall include, for example, motor homes, travel trailers, tent trailers, boats, boat trailers, or other like or similar equipment, excluding bicycles.

**"Manufacturing"** means the production, compounding, processing, packaging, crating, bottling, packing or assembling of raw or semi-processed or fully-processed goods or materials, and shall include a recycling operation completely contained within a building, but shall not include Commercial Water Taking. (By-law 2003-163, S.11) (Amended: By-law 2007-231, S.3)

**"Mid-rise Building"** means a building between 4 and 8 storeys. (By-law 2018-125, S.4)

**"Model Home"** means a new uninhabited single detached dwelling, semi-detached dwelling or street townhouse unit which is constructed to the requirements and provisions of the zoning category in which the model home is proposed. The model home shall be situated on lands in a draft approved plan of subdivision, with or without service connections, for the purpose of display and sale of the dwelling units to the general public. (By-law 2004-201, S.2)

**"Motor Vehicle"** means any equipment self-propelled by an engine or motor mounted on the vehicle.

**"Multiple Dwelling"** means a building containing four or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling. (Amended: By-law 2023-102, S.5)

**"Nightclub"** means the use of a building with a dance floor and pre-recorded or live music for entertainment, and may include a restaurant. (By-law 2018-125, S.5)

**"Office"** means a building or part of a building in which clerical, administrative, consulting, advisory or training services are performed, but shall not include a health clinic or health office. (By-law 92-58, S.3)

**"Outdoor Area"** means any portion of a lot which abuts a street, is not used for parking or access to parking, has no building situate thereon at ground level, and is not occupied by a loading dock, waste storage, utility or mechanical equipment or other similar facility. In the case of a lot which abuts a lane only, the outdoor area shall abut the lane. (By-law 92-232, S.3[e])

**"Outdoor Storage"** means the use of land for the outside storage of equipment, goods or materials. Outdoor storage of goods and materials used by an industry as an integral part of its manufacturing operation shall in no way be construed to be a Salvage, Recycling or Scrap Yard. (By-law 87-67, S.5[c])

**"Parking Lot"** means an area located on a lot which contains four or more parking spaces and a minimum of one drive aisle. (Amended: By-law 2023-102, S.6)

**"Parking Space"** means an area on which a motor vehicle may be parked and which has access directly or by way of an aisle or ramp, to a public lane or to a street without the necessity of moving any other motor vehicle.

- i) **"Angle Parking Space"** means the orientation of a parking space in such a manner that the side of the vehicle when parked is at an angle to the aisle or ramp, lane or street.
- ii) **"Parallel Parking Space"** means the orientation of a parking space in such a manner that the side of the vehicle when parked is parallel to the aisle, ramp, lane or street which gives direct access to such parking space.
- iii) **"Tandem Parking"** means the arrangement of two parking spaces such that it is necessary to traverse one space to gain vehicular access to the other from a public lane or street. (By-law 94-183, S.2[e])

**"Personal Services"** means the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of his apparel.

**"Pit"** means the place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material has been, is being, or may be removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit. (By-law 87-67, S.5[c])

**"Plaza Complex"** means a group of commercial and/or industrial business establishments (excluding manufacturing, warehouse or wholesaling) which is planned, developed, managed and operated as a unit with shared on-site parking and containing three or more separated spaces for lease and/or occupancy.

**"Podium"** means the ground floor and immediate floors above the ground floor of a building that form the base section of a mid- to high-rise building. (By-law 2013-030, S.1)

**"Podium Façade Height"** means the façade height of the podium of a building. (By-law 2013-030, S.1)

**"Pool"** means a body of water, having a depth of 0.91 metres or more, permanently or temporarily located outdoors either above or below the ground, or partly thereabove or therebelow. (By-law 2005-106, S.1)

**"Portico"** means a covered architectural feature supported by the ground and attached to a garage having a depth of at least 1.5 metres and providing pedestrian access thereunder. (By-law 2000-86, S.1)

**“Principal”** means, when used to describe a use, the primary use carried out on the lot or within a building or structure, and, when used to describe a building or structure, means the building or structure in which the primary use is conducted, or intended to be conducted. (By-law 2023-102, S. 7)

**"Private Club or Lodge"** means a building or part thereof used for social, literary, cultural, political, educational or recreational purposes which is operated for the exclusive use of members and their guests and not open to the general public on an equal basis. A private club shall not include a nightclub. (Amended: By-law 2018-125, S.6)

**"Private Home Day Care"** means the temporary care of five children or less at any one time, where such care is provided for a fee in a dwelling unit, other than the home of a parent or guardian of such child, for a continuous period of time not exceeding twenty-four hours. (By-law 91-196, S.4)

**“Recycling”** means a process whereby waste is converted to re-usable material. (By-law 2001-161, S.1)

**"Regulatory Flood Plain"** means the land located within the limits of the flood produced by the Hurricane Hazel Storm (1954) or the 100 Year Flood, whichever is greater. (By-law 92-58, S.3)

**"Religious Institution"** means a building or part thereof used by any religious organization for public worship or other ecclesiastical functions and may include a rectory or manse, a church hall, day care facility and educational or recreational uses associated with or accessory thereto.

