

For the purpose of this By-law, the definitions and interpretations given in this section shall govern.

11.1 ACCESSORY BUILDING OR STRUCTURE

Shall mean a detached building or structure, the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith.

11.2 ACCESSORY USE

Shall mean 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 as such main use.

11.3 ALTER

Shall mean, when used in reference to a building or part thereof, 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, the word "alter" means to decrease the width, depth or area thereof or to decrease 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 public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words "altered" and "alteration" shall have a corresponding meaning.

11.4 ARENA

By-law
No. 1212-93-PL

Shall mean 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 usually considered incidental and subordinate thereto.

11.5 ASSEMBLY HALL

Shall mean a building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a banquet hall, private club or fraternal organization.

11.6 ATTACHED BUILDING

By-law
No. 1823-2003-PL

Shall mean 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.

11.7 ATTIC

Shall mean the portion of a building situated wholly, or in part, within the roof and which is not a one-half storey.

11.8 AUDITORIUM

Shall mean a building, or part of a building, in which facilities are provided for athletic, civic, educational, political, religious or social purposes and shall include an arena, gymnasium, or other similar facility or use.

11.9 BASEMENT

Shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height, from finished floor to finished ceiling or to the undersides of the floor joints of the storey next above, as the case may be, above the adjacent average finished grade level adjacent to the exterior walls of the building.

11.10 BASEMENT, WALKOUT

Shall mean that portion of a building which is partly underground, but which has more than fifty (50) per cent of the finished floor area not greater than 0.6 metres below the adjacent finished grade level adjacent to the exterior walls of the building, and which has a door, at or above the adjacent finished grade, for entrance and exit directly to the outside.

11.11 BED AND BREAKFAST ESTABLISHMENT

By-law
No. 1212-93-PL

Shall mean a single-family detached dwelling house or portion thereof containing not more than four guest rooms used or maintained incidentally for the overnight accommodation of the travelling public in which the proprietor supplies lodging and breakfast only in return for monetary compensation but shall not include a boarding or lodging house, a motel, hotel, group home, an eating establishment or any other use otherwise defined or classified herein.

11.119(a) BIOGAS DIGESTION SYSTEMS

By-law
No. 2209-2009-PL

Shall mean the process by which organic materials in an enclosed vessel are broken down by micro-organisms in the absence of oxygen.

11.12 BLOCK

Shall mean the smallest unit of land, the boundaries of which consist entirely of public streets, rivers, railway lines, public parks or any combination thereof.

11.13 BOAT HOUSE, PRIVATE

Shall mean a detached accessory building or structure, or portion of a dwelling house, 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.

11.14 BUILDING

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

11.15 BUILDING BY-LAW

By-law
No. 1823-2003-PL

Shall mean any Building By-law or Building Code enacted by the Corporation under the *Building Code Act*, S.O. 1992, c. 23, as amended.

11.16 BUILDING SUPPLY DEALER

Shall mean a building or structure in which building 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 establishment otherwise defined or classified herein.

11.17 BULK STORAGE TANK

Shall mean a tank for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas or flammable liquid of fluid but does not include a container for flammable liquid of 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.

11.18 BUSINESS OR PROFESSIONAL OFFICE

Shall mean 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.

11.19 BY-LAW ENFORCEMENT OFFICER

Shall mean the officer or employee of the Corporation for the time being charged with the duty of enforcing the provisions of this By-law of the Corporation.

11.20 CABIN

Shall mean a cabin for sleeping that is not a cottage.

11.21 CABIN ESTABLISHMENT

Shall mean a tourist establishment comprised of two (2) or more cabins arranged singly or in pairs and which does not provide cooking facilities.

11.22 CAMPING ESTABLISHMENT

Shall mean a tourist establishment consisting of at least five (5) camping lots and comprising land used or maintained as grounds for camping or temporary parking of trailers, motorized mobile homes, truck campers, campers or tents, but does not include parks or camping grounds maintained by:

- a. any department of the Government of Ontario or of Canada; or
- b. any Crown Corporation, Commission or Board.

11.23 CAMPING LOT

Shall mean the part of a camping establishment that is occupied on a temporary basis only, by a trailer, motorized home, truck camper, camper or tent.

11.24 CARPORT

Shall mean a portion of a dwelling house which is a roofed enclosure designed for the storage or parking of a motor vehicle with at least 40 per cent of the total perimeter open and unobstructed. For the purposes of this definition perimeter includes the main wall of the dwelling house to which such carport is attached.

11.25 CELLAR

Shall mean that portion of a building between two floor levels 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 storey next above, as the case may be, below the average finished grade level adjacent the exterior walls of the building.

11.26 CEMETERY

Shall mean land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

11.27 COLD STORAGE LOCKER PLANT

Shall mean a building in which space in individual lockers is rented or otherwise made available for the storage of frozen food.

11.28 COMMERCIAL NURSERY AND/OR GREENHOUSE

Shall mean a building and/or land for the growing of flowers, fruits, vegetables, plants, shrubs, trees and/or similar vegetation which is sold directly from such building or lot at retail.

11.29 COMMERCIAL SCHOOL

Shall mean a school conducted for hire, gain and/or profit, other than a private school or public school and includes the study of a dancing teacher or music teacher, an art school, golf school, physical education school, business school and/or trade school and/or any other such specialized school conducted for hire, gain and/or profit.

11.30 COMMUNITY CENTRE

Shall mean any tract of land, or building or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof.

11.31 CONSERVATION

Conservation shall mean the preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by the local Conservation Authority or other public authority for individual or public use.

11.32 CONSTRUCTION

By-law
No. 1212-93-PL

Shall mean the act of constructing or erecting of buildings or structures on, or the excavation of land. "Construction" and "Development" for the purpose of this By-law, shall have the corresponding meaning.

