

## Section 3 DEFINITIONS

### *Explanatory Note*

*For the purpose of this By-law, the definitions and interpretations given in this Section shall govern. In this By-law, the word 'shall' is mandatory and not directory; words in the singular include the plural, words in the plural include the singular; the word 'used' includes 'arranged', 'designed' or 'intended to be used'. The word 'occupied' shall include 'designed to be occupied' and 'arranged to be occupied'.*

### **General**

Definitions of words and phrases used in this By-law that are not included in the list of definitions in Section 3 shall have the meanings that are commonly assigned to them in the context in which they are used as defined in the dictionary.

### **3.A**

#### **Accessory**

When used to describe a *use, building or structure*, means a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same *lot* therewith. (See Figure 3-4) (*Examples of accessory buildings or structures are a detached garage, a storage shed, a sleep cabin or a swimming pool. Examples of accessory uses are a home based business or a retail outlet within a manufacturing plant.*)

**Accessory Apartment** – see **Dwelling – Apartment-in-a-House**

**Accessory Building** – see **Accessory**

**Accessory Dwelling** – see **Dwelling - Accessory**

**Accessory Structure** – see **Accessory**

**Accessory Use** – see **Accessory**

#### **Adverse Effects**

In accordance with the *Environmental Protection Act*, adverse effect shall mean one or more of:

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or plant and animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse affect on the health of any person;
- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for human use;

- (g) loss of enjoyment of normal use of property; and
- (h) interference with normal conduct of business.

**Aggregate**

Means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock other than metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

**Agricultural Use**

Means the *use* of land, *building(s)* or *structure(s)* for:

- (a) the growing of crops, including all related activities such as soil preparation, manure or fertilizer storage and application, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops;
- (b) animal husbandry including the raising, boarding, and keeping of all forms of livestock and fish (not including domestic animals such as dogs or cats), and all related activities such as breeding, training, feeding, manure storage and grazing;
- (c) the production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage and sale of the products;
- (d) the use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Agricultural use shall not be construed to include commercial activities related to agriculture such as abattoirs, tanneries and retail sales outlets, or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales, but may include the production and incidental sale of maple syrup.

**Airfield, Private**

Means land used for the purpose of landing, storing, taxiing or taking-off of private aircraft and *uses, buildings or structures accessory* thereto, but shall not include a commercial airport or airport governed by the *Aeronautics Act*.

**Aisle**

Means the travelled way by which *motor vehicles* enter and depart *parking spaces*.

**Alter**

- (a) When used in reference to a *building, structure* or part thereof, means:
  - i) to change any one or more of the external dimensions of such building or structure; or
  - ii) to change the type of construction of the exterior walls or roof of such building or structures; or

- iii) to change the use of such building or structure or the number or types of uses or *dwelling units* contained therein.
- (b) When used in reference to a *lot* means:
  - i) to change the boundary of such lot with respect to a *street* or *lane*; or
  - ii) to change any dimension or area, relating to such lot; or
  - iii) to change the use of such lot or the number of uses located thereon.
- (c) When used in reference to a *shoreline*:
  - i) means to change, straighten, divert or interfere in any way with the channel of any *watercourse* or the lands surrounding the high water mark of a *water body*.

**Ambulance Facility**

Means a *place* or part thereof where professional paramedics and personnel are stationed and their *vehicles* and equipment are kept.

**Apartment Building** – see **Dwelling – Apartment**

**Apartment-in-a-house** – see **Dwelling – Apartment-in-a-House**

**Art Gallery**

Means a *place* where paintings, sculptures or other works of art are exhibited or sold.

**Asphalt Plant**

Means an industrial facility used for the production of asphalt for immediate use in the paving of *roads* and *driveways* and the damp-proofing of *buildings* or *structures*.

**Attached**

Means a *building* or *structure* otherwise complete in itself which is connected to, and which depends for structural support upon a division wall or walls shared in common with an adjacent building or buildings.

**Auto Body Shop**

Means a *building* or part thereof with a service bay, where painting, refinishing, restoration, alterations or repairs are made to *motor vehicles* and where the services are performed for gain or profit, but does not include a salvage yard.

**Auto Repair Garage**

Means a *building* used for the storage repair and servicing of *motor vehicles*, having at least one (1) service bay where repairs essential to the actual operation of a *motor vehicle* are performed for gain or profit.

**Automobile Service Station**

Means a *place* or a clearly defined space on a *lot* where gasoline or other motor *vehicle* fuels and conveyance accessories are stored or kept for sale and where running repairs essential to the actual operation of motor vehicles are executed or performed, but shall not include any other automotive *use* defined in this By-law. (See also *Gasoline Bar*)

**Automotive Sales Establishment**

Means a *place* used principally for the display and sale of new and/or used *motor vehicles* and may include the servicing, repair, cleaning, body repair and repainting of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other defined automotive uses. (See also *Recreational Vehicle Sales and Storage*)

**3.B**

**Bake Shop**

Means a retail store where bakery products are offered for sale, some or all of which may be prepared on the premises.

**Bakery**

Means a *building* or part thereof for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products and may include an *accessory retail store* which sells goods manufactured on the premises.

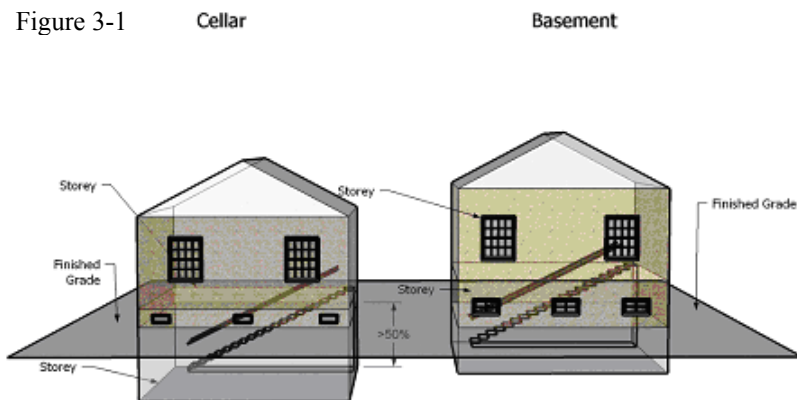
**Bank**

Means an establishment in a *building* or part thereof where money is deposited, kept, lent or exchanged.