**"Repair Service"** means the provision of maintenance or repair services for goods or equipment, excluding motor vehicles and major recreational equipment.

**"Residential Care Facility"** means a building or part thereof occupied by three (3) or more persons, exclusive of staff, who are cared for on a temporary or permanent basis in a supervised group setting. This shall include, for example, a group home, correctional group home, crisis care facility, residence for socially disadvantaged persons or nursing home, but shall not include a lodging house, foster care home, hospital or a hospice with 10 patients or less. (By-law 2003-163, S.12) (Amended: By-law 2012-140, S.1) (Amended: By-law 2013-124, S.6) (Amended: By-law 2015-068, S.4)

**"Restaurant"** means a place where food and/or drink is prepared and sold at retail for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under The Liquor Licence Act.

**"Retail"** means the sale or rental of goods or materials to the ultimate consumer including "convenience retail" goods, but shall not include a restaurant or the sale or rental of motor vehicles, motor vehicle fuel or major recreational equipment.

**“Semi-Detached Duplex Dwelling”** means a building divided vertically into one semi-detached house and one semi-detached duplex house, or into two semi-detached duplex houses, by a common wall which prevents internal access and extends from the base of the foundation to the roof line and for a horizontal distance of not less than 35 percent of the horizontal depth of the building. Each semi-detached duplex house shall be designed to be located on a separate lot having individual vehicular access to and frontage on a street or lane. Where a regulation applies to a “Semi-Detached Dwelling” in Section 5 or Section 6 of By-law 85-1, said regulation shall apply similarly to a “Semi-Detached Duplex Dwelling. (OMB Order PL140037, By-law 2013-149 (Amended), S.1)

**“Semi-Detached Duplex House”** means a semi-detached house which contains two dwelling units. (OMB Order PL140037, By-law 2013-149 (Amended), S.2)

**"Semi-Detached Dwelling"** means a building divided vertically into two semi-detached houses by a common wall which prevents internal access and extends from the base of the foundation to the roof line and for a horizontal distance of not less than 35 percent of the horizontal depth of the building. Each semi-detached house shall be designed to be located on a separate lot having individual vehicular access to and frontage on a street or lane. (By-law 94-183, S.2[c]) (Amended: By-law 2012-034, S.9) (Amended: OMB Order PL140037, By-law 2013-149 (Amended), S.3)

**"Semi-Detached House"** means that part of a semi-detached dwelling on one side of the common wall, which may contain one dwelling unit. (By-law 94-183, S.2[e]) (Amended: OMB Order PL140037, By-law 2013-149 (Amended), S.4)

**"Service Bay"** means a repair or service area within a building able to accommodate one vehicle at any given time. (By-law 2003-163, S.2)

**"Setback"** means the minimum distance between a lot line and the nearest part of any above grade building or specified structure exclusive of any permitted yard projections on the lot. (Amended: By-law 2013-138, S.18)

**"Shipping Container"** means a vessel commonly or specifically designed for transportation of freight goods or commodities and shall include, but not be limited to, cargo containers and truck trailers. This shall not include the conversion to a dwelling unit subject to the Ontario Building Code and all regulations of the applicable zone. (By-law 2016-138, S.3)

**"Single Detached Dwelling"** means a building containing one dwelling unit. (By-law 2002-239, S1)

**"Snow Disposal Site"** means only those lands on which snow is placed after being brought to the lot from another lot, and shall not include areas to which snow is moved to one portion of a lot after being cleared from the rest of the lot. (By-law 2002-239, S1)

**"Social Service Establishment"** means an office of a non-profit social service agency which may include recreational functions but shall not include facilities in which overnight accommodation is provided. (By-law 92-58, S.3)

**"Stepback"** means the horizontal distance that the portion of the building above the *base* is recessed from the façade of the *base*. (Amended: By-law 2018-125, S.7)