11.33 CONTRACTOR'S YARD

Shall mean 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.

11.34 CONVENIENCE STORE

Shall mean a retail commercial establishment supplying groceries and other daily household necessities to the immediate surrounding area.

11.35 CORPORATION

Shall mean the Corporation of the Township of Brock.

11.36 COTTAGE

Shall mean a building 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.

11.37 COTTAGE ESTABLISHMENT

Shall mean a tourist establishment comprising two (2) or more cottages owned or leased by the same person.

11.38 COUNCIL

Shall mean the Municipal Council of the Corporation of the Township of Brock.

11.39 COURT

Shall mean 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.

11.40 CUSTOM WORKSHOP

Shall mean a building, or part of a building, used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles, and includes upholstering and woodworking.

11.40 (a) CRISIS CARE RESIDENCE

By-law
No. 1823-2003-PL

Shall mean an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than three months for the majority of the residents.

11.41 DAY CARE CENTRE

By-law
No. 1212-93-PL

Shall mean a place that received for temporary custody for a continuous period, not exceeding twenty-four hours, more than three (3) children under ten years of age, not of common parentage, and which is not part of a children's mental health centre. A day care centre may be located within a building used for a public school or private school but which is operated independently of the school itself.

11.41(a) DENSE NON AQUEOUS PHASE LIQUID (DNAPL)

By-law
No. 2744-2017-PL

Chemicals that are both dense than water and do not dissolve readily in water. Due to these traits, DNAPLs tend to sink below the water table and stop only when they reach impenetrable bedrock. DNAPLs of concern may include but are not limited to: 1,4-Dioxane, Tetrachloroethylene/Perchloroethylene (PCE), Trichloroethylene (TCE), Vinyl Chloride (VC) and Polycyclic Aromatic Hydrocarbons (PAHs)

11.42 DENTIST

Shall mean a person licensed for the practice of dentistry under the provisions of the *Health Disciplines Act*, R.S.O. 1990, as amended, replaced or re-enacted from time to time.

11.43 DEVELOPMENT

By-law
No. 1212-93-PL

Shall mean the act of constructing or erecting of buildings or structures on, or the excavation of land. "Construction and "Development," for the purpose of this By-law, shall have the corresponding meaning.

11.44 DRUGLESS PRACTITIONER

Shall mean a person who practices or advertises or holds himself out in any way as practising the treatment of any ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electrotherapy or by any similar method.

11.45 DRY CLEANERS' DISTRIBUTION STATION

Shall mean a building, or portion of a building, used for the purpose of collection and distribution only, of articles and/or goods to be subjected to the process of dry cleaning, dry dyeing, cleaning, spot and/or stain removing and for the pressing of any articles and/or goods, which have been subjected to any such process elsewhere at a dry cleaners' establishment.

11.46 DRY CLEANERS' ESTABLISHMENT

Shall mean a building in which the business of dry cleaning, dry dyeing, cleaning, spotting, stain removal or pressing of articles and/or goods of fabric is carried on, and in which only non-combustible and non-flammable solvents are, or can be, used which emit no odours or fumes, in which no noise or vibration causes a nuisance or inconvenience within or without the premises.

11.47 DWELLING

a. DWELLING HOUSE

Shall mean a permanently affixed building occupied as, the home, residence, or living quarters for one or more families, but does not include a mobile home or trailer.

b. DWELLING UNIT OR SECONDARY UNIT

By-law
No. 2750-2017-PL

Shall mean a suite of two or more rooms, designed or intended for use by one family only, in which sanitary conveniences are provided, in which facilities are provided for cooking or the installation of cooking equipment, in which a heating system is provided and containing a private entrance from outside the building or from a common hallway or stairway inside.

c. DWELLING UNIT, BACHELOR

Shall mean 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.

d. PERMANENT DWELLING HOUSE

Shall mean a completely detached dwelling house containing one dwelling unit and occupied by not more than one (1) family used or intended to be used continuously as a year-round residence or permanent home.

e. MANUFACTURED DWELLING HOUSE

By-law
No. 1823-2003-PL
2029-2009-PL

Shall mean any permanent dwelling house that is designed to be constructed, manufactured or prefabricated in two (2) pieces to provide a permanent residence, but does not include a travel trailer or tent trailer or trailer or mobile home otherwise designed.

f. SEASONAL DWELLING HOUSE

Shall mean a completely detached dwelling house used or intended to be used essentially for recreation, rest or relaxation from time to time,

throughout any season of the year and occupied by not more than one (1) family.

g. SEMI-DETACHED DWELLING HOUSE

Shall mean one of a pair of two attached permanent single-family dwelling houses with a common masonry wall dividing the pair of single-family dwelling houses vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.

h. DUPLEX DWELLING HOUSE

Shall mean the whole of a dwelling house that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

i. TRIPLEX DWELLING HOUSE

Shall mean 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.

j. FOURPLEX DWELLING HOUSE

Shall mean the whole of a dwelling house that is divided vertically by common masonry walls into four separate dwelling units each of which has two common masonry walls, and each dwelling unit has an independent entrance either from the outside or through a common vestibule.

k. CONVERTED DWELLING HOUSE

Shall mean a dwelling house, erected prior to the passing of this By-law, including any additions thereto constructed for permanent use, altered or converted so as to provide therein not more than two (2) dwelling units.

l. ROW TOWNHOUSES

Shall mean one of a group of three or more attached dwelling houses connected above or below grade separated vertically, having independent entrances at ground level directly from the outside, and having a yard abutting at least two exterior walls of each dwelling unit and separate frontage on a public street.

m. APARTMENT DWELLING HOUSE

Shall mean the whole of a dwelling house that contains four or more dwelling units which have a common entrance from street level and are served by a common corridor. An "APARTMENT DWELLING HOUSE" does not include any other dwelling house otherwise defined herein.

n. SPLIT LEVEL DWELLING HOUSE

Shall mean a dwelling house in which the first floor above finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being always less than the full storey.

o. BOARDING OR LODGING HOUSE

Shall mean a nursing home, retirement home, any house or other building or portion thereof, containing not more than four guest rooms used or maintained for the accommodation of the public, in which the Owner or head lessee supplies, for hire or gain, lodgings with or without

meals for three or more persons but does not include a hotel, motel, nursing home for the young or aged, group home, correctional home, crisis residence, or institution which is licensed, approved or supervised under any other general or special act, nor does it include an apartment dwelling house as defined herein.

p. DWELLING UNIT AREA

Shall mean the habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, verandah, unfinished attic, cellar or sunroom (unless such sunroom is habitable in all seasons of the year); and excluding public or common halls or areas, stairways and the thickness of outside walls.