**Barrier-Free Parking Space – see Parking Space, Barrier Free**

**Basement**

Means that portion of a *building* between two floors which is partly underground but which has at least one-half of its height from floor to ceiling above the adjacent finished grade. (See Figure 3-1)



**Bed and Breakfast Establishment**

Means a *single detached dwelling* in which no more than four (4) *guest rooms* are made available for the temporary accommodation of the travelling or vacationing public. Such an establishment shall be occupied by the owner of the *dwelling unit* or the lessee of the

entire unit and may offer meals to those who do not offer services to non-guests.

**Bingo Hall**

Means a *building* or premise or part thereof registered under the *Gaming Control Act* and approvals.

**Boat House**

Means a *building* or *structure* or part thereof used for the storage of private boats and equipment for *residential use*, no part of which shall be used for any other purpose. Despite anything in the foregoing, screened enclosures (i.e. *gazebos*) shall be permitted if the height of all boat house structures does not exceed 1.2 m (4.0 ft.).

**Boat Launch**

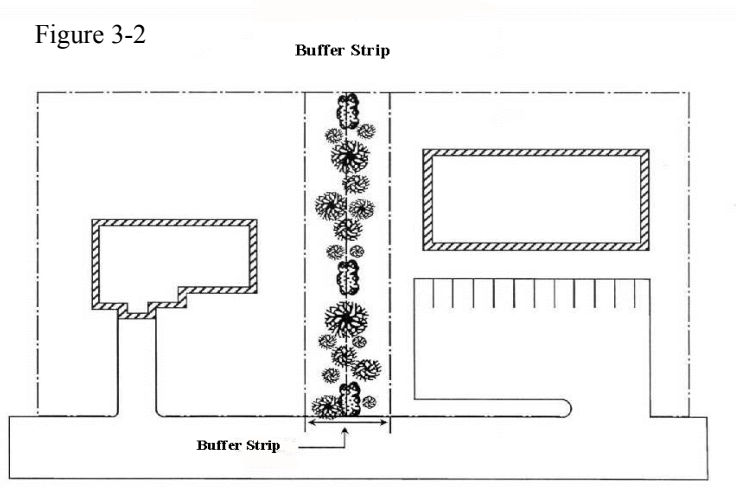
Means an area of land adjacent to a *water body* or *watercourse* that is used to launch and retrieve small *water vehicles* from the water. Boat launches may be public or private.

**Boat Slip**

Shall mean a temporary mooring space that is provided for the use of visitors arriving and departing by a *water vehicle*.

**Buffer Strip**

Means a landscaped or planted area reserved for the purpose of screening or obstructing the view of *buildings*, land or *structures* or shielding or blocking noise, lights or other nuisances by the planting of trees and shrubs or *fences*. (See Figure 3-2)



**Building**

Means any *structure* used or intended for sheltering any *use* or occupancy. The word ‘building’ shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Ontario Building Code*.

**Building Code**

Means the *Ontario Building Code Act* and regulations thereunder, and any amendments thereto.

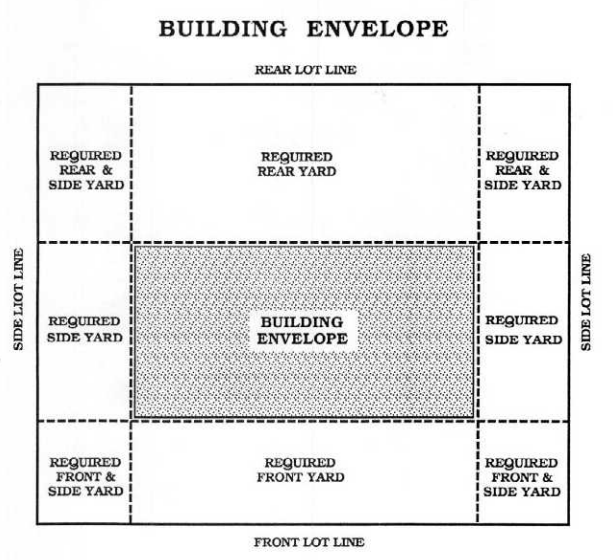


Figure 3-3

**Building Envelope**

Means the buildable area on a *lot*, as defined by all of the required *yards* and *setbacks* and the maximum *height* provisions, within which a *building* can be *erected*. (Figure 3-3)

**Building Height** – see **Height**

**Building Inspector** – see **Chief Building Official**

**Building, Main**

Means a *building* in which is conducted the principle *uses* of the *lot* on which it is situated. (See Figure 3-4)

**Building, Mixed Use**

Means a *building* containing more than one land *use* category (e.g. retail commercial and residential, *office* and residential, industrial and retail, etc) that are conceived and designed as a single *structure*.



Figure 3-4

**Building Official** – see **Chief Building Official**

**Building, Temporary**

Means a *building* or *structure* intended for removal or demolition within a prescribed time not exceeding two (2) years or as set out in a building permit.

**Building Supply Store**

Means a commercial *place* where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed, and kept for retail sale. This definition shall not include a *lumber yard* or a *salvage yard*.

**By-law Enforcement Officer**

Means the officer or employee of the *Township*, or an amalgam of municipalities of which the Township is a part of, charged with the duty of administering and enforcing the provisions of municipal by-laws.

### 3.C

#### **Camp (Hunt Camp, Fishing Camp)**

Means a **building** or **structure**, having not more than 40 m<sup>2</sup> (430.5 ft<sup>2</sup>) of **gross floor area**, intended to provide basic shelter and accommodation on a short-term basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation. The definition of camp shall not include a **seasonal dwelling** or any other **dwelling** defined herein.

#### **Campground**

Means an area of land, managed as a unit, providing short-term accommodation for tents, **recreational vehicles** or campers where a fee is charged for such accommodation, but shall not include **mobile homes** or a **mobile home park**. A campground may include **accessory uses**, **buildings** and **structures** such as a **laundromat**, **convenience store**, sale of propane fuels or others that are generally accessory to the operation of the campground.

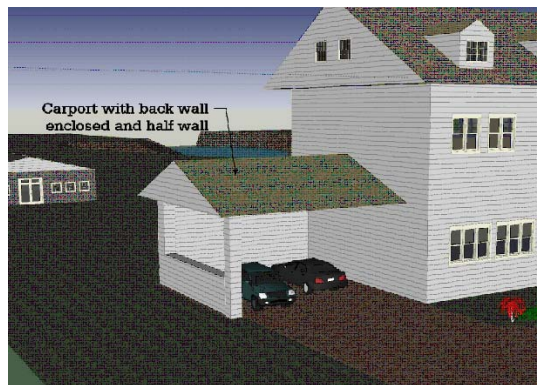
#### **Campsite**

Means a plot or parcel of land within a **campground** intended for the exclusive temporary occupancy by a **recreational vehicle**, tent or similar transportable accommodation together with all yards and open space and may include on-site services such as a fire pit, hydro, water and sewage disposal.

