

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW 2012 - 17

Being a By-law to amend provisions concerning
Non-conforming uses and to update the Definitions Section and
Schedules to this By-law

WHEREAS By-law No. 2001-26 as amended is the Zoning By-law of the Corporation of the Municipality of Magnetawan; and,

AND WHEREAS there are certain updates changes required to the Schedules and the Definitions, and Council deems it appropriate to make these minor changes; and to improve and clarify provisions related to non-conforming uses; and,

AND WHEREAS authority is granted pursuant to Sections 34 of the Planning Act, R.S.O. 1990 to enact such amendments;

NOW THEREFORE be it enacted as a By-law of the Corporation of the Municipality of Magnetawan the following:

1. Section 3.19 (a) is hereby removed and replaced with the following:

3.19 (a) "The provisions of this By-law shall not apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law if such existing lot, building or structure was lawfully used for such purposes, prior to the effective date of this By-law and provided that the lot, building or structure continues to be used for that purpose."

2. Section 5 Definitions is hereby removed and replaced with the following:

Section 5 - Definitions

	Term	Definition
1.	Accessory	<i>A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot.</i>
2.	Accessory Building	<i>A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure.</i>
3.	Accessory Use	<i>A use of land, buildings or structures that is normally incidental or subordinate to the principle use, building or structure located on the same lot.</i>
4.	Aggregate	<i>Gravel, sand, clay, earth, shale, stone limestone, dolostone,</i>

	Term	Definition
		<i>other prescribed materials under the Aggregate Resource Act.</i>
5.	<i>Agricultural Building</i>	<i>Any building or structure customarily used in connection with an agricultural use other than a residence.</i>
6.	<i>Agriculture, Intensive</i>	<i>Lands on which the predominant economic activity consists of but is not limited to the raising of intensive livestock, chickens or other fowl, the raising of fur bearing animals, the raising of swine, sheep or goats, the raising of cattle or dairying of cattle, in excess of 100 units, as defined by the minimum distances formulae attached to and forming part of this by-law.</i>
7.	<i>Agriculture Produce Outlet</i>	<i>The use of land, buildings or structures for the purposes of buying or selling or the processing, storage and supply of commodities and services that support agricultural operations.</i>
8.	<i>Agriculture Use</i>	<i>Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises.</i>
9.	<i>Airfield, Private</i>	<i>Land used for the purpose of the landing, storing, taxiing or taking off of private aircraft, but not an airport under the regulation of the Ministry of Transport.</i>
10.	<i>Airport Hanger</i>	<i>A building or structure designed and used for the shelter of aircrafts.</i>
11.	<i>Airstrip, Private</i>	<i>Lands used for the purpose of landing, storing, taxiing or taking-off of private aircrafts.</i>
12.	<i>Aisle</i>	<i>The area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.</i>
13.	<i>Alter</i>	<p>a) <i>When used in reference to a building or structure or part thereof:</i></p> <ol style="list-style-type: none"> 1. <i>To change any one or more of the external dimensions thereof;</i> 2. <i>To make any change in the supporting members or to the type of construction of the exterior walls or roof thereof;</i> or, 3. <i>To alter the use thereof.</i> <p>b) <i>When used in reference to a lot:</i></p> <ol style="list-style-type: none"> 1. <i>To change the lot area, lot depth, lot frontage, water frontage or lot coverage thereof;</i> 2. <i>To change the width, depth or area of any yard, court, setback, landscaped open space or parking area thereon;</i>

	Term	Definition
		<p>3. To change the location of any boundary of such lot, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or,</p> <p>4. To alter the use thereof; or,</p> <p>c) When used in reference to a use:</p> <p>1. To discontinue and replace, in whole or in part, a use specifically defined herein with any other use specifically defined herein or with any use not specifically defined herein;</p> <p>2. In the case of an industrial use, to change the mode of operation thereof or the type of commodity being produced or processed,</p> <p>3. In the case of a residential use, to change the number of dwelling units or guest rooms in a dwelling or rooming house, or to change the number of mobile home dwellings in a mobile home park; or,</p> <p>4. In the case of a use not specifically defined herein, to change in any way the type or scale thereof.</p> <p><i>ALTERED and ALTERATION have corresponding meanings.</i></p>
14.	<i>Animal Hospital</i>	<i>A building or structure or part thereof, that is used for the purpose of consultation, diagnosis and office treatment of animals, birds and pets and may include the boarding or lodging of these animals, birds and pets in fully enclosed buildings.</i>
15.	<i>Art Gallery</i>	<i>A building used for the preservation of collections of paintings or other works of art and devoted primarily to the recreation and/or education of the public, and may include the exhibition and sale of paintings and other works of art, whether by the proprietor or others.</i>
16.	<i>Assembly Hall</i>	<i>A building or structure, or part thereof, where facilities are provided for civic, educational, musical, recreational, theatrical, political, religious or social events, including, without limiting the generality of the foregoing, a recreation and community centre, auditorium, cinema, theatre, playhouse, opera house, concert hall, public museum, exhibition hall, convention centre and community social centre, but does not include any place of amusement, commercial recreation centre, place of worship, stadium or drive-in theatre as defined herein, or any retail store or restaurant except as an accessory use.</i>
17.	<i>Attached</i>	<i>A building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.</i>
18.	<i>Automotive Sales Establishment</i>	<i>A building and lot, or either in singular, used for the display and sale of new and used motor vehicles and may include the sale,</i>

	Term	Definition
		<i>servicing, repairing, cleaning, polishing, greasing, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, utility or boat trailers, and shall involve a body shop body where the repair and repainting of motor vehicles can take place as an accessory use within the same building, but shall not include any other defined automotive use.</i>
19.	Automotive Service Station	<i>An automotive use where vehicle fuels, lubricants and accessories are offered for retail sale and may include an accessory convenience store, and which contains facilities for the minor repair, maintenance or cleaning of vehicles indoors, other than the repairing or painting of vehicle bodies, but does not include any other automotive use defined herein.</i>
20.	Bakery	<i>A food processing plant where food products of which flour, grains, meal or sugar are the principal ingredients are produced, mixed, compounded, baked or otherwise prepared, but does not include a restaurant or other premises where such products are made only for consumption on the premises.</i>
21.	Banquet Hall	<i>A building or part thereof, used for the gathering of groups of people for a specific function including the consumption of food and drink and shall include full kitchen facilities.</i>
22.	Barn	<i>A building used for the housing of livestock or agricultural products kept or grown on the lands on which the building is located.</i>
23.	Basement	<i>That portion of a building partly underground, but having less than one-half of its clear height below the average lot grade.</i>
24.	Bed and Breakfast Establishment	<i>A home occupation within a single family dwelling wherein no more than 3 guest rooms are made available for temporary accommodation of the traveling or vacationing public. Such an establishment may offer light meals to those persons temporarily residing at the establishment. A Bed and Breakfast Establishment shall not include a restaurant or a Tourist Establishment.</i>
25.	Berm	<i>A landscaped mound of earth.</i>
26.	Board Walk	<i>An elevated public pedestrian walkway constructed over a public street, over a water feature or along a shoreline.</i>
27.	Boathouse	<i>Any building or enclosure in which one or more boats, ships or float planes and related equipment are stored, kept or repaired, where there is no habitable living quarters included.</i>
28.	Boathouse, Two Storey	<i>Any accessory building or enclosure in which one or more boats, or float planes and related equipment are stored, kept or repaired and where the second storey is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided. A two storey habitable boathouse shall be considered a guest cabin for the purposes of determining the number of</i>

