

**In this By-law, unless the context requires otherwise, the following definitions and interpretations apply:**

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

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

**"AGRICULTURAL PRODUCE WAREHOUSE"** means a building or part of a building used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail commercial outlet for the sale of agricultural products to the public.

**"ALTER"** means;

- when used in reference to a building or part thereof, means to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof;
- when used in reference to a lot, means to change the area, frontage or depth thereof; to change the width, depth or area of any required yard setback, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot, or otherwise.
- when used in reference to a use, means the purpose for which the lot, building or structure is occupied.

The words "ALTERED" and "ALTERATION" shall have corresponding meanings.

**"AMENITY AREA"** means the area situated within the boundaries of any residential development site intended for recreational purposes, and may include landscaped open space, patios, private amenity areas, balconies, communal lounges, swimming pools, "children's play areas", and similar uses, but does not include any area occupied at grade by a building's service areas, parking areas, parking aisles, or driveways.

**"AMUSEMENT PARK"** means an establishment for the commercial operation of a recreational, entertainment, or amusement complex including facilities such as miniature golf courses, driving ranges, amusement rides, water sports, and an "arcade".

**“ANIMAL SHELTER”** means the land and the buildings used for the care of lost, abandoned, or neglected animals, operated by a public or semi-public authority, or non-profit organization.

**"ANTIQUÉ SALES ESTABLISHMENT"** means a building or part of a building or structure where antiques, arts and crafts are offered or kept for sale at retail, and may include a "craft shop".

**“ARCADE”** means a commercial establishment used for the provision of three or more indoor entertainment and amusement activities such as coin-operated machines or devices, and games of skill or chance, exhibits and displays, including the sale of souvenirs, food, and beverages, but shall not include a casino and/or gaming establishment, or premises licensed under the *Liquor License Act*.

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

**"ARTIST STUDIO"** means the workplace of an artist or craftsman, including a painter, a sculptor or a photographer, where goods including jewellery or fine art, such as paintings or sculptures, are produced in small quantity and may be provided for sale".

**“ASPHALT PLANT, PORTABLE”** means a facility:

- with equipment to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stock piling and storage of bulk materials used in the process;
- which is not of permanent construction but which is to be dismantled at the completion of the construction project; and
- which does not remain at one location for more than one year or for the duration of a specific road project, whichever is shorter.

**"ASSEMBLY HALL AND/OR AUDITORIUM"** means a building, or part of a building, where facilities are provided for such purposes as meetings, athletic, civic, educational, political, religious or social events and may include a gymnasium, banquet hall, private club, fraternal organization or similar use but shall not include an arena.

**“ATTACHED”** means 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 building(s).

**“ATTIC”**- See “STOREY”.

**“AUCTION OUTLET”** means a building or part of a building or structure in which goods, wares, merchandise, substances, articles or things are offered for sale to the general public by an auctioneer and may include a livestock auction sales barn.

**“BALCONY”** means a partially enclosed platform projecting from the main wall of a building, which is not supported by vertical uprights or columns other than the wall itself and is only accessible from the building.

**"BASEMENT"** - see “STOREY”.

**“BASEMENT, WALKOUT”**- see “STOREY”.

**"BED AND BREAKFAST ESTABLISHMENT"** means a single unit dwelling house in which not more than three (3) guest rooms are made available for the overnight accommodation of the travelling or vacationing public, and in which the proprietor may offer lodging and breakfast for compensation. A Bed and Breakfast Establishment shall not include a boarding or rooming house, hotel, motel, group home, eating establishment or any other establishment otherwise defined or classified herein.

**"BEVERAGE ROOM"** means a building or premises, other than a restaurant, which is licensed under *The Liquor License Act*.

**“BLOCK”** means a building or structure not over one storey in height, used for the storage of private boats and equipment accessory to their use, as an accessory use to a residential use, no part of which shall be used for residential or commercial purposes.

**"BOARDING HOUSE"** or **"LODGING HOUSE"** - See "DWELLING HOUSE".

**“BOAT HOUSE”** means a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and storage of household equipment incidental to the residential occupancy of the lot.

**“BROADCASTING AND COMMUNICATIONS ESTABLISHMENT “** means a building or part of a building used for the production, reception and/or transmission of information by electronic means including radio and television studios and may include related administration and customer services.  
*By-Law (2006-02)*

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

**"BUILDING BY-LAW"** means any By-law of the Corporation passed pursuant to *The Building*

*Code Act* and regulations passed thereunder.

**“BUILDING LINE”** means a line within a lot drawn parallel to a lot line and establishes the minimum distance between the lot line and the nearest point of any building or structure which may be erected.

**"BUILDING OFFICIAL/ BUILDING INSPECTOR"** means the officer or employee of the Corporation of Loyalist Township charged with the duty of:

- enforcing *The Building Code Act* and regulations; and
- enforcing the provisions of the Building By-Law.

The definition shall include any inspector likewise appointed.

**“BUILDING PERMIT”** means a permit issued by the Chief Building Official or designate of Loyalist Township under the Building By-law and *The Building Code Act*.

**"BUILDING SUPPLY OUTLET"** means a building or structure in which building or construction and home improvement materials are offered or kept for sale, and may include the fabrication of certain materials related to home improvements.

**“BULK STORAGE TANK”** means a tank for the bulk storage of petroleum, gasoline, diesel, oil, gas, propane or flammable liquid or fluid, or other fuels, but does not include a container for flammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

**"BUSINESS, PROFESSIONAL OR ADMINISTRATIVE OFFICE"** means a building or part thereof, designed, intended, or used for the practice of a profession, the carrying on of a business, the conduct of public administration, constituency offices, offices of non-profitable or charitable organizations, or, where not conducted on the site thereof, the administration of an industry, but shall not include such uses as a retail or commercial use, industrial use, a clinic, or place of amusement or place of assembly.

**"BY-LAW"** means the Loyalist Township Zoning By-law.

**"BY-LAW ENFORCEMENT OFFICER"** means any officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

**“CABIN”** means a building for sleeping which is not a tourist cottage, which may or may not contain facilities for the cooking or preparation of food, and, which forms part of a tourist establishment as hereinafter defined in this By-law.

**“CABIN ESTABLISHMENT”** means a tourist establishment comprised of two or more cabins.

**“CAMPING ESTABLISHMENT”** means a tourist establishment consisting of at least five (5) camp sites and comprising land used or maintained as grounds for camping and may include the temporary placement of tents or the temporary parking of trailers, motorized mobile homes, truck campers or campers, but does not include a mobile home park.

**“CAMPING LOT”** means that part of a camping establishment that is occupied on a temporary basis only by a trailer, motorized home, truck camper, camper or tent.

**“CARPORT”** means a structure which is a roofed enclosure attached to a dwelling house and designed for the storage or parking of a motor vehicle and with at least 40 per cent of the perimeter open and unobstructed and where the perimeter includes the main wall of the dwelling house to which the carport is attached.