#### **Car Port**

Means a partially enclosed **structure** intended or which is used for the sheltering of one or more **motor vehicles**. A car port attached to the **main building** is not an accessory structure (See Figure 3-5). A semi-detached car port is an **accessory structure** where divided vertically into two (2) separate car ports by a common wall, and where each separate private car port is located on separate, but adjoining **lots**.

Figure 3-5



**Car Shelter** – see **Temporary Car Shelter**

#### **Car Wash**

Means a **building** or **structure** or portion thereof used for washing or cleaning of **motor vehicles** for gain, and may include the sale of fuel (e.g. gasoline, diesel, propane) and oil to its customers. A car wash may be an **accessory use** to a principle main use (e.g. **automobile service station**).

#### **Catering Establishment**

Means a commercial establishment or *home based business* in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take-out.

**Cellar**

Means the portion of a *building* between two floors, which is partly underground and which has more than one-half of its height from floor to ceiling below the finished grade. (See also *Basement* and Figure 3-1)

**Cemetery**

Means land set aside to be used for the interment of human remains and includes a mausoleum, columbarium or other *building* or *structure* intended for the interment of human remains.

**Chief Building Official**

Means an officer or employee of the Corporation of the Township of McGarry or an amalgam of municipalities of which McGarry is a part of, appointed to enforce the provisions of the *Building Code Act*.

**Chip Wagon - see Licensed Refreshment Sales Vehicle**

**Cinema – see Theatre**

**Clinic**

Means a *building* or part thereof used solely for the purpose of consultations, diagnosis and treatment of patients, by more legally qualified medical professionals (*e.g. physicians, dentists, optometrists, chiropractists, chiropractors or drugless practitioners*), together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative *offices*, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

**Club - see Private Club**

**Commercial Floor Space**

Means the sum of the areas of all floors of a *building* or part thereof used for commercial purposes measured between the internal faces of the exterior walls, excluding the furnace-room, laundry-room, washroom, stairwell or elevator shaft, or any area designed or used permanently for storage space.

**Commercial Greenhouse**

Means a commercial *place* used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sale. This definition shall not include any premises for the growing of mushrooms.

**Commercial Use**

Means the *use* of land, *buildings* and/or *structures* for the purposes of buying and selling of commodities and supplying of services, as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction. Commercial use also includes highway commercial use and those commercial uses which rely on the tourist population. Examples of commercial uses include *retail stores*, *offices*, *automobile service stations*, etc.

**Commercial Zone**

Means the Townsite Centre (TC) Zone, the Highway Commercial (HC) Zone or the Recreational Commercial (RC) Zone.

**Communal Services – see Private Communal Sewage Services and Private Communal Water Services**

**Communications Facility**

Means an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone line, cellular telephone tower, wireless internet tower, radio or television broadcast tower or similar facility.

**Community Centre**

Means *place* used for community activities, the ownership and/or maintenance of which is vested with the Township or other organization for non-commercial purposes. Without limiting the generality of the foregoing, community centres may include *parks* and open space, sports fields, skateboard parks, playgrounds, courts, gymnasiums, *places of assembly*, *swimming pools*, facilities for indoor and outdoor recreational, social or cultural activities.

**Condominium**

Means a *building* or buildings or part thereof which is held in separate private ownership and where common elements are owned by the tenants in common (e.g. recreational facilities, *open space*, outdoor areas, etc) and which is administered and maintained by a corporation pursuant to the provisions of the *Condominium Act*. A condominium may be for a *residential*, commercial or *industrial use*.

**Conservation Use**

Means the *use* of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

**Construction Yard or Contractor's Yard**

Means the *place* used as a depot for the storage and maintenance of equipment used by the contractor or company, and may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the crushing of virgin or recyclable aggregates or materials and the wholesale or retail sale of building supplies or home improvement supplies.

**Continuum-of-Care Facility**

Means a *building* or a group of *buildings* which may include a seniors citizens *apartment building*, a nursing home, a long-term care facility, home for the aged and facilities associated with, and designed specifically to serve, the senior citizen population, such as clinics, recreation centres, cafeterias, and personal service establishments, and may also include independent senior's accommodation in separate structures/living units that share in services, such as meals, medical care services, or recreation that are provided by the facility. A continuum-of-care facility differentiates from a *nursing home* in that those lodged at a *nursing home* are not capable of living independently without nursing care.

**Convenience Store**

Shall mean a commercial establishment in a *building* or part thereof that sells convenience goods and items of day-to-day personal or household use or necessity including food, beverages, on-the-shelf pharmaceutical drugs, limited hardware products, tobacco products, periodicals and other such products.

**Corporation**

Means the Corporation of the Township of McGarry.

**Council**

Means the Council of the Corporation of the Township of McGarry.

**Coverage – see Lot Coverage**

**Crisis Care Facility**

Shall mean a residence that is licensed or funded by the Province of Ontario for the provision of short term accommodation (averaging one month or less) of 3 to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.

**Crisis Housing – see Crisis Care Facility**

**3.D**

**Day Care – see Day Nursery**

**Day Nursery**

Means an establishment governed by the *Day Nurseries Act* that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

- (a) under eighteen years of age in the case of a day nursery for children with a developmental disability, and
- (b) under ten years of age in all other cases.

**Deck**

Means a *structure* abutting a *dwelling* or *building* with no roof or walls except for visual partitions and may include railings where required, and which is constructed on piers or a foundation above-grade for use as an outdoor living area.

**Detached**

When used in reference to a *building* or *structure*, means a building or structure which is not dependent on any other building or structure for structural support or enclosure.

**Development**

Means the creation of a new *lot*, a change in land *use*, or the construction of *buildings* and *structures* requiring approval under the *Planning Act* and shall be taken to include *redevelopment*, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process, works subject to the *Drainage Act*, or underground or surface mining of minerals or advanced exploration on mining lands.

**District**

Means the District of Timiskaming.

**Dock, Floating**

Means an *accessory structure* used for the mooring of *water vehicles* which is designed to float freely on the surface of the *water body* and which may be secured to the *shoreline*.