	Term	Definition
		<i>permitted accessory buildings on a lot.</i>
29.	<i>Building</i>	<i>A structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in The Building Code Act, S.O. 1992, Chapter 23.</i>
30.	<i>Building Height</i>	<i>The vertical distance measured between the average finished grade level in the front yard and the highest point of the roof surface or the parapet, whichever is the greater: In calculating the height of a building, any structure used as an ornament or for the mechanical operation of the building such as a chimney, cupola or steeple shall not be included.</i>
31.	<i>Building, Multiple Unit</i>	<i>A building containing three or more dwelling units, with some of the dwelling units accessed by a common corridor system and/or entrance and some of the dwelling units accessed directly from the outside, but not including a triplex, a fourplex, a townhouse building or an apartment building.</i>
32.	<i>Building, Principle</i>	<i>A building or structure in which the primary use of the land is conducted.</i>
33.	<i>Bulk Storage Tank</i>	<i>A tank or container for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane, or flammable liquid or fluid, but does not include a container for flammable liquid, gas or fluid legally and properly kept in a retail store or a tank for storage incidental to some other use of the premises where the such tank or container is located.</i>
34.	<i>Building Supply and Lumber Outlet</i>	<i>A building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements but does not include any use or activity otherwise defined or classified herein.</i>
35.	<i>Bulk Fuel Depot</i>	<i>Lands, buildings and structures for the storage, distribution of fuels and oils but not including retail sales except key lock operations.</i>
36.	<i>Business, Professional Office or Administrative Office</i>	<i>A building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.</i>
37.	<i>Cabin</i>	<i>A single storey structure or building which is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided.</i>
38.	<i>Cabin Establishment</i>	<i>A tourist establishment comprised of two (2) or more cabins arranged singled or in pairs and which does not provide cooking facilities.</i>

	Term	Definition
39.	<i>Camp Site</i>	<i>An area within a camping establishment of at least 186 square metres that is occupied on a temporary basis only, by the trailer, motorized home, truck camper, camper or tent, but not a mobile home.</i>
40.	<i>Camping Establishment</i>	<i>A tourist establishment consisting of at least five (5) camping sites and comprising land used or maintained as grounds for the camping or temporary parking of trailers, motorized mobile homes, truck campers, campers or tents, and licensed under the Tourism Act.</i>
41.	<i>Carport</i>	<i>An accessory private garage, either attached to or detached from the main building, which is partially enclosed with a roof but open at each end and on at least one side except for any necessary structural roof supports.</i>
42.	<i>Cellar</i>	<i>A portion of a building below the first storey floor which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling or to the underside of the floor joints of the first floor, below the average finished grade level adjacent to the exterior walls of the building and having a floor to ceiling height of less than 1.8 metres (6.0 feet) or as otherwise defined in the Building Code.</i>
43.	<i>Cemetery</i>	<i>The land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.</i>
44.	<i>Centreline</i>	<i>With reference to a public street, a line drawn parallel to and equidistant from the limits of the public street and with reference to a private street, a line drawn parallel to and equidistant from the edges of the paved surface of the private street.</i>
45.	<i>Chief Building Official</i>	<i>An official employed by the Municipality appointed under the Building By-law or pursuant to the provisions of The Building Code Act, as amended, and shall include any Inspector likewise employed and appointed.</i>
46.	<i>Clinic</i>	<i>An establishment in which medical, dental or other professional healing treatment is given to human beings.</i>
47.	<i>Club, Private</i>	<i>A premises used as a meeting place by members and guests of non-profit and non-commercial organizations for community, social or cultural purposes. This definition does not include uses that are normally carried out as a commercial enterprise.</i>
48.	<i>Commercial Landscape Operation</i>	<i>Premises used for the growing of plants, storage of plants, aggregates, topsoil and other material used to landscape the earths and uses for the exclusive purpose of providing landscape contracting services.</i>
49.	<i>Commercial Riding School</i>	<i>An area of land and buildings that are used as an educational or recreational centre for horse training, handling, care, or for the lodging of horses for hire or gain.</i>

	Term	Definition
50.	<i>Commercial Self-Storage Facility</i>	<i>Lands and buildings used, rented or leased to persons for the storage of household and personal items, including recreational vehicles and automobiles, within separate units forming part of a wholly enclosed building.</i>
51.	<i>Community Centre</i>	<i>Any track of land, or building, or any part of any building used for community activities without purpose of gain.</i>
52.	<i>Condominium</i>	<i>The ownership of individual units with common elements as defined in "The Condominium Act", where:</i> <ol style="list-style-type: none"> 1) <i>The unit comprises not only the space enclosed by the unit boundaries but all material parts of the land within the space;</i> 2) <i>The common elements means all the property except the units and private parking spaces;</i> 3) <i>The common elements are owned by the owners as tenants in common.</i>
53.	<i>Conservation</i>	<i>An area of land that is generally left in its natural state and which is used to preserve, protect and/or improve components of the natural heritage system of other lands for the benefit of man and the natural environment and which may include, as an accessory use, hiking trails and/or cross country ski trails, buildings and structures such as nature interpretation centres and public information centres.</i>
54.	<i>Contractor's Yard</i>	<i>A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.</i>
55.	<i>Convenience Store</i>	<i>A retail store not exceeding 150 m² net floor area wherein various convenience goods and items of day-to-day personal or household use or necessity including, without limiting the generality of the foregoing, food, beverages, pharmaceutical drugs, light hardware products, tobacco products and periodicals, are offered for sale.</i>
56.	<i>Corporation</i>	<i>The Corporation of the Municipality of Magnetawan.</i>
57.	<i>Cottage</i>	<i>A building within a cottage establishment to accommodate one (1) or more guests which contains at least two (2) rooms; which is at least partially furnished; and, which provides facilities to permit the guest to prepare and cook food.</i>
58.	<i>Cottage Establishment</i>	<i>A tourist establishment comprising of two (2) or more cottages owned or leased by the same person.</i>
59.	<i>Council</i>	<i>The Council of the Corporation of the Municipality of Magnetawan.</i>
60.	<i>Country Market/Flea</i>	<i>A building or track of land used for the temporary exhibit, storage and temporary retail sale of merchandise, goods, wares, produce,</i>