**"CAR WASH"** means a building or structure containing facilities for washing automobiles, either by production line methods and mechanical devices, or by a self-service operation.

**“CASINO AND/OR GAMING ESTABLISHMENT”** means a building or part of a building which is open to the public for the purpose of playing games of chance and managed and regulated by the Ontario Casino Corporation on behalf of the Government of Ontario in accordance with the *Gaming Control Act*, as amended, and which may include entertainment and liquor licensed premises.

**"CELLAR"**- see “STOREY”.

**"CEMETERY"** means a cemetery or columbarium within the meaning of *The Cemeteries Act*.

**"CERTIFICATE OF OCCUPANCY"** means a certificate issued by the Chief Building Official for the occupancy of any land, building, excavation or structure to the effect that the proposed use or activity complies with this By-law.

**“CHILDREN’S PLAY AREA”** means an area, at or above ground level, developed with play equipment and suitably surfaced and fenced or otherwise enclosed for play by children.

**"CLINIC, MEDICAL"** means a building or structure where members of the medical profession, dentists, chiropractors, osteopaths, optometrists, physicians and occupational therapists, drugless practitioners, either singularly or in union, provide diagnosis and treatment to the general public, without overnight accommodation, and include such uses as reception areas, offices for consultation, coffee shop where accessory to the principal use, X-ray and minor operating rooms, and a pharmaceutical dispensary.

**"CLUB, COMMERCIAL"** means an athletic, recreational or social club operated for gain or profit.

**"CLUB, PRIVATE"** means an athletic, recreational or social club located on private lands and used for the purposes of a non-profit, non-commercial organization. This definition may include the premises of a fraternal organization.

**"COMMUNITY CENTRE"** means a tract of land, or building or buildings, or any part of any building used for community activities, whether used for commercial purposes or not, the control of which is vested in the Township, a local board or agent thereof.

**"CONSERVATION"** means the preservation, protection and improvement of the natural environment through comprehensive management and maintenance programs for both the individual and society's uses.

**"CONTRACTOR'S YARD"** means the yard or depot of any construction company or contractor where equipment and material are stored or where a contractor performs shop or repair work and includes facilities for the administration and management of the business, but does not include the wholesale or retail sale of construction materials, supplies, or home improvement supplies.

**"CONVENIENCE STORE"** means an establishment where food, tobacco, non-prescription drugs, periodicals or similar items of household necessity are kept for retail sale to residents of the immediate neighborhood or surrounding area and may include accessory convenience services such as dry cleaning and laundry depot, photo finishing, automated banking outlet, and video rental.

**"CORNER LOT"** - See "LOT".

**"CORPORATION"** means the Corporation of Loyalist Township.

**"COTTAGE ESTABLISHMENT"** means a tourist establishment comprised of two (2) or more cottages owned or leased by the same person.

**"COTTAGE, TOURIST"** means a building to accommodate one or more guests, which contains at least two rooms, that is at least partially furnished and in which the guest is permitted to prepare and cook food.

**"COUNCIL"** means the Municipal Council of the Corporation of Loyalist Township.

**"COUNTY"** means the Corporation of the County of Lennox and Addington.

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

**“COURIER ESTABLISHMENT”** means a private commercial parcel and mail delivery service and shall include an office and warehouse where the parcels and mail are received and sorted for distribution.

**“COURT”** means an open and unoccupied space from ground to sky appurtenant to a building and bounded on two or more sides by the walls of the building.

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

**“CUSTOM WORKSHOP”** means a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made to measure clothing or articles and the sale of such products. This definition includes pottery, stained or blown glass artists, upholstering, weaving, woodworking or furniture manufacture employing not more than three people.

**"DAY NURSERY"** means a day nursery operated for pre-school age children within the meaning of *The Day Nurseries Act*.

**“DECK”** means an accessory attached or detached structure with no roof or wall, except for partitions or railings and/or guards, which is constructed on piers or a foundation, above finished grade and used as an outdoor living area.

**“DETENTION CENTRE”** means a correctional institution as defined under the *Ministry of Correctional Services Act*.

**"DEVELOPMENT"** means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability of such buildings or structures, or the laying out and establishment of a commercial parking lot.

**“DEVELOPMENT AGREEMENT”** means any agreement entered into by an owner of land and the Corporation pursuant to the *Planning Act*.

**“DRUGLESS PRACTITIONER”** means a person who practices or advertises or holds himself out in any way as practicing the treatment of an ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electro-therapy, or by any similar method.

**"DRY CLEANER'S DISTRIBUTION STATION"** means a building or part of 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 PLANT”** means a building in which the business of dry cleaning, dry dyeing, cleaning, stain removal or pressing of articles or goods of fabric is carried on and in which non-combustible and non-flammable solvents are, or can be, used which are in compliance with the *Environmental Protection Act*.

**"DWELLING HOUSE"** means a building occupied or capable of being occupied as the home or residence of one or more persons, but shall not include a trailer, motor home, or mobile home.

- (a) **"ACCESSORY DWELLING HOUSE"** means a single-unit dwelling house which is accessory to a permitted non-residential use and is designed for residential occupancy, and necessary to the maintenance and operation of the non-residential use to which it is related.
- (b) **"APARTMENT DWELLING HOUSE"** means the whole of a dwelling house that contains five (5) or more dwelling units which have a common entrance from street level in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and any yards appurtenant thereto.
- (c) **"BOARDING OR LODGING HOUSE"** means a dwelling house containing not more than four (4) guest rooms, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for three to eight persons.
- (d) **"CONVERTED DWELLING HOUSE"** means a single unit dwelling house which has been converted to provide therein not more than three (3) dwelling units.
- (e) **"DUPLEX DWELLING HOUSE"** means the whole of a dwelling house above finished grade which is divided horizontally into 2 separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.
- (f) **"FOURPLEX DWELLING HOUSE"** means the whole of a dwelling house that is divided vertically and horizontally by common walls above finished grade into four separate dwelling units each of which has two common walls, and each dwelling unit has an independent entrance either from the outside or through a common vestibule.
- (g) **"MAISONETTE DWELLING HOUSE"** means the whole of a dwelling house containing dwelling units with two separate means of access; one of the said means of access is from a common first storey corridor and the other is directly from the outside privacy yard area allocated to the said dwelling unit.
- (h) **"ROW OR CLUSTER DWELLING HOUSE"** means one of a group of three or more attached single unit dwelling houses, separated vertically by a common wall, having at least

two independent entrances directly from the outside and situated on a parcel of land in such a way that individual units may or may not have legal frontage on a public street.