11.48 EATING ESTABLISHMENT

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

11.49 EATING ESTABLISHMENT - DRIVE-IN

Shall mean an eating establishment where facilities are available to serve meals to the customer for consumption in the customer's motor vehicle, parked in an area designed for that purpose.

11.49 (a) EATING ESTABLISHMENT - DRIVE-THROUGH

By-law
No. 1823-2003-PL

Shall mean an eating establishment or part thereof in which food is served to the public by means of an order or window service area that motor vehicles access from the parking area and approach using designated lanes.

11.50 EAVE

Shall mean a roof overhang, free of enclosing walls, without supporting columns.

11.51 ENLARGEMENT

By-law
No. 1212-93-PL

Shall mean to cause a building or structure to become larger such that the external dimensions of the building or structure become larger. "Enlargement" and "Extension," for the purpose of this By-law, shall have the corresponding meaning.

11.52 EQUIPMENT SALES AND RENTAL - LIGHT

Shall mean a building 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.

11.53 EQUIPMENT SALES AND RENTAL - HEAVY

Shall mean a building or part of a building or structure in which heavy machinery and equipment 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.

11.54 ERECT

Shall mean building construction, reconstruction and relocation and, without limiting the generality of the word, also includes:

- a. any preliminary physical operation, such as excavating, filling or drainage;
- b. altering any existing building or structure by an addition, enlargement, extension, movement or other structural change;
- c. any work for the doing of which a building permit is required under the Building By-law of the Corporation; and
- d. erect, erected and erection shall have a corresponding meaning.

11.55 ESTABLISHED BUILDING LINE, URBAN

Shall mean the average setback from the street line 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.

11.56 ESTABLISHED BUILDING LINE, RURAL

Shall mean the average setback from the street line of existing buildings when at least five buildings have been erected on any one side of a continuous 182.8 metres of land with frontage on an improved public street.

11.57 EXISTING

Shall mean existing, being a reality or an actuality on the date of passing of this By-law.

11.58 EXTENSION

By-law
No. 1212-93-PL

Shall mean to cause a building or structure to be wider or greater such that the external dimensions of the building or structure become larger. "Extension" and "Enlargement," for the purpose of this by-law, shall have the corresponding meaning.

11.59 FAMILY

By-law
No. 1212-93-PL

Shall mean one or more persons, who need not be related by blood or marriage, living as a single housekeeping unit, and may include domestic servants and not more than eight boarders or lodgers.

11.60 FARM

By-law
No. 439-80-PL
1212-93-PL

Shall mean any farming or agricultural use and includes berry or bush crops; breeding, raising or training horses or cattle; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetable or fruit produce produced on the premises; mushroom farms; nurseries, orchards, riding stables; the raising of sheep or goats; the raising of swine, tree crops; market gardening; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture. "FARM" shall include a single-family dwelling house, buildings and structures, such as barns, silos, biogas digestion system, and accessory buildings, which are incidental to the operation of the farm, but shall not include a slaughterhouse; commercial greenhouses, farms devoted to the intensive hatching raising and marketing of chickens, turkeys; other fowl or game birds; fur bearing animals including game farms which specialize in the raising of wild and undomesticated animals; fish, frogs or bees. Barns and silos, for the purpose of this By-law, shall be considered as principal or main buildings or structures on the lot in which they are located.

11.61 FARM-SPECIALIZED

By-law
No. 439-80-PL
1212-93-PL

Shall mean a farm or portion thereof where the predominant use is for buildings for the intensive raising or keeping of bees, chickens, turkeys, other fowl, rabbits, other fur bearing animals or animals for medical purposes, or the intensive feeding of hogs, sheep, goats, horses or cattle in a confined area, but shall not include swilled pigs including game farms which specialize in the raising of wild and undomesticated animals. Barns and silos, for the purpose of this By-law, shall be considered as principal or main buildings or structures on the lot in which they are located.

11.62 FARM IMPLEMENT OR SUPPLY DEALER

By-law
No. 439-80-PL

Shall mean a building, structure or area where farm equipment and farm supplies are kept for sale at retail, but which shall not include any other establishment otherwise defined or classified herein, but which also includes the repair and servicing of farm equipment.

11.63 FARM PRODUCE RETAIL OUTLET

Shall mean 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 an abattoir.

11.64 FLOOR AREA, GROSS

Shall mean the total floor area, as defined herein, exclusive however, of:

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

11.65 FLOOR AREA, GROUND

Shall mean 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, sunroom (unless such sunroom is habitable at all seasons of the year).

11.66 FLOOR AREA, MANUFACTURING

Shall mean that portion of the gross floor area of an establishment which is used for manufacturing purposes but does not include areas used for storage of finished products or offices.

11.67 FLOOR AREA, TOTAL

Shall mean 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.

11.68 FORESTRY

Forestry shall mean 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 and production of water supplies, and preservation of the recreation resource.

11.69 FRATERNAL ORGANIZATION

Shall mean a club, society or association organized and operated exclusively for social welfare, civic improvement, pleasure or recreation or for any other similar purposes related to a non-profit organization.