	Term	Definition
	<i>Market</i>	<i>crafts and arts for the utilization and consumption of the general public provided that any temporary exhibit, storage and temporary retail sales occurring does not include the sale of livestock and auction sales.</i>
61.	<i>Day Care Centre</i>	<i>A building or part thereof duly licensed by the Province of Ontario as a "day nursery" under the <u>Day Nurseries Act</u>, R.S.O. 1990, Chapter D.2.</i>
62.	<i>Deck</i>	<i>A roofless, unenclosed structure, accessory to a dwelling, consisting of a platform raised 0.6 metres or more above finished grade, supported by the ground with or without steps to provide access to the ground.</i>
63.	<i>Development</i>	<i>The erection 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 thereof, or the laying out and establishment of a commercial parking lot or a mobile home park, or a change in land use, or the construction of buildings and structures, any of which require approval under the <u>Planning Act</u>, R.S.O. 1990, c.P. 13, as amended.</i>
64.	<i>Dock</i>	<i>A structure for the mooring of boats, attached to or forming part of the mainland.</i>
65.	<i>Driveway</i>	<i>A passageway that provides vehicular access to parking areas, loading spaces, buildings or structures, on a lot, from a road or private access road.</i>
66.	<i>Dwelling Unit</i>	<i>A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently but shall not include a mobile home having less than 65 square metres in area, in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside.</i>
67.	<i>Dwelling Unit Area</i>	<i>The habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, verandah, unfinished attic, cellar or sun room (unless such sun room is habitable in all seasons of the year), public or common walls or area, stairways or elevator shaft.</i>
68.	<i>Dwelling Unit, Accessory</i>	<i>A dwelling unit accessory to and located within or attached to a main building used for a permitted non-residential use on the same lot and occupied either by the owner of such lot or by a person employed thereon.</i>
69.	<i>Dwelling Unit Apartment</i>	<i>A building containing three or more dwelling units, sharing a common hall and common entrance at grade.</i>

	Term	Definition
70.	<i>Dwelling Unit, Bachelor</i>	<i>A dwelling unit containing bathroom facilities and not more than two habitable rooms used for living, dining, sleeping and cooking.</i>
71.	<i>Dwelling, Boarding House</i>	<i>A single detached dwelling in which the owner or his agent resides and in which lodging for more than two persons other than members of the owner's or agent's family, in return for remuneration or for the provision of services or both and in which the guest rooms do not have bathrooms and kitchen facilities for the exclusive use of the individual occupants but shall not include a motel, hotel, bed and breakfast, hostel, hospital, children's home, long term care facility, retirement home or other similar establishment.</i>
72.	<i>Dwelling, Converted</i>	<i>A dwelling which has been altered or converted as to provide therein two (2) but not more than four (4) dwelling units none of which shall be located in the cellar of the dwelling.</i>
73.	<i>Dwelling, Detached</i>	<i>A detached building containing one dwelling unit only.</i>
74.	<i>Dwelling, Duplex</i>	<i>A dwelling containing two dwelling units, but does not include any dwelling erected as, or in the form of, a pair of semi-detached dwellings.</i>
75.	<i>Dwelling, Semi-Detached</i>	<i>A building that is divided vertically into two separate dwelling units, each of which has a separate entrance at grade.</i>
76.	<i>Dwelling, Townhouse</i>	<i>A dwelling unit in a building divided vertically into no less than three nor more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.</i>
77.	<i>Erect</i>	<i>To build, place, construct, reconstruct, relocate or alter by means of an addition, enlargement or extension, and includes any preliminary physical operation preparatory to such work including, but not so as to limit the generality of the foregoing, excavating, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.</i>
78.	<i>Established Building Line</i>	<i>The average distance from the street line or shoreline to existing buildings in any block where more than half the frontage has been built upon, at the date of passing of this By-law.</i>
79.	<i>Existing</i>	<i>Existing as of the date of the enactment of the provision that contains that word. EXIST has a corresponding meaning.</i>
80.	<i>Farm</i>	<i>Any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce</i>

	Term	Definition
		<i>produced on the premises; nurseries; orchards; riding stables; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture. "Farm" includes a single-family dwelling house, and such principal or main buildings and structure as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.</i>
81.	<i>Farm, Specialized</i>	<p><i>Land on which the predominant use is the raising of chickens, turkeys or other fowl, rabbits or other fur bearing animals, a broiler plant, the growing of mushrooms, the keeping of animals for medical purposes or the specialized feeding of hogs, sheep, goats, horses or cattle in a confined area.</i></p> <p><i>For the purposes of this definition the following ratio of animals per .4 ha (1 acre) shall be used in determining the minimum requirement for the specialize use:</i></p> <ol style="list-style-type: none"> <i>1. Three (3) cattle</i> <i>2. Five (5) adult goats</i> <i>3. Four (4) horses</i> <i>4. One hundred (100) domestic rabbits</i> <i>5. Five (5) mink</i> <i>6. Five (5) foxes</i> <i>7. Three (3) dogs</i> <i>8. Thirty-five (35) fowl</i>
82.	<i>Farm, Specialized</i>	<i>Any land on which the predominant economic activity consists of raising chickens, turkeys, or other fowl, the raising of fur bearing animals, the raising of swine, goats, horses, or cattle on feed lots, the raising or boarding of dogs or cats or the growing of mushrooms.</i>
83.	<i>Farm Produce Retail Outlet</i>	<i>A building, or part of a building, in which farm produce, exclusive of meat or poultry, is offered for sale at retail. But shall not include the sale of farm produce which has been reprocessed nor shall it include a slaughter house.</i>
84.	<i>Farmers Market</i>	<i>A specialty retail commercial use contained either within enclosed building or on lands in the "open-air" which involves the sale of artifacts, crafts, farm produce and other goods, either new or used, which cater to the travelling public and local community.</i>
85.	<i>Finished Grade</i>	<i>The average elevation of the finished surface of the ground at ground level on any one side of a building or structure.</i>
86.	<i>First Storey</i>	<i>The storey with its floor closes to grade and having its ceiling more than 1.8 m above grade or as defined in the Building Code.</i>

	Term	Definition
87.	<i>Fish Farming/Fish Hatchery</i>	<i>The raising and selling of fish, such activity being undertaken as commercial venture.</i>
88.	<i>Floor Area, Net</i>	<i>The aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building, stairways, elevator shafts, service/mechanical rooms and penthouses, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, a public concourse or common hallway, any space with a floor to ceiling height of less than 1.8m and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.</i>
89.	<i>Flood Plain</i>	<i>The flood-prone area, usually lowlands, adjoining the channel of a river, stream or watercourse which are susceptible to being inundated by water from any source.</i>
90.	<i>Floodway</i>	<i>The channel of a river or other watercourse and the adjacent land areas where the floodwaters are in excess of 1.0 metres deep and are moving at greater than 1.0 metres cubed per second.</i>
91.	<i>Floor Area, Gross</i>	<i>The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah, deck or sunroom unless such sunroom is habitable during all seasons of the year.</i>
92.	<i>Floor Area, Ground</i>	<i>The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, verandah, deck or sunroom (unless such sunroom is habitable at all seasons of the year).</i>
93.	<i>Forestry Use</i>	<i>An area of land used for:</i> <ul style="list-style-type: none"> <i>a) Cultivating or harvesting trees, with or without a sawmill where the sawing, splitting or sale of timber originates solely on the same lot therewith as uses accessory thereto;</i> <i>b) The management of woodlands, including accessory uses such as the construction and maintenance of forest access roads;</i> <i>c) The production of maple syrup; or</i> <i>Passive outdoor recreation.</i>
94.	<i>Garage, Private</i>	<i>A detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a</i>