- (i) "**SEMI-DETACHED DWELLING HOUSE**" means the whole of a dwelling house which is divided vertically by a common wall above finished grade into 2 separate dwelling units with each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule, or where two dwelling units are connected at some point below ground level.
- (j) "**SENIOR CITIZENS DWELLING HOUSE**" means a suite of one or more rooms together with private lavatory facilities, kitchen and sleeping accommodation designed and used for the exclusive occupancy of one or more senior citizens.
- (k) "**SINGLE-DETACHED DWELLING HOUSE**" means a dwelling house containing only one dwelling unit. This definition shall not include a mobile home.
- (l) "**STREETFRONT DWELLING HOUSE**" means one of a group of three or more attached single unit dwelling houses, separated vertically by a common wall, having independent entrances at ground level directly from the outside, having a yard abutting at least the front and rear walls of each dwelling unit, and each unit having separate and distinct frontage on an improved street or road.
- (m) "**TRIPLEX DWELLING HOUSE**" means the whole of a dwelling house that is divided horizontally into three separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.
- (n) "**QUAD DWELLING HOUSE**" means a single structure containing four dwelling units which are divided vertically by common walls above finished grade into 4 separate dwelling units of which each unit has a separate entrance from the exterior of the structure.
- (o) "**STACKED TOWNHOUSE**" means a residential building, four storeys or less in height, containing up to ten dwelling units where one upper storey unit is stacked above another dwelling unit (maximum of two units in a stack), and in which each dwelling unit has an independent entrance to the exterior with no shared internal corridors.

"**DWELLING UNIT**" means a suite of two or more rooms, designed or intended for use as a single housekeeping unit, in which sanitary conveniences are provided, in which only one kitchen facility is provided for cooking, in which a heating system is provided, and, which has a private entrance from outside the building or from a common hallway or stairway inside and occupied by not more than four individuals who reside therein or more than four individuals who reside therein as a family provided there is no program, person, or agency required in the supervision of such individuals. For the purposes of this By-law, a dwelling unit does not include a tent, trailer, mobile home, or a room

or suite of rooms in a boarding or rooming house, motel, motor hotel or tourist home.

- (a) **"ACCESSORY DWELLING UNIT"** means a dwelling unit which is part of and accessory to a permitted non-residential use other than an automobile service station or commercial garage, and which is designed for residential occupancy necessary to the maintenance and operation of the non-residential use to which it is related. Such unit shall be occupied either by the family of the owner or by the family of a person employed on the lot where such a dwelling unit is located.
- (b) **"BACHELOR DWELLING UNIT"** means a dwelling unit consisting of one bathroom and not more than two habitable rooms providing therein living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.
- (c) **"SECONDARY DWELLING UNIT"** means a legally existing separate dwelling unit wholly located within a single-detached dwelling house which contains a separate access, kitchen, washroom and living space. *By-Law- 2013-124*

**"DWELLING UNIT AREA"** means the habitable area contained within the outside walls of a dwelling unit, including a loft, a finished basement, but excluding any private garage, carport, porch, veranda, unfinished attic, unfinished basement, cellar or sun room (unless such sun room is habitable in all seasons of the year), and excluding public or common halls and stairways. *By-Law- 2011-076*

**"DYNAMIC BEACH"** means an area of inherently unstable accumulations of shoreline sediments along the shoreline of Lake Ontario.

**"EASEMENT"** means the right of a person, municipality, government agency, or public utility company to use public or private land owned by another person for a specific purpose, or the grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person.

**"EATING ESTABLISHMENT"** means a building or part of a building where food is offered for sale or sold to the public for immediate consumption or for take-out and includes such uses as a restaurant, dining room, cafe, cafeteria, ice cream parlor, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand; but does not include a boarding or lodging home.

**"EATING ESTABLISHMENT, DRIVE-THROUGH"** means an eating establishment or part of an eating establishment where facilities are available for the sale of food to the general public at a drive through window.

**"EATING ESTABLISHMENT, MOBILE"** means a vehicle, trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and such items are offered directly for consumption to the general

public, and includes a chip wagon, a mobile canteen and other refreshment vehicles, licensed by the Corporation.

**"EATING ESTABLISHMENT, TAKE-OUT"** means a building or part of a building designed, intended or used for the sale of food and refreshments to the general public but which does not include provision for consumption of the food by the customer while in his vehicle, but may include provisions for consumption of food within the building or elsewhere on the site.

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

**"EDUCATION AND TRAINING FACILITY"** means a place of instruction operated by a private or public authority. *By-Law (2006-02)*

**"EQUESTRIAN CENTRE"** means the use of land, buildings or structures for the boarding of horses, training of horses and riders, staging of equestrian events, operation of a riding academy, but does not include the racing of horses.

**"EQUIPMENT SALES AND RENTAL"** means a building or part of a building or structure in which light and/or heavy machinery and equipment are offered for sale or kept for rent, lease or hire under agreement for compensation.

**"EQUIPMENT SALES AND RENTAL, RECREATIONAL"** See "VEHICLE".

**"ERECT"** means to set-up, build, construct, reconstruct or relocate and, without limiting the generality of the word, also includes:

- any preliminary physical operation, such as excavating, filling or draining;
- altering any existing building or structure by an addition, enlargement, extension movement or other structural change; and
- any work which requires a building permit under The Building Code Act and regulations passed thereunder and/or the building By-law of the Corporation.

**"ESTABLISHED BUILDING LINE, URBAN"** means the average setback from the street centreline of existing buildings on one side of one block where more than one-half of the frontage of the said side of the block has been built upon.

**"ESTABLISHED BUILDING LINE, RURAL"** means the average setback from the street centreline of existing buildings when at least five (5) buildings have been erected on any one side of a continuous two hundred (200) metres of land with frontage on an improved public street.

**"EXISTING"** means existing as of the date of passing of this By-Law.

**"EXTERIOR SIDE LOT LINE"** - See "LOT LINE".

**"EXTERIOR SIDE YARD"** - See "YARD".

**"FARM"** means land used for the tillage of soil and the growing of vegetables, fruits, grains, maple syrup, and other staple crops. This includes the use of land for such activities as a nursery, pasture, raising of animals, dairying, fish farming, or woodlots.

**"FARM IMPLEMENT AND EQUIPMENT SALES AND SERVICE ESTABLISHMENT"** means a building, structure or area where farm implements, equipment and farm supplies are kept for sale at retail and may include facilities for the servicing of such implements or equipment.

**"FARM PRODUCE SALES OUTLET"** means a use accessory to a farm which consists of the sale of agricultural products exclusive of meat or poultry, produced on the farm where such outlet is located.

**"FILL"** means earth, sand, gravel, rubble or any other material whether originating on the site or elsewhere, used or capable of being used to raise or in any way affect the contours of the ground.

**"FILL LINE"** means a line plotted on floodplain and/or fill line mapping, denoting steep slopes and/or erosive slopes, or the extent of a pond, swamp, marsh, or other wetland and delineating limits within which the placement of buildings or structures and the placement or removal of fill may either affect the control of flooding or the conservation of land, or result in the pollution of a watercourse.

**"FILL REGULATED AREA"** means the area adjacent to the floodplain which is defined by the Fill Line. In this area the placement of buildings and/or structures and/or the placement or removal of fill is controlled by the conservation authority and/or the municipality.