**Dock, Permanent**

Means an *accessory structure* used for the mooring of *water vehicles* which is secured to the *shoreline* and/or the bottom of the *water body* by concrete, metal or wood pillars or such other foundation, the design of which facilitates the construction of a more or less permanent *structure*.

**Driveway**

Means a vehicular access connected to only one *public street* or *private road* or thoroughfare, which provides ingress to and/or egress from a *lot*, and may include a shared *driveway* but shall not include a *lane* as defined herein.

**Dry Cleaning Establishment** – see **Personal Service Establishment**

**Duplex** – see **Dwelling – Duplex**

**Dwelling**

Means any *building* that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals, but shall not include a *hotel* or *motel*. *Recreational vehicles* and *trailers* shall not be considered dwellings except for the purposes of the *Minimum Distance Separation*.

**Dwelling - Accessory**

Means a *dwelling* which is incidental, subordinate and exclusively devoted to a main use and is located on the same *lot* therewith.

**Dwelling - Apartment**

Means a building containing three (3) or more dwelling units but shall not include a *row dwelling*.

**Dwelling - Apartment-in-a-house**

Means a separate and self-contained *dwelling unit* (i.e. includes cooking, sanitation and sleeping facilities) in a *single detached dwelling* or *semi-detached dwelling* and which has a separate entrance.

**Dwelling - Converted**

Means a *dwelling* altered to contain a greater number of *dwelling units*, with each self-contained dwelling unit having a floor space of not less than 55 m<sup>2</sup> (592 ft.<sup>2</sup>).

**Dwelling - Duplex**

Means a *building* divided horizontally into two (2) *dwelling units*, each unit of which has an independent entrance. (See Figure 3-6)

**Dwelling - Mobile Home - see Mobile Home**

**Dwelling - Park Model Trailer**

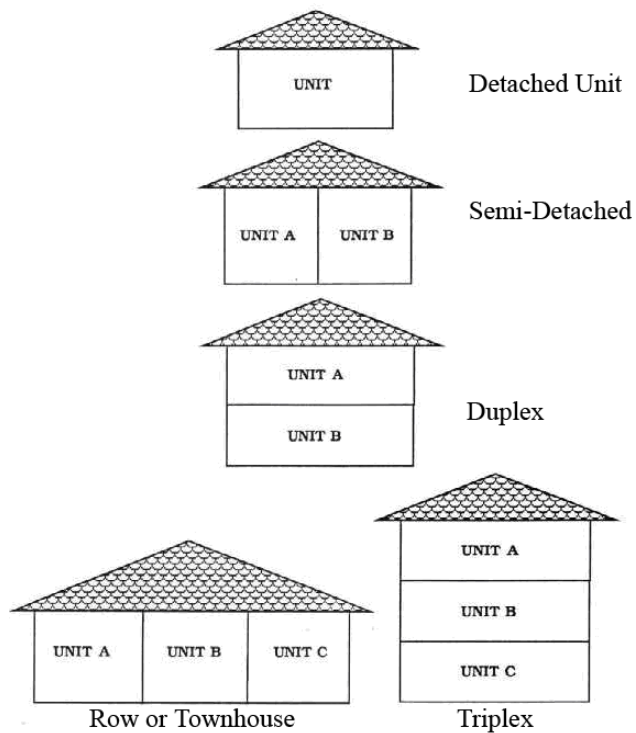
Means a manufactured *building* designed and constructed in conformance with CAN/CSA-Z241 Series M “Park Model Trailer”, as set out in the Ontario Building Code, and is used or intended to be used for seasonal accommodation.

**Dwelling - Row or Townhouse**

Means a *building* consisting of a series of three (3) or more *dwelling units* but not more than eight (8) units in a continuous row divided vertically into separate units by a common wall above grade, and where each unit has an independent entrance. (See Figure 3-6)

**Dwelling - Seasonal**

Figure 3-6



Means a *dwelling* constructed as a secondary place of residence and is not the principal place of residence of the owner or occupier thereof (e.g. cottage).

**Dwelling - Semi-detached**

Means a *building* on a single foundation divided vertically into two (2) separate *dwelling units* by a common wall (See Figure 3-6)

**Dwelling - Single-detached**

Means a *detached building* containing one (1) *dwelling unit*, and may include a *modular home* (See Figure 3-6)

**Dwelling - Triplex**

Shall mean the whole of a *dwelling* that is divided horizontally and/or vertically into three separate *dwelling units* each of which has an independent entrance either directly from the outside or through a common entrance. (See Figure 3-6)

**Dwelling Unit**

Means a *building* or a portion thereof occupied or capable of being occupied as the home or residence of one (1) or more persons, where food preparation and sanitary facilities are provided, but shall not include any part of a boarding house, *hotel*, *motel*, rental cottage or cabin, *garden suite*, *sleep cabin* or *loft-above-a-garage* or similar commercial use of a private or semi-private institution.

**Dwelling Unit, Bachelor**

Means a *dwelling unit* that does not have a specific room set aside for use as a bedroom. Such dwelling units are oriented towards accommodating one (1) resident such as young single people or senior citizens. The term ‘bachelor dwelling unit’ may be used to describe a particular dwelling unit (e.g. *apartment-in-a-house*) rather than being classified as type of dwelling unit. Where a dwelling unit meets the definition of a bachelor dwelling unit but is an ‘apartment-in-a-house’ or a ‘*loft-above-a-garage*’ according to the definitions of each in this By-law, then the dwelling unit will be considered as an apartment-in-a-house or a loft-above-a-garage instead of a bachelor dwelling unit for the purposes of this By-law.

**3.E**

**Easement**

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

**Equestrian Establishment**

Means an establishment engaged in the operation of a horse riding academy or horse riding stables.

**Equipment Rental Establishment**

Means a **building** or part of a building wherein the primary **use** is the rental of machinery, equipment, furniture and fixtures and other goods.

**Equipment and Vehicle Storage Yard - Industrial**

Means an uncovered area which is used for the storage of machinery and equipment for use in industrial and major construction undertakings, commercial **vehicles**, and other similar goods requiring large areas for outside storage. Limited repair of such machinery, equipment, vehicles and goods may be permitted in a building provided such repair is clearly incidental and secondary to the storage use.