11.70 FUNERAL HOME

Shall mean a building or structure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

11.71 GARAGE, PRIVATE

Shall mean 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 carport or other open shelter.

11.71 (a) GARAGE/YARD SALE

By-law
No. 1823-2003-PL

Shall mean a temporary and occasional activity accessory either to a dwelling, or a building used either by a non-profit or community organization. Items sold at a garage shall be owned by either the occupants of the dwelling or a non-profit or community organization.

11.71 (b) GARDEN SUITE

By-law
No. 1823-2003-PL

Shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that designed to be portable and is auxiliary to the existing single-family dwelling house. A garden suite shall be considered a temporary use for a maximum of ten years.

11.72 GOLF COURSE

Shall mean a public or private area operated for the purpose of playing golf, and includes a par 3 golf course but does not include driving ranges, miniature courses and similar uses.

11.73 GOVERNMENT ADMINISTRATION OFFICES OR BUILDING

By-law
No. 1212-93-PL

Shall mean a building, or part of a building, which is used by the Corporation, the Region, the Province of Ontario, or any agency, board, or commission thereof to provide services to the general public.

11.74 GRADE, FINISHED

Shall mean the average elevation of the finished surface of the ground at ground level of a building or structure.

11.75 GROCERY STORE

By-law
No. 1212-93-PL

Shall mean a building, or part of a building, wherein food and other household items are kept for retail sale to the general public and which operates on a self-serve, cash and carry basis and may include facilities for parcel pick-up.

11.75 (a) GROUP HOME

By-law
No. 1823-2002-PL

Shall mean a single housekeeping unit within a permanent single family dwelling house in which three to eight unrelated residents live as a family

under responsible supervision consistent with the requirements of its residents which home is licensed or approved under Provincial Statute. For the purpose of this By-law “residents” shall exclude the staff or receiving family.

11.76 GUEST

Shall mean a person who contracts for accommodation and includes all the members of the person's party.

11.77 GUEST ROOM

Shall mean a room or suite or rooms used or maintained for the accommodation of an individual or individuals to whom hospitality is extended for compensation.

11.78 HABITABLE ROOM

Shall mean a room designed for living, sleeping, eating or food preparation, including a den, library, sewing-room or enclosed sunroom.

11.79 HEIGHT AND HEIGHT OF BUILDING

Shall mean the vertical distance, measured between the finished grade at the front of the building, and:

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

Accessory roof constructions, such as chimneys, towers, steeples or television antennas, shall be disregarded in calculating the height of a building.

11.80 HIGHWAY

Shall mean a highway within the meaning of the *Highway Traffic Act*, R.S.O. 1990, as amended.

11.80 (a) HOME DAYCARE - PRIVATE

By-law
No. 1823-2003-PL

Shall mean the provision of temporary care and custody to not more than five children under the age of ten years, for reward or compensation in a dwelling unit other than that of a parent or guardian of any such child for a continuous period not exceeding twenty-four hours in accordance with the *Day Nurseries Act* as amended from time to time.

11.80 (b) HOME INDUSTRY

By-law
No. 2029-2009-PL

Shall mean a small scale industry which is carried on in accordance with the provisions of this By-law as an accessory use in a building accessory to the principal residence use of the property.

11.81 HOME FOR THE AGED

Shall mean a home for the aged within the meaning of the *Homes for the Aged and Rest Homes Act*, R.S.O. 1990, as amended.

11.82 HOME OCCUPATION

Shall mean any occupation which is carried on, in accordance with the provisions of this By-law relative thereto, as an accessory use and only by members of one family residing upon the premises.

11.83 HOTEL

Shall mean an establishment that consists of one building or two or more connected or adjacent buildings and that, throughout all or part of the year, cater to the needs of the travelling public by furnishing sleeping accommodation, may or may not supply food, and includes permanent staff accommodation and may or may not be licensed under the *Liquor Licence Act*, R.S.O. 1990, as amended, but does not include any other establishment otherwise defined or classified in this By-law.

11.83(a) INTAKE PROTECTION ZONE (IPZ)

Shall mean areas of land and water immediately surrounding a surface water intake where surface and groundwater is most vulnerable to land use impacts.

11.84 KENNEL

By-law
No. 1212-93-PL

Shall mean a building or structure where animals, birds and/or other livestock intended or used as domestic household pets are kept or boarded and the operation is registered by the Canadian Kennel Club and in accordance with the Corporation's Canine Control By-law.

11.85 LANDSCAPED OPEN SPACE

Shall mean the open unobstructed space from ground to sky at grade on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and includes 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 of any open space beneath or within any building or structure.

11.86 LANE

Shall mean a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

11.87 LAUNDRY, COIN-OPERATED

Shall mean a building or structure where the service of coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

11.88 LIBRARY

Shall mean a public library within the meaning of the *Public Libraries Act*, R.S.O. 1990, as amended.

11.89 LOADING SPACE

Shall mean 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.

11.90 LOT

Shall mean a parcel or tract of land described in a deed or other legal document which is legally capable of conveying title and:

- a. which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 29 of the *Planning Act*, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time; or
- b. which is a legally separated parcel of land without any adjoining lands being owned by the same owner or owners as of the date of passing of this By-law; or
- c. the description of which is the same as in a deed which has been given consent pursuant to Section 29 of the *Planning Act*, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time; or
- d. is the whole remnant remaining to an owner or owners after a conveyance is made with consent pursuant to Section 29 of the *Planning Act*, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Township of Brock, Her Majesty in the Right of Ontario, or Her Majesty in the Right of Canada; or
- e. which is ordered to have not been created by a contravention of the *Planning Act*, being Chapter 349 of the Revised Statutes of Ontario, 1970, or any predecessor thereof, pursuant to Section 29a of the *Planning Act*, as amended by Chapter 168 of the Revised Statutes of Ontario, 1973, as amended from time to time.