**"FINISHED GRADE"** means where the elevation of the finished surface of the ground meets the foundation of a structure of building exclusive of any embankment in lieu of steps.

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

**"FLOOD LINE"** means:

- the area, usually low lands adjoining a watercourse or a waterbody, which may be subject to the 1:100 year flood, plus an allowance for water-related hazards; or

- along the Lake Ontario shoreline, the 1:100 year stillwater elevation plus an allowance for wave uprush and other water related hazards.

**"FLOOD PLAIN"** means the area, usually low lands, adjoining a waterbody or watercourse which has been or may be covered by flood water. These areas may be delineated by engineered floodlines.

**"FLOOD PROOFED"** means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.

**"FLOOR AREA, GROSS"** means the total floor area, as defined herein, exclusive of:

- any part of the building or structure below finished grade which is used for heating, the storage or parking of motor vehicles, locker storage, storage of goods and personal effects, laundry facilities, children's play areas and other accessory uses, or used as living quarters by the caretaker, watchman or other supervisor of the building or structure; and
- in the case of a dwelling house, any private garage, carport, basement, walkout basement, cellar, porch or veranda, sun-room (unless such sun-room is habitable at all seasons of the year).

**"FLOOR AREA, GROSS LEASABLE"** means the total floor area designated for tenant occupancy and exclusive use, including individual basement and storage areas, mezzanines and upper floors if any from the centre lines of partitions and exterior of outside walls. This does not include walkways giving public access to a permitted use.

**"FLOOR AREA, GROUND"** means the total ground floor area of a building measured to the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, veranda, sun-room (unless such sun-room is habitable at all seasons of the year).

**"FLOOR AREA, TOTAL"** means the aggregate of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor.

**"FLOOR SPACE INDEX"** means the ratio of gross floor area permitted within a building or structure to the net land area of the lot on which the building or structure is situated.

**"FOOD MARKET"** - See "SUPERMARKET".

**"FORESTRY"** means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions

for wildlife, protection against floods and erosion, protection of water supplies, and preservation of the recreation resource and shall include reforestation areas owned or managed by the Ministry of Natural Resources or Local Conservation Authority or under a plan approved by a Registered Professional Forester.

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

**"FRONTAGE"** - See "LOT FRONTAGE".

**"FRONT LOT LINE"** - See "LOT LINE".

**"FRONT YARD"** - See "YARD".

**"FUEL STORAGE TANK"** means a tank for the bulk storage of petroleum, gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

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

**"GARAGE, COMMERCIAL"** means a building, structure or lot where commercial vehicles are stored.

**"GARAGE, PRIVATE"** means an accessory building or portion of a dwelling house which is fully enclosed and roofed and designed or used for the sheltering of vehicles and storage of household equipment incidental to the residential occupancy and excludes a carport or other open shelter.

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

**"GASOLINE PUMP ISLAND"** means a pump island for the dispensing of vehicle fuels including gasoline, diesel, propane and natural gas but does not include a kiosk or any other accessory building.

**"GASOLINE RETAIL FACILITY"** means a lot on which the retail sale of gasoline or other petroleum products for motor vehicles constitutes either the sole use, such as a gas bar and accessory retail facility, or as an accessory use. This definition shall not include an automobile service station.

**"GENERAL INDUSTRIAL USE"** means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, merchandising or bulk storage of goods and related accessory uses".

**"GOLF COURSE"** means a public or private area operated for the purpose of playing golf, inclusive of club house facilities, and may include a driving range, a miniature golf course, or similar use.

**"GOLF, DRIVING RANGE"** means a public or private area operated for the purpose of developing golfing techniques, including miniature golf courses, but excluding golf courses.

**"GOLF COURSE, MINIATURE"** means an area designed for the purposes of a novelty golf game played with a putter on a miniature golf course having tunnels, bridges, sharp corners, or other similar obstacles.

**"GRADE"** - See "FINISHED GRADE".

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

**"GROUP HOME"** means a single detached dwelling house in which three (3) to ten (10) residents, who by reason of their emotional, mental, social or physical condition, live under supervision in a home which is licensed or approved under Provincial Statute. For the purposes of this By-law "residents" shall exclude staff.

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

**"GUEST ROOM"** means a room or suite of rooms which contains no facilities for cooking, and which is maintained for the accommodation of individuals to whom hospitality is extended for compensation.

**"HABITABLE ROOM"** means a room designed for living, sleeping, eating or food preparation, and also includes a den, library, sewing room, loft, and/or enclosed sun-room where heated.

**"HEIGHT AND HEIGHT OF BUILDING"** means the vertical distance, measured between the

finished grade and the front or rear of the building, and

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- in the case of a flat roof or curved roof, the highest point of the roof surface;
- in the case of a mansard roof, the deck roof line; and
- in the case of a gable, hip or gambrel roof, the midpoint height between the eaves and the ridge.

Building Height is exclusive of accessory structures or facilities such as chimneys, church steeples, or television antennae.

**"HIGH WATER MARK"** means the mark made by the action of water under natural conditions on the shore or bank of a body of water, 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"** means a highway within the meaning of the *Highway Traffic Act* and the *Municipal Act*, as amended from time to time.

**"HOME FOR THE AGED"** means a home for the aged within the meaning of the *Homes for the Aged Act*.

**"HOME INDUSTRY"** means an industry which is clearly incidental or secondary to the residential use of a single detached dwelling and is conducted either entirely within a single detached dwelling or in an accessory building to a single detached dwelling, primarily by an inhabitant thereof. Such industries include woodworking, welding, plumbing, a machine shop, or similar use.

**"HOME OCCUPATION"** means a use which is clearly incidental or secondary to the residential use of a dwelling and conducted entirely within such a dwelling primarily by one or more inhabitants thereof. Such uses may, among others, include an outlet or office for a real estate agent, hairdresser, dressmaker, dentist, doctor, chiropractor, physiotherapist, licensed masseur or masseuse or osteopath, or other professional, making or repairing of household items, instructing in music, arts or drawing, the distribution or storage of household or personal items such as cosmetics or kitchenware, limited retail sales associated with the home occupation, or a bed and breakfast establishment. A home occupation, except for a bed and breakfast establishment, may occur in an accessory building in a Rural, Agricultural, Restricted Agricultural, Rural Residential, Hamlet, or Shoreline Residential Zone.

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

**"HOTEL"** means an establishment consisting of one building or one of two or more connected buildings containing therein 5 or more guest rooms which cater to the needs of the traveling public and is served by a common entrance, generally from street level. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room, banquet facilities, accessory recreational facilities, or similar use.

**"IMPROVED STREET"** - See "STREET".

**"INDUSTRY, INFORMATION"** means an operation where advanced or sophisticated devices, especially in the fields of electronics and computers are either manufactured, assembled, tested packaged, or stored; or are used to organize, process, store or disseminate large amounts of data.