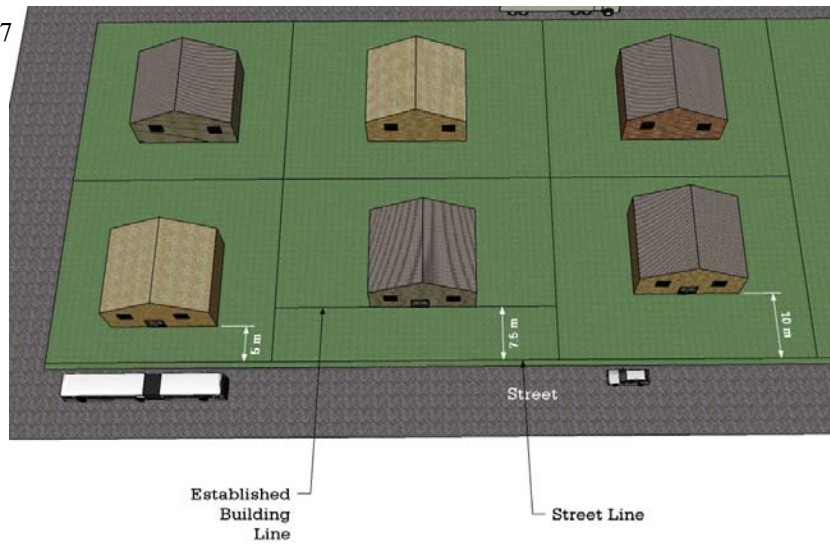
**Erect**

Means to build, construct, reconstruct, **alter** or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing **building** or **structure** by an addition, deletion, enlargement or extension.

**Established Building Line**

Means the average **setback** from the **street line** of existing **buildings** on one side of a continuous 50 m (164 ft.) strip of land where three (3) or more of the **lots** having street **frontage** upon the said side of the street have been built upon (See Figure 3-7).

Figure 3-7



**Established Grade**

Means the average elevation of the finished level of the ground adjoining all of the walls of the **building** or **structure** exclusive of any artificial embankments or berms.

**Existing**

Means existing as of the date of the passing of this By-law.

**Exterior Side Lot Line** – see **Lot Line - Exterior Side**

**Exterior Side Yard** – see **Yard, Exterior Side**

### 3.F

#### **Fairground**

Means land devoted to entertainment on a seasonal or temporary basis and may include grandstands, barns and other *accessory buildings* and *structures* normally associated with such a *use*.

#### **Farm**

Means any *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 produced on the premises, nurseries, orchards, riding stables, the raising of sheep or uses or enterprises as are customarily carried on in the field of general agriculture. Farm may include a *single detached dwelling*, and such principle or *main buildings* and *structures* as a barn or silo, as well as *accessory buildings* and *structures* which are incidental to the operation of the farm.

#### **Farm Produce Outlet**

Means a *use accessory* to a *farm* which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

#### **Farmer's Market**

Means *place* where the farm products of a local farming community are sold at retail from covered or uncovered areas designed for individual retailers.

**Farming Use** – see **Agricultural Use**

#### **Fence**

Means any barrier or *structure* constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is *erected* for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

#### **Fill Area**

Means the area of a *waste management facility* set aside for landfilling or dumping.

#### **Fish Habitat**

Means the spawning grounds and nursery, rearing, food supply, and migration areas which fish depend directly or indirectly in order to carry out their life processes.

**Fishing Camp** – see **Camp (Hunt Camp, Fishing Camp)**

**Flea Market**

Means:

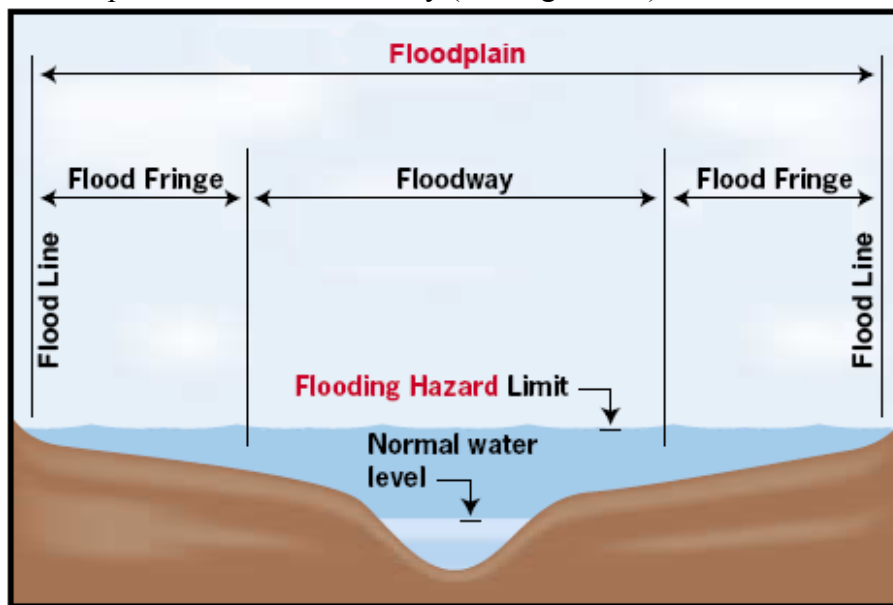
- (a) a **building** or part thereof where goods are offered or kept for sale at retail to the general public but shall not include any other retail establishment otherwise defined herein;
- (b) an occasional or periodic market or sales event held in an open area, which may include a **street**, or within a **building** or **structure** where independent sellers offer goods, new and used, for sale to the public, but not including private garage sales;
- (c) a building or open area in which stalls or sales areas are set aside and which are intended for use by various unrelated individuals to sell goods; or
- (d) a building or open area where food preserves or fresh produce or prepared foods are sold, but does not include a **restaurant**.

**Flood Elevation or Floodline**

Means a line established by a one-in-one-hundred year storm as established by flood plain mapping or by the Ministry of Natural Resources (See Figure 3-8).

**Flood Fringe**

Means the outer portion of the **flood plain** between the **floodway** and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway (See Figure 3-8).



(NOT TO SCALE)

**Flood Plain**

Means, for river stream and small inland lake systems, the area, usually low lands adjoining a **watercourse** or **water body**, which has been or may be subject to flooding hazards (See Figure 3-8).

**Flood Proofing**

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

**Floodway**

Means the portion of the **flood plain** where **development** and **site alteration** would cause a danger to public health and safety or property damage (See Figure 3-8). Where the one zone concept is applied, the floodway is the entire contiguous flood plain. Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or the area where flood depths and/or velocities are considered to be such that they pose a threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.