11.91 LOT AREA

Shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water or marsh.

11.92 LOT, CORNER

Shall mean 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 one hundred and thirty-five (135) degrees and 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:

- a. 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; and
- b. any portion of a corner lot distant more than thirty (30) metres from the corner measured along the street line shall be deemed to be an interior lot.

11.93 LOT COVERAGE

Shall mean that percentage of the lot area covered by the perpendicular vertical projection of the area of all buildings onto a horizontal plane.

11.94 LOT DEPTH

Shall mean 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. When 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.

11.95 LOT FRONTAGE

Shall mean the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein distant equal to the required depth of the front yard.

11.96 LOT INTERIOR

Shall mean a lot other than a corner lot.

11.97 LOT LINE

Shall mean any boundary of a lot or the vertical projection thereof.

11.98 LOT LINE, FRONT

Shall mean, 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.

11.99 LOT LINE, REAR

Shall mean the lot line farthest from and opposite to the front lot line.

11.100 LOT LINE, SIDE

Shall mean a lot line other than a front or rear lot line.

11.101 LOT, THROUGH

Shall mean a lot bounded on two opposite sides by streets.

11.102 MANUFACTURING, PROCESSING, ASSEMBLING OR FABRICATING PLANT

Shall mean a plant in which the process of producing a product suitable for use, by hand or mechanical power and machinery, is carried on systematically with division of labour.

11.103 MARINA

Shall mean a building, structure or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

11.104 MARINE OR SNOWMOBILE DEALER

Shall mean any building, lot or structure where marine or snowmobile equipment is kept for sale at retail and may include the servicing of marine or snowmobile equipment.

11.105 MEDICAL CLINIC

Shall mean a building or structure where members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists, either singularly or in union, provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation, X-ray and minor operating rooms, and a dispensary, providing that all such uses have access only from the interior of the building, and shall not include any other establishment otherwise defined or classified in this By-law.

11.105 (a) MINIMUM DISTANCE SEPARATION FORMULAE

By-law
No. 1823-2003-PL

Shall mean formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

11.106 MOBILE HOME

Shall mean any vehicle so constructed as to be suitable for attachment to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed.

11.106 (a) MODEL HOME

By-law
No. 1823-2003-PL

Shall mean a finished dwelling which is used as an example of a product offered for sale to purchasers by a realtor, builder, developer or contractor. Such dwelling may be furnished but shall not be occupied as a residence while being used as a model home.

11.107 MOTEL

Shall mean a tourist establishment that:

- a. consists of one or more than one (1) building containing three or more attached accommodation units accessible from the exterior only;
- b. may or may not have facilities for serving meals;
- c. is designed to accommodate the public for whom the automobile is the principal means of transportation; and
- d. is not a camping establishment or a tourist home.

11.108 MOTOR VEHICLE

Shall mean an automobile, truck, motorcycle, and any other vehicles propelled or driven otherwise than by muscular 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 or husbandry or road building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, as amended, replaced or re-enacted from time to time.

11.109 MOTOR VEHICLE, COMMERCIAL

Shall mean any commercial motor vehicle within the meaning of the *Highway Traffic Act*, R.S.O. 1990, as amended.

11.110 MOTOR VEHICLE BODY SHOP

Shall mean a building or structure used for the painting or repairing of motor vehicle bodies, exterior and under-carriage, 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.

11.111 MOTOR VEHICLE DEALERSHIP

Shall mean a building or structure where a franchised dealer displays new motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales, 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.

11.112 MOTOR VEHICLE GASOLINE BAR

Shall mean one or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a floor area of not more than 10 square metres, which shall not be used for the sale of any products other than oils, anti-freeze, gasoline additives, and small accessories required for the operation of motor vehicles, and shall not be used for repairs, oil changes or greasing.

11.113 MOTOR VEHICLE RENTAL

Shall mean a building or structure where motor vehicles are kept for rent, lease or hire under agreement for compensation.

11.114 MOTOR VEHICLE REPAIR GARAGE

Shall mean 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, rustproofing, 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 this By-law.

11.115 MOTOR VEHICLE SALES, USED

Shall mean an establishment, with or without a building, where used motor vehicles are displayed for sale, but shall not include any other establishment otherwise defined or classified in this By-law.

11.116 MOTOR VEHICLE SERVICE STATION

By-law
No. 439-80-PL

Shall mean 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, or where mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed, and where mechanical or running repairs, are executed or performed on motorized snow vehicles, traction engines, farm tractors, self propelled implement of husbandry or road building machines within the meaning of the *Highway Traffic Act*, R.S.O. 1990, as amended, replaced or re-enacted from time to time.

11.117 MOTOR VEHICLE WASH, AUTOMATIC

Shall mean 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, but does not include any other motor

vehicle establishment herein defined where car washing is done only as incidental to the principal operation.

11.118 MOTORIZED MOBILE HOME

Shall mean any motor vehicle so constructed as to be self-contained, self-propelled unit, capable of being utilized for the living, sleeping or eating accommodation of persons.

11.119 MOTORIZED SNOW VEHICLE

Shall mean a motorized snow vehicle within the meaning of the *Motorized Snow Vehicle Act*, R.S.O. 1990, as amended.

11.120 MUNICIPAL, REGIONAL OR PROVINCIAL MAINTENANCE AND/OR STORAGE YARD

By-law
No. 1212-93-PL

Shall mean any land, building and/or structure owned by the Corporation, the Region of Durham 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.

11.120 (a) NATURAL HERITAGE FEATURES

By-law
No. 2209-2009-PL

Shall mean features, including wetlands, significant coastal wetlands, fish habitat, significant woodlands and valleylands, significant habitat of endangered species and threatened species, significant wildlife habitat and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

11.121 NAVE

Shall mean that portion of a church or place of worship where the congregation assembles during normal services and which is generally located between the chancel and the vestibule or narthex.