**"INSTITUTE"** means a building, structure or lot used by an organized body, religious group or society for a non-profit, non-commercial purpose. This definition may include a hospital, nursing home, library, college, university, convent, monastery or similar use.

**"INTERIOR LOT"** - See "LOT".

**"INTERIOR SIDE LOT LINE"** - See "LOT LINE".

**"INTERIOR SIDE YARD"** - See "YARD".

**"KENNEL"** means a use where the predominant economic activity consists of the raising or boarding of dogs or cats on a commercial basis, in accordance with a license issued by the Corporation. A kennel may include the grooming of such animals where this is carried as an accessory use.

**"LANDSCAPED OPEN SPACE"** means the open unobstructed space, at finished grade on a lot, and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, patio or similar area but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, parking area or any open space beneath or within a building or structure.

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

**"LAUNDRY, COIN OPERATED"** means a building where the services of coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

**"LIBRARY"** means a public library within the meaning of the *Public Library Act*.

**"LIQUOR LICENSED PREMISES"** means any building, structure or premises licensed under The Liquor License Board of Ontario.

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

**"LOFT"** - See "STOREY".

**"LOT"** means a parcel of land, the fee simple title to which is capable of being lawfully conveyed without contravening the provisions to the Planning Act.

**"LOT, AREA"** means the total horizontal area within the lot lines of a lot, excluding the horizontal area of any water body or marsh, or any area within a zoned flood plain and the horizontal area between the top and toe of an embankment of 30 degrees or more from the horizontal.

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

**"LOT, COVERAGE"** means that percentage of the lot area covered by the perpendicular projections onto a horizontal plane of the area of all buildings and structures, exclusive of canopies, balconies and overhanging eaves which are not less than 2.5 metres above finished grade.

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

**"LOT, FRONTAGE"** means the horizontal distance between the side lot lines measured along the front lot lines, where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line parallel to the chord of the lot frontage drawn through a point therein distant from the front lot line equal to the required depth of the front yard. For the purposes of this By-law the chord of the lot frontage is a straight line joining the two points where the side lot line intersects the front lot line.

"**LOT, INTERIOR**" means any lot which has street access, other than a corner lot.

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

- "**FRONT LOT LINE**" means, in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side lot line. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line. Where a lot abuts a navigable waterway, and does not abut a street or private right-of-way, the shoreline so abutting the navigable waterway, measured at the high water mark shall be deemed to be the front lot line. Where a lot abuts a private right-of-way, and does not abut a street, the lot line abutting the private right-of-way shall be deemed to be the front lot line. *By-Law 2011-076*
- "**REAR LOT LINE**" means, in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than 4 lot lines, there shall be deemed to be no rear lot line.
- "**SIDE LOT LINE**" means a lot line other than a front or rear lot line.

"**LOT, STANDARD WATERFRONT**" means a lot which has no street access, but has water access or is shoreline only or has both a water access and/or street or right-of-way access.

"**LOT, THROUGH**" means any lot having street access on 2 or more street lines, other than a corner lot.

"**LOW RISE APARTMENT DWELLING HOUSE**" means the whole of a two storey dwelling house, which contains more than four dwelling units, which have a common entrance at street level and which are served by a common corridor, but shall not include any other dwelling house defined.

"**MANUFACTURING, LIGHT**" means a plant which is wholly enclosed and the process of producing a product exhibits reasonably high performance standards and whose operations are not considered offensive because of heat, smoke, noise, dust, smell, vibration and heavy transportation. *By-Law- 2011-076*

"**MARINA**" means a building, structure or place, containing docking facilities and located on a navigable water body, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided and for the purposes of this By-law may include facilities for the operation of boat charters.

"**MARINE FACILITY**" means an accessory building or structure which is used to take a boat into

or out of a water body, to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock, or boathouse, but shall not include any building used for human habitation or any boat service, repair or sales facility.

**"MARINE SALES AND SERVICE ESTABLISHMENT"** means a building or part of a building and associated lands where a franchised dealer displays new and used boats and boat accessories for sale at retail or for rental, and where marine equipment is serviced or repaired and may include boat storage facilities.

**"MEDICAL OR DENTAL CLINIC"** - See "CLINIC, MEDICAL".

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

**"MOBILE HOME LOT"** means a parcel of land for the placement of a mobile home in a mobile home park and for the exclusive use of its occupants.

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

**"MODEL HOME"** means a new uninhabited dwelling unit constructed to the requirements and the provisions of the zone category in which the lot upon which the model home is situated or as specified by by-law and is used only for the purpose of displaying the architectural design, materials and interior design or decorating of homes, the layout and features of a draft approved or registered plan of subdivision or condominium, with or without service connections, for the purpose of selling homes to the general public. The items displayed and homes offered for sale shall be restricted to those in the draft approved or registered plan of subdivision or condominium in which the model home is located.

**"MOTEL, MOTOR HOTEL"** means an establishment that consists of one or more buildings containing more than one rental unit accessible from either the interior or exterior, for the purpose of catering to the traveling public, to whom the motor vehicle is the principal means of transportation, by furnishing sleeping accommodation with or without meals, may include permanent staff accommodation and may or may not be licensed under *The Liquor Licence Act*.

**"MOTOR HOME"** means a self-propelled vehicle capable of being used for the temporary living, sleeping or eating accommodation of persons.

**"MOTOR VEHICLE"** means a motor vehicle within the meaning of *The Highway Traffic Act*.

**"MOTOR VEHICLE BODY SHOP"** means a building or structure used for the painting or

repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be a towing service and motor vehicle rentals for customers while the motor vehicle is under repair.

**“MOTOR VEHICLE COMMERCIAL”** means a commercial vehicle within the meaning of the Highway Traffic Act.

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

**“MOTOR VEHICLE DERELICT”** means a motor vehicle within the meaning of the Highway Traffic Act whether or not the same is intended for use as a private passenger motor vehicle or not, which is inoperable and has no market value as a means of transportation or has a market value that is less than the cost of repairs required to render said motor vehicle operable.

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

**“MOTOR VEHICLE SALES, USED”** means an establishment, with or without a building, where used motor vehicles are displayed for sale.

**“MOTOR VEHICLE SERVICE STATION”** means a building or structure where gasoline, diesel fuel, propane, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries and automotive accessories for motor vehicles, or similar automotive products are stored or kept for sale to the general public, and may or may not include the sale of confectionary products and beverages to be consumed elsewhere, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed. *By-Law- 2011-076*

**“MOTOR VEHICLE WASH, AUTOMATIC”** means a building or structure containing facilities for washing motor vehicles for compensation either using production line methods and mechanical devices or by a self-service operation.

**“MULTIPLE RESIDENTIAL”** means a residential building or structure containing three or more dwelling units.

**“MUNICIPAL ADMINISTRATIVE OFFICE”** means a Township office used for the purposes of local government administration.

**“MUNICIPAL, COUNTY, PROVINCIAL, MAINTENANCE DEPOT”** shall mean any land, building or structure owned by the Corporation of Loyalist Township, the County of Lennox and Addington, or the Province of Ontario used for the storage, maintenance or repair of equipment, machinery or motor vehicles used in connection with civic works and includes a public works yard.