**Floor Area - Gross**

Means the total area of all floors contained within a **building** measured between the exterior faces of the exterior walls of the building and where there are no walls the total area of a floor within the outer perimeter of the floor.

**Floor Area - Net**

Means usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the **building** or **structure** but shall not include:

- i) Any **private garage**, porch, veranda, and unfinished **basement**, **cellar** or attic;
- ii) Any part of the building or structure below grade which is used for building services, storage or laundry facilities;
- iii) Any part of the building or structure used for the storage or parking of **motor vehicles**.
- iv) Any part of the building used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical room, and any automobile parking facilities provided within the building.

**Forestry Use**

Means the general raising, management and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees, other forestry products and silva culture practices.

**Fractional Ownership**

Means a form of tenureship where the title or deed of a property is divided into shares and those shares are owned by one or more individuals.

**Frontage – see Lot Frontage**

**Fuel Depot**

Means land, *buildings* or *structures used* for the bulk storage, distribution and sale of gasoline, propane, heating oil or motor oil.

**Full Municipal Services – see Sewage and Water Systems****Funeral Home**

Means a *building* or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories, a chapel or parlour provided such activities are clearly secondary and incidental to the main undertaking service.

**3.G****Garage - Private**

Means an *accessory building* or portion of a *main building*, including a *carport*, which is designed or used for parking or storage of one (1) or more *motor vehicles* of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or *commercial use*. A detached garage is a private garage that is not connected to a main building. A semi-detached garage is an *accessory building* divided vertically into two (2) separate private garages by a common wall where each separate private garage is located on separate, adjoining *lots*.

**Garden Centre**

Means an outdoor area primarily *used* for the retail of gardening equipment, products and planting materials.

**Garden Suite**

Means a one-unit *detached* residential *structure* containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

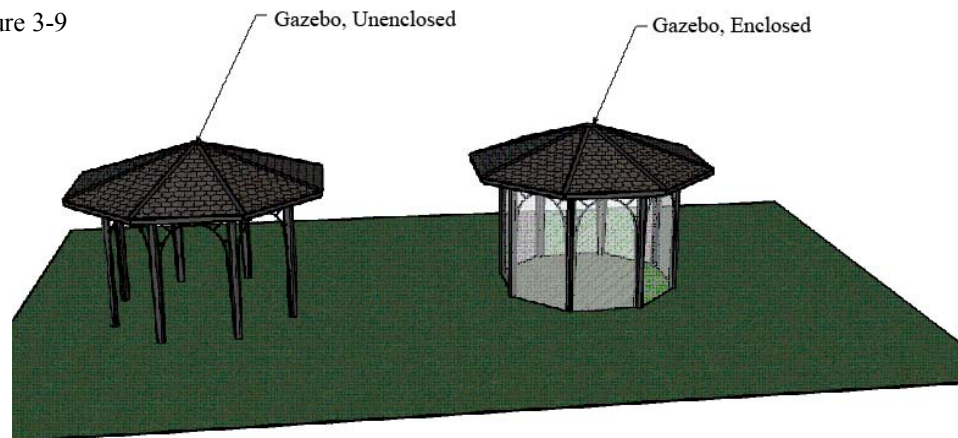
**Gasoline Bar**

Means one (1) or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a *floor area* of not more than 10 m<sup>2</sup> (107.6 ft.<sup>2</sup>) which shall not be used for the sale of any product other than liquids and small accessories required for the operation of *motor vehicles*.

**Gasoline Card Lock Facility**

Means one (1) or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards.

Figure 3-9



### **Gazebo**

Means a freestanding, roofed *accessory structure* which is not enclosed, except for transparent screening (e.g. glass, netting) and which is utilized for the purposes of relaxation in conjunction with a main use but shall not include any other use or activity otherwise defined or classified herein (See Figure 3-9).

### **Golf Course**

Means a public or private area operated for the primary purpose of playing the sport of golf but may also include such *buildings* and *structures* as are necessary for the operation and maintenance of the golf course and such club house facilities as *restaurant*, banquet, conference and other uses of a social, recreational and entertainment nature normally associated with golf course development.

### **Green Roof**

Means a roof of a *building* where part of or the entire surface of the roof is intentionally covered with vegetative material.

### **Greenhouse**

Means a *building* used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same *lot* containing such greenhouse.

### **Ground Floor**

Means the floor that is level with or immediately above grade.

### **Group Home**

Means a single housekeeping unit in a residential *dwelling*, which is registered with the *Municipality*, in which three (3) to ten (10) persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal by-laws. (See also *Crisis Care Facility*)

**Guest Room**

Means a room or suite of rooms, which contains no facilities for cooking and which is used or maintained for gain or hire by providing accommodation.

**3.H****Habitable Room**

Means a room in a *dwelling* or *habitable building used* or intended to be used primarily for human occupancy.

**Hazardous Lands**

Means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

3.h

**Hazardous Substances**

Means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

**Hereafter**

Means after the date of the passing of this By-law.

**Height**

Means the vertical distance between the average finished grade at the base of a *building* or *structure* and in the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest, or in the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof.

**Heliport**

Means a landing area or pad used for the landing and take-off of helicopters and shall include all necessary and incidental emergency services facilities, fuelling facilities and passenger and cargo facilities.

**Herein**

Means in this By-law, and shall not be limited to any particular section of this By-law.

**High Water Mark**

Means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil

on one side of the mark and the character of the vegetation or soil on the other side of the mark (See also *Shoreline*).

**Highway**

Means an improved public road under the jurisdiction of the Provincial government.

**Holding Zone**

Means a zone established under the enabling authority of Section 36 of the *Planning Act* where uses may be permitted subject to meeting certain conditions set out in the *Official Plan*.

**Home for the Aged** – see **Continuum-of-Care Facility**

**Home Based Business**

Means a privately operated legal occupation, enterprise or business which is carried out as a use clearly *accessory* to a *dwelling unit* for pursuits conducted by the occupant thereof and any employees and is compatible with a domestic household.

**Home Occupation** – see **Home Based Business**

**Hospital**

Means any institution, *building* or other premises or place that is established for the purposes of the treatment of patients and that is approved under the *Public Hospitals Act* as a public hospital.

**Hotel**

Means a *building* or buildings designed or *used* for the accommodation of the travelling or vacationing public, containing therein five (5) or more *guest rooms* served by a common building entrance. *Accessory uses* may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, restaurant or similar uses.