	Term	Definition
		<i>carport or other open shelter.</i>
95.	<i>Garden Suite</i>	<i>A one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing single detached dwelling and that is designed to be temporary and/or portable.</i>
96.	<i>Gas Bar</i>	<i>A main or accessory automotive use where vehicle fuels and lubricants are offered for retail sale, and may include an accessory convenience store, but does not include any automotive use engaged in the sale, rental, storage or repair of vehicles, except where such use is specifically permitted hereby.</i>
97.	<i>Gazebo</i>	<i>A freestanding roofed building which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined or classified in this By-law.</i>
98.	<i>Golf Course</i>	<i>A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, clubhouse and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.</i>
99.	<i>Grade</i>	<i>The level of the ground adjacent to the outside wall of a building or structure.</i>
100.	<i>Greenhouse, Commercial</i>	<i>A building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from the lot either at wholesale or retail.</i>
101.	<i>Group Home</i>	<i>A single-detached dwelling unit in which not more than 10 persons, having physical, social or mental handicaps reside in a household under the appropriate supervision of supervisory personnel, who may also reside in the dwelling unit, and which is licensed and/or approved for funding under provincial statutes and in compliance with municipal by-laws.</i>
102.	<i>Group Home Type 2</i>	<p><i>A single housekeeping unit in a single detached dwelling or dwelling unit within a commercial building which shall be maintained and operated primarily for:</i></p> <p><i>(a) Persons who have been placed on probation under the provisions of the Probation Act, the Criminal Code of Canada, or any Act passed to replace the forgoing Act, the Criminal Code of Canada, or any Act passed to replace the foregoing Acts;</i></p> <p><i>(b) Persons who have been released on parole under the provisions of the Ministry of Correctional Services Act, or Parole Board of Canada or any Act passed to replace the foregoing Acts;</i></p>

	Term	Definition
		<i>(c) Persons who have been charged under the Young Offenders Act but who have been placed in open or secure custody.</i>
103.	<i>Guest Cabin</i>	<i>A single storey accessory structure which is not attached to the main dwelling on a lot which is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided. For the purposes of this By-law a guest cabin may include the second storey of a boathouse or other accessory building where permitted by this By-law.</i>
104.	<i>Height of Buildings</i>	<i>The vertical distance, measured from the natural or established grade to the highest point on the highest part of the building or structure.</i>
105.	<i>High Water Mark</i>	<i>The mark made by the action of water under natural conditions on the shore or bank of any waterbody, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.</i>
106.	<i>Home Industry</i>	<i>Any occupation of an industrial nature conducted entirely within a building or part of a building accessory to a single-detached dwelling house.</i>
107.	<i>Home Occupation</i>	<i>An occupation carried on by the occupant of a dwelling on his premises as a secondary use in connection with which there is no display, no stock in trade nor commodity sold upon the premises and may include a day nursery or a bed and breakfast establishment.</i>
108.	<i>Hotel</i>	<i>A building, group of buildings or parts thereof that provide sleeping accommodation for the travelling public or for recreational purposes, with or without accessory restaurants, banquet halls, facilities for the temporary exhibition and sale of goods on an intermittent basis, dining rooms premises licensed under The Liquor License Act, and includes any establishment containing guest rooms which is defined as a "hotel" in the <u>Hotel Registration of Guests Act</u>, R.S.O. 1990, c.H. 17, and shall also include a motel or hostel, but does not include any residential or rooming house use.</i>
109.	<i>Hunting or Fishing Camp</i>	<i>A building or structure consisting of one or more rooms and may include facilities for the preparation of food and overnight accommodation on a temporary basis only during hunting or fishing seasons, but shall not include any other establishment or use as may be defined or classified in this By-law.</i>
110.	<i>Improved Public Road</i>	<i>A street, road or highway under the jurisdiction of the Province of Ontario or the Municipality which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a Municipality Road, is a road for which the Municipality receives construction and maintenance subsidies from the Ministry</i>

	Term	Definition
		<i>of Transportation and Communications.</i>
111.	<i>Kennel</i>	<i>An establishment where dogs, cats or other small domestic animals or household pets are bred or raised primarily for the purpose of sale, or are trained or boarded for gain or profit, but does not include a veterinary clinic.</i>
112.	<i>Landscaped Open Space</i>	<i>The open unobstructed space from ground to sky at grade on a lot accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.</i>
113.	<i>Landscaping</i>	<i>An area of open land used and maintained for:</i> <i>a) The growth and cultivation of grass, flowers, shrubs, trees and other vegetation;</i> <i>b) The conservation of natural features, including rock formations, waterbodies and woodlots; or,</i> <i>The provision of landscaping features including, but not necessarily restricted to, planting strips, retaining walls, outdoor recreation facilities, play areas, permitted outdoor swimming pools, surfaced walks and patios, but does not include any areas used as a parking area, driveway, loading space, outdoor storage area or any space beneath or within any building or structure.</i>
114.	<i>Light Equipment Sales and Rental Establishment</i>	<i>A building or structure or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.</i>
115.	<i>Loading Space</i>	<i>An off-street space or berth located on the same lot as a permitted use and used for the parking of a vehicle loading or unloading merchandise or materials pertinent to such use.</i>
116.	<i>Lodging House/Boarding House</i>	<i>A dwelling in which the proprietor supplies for a fee, sleeping accommodations with board for at least three people and nor more than 10 people exclusive of the proprietor, members of the proprietors family and employees of the establishment, but does not include a hostel.</i>

	Term	Definition
117.	Logging	<i>The removal or cutting of logs from harvestable timber for commercial purposes, either by selective, strip or clear-cutting operations.</i>
118.	Lot	<i>A parcel or tract of land described in a deed or other legal document which is legally capable of being conveyed.</i>
119.	Lot Area	<i>The total horizontal area within the lot lines of a lot above the normal or maintained high water mark.</i>
120.	Lot, Corner	<i>A lot situated at the intersection of two or more streets, or at the intersection of a street and a railway right-of-way, or a lot abutting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the front and side lot lines abutting by the said street or streets.</i>
121.	Lot Coverage	<i>The percent of the lot area covered by buildings or structures, including porches, verandas and any other roofed area but excluding parking areas, driveways and uncovered decks less than 1.0 metres in height, and walkways.</i>
122.	Lot Depth	<i>The horizontal distance between the midpoints of the front and rear lot lines, and where there is no rear lot line, the length of a line within the lot between the midpoint of the front lot line and the apex of a triangle formed by the side lot lines.</i>
123.	Lot Frontage	<i>The horizontal distance between side lot lines measured at right angles from the side lot lines. Where the side lot lines are not parallel, the lot frontage shall be measured as a minimum distance between the points at which the side lot lines intersect with the front lot line."</i>
124.	Lot Line, Interior	<i>A lot line which does not abut a street.</i>
125.	Lot Line	<i>Any boundary of a lot.</i>
126.	Lot Line, Exterior Side	<i>The side lot line which abuts an improved public street or an unopened road allowance on a corner lot.</i>
127.	Lot line, Front	<p><i>The lot line that abuts the street, but in the case of any lot having water access, the front lot line shall be the lot line abutting the high water mark of the navigable waterway, or the lot line abutting the Crown Shoreline Reserve and:</i></p> <ul style="list-style-type: none"> <i>a) In the case of a corner lot or through lot, the shorter lot line that abuts a street or navigable waterway shall be deemed to be the front lot line and the longer lot line that abuts a street or navigable waterway shall be deemed the exterior side lot line, but,</i> <i>b) In the case of a corner lot or through lot with two lot lines of equal length abutting streets, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the streets are of equal width, the lot line which</i>