**"Storage of Motor Vehicles"** means the use of land for the outside storage of motor vehicles. This shall include, but not be limited to a towing compound or display of motor vehicles intended for sale. In no way shall a Salvage, Recycling or Scrap Yard or the Storage of Discarded Motor Vehicles, even as an accessory use, be construed to be the storage of motor vehicles. (By-law 2005-106, S.1)

**"Storey"** means the portion of a building, structure or part thereof, that 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 the floor and the ceiling above it. (By-law 2013-138, S.19)

**"Street"** means a public highway or road allowance having a minimum width of 12.19 metres.

**"Street Line"** means the limit of the street allowance and is the dividing line between a lot and a street. (Amended: By-law 2012-034, S.10)

**"Street Townhouse Dwelling"** means a building divided vertically into three or more townhouses by common walls which prevent internal access between townhouses and extend from the base of the

foundation to the roof line and for a horizontal distance of not less than 35 percent of the horizontal depth of the building. Each townhouse shall be designed to be on a separate lot having individual vehicular access to a street. (By-law 94-183, S.2[d]) (Amended: By-law 2008-167, S.2) (Amended: By-law 2012-034, S.11)

**"Studio"** means an establishment used for the study of an art such as dancing, music, acting or modelling or the workplace and retail shop of a painter, sculptor or photographer or an establishment used for the making or transmission of motion pictures, radio or television programs. (By-law 2003-163, S.3)

**"Tall Building"** means a building of 9 or more storeys. (By-law 2018-125, S.8)

**"Temporary Use Provision"** means a provision under this By-law and Section 38 of The Planning Act, 1983, whereby the City authorizes the temporary use of land, buildings or structures for any purpose set out herein that is otherwise prohibited by this By-law, for up to three years. Further periods of not more than three years each may be granted by By-law. The temporary use symbol used to identify land on the Schedules in Appendix "A" is shown as a circle within which a numerical reference is followed by a "T". The numerical reference represents the subsection number in Appendix "E" which sets out the temporary use provision. (By-law 87-67, S.5[c])

**"Tourist Home"** means a building or part of a building which existed on the day of the passing of this By-law, was originally constructed as a single detached dwelling and is converted to provide living accommodations for transient persons and shall not include a hotel, lodging house, group home, nursing home, hospital or any residential care facility licensed, approved or supervised under any general or specific Act. (By-law 92-232, S.3[e])

**"Townhouse"** means that part of a cluster townhouse dwelling or street townhouse dwelling divided laterally but not internally by common walls or an end wall, which may contain one or two dwelling units. (By-law 94-183, S.2[e])

**"Tradesman or Contractor's Establishment"** means a service in which manual or mechanical skills are used to install, maintain or repair goods, equipment or real property. (By-law 87-67, S.5[c])

**"Transportation Depot"** means the use of land where commercial motor vehicles pick up and discharge fare-paying passengers or dispatch vehicles for such purpose and shall also include courier service facilities.

**"Truck Transport Terminal"** means the use of land where commercially licenced motor vehicles are stored on a lot for dispatching as common carriers or where goods in bulk quantities are stored temporarily at a transfer point for further shipment, and shall include the rental or leasing of trucks. (By-law 87-67, S.5[c])  
(Amended by By-law 87-270, S.1)

**"Type of Use"** means a use as listed under "Permitted Uses" in each zone of this By-law. (By-law 94-1, S.5[g])

**"Veterinary Services"** means the provision of services by veterinarians for purposes of consultation, diagnosis and treatment of animals and the necessary boarding thereof and which may also include incidentally thereto, the retailing of pets and pet supplies. (By-law 94-1, S.5[f])

**"Warehouse"** means a building, or part thereof, which is used for the storage or wholesaling of goods or material but not including the storage of goods or materials primarily intended to be offered for sale or rental on site. (By-law 2003-163, S.13)

**"Wayside Pit"** means a temporary pit opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way. (By-law 87-67, S.5[c])

**"Wholesaling"** means the sale and distribution of goods or material for resale purposes only.

**"Yard"** means that part of a lot extending from a lot line into the lot to the nearest building and measured at right angles to the lot line.

- i) **"Front Yard"** means a yard that extends across the full width of a lot measured at right angles to the front lot line.
- ii) **"Rear Yard"** means a yard that extends across the full width of a lot, (or in the case of a corner lot extending from the side yard abutting a street to the side lot line), measured at right angles to the rear lot line.
- iii) **"Side Yard"** means a yard that extends from the front yard to the rear yard measured at right angles to the side lot line.
- iv) **"Side Yard Abutting a Street"** means a yard that extends from the front yard to the rear lot line measured at right angles to the side lot line abutting a street line.