11.122 NON-COMPLYING

By-law
No. 1212-93-PL

Shall mean a building or structure or use which does not adhere to the provisions set forth on Plates "C" and "D" of this By-law in regard to lot area, frontage, yard dimensions, setbacks, etc.

11.123 NON-CONFORMING

By-law
No. 1212-93-PL

Shall mean the use of any lands, buildings, or structures for a purpose which is not permitted in the Zone category in which the land, building or structure is located as of the date of passing of this By-law so long as it continues to be used for that purpose.

11.124 NON-RESIDENTIAL

Shall mean, when used to describe a use, building or structure, a commercial or industrial business or public institutional use, building or structure permitted by the By-law.

11.125 NOXIOUS

Shall mean, 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 as regards 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.

11.126 NURSING HOME

Shall mean any premises maintained and operated for persons requiring nursing care, and which is licensed under the *Nursing Homes Act*, R.S.O. 1990, as amended, replaced or re-enacted from time to time.

11.127 NURSERY SCHOOL

Shall mean a day nursery operated for pre-school age children within the meaning of the *Day Nurseries Act*, R.S.O. 1990, as amended.

11.128 NURSERY OR GREENHOUSE, COMMERCIAL

Shall mean a building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

11.129 OPEN STORAGE

By-law
No. 1212-93-PL
2209-2009-PL

Shall mean the storage of goods, materials, machinery, equipment or vehicles on a lot which is not within an enclosed building but shall not include an outside display and sales area, the display of motor vehicles accessory to a motor vehicles establishment or motor vehicle rental establishment.

11.129(a) ORGANIC SOLVENT

By-law
No. 2744-2017-PL

A substance, usually liquid, capable of dissolving another liquid. Organic solvents include, but are not limited to carbon tetrachloride, chloroform, methylene chloride (dichloromethane) and pentachlorophenol.

11.130 PARK, PRIVATE

Shall mean any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private club or fraternal organization for members only, and may include therein one or more swimming, wading and boat facilities, picnic area, ski area, gardens or refreshment rooms.

11.131 PARK, PUBLIC

Shall mean any open space or recreational area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, 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, fair grounds, arenas, golf courses, or similar uses.

11.132 PARKING ANGLE

Shall mean the angle which is equal to or less than a right, angle, formed by the intersection of the side of the parking space and line parallel to the aisle.

11.133 PARKING AREA

Shall mean an area provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress

lanes, but shall not include any part of a public street. "Parking Area" may include a private garage.

11.134 PARKING LOT

Shall mean any parking area other than a parking area accessory to a permitted use.

11.135 PARKING SPACE

Shall mean an area, exclusive of any aisles, ingress or egress lanes, for the parking or storage of motor vehicles, and may include a private garage.

11.136 PERSON

Shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and their heirs, executors or other legal representatives of a person to whom the context can apply according to law.

11.137 PHYSICIAN

Shall mean a person licensed for the practice of medicine under the *Health Disciplines Act*, 1974, S.O., 1974, c. 47, Part III, as amended, replaced or re-enacted from time to time.

11.138 PIT

By-law
No. 1212-93-PL

Shall mean 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, and may include temporary stockpiles of aggregate and topsoil but shall not include a wayside pit, blasting operations, manufacturing of aggregate or related products, or the open storage of goods and materials.

11.139 PLACE OF ENTERTAINMENT

By-law
No. 1212-93-PL

Shall mean 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 an adult entertainment parlour, arcade, or any place of entertainment or amusement otherwise defined or classified in this By-law.

11.140 PLACE OF WORSHIP

Shall mean a building dedicated to religious worship and includes a church, synagogue or assembly hall and may include such accessory uses as a nursery school, a school of religious education, convent, monastery or parish hall.

11.141 PORTABLE PROCESSING PLANT

Shall mean equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which 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.

11.142 PRINCIPAL OR MAIN BUILDING

Shall mean the building in which is carried on the principal purpose for which the building lot is used.

11.143 PRIVATE CLUB

Shall mean a non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities.

11.144 PRINTING ESTABLISHMENT

By-law
No. 1212-93-PL

Shall mean a building, or part thereof, in which the business of producing books, newspapers, or periodicals, by mechanical means, and reproducing techniques, such as xeroxing, is carried on, and may include the sale of newspapers, books, magazines, periodicals, or like, to the general public.

11.145 PROVINCIAL HIGHWAY

Shall mean a street under the jurisdiction of the Ministry of Transportation and Communications.

11.146 PUBLIC AUTHORITY

By-law
No. 1212-93-PL

Shall mean Federal, Provincial, Regional, County, District or Municipal agencies, and includes any commission, board, authority or department established by such agency.

11.147 QUARRY

Shall mean a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

11.148 RECONSTRUCTION

By-law
No. 1212-93-PL

Shall mean the removal of buildings or structures from or the excavation of land and the act of reconstructing or re-erection of other buildings or structures on or the re-excavation of the land. "Reconstruction" and "Redevelopment" for the purpose of this by-law shall have the corresponding meaning.

11.149 REDEVELOPMENT

By-law
No. 1212-93-PL

Shall mean the removal of buildings or structures from or the excavation of land and the act of reconstructing or re-erection of other buildings or structures on or the re-excavation of the land. "Reconstruction" and "Redevelopment," for the purpose of this By-law, shall have the corresponding meaning.

11.150 REGION

Shall mean the Corporation of the Regional Municipality of Durham.

11.151 REGIONAL ROAD

Shall mean a street under the jurisdiction of the Corporation of the Regional Municipality of Durham.