	Term	Definition
		<i>abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction and of the same width, the line over which access to the property is gained shall be the front lot line.</i>
128.	<i>Lot Line, Rear</i>	<i>The lot line farthest from or opposite to the front lot line.</i>
129.	<i>Lot Line, Interior Side</i>	<i>A lot line other than a front or rear lot line.</i>
130.	<i>Lot, Through</i>	<i>A lot bounded on opposite sides by streets or navigable waterways.</i>
131.	<i>Lumber Yard</i>	<i>A building, structure or yard in which building materials are offered or kept for sale at retail and may include the fabrication of lumber products.</i>
132.	<i>Manufacturing and Processing</i>	<i>A building used for the assembly or development of a product.</i>
133.	<i>Manufacturing, Light</i>	<i>An industrial use engaged in or used for the assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize an area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.</i>
134.	<i>Marina</i>	<i>An establishment or premises, containing docking facilities, where boats or 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.</i>
135.	<i>Marine Facility</i>	<i>An accessory structure which is used to take a boat into or out of a navigable waterway, or to moor a boat. This definition includes a launching ramp, boat lift, or dock but does not include any building or any boat servicing, repair, or sales facility.</i>
136.	<i>Marine Sales and Service Establishment</i>	<i>A building or part of a building and associated lands where a 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.</i>
137.	<i>Market Garden</i>	<i>Land used for the growing of vegetables, berry crops, fruit crops, flowers and mushrooms, nurseries and nursery sales stations and greenhouses.</i>
138.	<i>Minimum Opening Elevation</i>	<i>The lowest elevation on a habitable building that is constructed to withstand flooding.</i>
139.	<i>Mobile Home</i>	<i>Any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons certified in accordance with C.S.A. Standard Z240 or 241, but does not include a travel trailer or tent trailer or trailer</i>

	Term	Definition
		<i>otherwise designed.</i>
140.	<i>Mobile Home Park</i>	<i>A parcel of land which is developed and managed as a unit where individual lots are made available on a rental basis for the placing of a mobile home, where the ownership and responsibility for the maintenance of private internal roads, services, communal areas and buildings, including snow plowing and removal, garbage collection, together with general park management rests with management.</i>
141.	<i>Motel</i>	<i>A structure containing a series of living or sleeping units with individual interior sanitary conveniences, including motor courts or tourist courts. All required parking is at grade and direct access is available from the parking area to the individual units.</i>
142.	<i>Motor Vehicle</i>	<i>An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by human power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, as amended.</i>
143.	<i>Motor Vehicle, Commercial</i>	<i>Any commercial motor vehicle within the meaning of The Highway Traffic Act, as amended.</i>
144.	<i>Motor Vehicle Body Shop</i>	<i>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 towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include any other establishment otherwise defined or classified in this By-law.</i>
145.	<i>Motor Vehicle Dealership</i>	<i>A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.</i>
146.	<i>Motor Vehicle Repair Garage</i>	<i>A building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust system, repair of the electrical system, 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, but shall not include any other establishment otherwise defined or classified in</i>

	Term	Definition
		<i>this By-law.</i>
147.	<i>Motor Vehicle Service Station</i>	<i>A building or structure where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, and where mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed. Such shall require public washrooms.</i>
148.	<i>Municipal, Provincial Works Garage</i>	<i>Any land, building and/or structure owned by the Corporation of the Municipality of Magnetawan or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.</i>
149.	<i>Municipality</i>	<i>The Corporation of the Municipality of Magnetawan</i>
150.	<i>Museum</i>	<i>Buildings used, or to be used for the preservation of a collection of paintings or other works of art, or of objects of natural history, or of mechanical, scientific or philosophical inventions, instruments, models or designs, and dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and other offices and premises used or to be used in connection therewith.</i>
151.	<i>Non-Complying</i>	<i>When used in reference to a lot, building or structure, means a lot building or structure which does not comply with, one or more of the provisions of this By-law.</i>
152.	<i>Non-Conforming</i>	<i>When used in reference to a use, lot, building or structure, a use, lot building or structure which does not conform to, or comply with, one or more of the provisions of this By-law, or which is not permitted herein. NON-CONFORMITY has a corresponding meaning.</i>
153.	<i>Non-Habitable Living Space</i>	<i>Any floor space in a dwelling or dwelling unit other than habitable living space, and includes bathroom, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room or other space for service and maintenance of the dwelling and for access to, and vertical travel between storeys or as defined in the Building Code Act.</i>
154.	<i>Non-Profit or Charitable Institution</i>	<i>An institution or organization which is incorporated as a “non-profit institution” under the <u>Corporations Act</u>, R.S.O. 1990, c.C.38, as amended, or to which the <u>Charitable Institutions Act</u>, R.S.O. 1990, c.C.9, as amended, applies, or the premises of any such institution.</i>
155.	<i>Nursery or Garden Supply</i>	<i>A building and/or lot, where young trees and other plants are grown for transplanting or sold for transplanting and may also</i>

	Term	Definition
	Centre	include the sale of related accessory supplies.
156.	Nursery School	A day nursery within the meaning of The Day Nurseries Act, R.S.O., 1990, cD2 as amended from time to time, and shall include a day care centre.
157.	Nursing Home	A nursing home within the meaning of "The Nursing Homes Act".
158.	Nutrient Management Plan	A plan prepared for the disposal of manure and other waste products of a farming operation that has been approved by the appropriate authority having jurisdiction.
159.	Obnoxious Use	A use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material generated by the use, and without limiting the generality of the foregoing, shall include any uses which may be declared to be a noxious or offensive trade or business.
160.	Off-Street Parking Space	A portion of a building or lot designated by the occupant or owner for use for the parking of a motor vehicle.
161.	Open Space	Unoccupied space open to the sky on the same lot with a building.
162.	Open Storage	The uncovered storage or display of goods, materials, merchandise or equipment on a lot or portion thereof.
163.	Outdoor Amenity Area	An outdoor space, unobstructed by buildings and which cannot be travelled upon by motor vehicles.
164.	Outdoor Display And Sales	Outdoor open space area where produce or merchandise is displayed and/or sold and/or where services are provided in conjunction with a business located within a building or structure on the same lot.
165.	Outdoor Recreation Area	A place designed and/or equipped for the conduct of sports, leisure time activities and other recreational activities, but shall not require buildings. It may include accessory structures to the principle use. It may include such items as signs, benches and goal posts.
166.	Outdoor Storage	The storage of goods and materials including vehicles for hire or sale, outside a building.
167.	Park, Private	An open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities: <ul style="list-style-type: none"> a) Areas for walking, riding and cross-country skiing but does not include the racing of animals, motor vehicles, motor cycles or snowmobiles; b) Swimming and wading areas; c) Accessory recreational or playground areas such as picnic