**"NON-COMPLYING"** means a use, building or structure which is listed as a permitted use in the zone where it is located but which contravenes one or more of the provisions of this By-law applicable to the zone in which such use, building or structure is located.

**"NON-CONFORMING"** means a use, building or structure which, on the date of passing of this By-law, was not listed as a permitted use for the zone in which such use, building or structure is located.

**"NON-RESIDENTIAL"** means a commercial or industrial business or public or institutional use, building or structure permitted by the By-law.

**"NOXIOUS"** means when used with reference to any use of land, building or structure, a use which, from its nature, or from the manner of carrying on same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which may become hazardous or injurious with regard to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure as identified in the *Health Promotion and Protection Act*.

**“NURSERY FARM”** means an agricultural area where plants, trees or shrubs are grown for transplanting or for use of stocks for budding and grafting for sale on a wholesale basis and, further, may include greenhouses or similar facilities or uses directly incidental to the growing of such plants, trees and shrubs but shall not include a garden and nursery sales and supply establishment or any other use or establishment as may otherwise be defined herein.

**"NURSING HOME"** means a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, provides nursing, medical or similar care and treatment, if required, and which is licensed under *The Nursing Homes Act*.

**“ON-FARM CRAFT BREWERY”** means a small scale brewery using some farm grown ingredients dedicated to producing less than 12,500 hectolitres of beer per year for sale to a number of licensed establishments and/or liquor stores within a local distribution area. Ancillary sales and tasting of beer brewed on-site shall be permitted provide this component occupies no more than 25% of the area of the operation.

**“OPEN SPACE”** means land owned by or leased from the Ministry of Natural Resources or the Conservation Authority or land owned by the County or Municipality and used for a purpose permitted by this By-law or land in private ownership and used as a private park.

**"OPEN STORAGE AREA"** means an accessory storage area outside the principal or main building on the lot used for the storage of equipment, goods or materials on the same lot therewith. This definition shall not include a parking area, a loading space, a salvage yard, an outside area on a permitted farm used for storage of farm equipment nor a storage use located in a building.

**“OUTDOOR CAFÉ”** means an outdoor area adjoining an eating establishment or liquor licensed premises consisting of outdoor tables, chairs, plantings, related decorations, and fixtures where meals or refreshments are served to the public for consumption on the premises.

**"PARK"** means an area, consisting largely of open space, which may include a recreational area, playground or play field, or similar use, but shall not include a mobile home park, trailer park or a camping establishment:

- **"PUBLIC PARK"** means a park owned or controlled by the Corporation, the County, or by any Ministry, Board, Commission or Authority established under any statute of Ontario or Canada and may include therein neighborhood, community, regional and special parks or areas and may include one or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fairgrounds, arenas, golf courses, or similar uses.
- **"PRIVATE PARK"** means a park other than a public park which is owned, operated and maintained by other than a public body and which may include facilities listed in a public park.

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

**"PARKING LOT"** means any parking area other than a parking area accessory to a permitted use on the same lot therewith.

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

**"PERMITTED"** means allowed by this By-law.

**"PERSON"** means any human being, association, firm, partnership, incorporated company,

corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

**"PERSONAL SERVICE SHOP"** - see "SERVICE SHOP, PERSONAL".

**"PIT"** means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.

**"PLACE OF ENTERTAINMENT"** means a motion picture or other theatre, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall; but does not include any place of entertainment or amusement otherwise defined or classified in this By-law.

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

**"PORCH, ENCLOSED"** means the same as an unenclosed porch, except that walls can be enclosed and an enclosed porch shall not be considered an accessory structure for lot coverage and minimum yard requirements.

**"PORCH, UNENCLOSED"** means an accessory attached structure, which is constructed on piers or a foundation abutting a main wall of a residential building, having a roof, but with walls and/or railing that are generally open and unenclosed.

**"PROCESSING PLANT, AGGREGATE"** means a building or structure and/or equipment for the crushing, screening, or washing of sand, gravel, and other aggregate materials but does not include a concrete batching plant or an asphalt plant.

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

**"PRINTING ESTABLISHMENT"** means a building or part of a building used for printing regardless of the method, the publishing of newspapers, periodicals, books, documents, maps and similar items, the reproduction and duplication of printed material as a copying service to businesses or the public and includes the sale and servicing of printing and duplicating equipment and supplies.

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

**"PUBLIC USE"** means the use of any land, building or structure for the purpose of public services supplied to or available for use or consumption by the public such as roads, water reservoir and/or tower, water mains, water pumping stations, sewers, sewage pumping stations, storm drainage facilities, any power lines, hydro substations, transformer or distribution station, any telephone, cable television or telegraph company lines, exchanges, towers, any natural gas or oil pipeline distribution system operated by a Company which possess all the necessary powers, rights, licenses and franchises.

**"QUARRY"** means any open excavation made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

**"REAR LOT LINE"** - See "LOT LINE".

**"RECREATIONAL VEHICLE"** means any vehicle so constructed that it is no wider than 2.5 metres and is suitable for being attached to a motor vehicle for the purposes 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 and includes a motor home, travel trailer, tent trailer or camper.

**"RECREATIONAL VEHICLE AND TRAVEL TRAILER SALES AND SERVICE ESTABLISHMENT"** means the sale and repair of self-propelled recreation vehicle and travel trailers which are designed, intended and used for travel recreation or vacation and in addition, used for living and sleeping and eating on a temporary occasional basis.

**"RECYCLING DEPOT"** means a building or part of a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. This definition does not include a salvage yard.

**"REDEVELOPMENT"** means the removal of buildings or structures from a lot and the construction of new buildings or structures on the said lot or the rehabilitation and renewal of an existing building or structure.

**"RENOVATION"** means the repair, strengthening, or restoration of a building or structure to a safe condition but shall not include its replacement.

**"RESIDENTIAL NON-FARM"** means a dwelling unit not located on the same lot as a farm.

**"RESORT ESTABLISHMENT"** shall mean a tourist establishment that operates throughout all or part of the year, that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational activity.

**"REQUIRED YARD"** - See "YARD".

**"RESTAURANT"** - See "EATING ESTABLISHMENT".

**"RETAIL ESTABLISHMENT"** means a building or part of a building in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale at retail, or on a rental basis. This includes a secondhand shop, pawn shop, or similar use but does not include a supermarket.

**"RETIREMENT HOME"** means a multiple dwelling house containing accommodation to be available only to persons who are at least 55 years of age and containing dwelling rooms with a common dining area. The dining area is for the residents of the retirement home and shall not function as a public dining facility. The accommodations shall be used as the principal residence of the occupants and shall not be provided on a transient basis.