11.152 REGIONAL ROAD TYPE "A"

By-law
No. 1212-93-PL

Shall mean a street under the jurisdiction of the Regional Municipality of Durham, designated as an arterial road in the Region's Official Plan, having a right-of-way width ranging from 36 to 50 metres.

11.153 REGIONAL ROAD TYPE "B"

By-law
No. 1212-93-PL

Shall mean a street under the jurisdiction of the Corporation of the Regional Municipality of Durham, designated as an arterial road in the Region's Official Plan, having a right-of-way width ranging from 30 metres to 36 metres.

11.154 RESORT

Shall mean 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.

11.155 RENOVATION

By-law
No. 1212-93-PL

Shall mean the repair and restoration of a building or structure to a physically better condition than what currently exists but which does not alter the external dimensions of the building or structure. "Renovation" and "Repair," for the purpose of this By-law, shall have the corresponding meaning.

11.156 REPAIR

By-law
No. 1212-93-PL

Shall mean the restoration and renovation of a building or structure to a physically better condition than what currently exists but which does not alter the external dimensions of the building or structure. "Repair" and "Renovation," for the purpose of this By-law, shall have the corresponding meaning.

11.157 RETAIL COMMERCIAL ESTABLISHMENT

Shall mean a building, or part of a building, in which goods, wares, merchandise, substances, articles, things or services are offered or kept for sale at retail, or on a rental basis and shall include but not be limited to, a bakery, bank, furniture and appliance store.

11.158 RETAIL BEVERAGE OUTLET

By-law
No. 1212-93-PL

Shall mean a building or part thereof where alcohol products are sold to the general public through the Liquor Control Board of Ontario and/or the Brewers' Retail Inc. and may also include a building or part thereof where individuals may brew beer for private consumption but does not include an establishment licensed by the Liquor Licence Board of Ontario.

11.159 RETAIL GASOLINE ESTABLISHMENT

Shall mean a lot, building or structure where gasoline is sold at retail to the public as a principal or incidental operation.

11.160 RIGHT-OF-WAY

Shall mean a private road which affords access to abutting lots and does not include a lane, road or street as herein defined.

11.161 SALVAGE YARD

Shall mean 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.

11.162 SANITARY SEWER

By-law
No. 1212-93-PL

Shall mean an adequate system of underground conduits, operated either by the Corporation, Region, or by the Ministry of the Environment, which carries sewage to an adequate place of treatment which meets with the approval of the Ministry of the Environment.

11.163 SATELLITE DISH

By-law
No. 1212-93-PL

Shall mean a parabolic device intended to receive audio and video signals and includes any supporting structures.

11.164 SAWMILL

By-law
No. 1361-95-PL

Shall mean a building, structure, or area on a farm where timber is cut, sawed or planed, either to finished lumber or as an intermediary step and which is exclusively devoted to the supply of material for the agricultural community. The sawmill shall remain secondary to and operate in conjunction with the principle farm use and may include a contiguous open area for the storage of raw materials (timber), finished products and the temporary storage of sawdust and wood chips.

11.165 SCHOOL

Shall mean a school under the jurisdiction of a Board as defined by the Ministry of Education.

11.166 SENIOR CITIZENS' HOME

Shall mean any home for Senior Citizens sponsored and administered by any public agency or any service club, church or other non-profit organization, either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes shall include auxiliary uses such as club and lounge facilities, usually associated with Senior Citizens' development.

11.167 SERVICE SHOP, PERSONAL

Shall mean a building, or part of a building, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, such as a barber's shop, a ladies hairdressing establishment, a shoe repair shop and/or other similar services.

11.168 SETBACK

Shall mean the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line, to the nearest part of any building or structure or excavation on the lot.

11.169 SIGN

Shall mean 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.

11.169(a) SIGNIFICANT DRINKING WATER THREAT

Activities related to a land use, or associated use thereof, which may cause, directly or indirectly, the degradation of municipal drinking water quality to a level that may be harmful for human consumption and use.

11.170 STOREY

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

11.171 STOREY, FIRST

Shall mean the lowest storey of a building closest to finished grade having its ceiling 1.8 metres or more above average finished grade.

11.172 STOREY, ONE-HALF

Shall mean the 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 2.3 metres over a floor area equal to at least 50 per cent of the area of the floor next below.

11.173 STORM SEWER

Shall mean a sewer which carries storm or surface run-off but excludes any sanitary sewer or any combination of sanitary and storm sewers.

11.174 STREET OR ROAD

Shall mean a highway as defined by the *Municipal Act*, S.O. 2001, as amended, replaced or re-enacted from time to time, and the *Highway Traffic Act*, R.S.O. 1990, as amended, replaced or re-enacted from time to time, which affords the principal means of access to abutting lots and does not include a lane or private right-of-way.

11.175 STREET, IMPROVED PUBLIC

By-law
No. 439-80-PL

Shall mean a street under the jurisdiction of the Corporation or the Township of Eldon, the Township of Scugog, the Township of Uxbridge, the Regional Municipality of Durham, or the Province of Ontario, which is after the date of passing of this By-law:

- a. constructed to the current geometric design standards of the Ministry of Transportation and Communications and, in the case of a Township Road, the design standards of the Township of Brock;
- b. which qualifies for construction and maintenance subsidies from the Ministry of Transportation and Communications; and
- c. which is maintained so as to permit its use by ordinary vehicular traffic throughout the year.

11.176 STREET LINE

Shall mean the limit of the street or road allowance and is the dividing line between a lot and street or road.

11.177 STRUCTURE

By-law
No. 1823-2003-PL

Shall mean anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground, and includes a sign.

11.178 SUMMER CAMP

Shall mean a camp operated by a charitable corporation approved under the *Charitable Institutions Act*, R.S.O. 1990, as amended, replaced or re-enacted from time to time or a camp within the meaning of the regulations made under the *Health Protection and Promotion Act*, R.S.O. 1990, as amended, replaced or re-enacted from time to time.