	Term	Definition
		<p>areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, swimming pools and similar uses;</p> <p>d) Buildings and structures accessory to the foregoing including a refreshment booth or pavilion, and administrative offices; and,</p> <p>e) An accessory club house; and</p> <p>f) Parking lots accessory to the foregoing.</p>
168.	<i>Park, Public</i>	<i>An area of public land used primarily for active or passive recreational purposes of any kind or as a conservation area, including any buildings and structures accessory thereto.</i>
169.	<i>Parking Aisle</i>	<i>That part of a parking area which provides on site access to parking spaces, but does not include a driveway.</i>
170.	<i>Parking Area</i>	<i>An outdoor, indoor or underground area which is provided on a lot for the parking of one or more vehicles, and includes parking aisles, but does not include driveways or any area where vehicles for sale or repair are kept or stored.</i>
171.	<i>Parking Lot</i>	<i>A parking area which constitutes a main use on a lot and where vehicles are parked for remuneration.</i>
172.	<i>Parking Space</i>	<i>That portion of a parking area, exclusive of any driveway or parking aisle, which is used for the parking of not more than one vehicle.</i>
173.	<i>Patio</i>	<i>A platform or surfaced area without a roof, the surface of which is not more than 0.6 metres above finished grade, which is designed and intended for use as an accessory to a dwelling or a commercial use.</i>
174.	<i>Person</i>	<i>Any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.</i>
175.	<i>Personal Service Shop</i>	<i>A building or part thereof wherein a personal service is performed, including, but not necessarily restricted to, a barber shop, a beauty salon, a shoe repair shop, a tailor or dressmaking shop, a dry cleaning depot, a laundromat, a photographic studio or the premises of an optician, but does not include any other used defined herein.</i>
176.	<i>Pit</i>	<i>A place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.</i>
177.	<i>Place of Amusement</i>	<i>A commercial establishment where indoor facilities are provided for participatory entertainment and amusement activities, or where exhibits are displayed for gain or profit, and includes,</i>

	Term	Definition
		<i>without limiting the generality of the foregoing, a bowling alley, pool hall, billiards parlour, arcade or game establishment, pinball arcade and wax museum.</i>
178.	<i>Place Of Entertainment</i>	<i>A motion picture or live theatre, arena, auditorium, planetarium, concert hall and other similar uses but shall not include an adult entertainment parlour, any use entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling use.</i>
179.	<i>Place of Worship</i>	<i>Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.</i>
180.	<i>Planting Strip</i>	<i>An open space free of buildings or structures that is used for no other purpose than an area of landscaped open space.</i>
181.	<i>Porch</i>	<i>A structure with a roof and at least one side that is open and unenclosed, that is accessed by stairs from grade and which provides access to the first storey of a dwelling unit.</i>
182.	<i>Portable Asphalt Plant</i>	<i>A temporary facility, to be dismantled at the completion of a construction project, where:</i> <i>(a) Equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to produce asphalt paving material; and,</i> <i>(b) Bulk materials used in the process described in clause (a) are kept.</i>
183.	<i>Portable Processing Plant</i>	<i>Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, of which the equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.</i>
184.	<i>Principal Use</i>	<i>The primary purpose for which a lot, building or structure is used, or is intended to be used.</i>
185.	<i>Private Academy, Philanthropic or Religious School</i>	<i>A school, other than a public or separate school, where academic subjects are taught or which is maintained for philanthropic or religious purposes.</i>
186.	<i>Private Camp</i>	<i>An establishment that provides reserved accommodation in the form of cabins, rooms or campsites, which is not open to the travelling public, and has centralized facilities for dining and recreation, and provides recreational, religious or educational programs.</i>
187.	<i>Private Club</i>	<i>A non-profit, non-commercial organization, which carries on</i>

	Term	Definition
		<i>social, cultural, athletic and/or recreational activities.</i>
188.	<i>Private Road</i>	<i>A private right-of-way over private property which affords access to abutting lots.</i>
189.	<i>Provincial Highway</i>	<i>A street under the jurisdiction of the Ministry of Transportation and Communications.</i>
190.	<i>Public Authority</i>	<i>Any Federal, Provincial, County or Municipal agencies, and includes any commission, board, authority or department established by such agency.</i>
191.	<i>Public Works Yard</i>	<i>Any land, building and/or structure owned by a public agency and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.</i>
192.	<i>Quarry</i>	<i>A "quarry" as defined in the <u>Aggregate Resources Act</u>, R.S.O. 1990, c.A.8, as amended, but does not include a wayside quarry.</i>
193.	<i>Queuing Lane</i>	<i>An area of land that is used exclusively for motor vehicles whose occupants are waiting to be provided with goods, materials or services.</i>
194.	<i>Recreational Area</i>	<i>A place designed and/or equipped for the conduct of sports, leisure time activities and other recreational activities, but shall not include buildings. It may include accessory structures to the principle use. It may include such items as signs, benches and goal posts.</i>
195.	<i>Recreational Dwelling</i>	<i>A single detached dwelling that is used for temporary occupation on a seasonal basis by persons who maintain a permanent residence in another location.</i>
196.	<i>Recreational Establishment</i>	<i>A use of land, building or structure that has been designed and equipped for the conduct of athletic and leisure time activities including but not limited to a public hall, billiard or pool room, bowling alley, ice/curling or roller skating rink, swimming pool, miniature golf or driving range, an establishment offering three or more electronic video games for public use and other similar uses, but shall not include a commercial fitness centre, adult entertainment parlour, any use entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling use, or any other sports or leisure time use otherwise defined in this By-law.</i>
197.	<i>Recreational Vehicle</i>	<i>Any vehicle that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and may be capable of being used on a short term recreational basis for living, sleeping or eating accommodation of human beings and includes a</i>

	Term	Definition
		<i>travel trailer, pick-up camper, motorized camper or tent trailer.</i>
198.	<i>Rental Store</i>	<i>A retail store in which a building, or part of a building where goods are kept for the purpose of temporary loan to the public and shall include a light equipment sales and rental establishment. A sum of money is paid for the use of the goods for a set period of time and after which the goods are returned. However, a rental store shall not include an automotive leasing establishment or heavy equipment sales and rental.</i>
199.	<i>Repair Shop</i>	<i>A premises used primarily for the repair of household articles but shall not include shops for the repair of internal combustion engines, motor vehicles or other similar uses.</i>
200.	<i>Reserve</i>	<i>A strip of land abutting a public road and owned by the authority having jurisdiction over such a public road.</i>
201.	<i>Residential Use</i>	<i>The use of land and buildings for human habitation.</i>
202.	<i>Resort</i>	<i>A tourist establishment that operates throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes and may include a Liquor Licensed Premises.</i>
203.	<i>Resource Management</i>	<i>The preservation, protection and improvement of the natural environment through comprehensive management and maintenance, under professional direction for both the individual and society's use, both in the present and the future. Resource Management Uses also means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource.</i>
204.	<i>Restaurant</i>	<i>A premises in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the building and which may include the preparation of food in a ready-to-consume state for consumption outside of the premises.</i>
205.	<i>Restaurant, Take-out</i>	<i>A place where food and drinks are prepared and offered for sale to the public but does not necessarily provide facilities for consumption thereof on the premises other than in parking areas.</i>
206.	<i>Retail Store</i>	<i>A building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail or rental and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.</i>