**Hunt Camp** – see **Camp (Hunt Camp, Fishing Camp)**

**3.I**

**Individual On-Site Systems** – see **Sewage and Water Systems**

**Industrial Uses, Light - Class I Industry**

Means a place of business for a small scale, self contained plant or *building* which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions, e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and/or heavy trucks and no outside storage. Examples include electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply. ‘Light Industrial

Uses' or 'Class I Industry' is a classification and other uses defined in this By-law may be classified as such.

**Industrial Uses, Medium - Class II Industry**

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions, e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include dry cleaning services, magazine printing establishments, paint spray booths, welding shops, courier and transport services, heavy *vehicle* repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractors yard. 'Medium Industrial Uses' or 'Class II Industry' is a classification and other uses defined in this By-law may be classified as such.

**Industrial Uses, Heavy - Class III**

Means a place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions. Such uses are intended to be secluded from residential or other *sensitive land uses* in order to limit any potential *adverse effects* on the environment or the surrounding areas and public health. Examples include manufacturing of paint and varnish, breweries, soaps and detergent manufacturing, metal manufacturing, and solvent recovery plants. 'Heavy Industrial Uses' or 'Class III Industry' is a classification and other uses defined in this By-law may be classified as such.

**Industrial Zone**

Means the Industrial (I) Zone.

**Influence Area**

Means the area or areas at, above or below grade, associated with a facility that is subject to one or more *adverse effects* which may be of varying duration, frequency and distance of dispersal. This is an actual influence area. A potential influence area identifies where adverse effects are generally expected to occur. An influence area or potential influence area acts as a potential constraint for sensitive land use, or conversely, on the establishment of a facility, unless evidence is provided that adverse effects are not a problem, or can be satisfactorily mitigated to the level of trivial impact.

**Institutional Use**

Means any land, *buildings* or *structures* used for a non-commercial purpose by any organization, group or association for government, religious, educational, charitable or hospitable purposes and involving activities carried on for some public purpose and not for profit, but excluding a private club, mental hospital, or any place of detention or correction.

**Interior Lot – see Lot, Interior**

### 3.K

#### **Kennel**

Means a **building, structure** or premises or portion of any of the foregoing, used for the raising, housing, breeding or training of four (4) or more domesticated animals over the age of four (4) months. This definition shall not include a *veterinary establishment*.

### 3.L

#### **Landscaped Open Space**

Means:

- (a) a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use;
- (b) does not include *parking areas*, traffic *aisles* or *driveways* or ramps for *vehicles*.

#### **Lane**

Means:

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

#### **Laundromat**

Means a *building* or part thereof where coin-operated laundry machines are made available to the public for the purpose of laundry cleaning.

#### **Library**

Means a *building* or part thereof where educational material (e.g. books, films, music, audio-visual, magazines) are made available for public display and are lent to the public.

#### **Licensed Refreshment Sales Vehicle**

Means a *vehicle* which is currently licensed pursuant to the *Highway Traffic Act* and which is equipped for the preparation, storage, heating, cooking, cooling or sale of foodstuffs or beverages within or from the vehicle and may include exterior seating (e.g. picnic tables).

#### **Livestock Facility**

Means one or more barns or permanent *structures* with livestock-occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or material storage and anaerobic digesters.

**Livestock Sales Outlet**

Means a *building* or *structure* where livestock such as cattle, goats, sheep, horses or the young thereof are bought and sold.

**Loading Space**

Means a space or bay located on a *lot* or within a *building* which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials in connection with the use of the lot or any building thereon, and which has unobstructed access not necessarily in a straight line to a *street*.

**Loft-Above-a-Garage**

Means the portion of a *garage* located above the garage portion of the *structure* and is used for sleeping accommodation in which cooking facilities shall not be provided but may contain sanitary facilities. (See also *Sleep Cabin*)

**Long Term Care Facility – see Continuum-of-Care Facility****Lot**

Means a parcel or tract of land, within a registered plan or subdivision or described in a deed or other legal document, that is capable of being legally conveyed.

**Lot Area**

Means the total horizontal area measured within the limits of the *lot lines* of the *lot*.

**Lot, Corner**

Means a *lot* situated at an intersection of two (2) or more *streets*, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one-hundred-and-thirty-five degrees (135°).

Where such street lines are curved, the angle of intersection of the *street lines* shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the *side lot lines*. 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 (See Figure 3-10).

**Lot Coverage**

Means the percentage of the *lot area* covered by the ground *floor area* of all *buildings* located on the *lot*.

**Lot Depth**

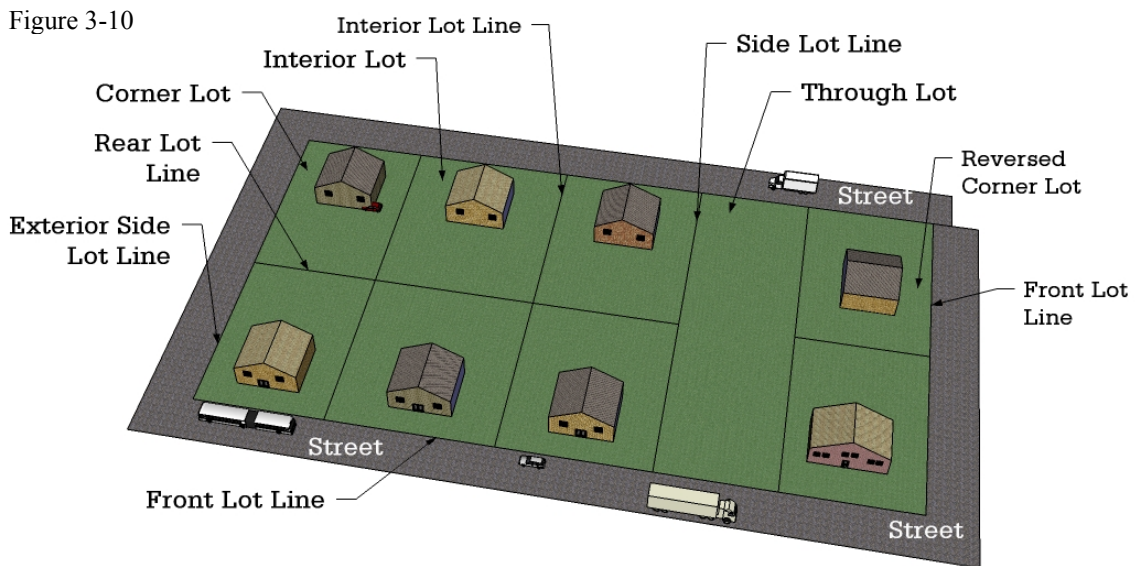
Means the horizontal distance between the *front* and *rear lot lines*. If the front and rear lot lines are not parallel, 'lot depth' means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the *side lot lines* (See Figure 3-13)

### Lot Frontage

Means the horizontal distance between the *side lot lines* along the *front lot line*. Where such side *lot lines* are not parallel, the lot frontage shall be the width of a *lot* measured between the intersections of the side lot lines with a line 7.5 m (24.6 ft.) back from and parallel or concentric to the *front lot line*. Arc distances shall apply on curved lines (See Figure 3-13).