11.178 (a) TEMPORARY SALES OFFICE

By-law
No. 1823-2003-PL

Shall mean a mobile home used exclusively by a realtor, builder, developer or contractor on a temporary basis for the sale, display and marketing of residential lots and dwellings within a draft approved subdivision or condominium.

11.179 TENT

Shall mean every 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.

11.180 TOURIST ESTABLISHMENT

Shall mean any premises operated to provide sleeping accommodation for the travelling 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, but does not include:

- a. a camp operated by a charitable corporation approved under the *Charitable Institutions Act*, R.S.O. 1990, as amended, replaced or re-enacted from time to time.
- b. a summer camp within the meaning of the regulations made under the *Health Protection and Promotion Act*, R.S.O. 1990, as amended, replaced or re-enacted from time to time; or
- c. a club owned by its own members and operated without profit or gain.

11.181 TOURIST HOME

Shall mean a dwelling house that is not part of or used in conjunction with any other tourist establishment and which there are at least five (5) rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally

11.182 TOWNSHIP STREET OR ROAD

Shall mean a street or road under the jurisdiction of the Corporation of the Township of Brock.

11.183 TRAILER

Shall mean a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.

11.184 TRAILER, MOBILE CAMPER

Shall mean 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, with or without cooking facilities, which is collapsible and compact while being drawn by a motor vehicle.

11.185 TRUCK CAMPER

Shall mean any unit so constructed than may be attached upon a motor vehicle, as a separate unit, and capable of being utilized for the living, sleeping or eating accommodation of persons.

11.186 TRUCK OR TRANSPORT TERMINAL OR YARD

Shall mean a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, or which is a bonded or sufferance warehouse.

11.187 USE

Shall mean, when used as a noun, the purpose for which a lot or building or structure, or any combination thereof, is designed, arranged, occupied or maintained and "USES" shall have a corresponding meaning. "USE," when used as a verb, or "TO USE" shall have a corresponding meaning.

11.188 VEHICLE

Shall mean a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails.

11.189 VETERINARIAN

Shall mean a person registered under the provisions of the *Veterinarians Act*, R.S.O. 1990, as amended, replaced or re-enacted from time to time.

11.190 VETERINARY CLINIC

Shall mean a building or structure in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be shelter provided, within the building or structure, during the period of treatment.

11.191 WAREHOUSE

Shall mean 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 truck terminal.

11.192 WASTE DISPOSAL AREA

Shall mean a place where garbage, refuse or domestic or industrial waste is disposed of or dumped.

11.193 WATERCOURSE

Shall mean a waterbody or the natural channel for a perennial or intermittent stream of water.

11.194 WATER FRONTAGE

Shall mean the boundary between the water and land fronting on and providing access to a watercourse, bay or lake.

11.195 WATER SUPPLY

By-law
No. 1212-93-PL

Shall mean an adequate distribution system of underground piping and related storage, including pumping and purification appurtenances operated by the Corporation, Region, or the Ministry of the Environment or any public utilities commission for public use.

11.196 WATER SUPPLY PLANT

Shall mean a building or structure, approved by the Ministry of the Environment, where water is treated for human consumption.

11.197 WAYSIDE PIT OR QUARRY

Shall mean 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.

11.198 WELL

Shall mean 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 route.

11.198(a) WELLHEAD PROTECTION AREA (WHPA)

The surface and subsurface area surrounding a water well or well field that supplies a municipal drinking water system through which contaminants are reasonably like to move so as to eventually reach the water well or well field.

11.199 WHOLESALE ESTABLISHMENT

Shall mean the use of land or the occupancy of a building and/or structure, for the purposes of selling, and/or offering for sale, goods, wares and/or merchandise on a wholesale basis, and includes the storage of warehousing of those goods, wares and/or merchandise.

11.199 (a) WIND TURBINE

By-law
No. 1823-2003-PL

Shall mean a system of components which converts the kinetic energy of the wind into electrical or mechanical power and which comprises all of the necessary components including energy storage, power conditioning, control systems, transmission systems, and structural support systems to provide electricity or mechanical power for a single, private agricultural use only.

11.200 WORKSHOP

Shall mean 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 use.

11.201 YARD

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

11.202 YARD, FRONT

Shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot, the nearest open storage use on the lot, or edge or rim of an excavation on the lot.

11.203 YARD, FRONT DEPTH

Shall mean the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.

11.204 YARD, REAR

Shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.

11.205 YARD, REAR DEPTH

Shall mean the least horizontal dimension between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.

11.206 YARD REQUIRED

Shall mean the minimum yard required by the provision of this By-law.

11.207 YARD, SIDE

Shall mean 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 building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.

11.208 YARD, SIDE, EXTERIOR

Shall mean a side yard immediately adjoining a public street.

11.209 YARD, SIDE, INTERIOR

Shall mean a side yard other than an exterior side yard.

11.210 YARD, SIDE, WIDTH

Shall mean the least horizontal dimensions between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or edge of rim or excavation on the lot.

11.211 ZONE PROVISIONS

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 requirements, and all other Zone provisions are set out within the By-law for the respective Zones.

By-law
No. 555-82-PL

Any By-laws in force within the Corporation of the Township of Brock, which regulate the use of lands, and the character, location, bulk, height and use of buildings and structures, be and the same, are hereby amended insofar as it is necessary to give effect to the provisions of this By-law and the provisions of this By-law shall govern.

This By-law shall come into force on the date it is passed by the Council of the Corporation of the Township of Brock subject to the approval of the Ontario Municipal Board.

This By-law given its first, second, and third readings and finally passed on the 22nd day of September, 1978, A.D.

Keith Rynard (signed)
Mayor

(SEAL)

George Graham (signed)
Clerk-Administrator