**"ROW DWELLING HOUSE"** - See "DWELLING HOUSE".

**"SALVAGE YARD"** means an establishment where goods, wares, merchandise, articles or things are processed for further use and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and includes a junk yard, a scrap metal yard and a motor vehicle wrecking yard or premises.

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

**"SCHOOL, COMMERCIAL"** means a school conducted for profit, other than a private, public, religious or philanthropic school, and shall include the studio of a dancing teacher or a music teacher, an art school, a golf school, a school of calisthenics, a business or trade school and any other specialized school conducted for gain or profit.

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

**"SCHOOL, PRIVATE"** means a school other than a public school or a commercial school as otherwise defined or classified in this By-law.

**"SECOND HAND SHOP"** means a building or part of a building in which used goods, wares, merchandise, and articles are offered or kept for sale at retail and may include such uses as a flea market, a pawn shop, an antique store, an opportunity shop or similar use but shall not include a salvage yard as defined herein.

**“SELF STORAGE UNITS”** means a building or part of a building or a structure in which individual units having a maximum gross floor area of 35 square metres are provided on a rental basis for the storage of business and/or personal goods and household effects, and may include administrative offices.

**“SENIOR CITIZENS’ HOUSING COMPLEX”** means any home for senior citizens sponsored and administered by any person, public agency or service club, church or other non-profit organization, which obtains its financing from Federal, Provincial, County, or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes may include auxiliary uses such as club and lounge facilities usually associated with senior citizens’ development.

**“SENSITIVE LAND USE”** means any building or structure used as a residence, hotel, motel, nursing home, retirement home, hospital, school, place of worship, day care or any lands used for camp grounds or picnic areas.

**“SEPTAGE FACILITY”** means works, installations, equipment, operations and land used in connection with the collection, handling treatment, transportation, storage, processing and disposal of hauled sewage, as defined in the regulations under the Building Code Act, and as regulated under the Environmental Protection Act.

**"SERVICE SHOP, MERCHANDISE"** means an establishment wherein 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 or boats.

**"SERVICE SHOP, PERSONAL"** means an establishment wherein persons are employed in furnishing services and otherwise administering to the personal needs of persons. This definition may include a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio or similar use but excluding a massage parlour or other similar services.

**"SETBACK"** means the least horizontal dimension between the centreline of a street allowance, measured at right angles to such centreline, and the nearest part of any building, structure, or excavation on the lot, or the nearest open storage use on the lot.

**"SEWAGE TREATMENT FACILITY"** means a building, structure, or lagoon, approved by the Ministry of the Environment, designed to treat water borne domestic, commercial, and industrial wastes collected via a system of sanitary sewers, which sewage is in accordance with the Township Sewer Use By-law.

**“SEWER, SANITARY”** means a system of underground conduits which carry sewage to a suitable place for treatment and which is operated and maintained in accordance with the standards of the Township and/or Ministry of Environment.

**"SEWER, STORM"** means a system of conduits which carry storm surface run-off but excludes any sanitary sewer or any combination of sanitary and storm sewers.

**"SHOPPING CENTRE"** means a group of commercial uses and/or building(s) which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants, as distinguished from a business area comprising unrelated individual areas.

**"SHORELINE"** means any lot line or portion thereof which abuts a waterbody or watercourse.

**"SIDE LOT LINE"** - See "LOT LINE".

**"SIDE YARD"** - See "YARD".

**"SIGHT TRIANGLE"** means 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 9 metres 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"** means a structure or advertising device having illustrations affixed thereto or displayed thereon in any manner, which is used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, profession, enterprise, industry or business, or which display or include any letter, work, model number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which complies with any Regulation of the Corporation or the Government of Ontario or Canada.

**"SITE ALTERATION"** means activities such as fill, grading, and excavation, that would change the land form and natural vegetative characteristics of a site.

**"SMALL ENGINE SALES AND SERVICE ESTABLISHMENT"** means a building or part of a building and land adjacent thereto, where snowmobile, motorcycles, lawn mowers and small engines or parts are displayed, for sale at retail or rental, and where mechanical repairs are completed.

**"STOREY"** means the portion of a building, other than an attic or a cellar, included between any floor level and the floor, ceiling or roof next above it.

· **"ATTIC"** means that portion of a building situated wholly or partly within the roof, which is not used as a habitable room, and which is not a loft, a partial storey or a one-half storey.

- **"BASEMENT"** means the portion of a building between the two floor levels which is partly underground and which has at least one-half of its height, from floor to finished ceiling, or underside of the floor joists of the next above storey, above the average finished grade level adjacent to the exterior walls of the building.
  - **"BASEMENT, WALKOUT"** means a basement which has more than 50% of the floor area not greater than two (2) feet below grade, and which has an entrance and exit at grade level.
  - **"CELLAR"** means that portion of a building which is partly or wholly underground and has more than one-half of its height, measured from finished floor to finished ceiling or the underside of the floor joists next above storey, below the average finished grade level adjacent to exterior walls of the building.
  - **"FIRST STOREY"** means the lowest storey of a building closest to finished grade level having its ceiling 1.8 metres or more above average finished grade.
  - **"LOFT"** means the portion of a building situated wholly within the roof, which may be used as a habitable room, where the floor level is at the line where the roof and outer wall meet, and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.4 metres over a floor area equal to less than 50 percent of the area of the floor next below.
  - **"ONE-HALF STOREY"** means that portion of a building situated wholly or in part within the roof and having its floor level not lower than 1.2 metres below the line where roof and outer wall meet and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.4 metres over a floor area equal to at least 50 percent of the area of the floor next below.
  - **"PARTIAL STOREY"** means the portion of a building situated wholly or partly within the roof (exclusive of a loft), which may be used as a habitable room, having its floor level not lower than 1.2 metres below the line where the roof and outer wall meet, in which there is sufficient space to provide height between finished floor and finished ceiling of at least 2.4 metres over a floor area of less than 50 percent of the area of the floor next below.
- "STREET OR ROAD, IMPROVED PUBLIC"** means a road assumed for public use, under the jurisdiction of the Province of Ontario, the County of Lennox and Addington or Loyalist Township which is maintained so as to allow normal vehicular access to adjacent properties throughout all seasons of the year.
- "STREET OR ROAD, LIMITED SERVICE"** means a road under the jurisdiction of the Province of Ontario, the County of Lennox and Addington or Loyalist Township, not maintained year round and where no road related services are supplied on a year-round basis and where there is no guarantee of access for emergency vehicles.

"**STREET ACCESS**" means, when referring to a lot, that such lot has a lot line or portion thereof which is also a street line.

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

"**STRUCTURE**" means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground.

"**SUMMER CAMP**" means a camp operated by a charitable corporation approved under the *Charitable Institution Act*, as amended, replaced or re-enacted from time to time, or a camp within the meaning of the regulations made under the *Health Promotion and Protection Act*, as amended, replaced or re-enacted from time to time.

"**SUBJECT WASTE TRANSFER FACILITY**" means a facility licensed by the Ministry of the Environment & Climate Change or successor Ministry, and operated under the requirements of Ontario Regulation 347.