	Term	Definition
207.	<i>Retaining Wall</i>	<i>A wall built as a grade separation structure.</i>
208.	<i>Retirement Home</i>	<i>A residential development consisting of a group of self-care units, either attached or detached, with ancillary facilities that provides social and recreational activities for use by its inhabitants, such facilities and forms of housing being designed for, and offered to persons who are at or near retirement age. Ancillary facilities may include nursing and medical facilities, chapels, meeting rooms, recreational facilities, therapy rooms, kiosk facilities and the like.</i>
209.	<i>Riding School or Boarding Stable</i>	<i>An area of land which is used as an educational centre for horse training, handling, care, or for the lodging of horses.</i>
210.	<i>Salvage or Wrecking Yard</i>	<i>A place where motor vehicles and parts are wrecked, disassembled, repaired and resold, where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and where used lumber and used building materials are stored for sale or resale.</i>
211.	<i>Sawmill</i>	<i>A building, structure or area where timber is cut or sawed, either to finished limber or as an intermediary step.</i>
212.	<i>School</i>	<i>A public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.</i>
213.	<i>School, Commercial</i>	<i>A school conducted for gain of profit such as a studio of dancing, art school, music school, drama school, school of calisthenics, business or trade school, training centre or any other specialized school but shall not include a school as defined in this By-law or a private academic, religious, or philanthropic school.</i>
214.	<i>Senior Citizens Home</i>	<i>A building used to board and lodge senior citizens, with or without medical care, whether under private or public ownership, and approved under the provisions of "The Charitable Institutions Act" or "The Homes for The Aged and Rest Homes Act".</i>
215.	<i>Service Shop, Heavy</i>	<i>A shop not otherwise classified or defined in this By-law, whether conducted in conjunction with a retail store or not, for servicing or repairing tires (including vulcanizing or retreading), batteries, brakes or radiators, automotive ignition, exhaust or electrical systems, furnaces or oil burners, water or air coolers and domestic water heaters, fixtures and equipment and any other like articles, the business of renting automobiles or trucks, light construction or lawn care equipment, the business of kitchen, plumbing, electrical supplies and fixtures, and includes the regular place of business of a master painter, carpenter, welder, tinsmith, electrician or plumber where his equipment, stock-in-trade, supplies and tools, accessory goods and materials can be assembled and stored.</i>
216.	<i>Service Shop, Light</i>	<i>A shop not otherwise classified or defined in this By-law that does not produce noise or scrap, whether conducted in conjunction with</i>

	Term	Definition
		<p>a retail store or not, for servicing or repairing radio and television receivers, vacuum cleaners, refrigerators, washing machines, sewing machines and other household and domestic appliances, musical instruments, sound and public address systems, garments and hosiery, shoes, cameras, toys, jewellery, watches, clocks, safes and locks, bicycles, wheelchairs, orthopedic appliances and similar article of personal use;</p> <p>And also may include a hardware store, a computer equipment sales, service and supply outlet, and a photographic processing laboratory and supply outlet.</p>
217.	Setback	The horizontal distance from the centre line of the street right-of-way, measured at right angles to such centre line, or in the case of a lot having frontage on a navigable waterway take the horizontal distance from the high water mark to the nearest part of any building or structure or excavation on the lot.
218.	Shipping Container	An article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes, but is not limited to, intermodal shipping containers, body of transport trailer or straight truck box
219.	Sewage	The waste water and matter from any use.
220.	Sidewalk	A paved area within the municipal right-of-way that is designed for use by pedestrians.
221.	Sign	Any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which is used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, that is intended to be seen from off the premises or from a parking lot.
222.	Site	The land subject to an application.
223.	Site Plan	A scaled drawing showing the relationship between lot lines and any use, buildings or structures existing or proposed on a lot, including such details as parking areas, driveways, walkways, landscaped areas, building areas, lot sizes, buildings heights, floor areas, densities, areas for special uses, tile beds and reserve areas if required, woodlots, and contour lines.
224.	Solarium	a predominantly glazed structure attached to a main building that has walls and a roof which permit sunlight to enter.

	Term	Definition
225.	<i>Special Needs Facility</i>	<i>Housing, including dedicated facilities, that are designed to accommodate individuals with specific needs and includes a crisis residence, long term care facilities and retirement homes, where varying degrees of support services are provided including meal preparation, laundry, housekeeping, respite care and attendant services.</i>
226.	<i>Storey</i>	<i>A horizontal division of a building from a floor to the ceiling directly above such floor, regardless of whether or not such floor constitutes an overhanging mezzanine, a gallery or a balcony, and includes an attic, basement or cellar but does not include any crawl space or other area that is, for all intents and purposes, unusable by virtue of its inaccessibility.</i>
227.	<i>Storey, Half</i>	<i>That portion of a building situated within the roof or having its floor level not lower than four feet below the line where the roof and interior enclosing walls meet.</i>
228.	<i>Stormwater Management Pond</i>	<i>A detention basin that temporarily stores or treats collected stormwater runoff and releases it at a controlled rate.</i>
229.	<i>Street</i>	<i>A public highway under the provisions of The Municipal Act, apply and which afford a principal means of access to abutting lots.</i>
230.	<i>Street Line</i>	<i>A lot line dividing a lot from a public road and is the limit of the road allowance.</i>
231.	<i>Street or Road, Public</i>	<i>A public highway as defined by "The Municipal Act" and "The Highway Traffic Act" and shall exclude a lane or any private right-of-way or unopened road allowance, or any street which is shown on a Registered Plan of Subdivision that has been deemed not to be a registered plan of subdivision under "The Planning Act", or has not been assumed by the Town.</i>
232.	<i>Structure</i>	<i>Anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other structure. For the purpose of this By-law, a retaining wall that has a height of 1.0m (3.28 feet) or less, a light standard and a sign shall be deemed not to be structures.</i>
233.	<i>Suite</i>	<i>A single room or series of rooms of complementary use, operated under a single tenancy and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.</i>
234.	<i>Summer Camp</i>	<i>A camp which is privately owned and operated, or a camp which is operated by a charitable corporation approved under The Charitable Institutions Act, as amended, or a camp within the meaning of the regulations made under The Public Health Act, as</i>

	Term	Definition
		<i>amended.</i>
235.	<i>Supermarket</i>	<i>A building, or part thereof, containing a departmentalized food store.</i>
236.	<i>Tavern</i>	<i>A building or part thereof at which alcoholic beverages may be prepared and served for consumption or the premises with or without food.</i>
237.	<i>Temporary Building</i>	<i>A building or structure intended for removal or demolition within a prescribed time as set out in a building permit application.</i>
238.	<i>Tent</i>	<i>Any kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.</i>
239.	<i>Theatre</i>	<i>Means a place of public assembly intended for the production and viewing of the performing arts or the screening and viewing of motion pictures and consisting of an auditorium with permanently fixed seats solely for a viewing audience.</i>
240.	<i>Top of Bank</i>	<i>A point of line which is the beginning of a significant change in the land surface, thence from which the land surface slopes downward towards an abandoned or existing watercourse. Where two or more slopes are located together, the slope that is highest and furthest away from the watercourse shall be the slope considered the top of bank.</i>
241.	<i>Tourist Establishment</i>	<p><i>Any premises operated to provide sleeping accommodation for the traveling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided including a resort and a cottage establishment but does not include:</i></p> <ul style="list-style-type: none"> <i>a) A camp operated by a charitable corporation approved under The Charitable Institutions Act, as amended;</i> <i>b) A summer camp within the meaning of the regulations made under The Health Protection and Promotion Act, as amended; or</i> <i>c) A club owned by its own members and operated without profit or gain.</i>
242.	<i>Trailer</i>	<i>A vehicle that is at any time drawn upon a highway by a motor vehicle and for the purposes of this By-law does not include a mobile home.</i>
243.	<i>Trailer, Construction</i>	<i>Any trailer designed to be temporarily located on a parcel of land during the construction of a building or the development of land utilized for temporary shelter and/or the storage of equipment related to the construction occurring on the land and having the running gear and towing equipment permanently attached.</i>