"**SUPERMARKET**" means a building or part of a building wherein various kinds of foodstuffs are kept for retail sale to the general public; and as an accessory use, goods or merchandise may also be kept for retail sale, including such items as hardware, patent medicines, toilet preparations, personal hygiene products, household supplies, and magazines.

"**SWIMMING POOL**" means any body of water, whether located outdoors or inside a building or structure, contained by artificial means, and used and maintained for the purpose of swimming, wading, diving or bathing. For purposes of this By-law, this includes a whirlpool or hot tub.

"**TAVERN**" means an establishment within the meaning of and licensed under the *Liquor License Act*.

"**TELECOMMUNICATION TOWER**" means any structure used for transmitting or receiving radio, television, telegraph, or micro wave signals.

"**TOP OF BANK**" means the upslope edge or the highest part of a continuous slope or cliff measured from the edge of a waterbody.

"**THROUGH LOT**" - See "LOT".

"**TOURIST ESTABLISHMENT**" means any premises operated to provide sleeping accommodation for the traveling public or sleeping accommodation for the use of public engaging in recreational activities and includes the services and facilities in connection with which sleeping

accommodation is provided, and without limiting the generality of the term, also includes a cabin establishment, a tourist cottage but does not include:

- a camp operated by a charitable corporation approved under the *Charitable Institutions Act*;
- a summer camp within the meaning of the regulations made under the *Health Protection and Promotion Act*; or
- a club owned by its own members and operated for profit or gain.

**“TOWNSHIP”** means the Corporation of Loyalist Township.

**“TOWNSHIP ROAD”** means a street or road under the jurisdiction of the Corporation of Loyalist Township.

**"TRAILER"** means a vehicle that is at any time drawn upon a highway by a motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway and capable of being used for the temporary living, sleeping or eating accommodation of persons, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn notwithstanding that such vehicle is jacked up or that its running gear is removed, and for the purposes of this By-law shall not include a mobile home as defined herein.

**“TRAILER, MOBILE CAMPER”** means a trailer designed or used for living, shelter and sleeping accommodation, or any vehicle in which the assembly can be erected, while stationary, using the trailer body and related components for support and utilized for living, shelter and sleeping accommodation, without cooking facilities, which is collapsible and compact while being drawn by a motor vehicle, with or without cooking facilities, but shall not include a mobile home dwelling house.

**“TRAILER PARK”** means a parcel of land which is developed and managed as a unit for recreational or vacation use and designed and used for seasonal occupancy only, where camping lots are made available on a rental or lease basis for the placing of recreational trailers or motor homes, where the ownership and responsibility for the maintenance of private internal roads, services, communal areas and buildings, and garbage collection, together with general park management, rests with the owner, but where such parcel is not the subject of a Registered Plan of Subdivision defining individual lots legally capable of conveying title and shall not include a mobile home park.

**"TRUCK REPAIR AND MAINTENANCE DEPOT"** means the use of land, buildings or structures for the purpose of storing, servicing, repairing or loading trucks, transport trailers and/or busses, but does not include automobile service stations or transportation sales or rental outlets.

**"USE"** means when used as a noun, the purpose for which a lot, building or structure, or any combination thereof is designed, arranged, occupied, or maintained.

- "USE and USES" shall have a corresponding meaning.
- "USE" (when used as a verb) or "TO USE" shall also have corresponding meanings.

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

**"VEHICLE SALES OR RENTAL ESTABLISHMENT"** means 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 CLINIC"** means a building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and/or injury to animals, and the care of animals and birds, and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period.

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

**"WASTE MANAGEMENT FACILITY"** means an area where solid and non-hazardous waste, exclusive of liquid industrial waste, is transferred to, transferred out, or deposited for handling, separation, storage, treatment, recycling, recovery, composting and disposal, and may include landfill operation together with such other ancillary uses and activities normally incidental thereto inclusive of administrative offices, equipment maintenance, and storage buildings, but shall not include a salvage yard and/or a sewage lagoon. The facility shall have a current Certificate of Approval issued under the *Environmental Protection Act* for use of the site as a waste management facility.

**"WATER ACCESS"** means any lot having a lot line or portion thereof which is also a shoreline of a navigable waterway.

**"WATERBODY"** means any bay, lake, wetland, surface stream, or river where there is an identifiable depression in the ground in which a flow or ponding of water is regular or continuous and includes a channel for an intermittent stream and a municipal drain as defined by *The Drainage Act*, as amended.

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

**"WATER BODY/WATERCOURSE SETBACK"** means 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 TREATMENT PLANT"** means a building or structure, operated and maintained by Loyalist Township or the Ministry of Environment or any public utilities commission or private company where water is treated for human consumption.

**"WAVE UPRUSH"** means the rush of water up onto a shoreline or structure following the breaking of a wave, and the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

**"WAYSIDE PIT OR QUARRY"** means a temporary pit or quarry opened and used by a public authority, or their agents, for the purpose of road construction or an associated road project or contract and which is not located on the road right-of-way.

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

**"WETLANDS"** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs, and fens. Lands being used for agricultural purposes, that are periodically "soaked" or "wet", are not considered to be wetlands in this definition.

**"WHOLESALE ESTABLISHMENT"** means a building or structure used for the purpose of sell or offering for sale goods, wares or merchandise on a wholesale basis and includes the storage or warehouse of those goods, wares or merchandise.

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

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

**"FRONT YARD"** means a yard extending across the full width of the lot between the front

lot line of the lot and the nearest part of any excavation or main building on the lot.

- **"FRONT YARD DEPTH"** means the least horizontal dimension between the front lot line of the lot and the nearest part of any building, structure or excavation on the lot, or the nearest open storage use on the lot.
- **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a street or a reserve which restricts access to a street.
- **"INTERIOR SIDE YARD"** means a side yard other than an exterior side yard.
- **"REAR YARD"** means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any excavation or main building on the lot. If there is no rear lot line, there shall be deemed to be no rear yard.
- **"REAR YARD DEPTH"** means the least horizontal dimension between the rear lot line of the lot and the nearest part of any building, structure or excavation on the lot, or the nearest open storage use on the lot.
- **"REQUIRED YARD"** means a yard with the minimum front yard depth, rear yard depth, or side yard width required by the provisions of this By-law. A required side yard shall extend from the required front yard to the required rear yard or, in the case of a lot which has no rear lot line, the required side yard shall extend from the required front yard to the opposite required side yard.
- **"SIDE YARD"** means a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any excavation or main building on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.
- **"SIDE YARD WIDTH"** means the least horizontal dimension between the side lot line of the lot and the nearest part of any building, structure or excavation on the lot, or the nearest open storage use on the lot.

**"ZONE"** means a designated area of land use shown on the Zone Schedules attached hereto and forming part of this By-law.

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

**"ZONING ADMINISTRATOR"** - See "CHIEF BUILDING OFFICIAL".