	Term	Definition
244.	<i>Trailer, Travel or Tent</i>	<i>Any trailer which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment that is permanently attached and is not permanently affixed to the ground.</i>
245.	<i>Training and Rehabilitation Centre</i>	<i>Facilities providing educational, pre-vocational, vocational and life-skill training to individuals.</i>
246.	<i>Transport Terminal</i>	<i>Any premises where commercial vehicles are kept for hire, rental or lease, or are stored or parked for remuneration, or from which commercial vehicles are dispatched for hire as common carriers.</i>
247.	<i>Truck Camper</i>	<i>Any unit so constructed that it may be attached upon a motor vehicle, as a separate unit, and capable of being temporarily utilized for the living, sleeping or eating accommodation of persons.</i>
248.	<i>Use</i>	<p>a) <i>Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or,</i></p> <p>b) <i>Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.</i></p>
249.	<i>Utility Provider</i>	<i>Any agency, which under public or private ownership, provides the public with electricity, gas, heat, rail, transportation, water, sewage, collection or other public service.</i>
250.	<i>Vehicle</i>	<i>Any carriage, conveyance or other device capable of being propelled, driven or drawn by any kind of power, including motor power or wind power, and includes, without limiting the generality of the foregoing, a passenger automobile, trailer, truck, boat, aircraft, tractor, farm implement, mobile crane or shovel, snowmobile or motorcycle, but does not include a pedal bicycle, canoe or other device powered solely by means of human effort, or a mobile home dwelling.</i>
251.	<i>Vehicle, Recreational</i>	<i>A non-commercial vehicle used primarily for recreational or vacation purposes, including, but not necessarily restricted to, a travel or tent trailer, a boat, a snowmobile, all terrain vehicle or any trailer or other vehicle capable of being used for the temporary vacation living accommodation of one or more persons.</i>
252.	<i>Veranda</i>	<i>Is an unenclosed structure attached to a building having a floor and roof.</i>
253.	<i>Veterinary Clinic/Hospital</i>	<i>A building or part thereof, with or without related structures, wherein animals and birds of all kinds are treated or kept for treatment by a registered veterinarian, but does not include a kennel.</i>
254.	<i>Warehouse</i>	<i>A building or part of a building used for the storage and</i>

	Term	Definition
		<i>distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.</i>
255.	<i>Water Taking, Commercial</i>	<i>The extraction on water from ground or surface water sources in excess of 50,000 litres per day for resale.</i>
256.	<i>Waterbody</i>	<i>A navigable river or lake having a surface area in excess of 10 hectares (25 acres).</i>
257.	<i>Watercourse</i>	<i>The natural channel for a perennial or intermittent stream of water including a river or stream.</i>
258.	<i>Wayside Pit Or Quarry</i>	<i>A temporary pit or quarry 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.</i>
259.	<i>Wetland</i>	<i>Land such as a swamp, marsh, bog or fen (not including land that is being used for agricultural purposes and no longer exhibits wetland characteristics) that,</i> <i>(a) is seasonally or permanently covered by shallow water or has the water table close to or at the surface,</i> <i>(b) has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants, and</i> <i>(c) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.</i>
260.	<i>Wind Farm</i>	<i>Lands on which more than one wind turbine that generates electrical power for commercial sale are located.</i>
261.	<i>Wind Turbine</i>	<i>A structure comprised of a tower and rotating blades designed to convert wind energy to electrical power.</i>
262.	<i>Woodland</i>	<i>A treed area, woodlot or forested area 0.5 acre and over in size, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.</i>
263.	<i>Wrecking Yard</i>	<i>An area outside of an enclosed building where motor vehicles are disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored.</i>
264.	<i>Woodchipper</i>	<i>A machine that processes logs into wood chips.</i>
265.	<i>Workshop</i>	<i>A building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop, or similar uses.</i>
266.	<i>Yard</i>	<i>An area of land which:</i> <i>a) Is appurtenant to, and located on the same lot as, a main</i>

	Term	Definition
		<p>building or structure; and</p> <p>b) Is open, uncovered and unoccupied from the ground to the sky, except for those uses specifically permitted thereon elsewhere in this By-law.</p>
267.	<i>Yard, Exterior Side</i>	<i>A yard abutting a street line, and includes a front yard and a corner side yard as defined herein.</i>
268.	<i>Yard, Front</i>	<i>A yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any main building or structure on such lot.</i>
269.	<i>Yard, Interior Side</i>	<i>A yard extending from the front yard to the rear yard of a lot and from an interior lot line of such lot to the nearest part of any main building or structure on such lot.</i>
270.	<i>Yard, Maximum</i>	<i>The maximum distance of a yard from a lot line. In calculating the maximum yard, the minimum horizontal distance from the respective lot line shall be used.</i>
271.	<i>Yard, Minimum Required</i>	<p><i>That part of a yard which:</i></p> <p><i>a) Is located adjacent to a lot line;</i></p> <p><i>b) Has the minimum front yard depth, rear yard depth or side yard width required hereby.</i></p> <p><i>c) Does not contain or include any buildings, structures or outdoor parking areas except where such uses are specifically permitted thereon elsewhere herein.</i></p> <p><i>In calculating the minimum required yard, the shortest horizontal distance from the respective lot line shall be used.</i></p>
272.	<i>Yard, Privacy</i>	<i>A yard directly adjoining an exterior wall of a dwelling unit for use solely by the occupants thereof, but does not include any part of a parking area.</i>
273.	<i>Yard, Rear</i>	<i>A yard extending across the full width of a lot between the rear lot line of such lot and the nearest part of any main building or structure on such lot, but excluding any part of a corner side yard as defined herein.</i>
274.	<i>Yard, Required</i>	<i>The minimum yard required by the provisions of the By-law.</i>
275.	<i>Yard, Side</i>	<i>An interior side yard or corner side yard.</i>
276.	<i>Zone</i>	<i>The category of use or activity of land, buildings, structures or activities permitted by this By-law.</i>
277.	<i>Zone Provisions</i>	<i>The permissible uses, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking</i>

	Term	Definition
		<i>requirements, and all other Zone provisions are set out within the By-law for the respective Zones.</i>
278.		

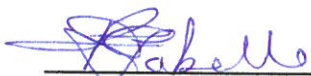
3. Schedules "A", "B", and "C" are hereby removed and replaced with Schedules "A1", "A2", "A3", "B" and "C" attached hereto and forming part of this by-law.

This By-law shall come into force and effect upon the date of passage hereof and take effect on the last day after the last day for filing appeals in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13.

BY-LAW READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED THIS 25TH DAY OF JULY 2012.



 MAYOR



 CLERK