### Lot, Interior

Means a *lot* other than a *corner* or a *through lot* which is situated between adjacent lots and has *frontage* on a *street* (See Figure 3-10).



### Lot Line

Means a boundary line of a *lot* (See Figure 3-10).

### Lot Line, Exterior Side

Means a *lot line* located between the *front* and *rear lot lines* and dividing the *lot* from a *street* (See Figure 3-10).

### Lot Line, Front

Means:

- (a) In the case of an *interior lot*, the line dividing the *lot* from the street line, street allowance or *private road* (See Figure 3-10).
- (b) In the case of a *corner lot*, the shorter *lot line* abutting a *street* shall be deemed to be the front lot line. In such a case, the longer lot line abutting a street shall be deemed an exterior side lot line.
- (c) In the case of a *corner lot* with two street lines of equal lengths, the *lot line* that abuts the wider *street*, or 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 lot line where the principal access to the *lot* is provided shall be deemed to be the front lot line.

- (d) In the case of a *lot* with water access only, the *front lot line* shall be on the water side. In the case of a through *waterfront lot* with water access only, the longest *shoreline* shall be deemed to be the front lot line.
- (e) In case of a lot with frontage on a *public street* or *private road* and on a *water body*, the *lot line* adjacent to the *high water mark* shall be deemed the front lot line.
- (f) In the case of a *corner lot* abutting a 0.3 m (0.98 ft.) reserve or other reserve, the *lot line* so abutting the reserve shall be deemed an *exterior lot line* and the other lot line abutting the street shall be deemed to be the *rear lot line*.
- (g) In the case of a lot with *private road*, the *lot line* adjacent to the private road shall be deemed to be the front lot line.
- (h) In all other cases not described above, the front lot line shall be deemed to be where the principal access to the *lot* is approved.

**Lot Line, Side Interior**

Means a *lot line* other than a *front, rear* or *side exterior lot line* (See Figure 3-10).

**Lot Line, Rear**

Means the *lot line* furthest from, and opposite to, the *front lot line* (See Figure 3-10).

**Lot, Through**

Means a *lot* having a *frontage* on two parallel or approximately parallel *streets* (See Figure 3-10).

**Lot, Waterfront**

Means a *lot* that abuts a navigable waterway or body of water.

**Lot, Width**

Means the average horizontal dimension between the two longest opposite sides.

**Lumber Yard**

Means lands, *buildings* and *structures* where the primary use is the storage of construction grade wood and building supplies for sale at retail or wholesale.

**3.M**

**Main Building** – see **Building, Main**

**Main Use**

Means the primary purpose for which the *main building* or *structure* on a lot is designed, arranged, occupied and maintained, or in the case of a lot where there is no *building* or structure, the primary purpose for which the lands are to be designed, arranged and maintained

### **Main Wall**

Means any exterior wall of a *building* and all structural members essential to the support of a fully enclosed space or roof exclusive of permitted projections.

### **Manure or Material Storage**

Means permanent storage, which may or may not be associated with a *livestock facility* containing liquid manure (<18% dry matter), solid manure ( $\geq$  18% dry matter), or digestate (< 18% dry matter). Permanent storages may come in a variety of locations, materials, coverings, elevations, configurations and shapes.

### **Marina**

Means a *building* or *structure* on a waterfront with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels, marine equipment, lubricants, bait as well as the sale of foods, provisions or supplies as an *accessory use* may be provided.

### **Marine Facility**

Means a non-commercial *building* or *structure* which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, *dock* or *boathouse*, but does not include any building used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure. No part of a marine facility may be used as a *dwelling unit*.

**Material Storage** – see **Manure or Material Storage**

### **Mine Hazard**

Means any feature on a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated.

### **Mineral Aggregate Operation**

Means:

- (a) lands under license or permit, other than for *wayside pits* and *quarries*, issued in accordance with the *Aggregate Resources Act*, or successors thereto;
- (b) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

### **Mineral Deposits**

Means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present and future extraction.

**Mineral Mining Operation**

Means a mining operation and associated facilities, or, a past producing mine with remaining mineral development potential that has not been permanently rehabilitated to another *use*.

**Miniature Golf Course**

Means an area of land, *building* or *structure* or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range.

**Minimum Distance Separation Formulae I and II**

Means formulae developed by the Province to separate *uses* so as to reduce incompatibility concerns about odour from *livestock facilities* and *material or manure storage*.

**Mobile Home**

Means any *dwelling* that is designed to be made mobile, and constructed or manufactured to provide either a permanent or seasonal residence for one (1) or more persons, and which is not less than 3 m (9.84 ft) wide and the total area of which is not less than 46 m<sup>2</sup> (495.1 ft<sup>2</sup>). A mobile home does not include a travel trailer or tent trailer or *trailer* otherwise designed.

**Mobile Home Park**

Means lands which has been provided and designed for the location thereon of two (2) or more occupied *mobile homes*.

**Mobile Home Lot or Site**

Means an area, similar to a *lot*, located in a *mobile home park*, intended to be or occupied by a *mobile home* or a permitted *accessory use*.

**Mobile Home Yard**

Means a line similar to a *front yard*, *rear yard*, *interior* or *exterior side yard* as if it were applied to a *Mobile Lot or Site*.

**Modular Home**

Means a *single detached dwelling* consisting of two (2) or more modules which has been prefabricated or manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a *Mobile Home* or Park Model Trailer as otherwise defined.

**Motel**

Means a *building* or *buildings* designed or used for the accommodation of the travelling or vacationing public, containing therein three (3) or more *guest rooms*, each guest room having a separate entrance directly from outside and may include an accessory eating establishment or restaurant. (See also *Hotel* and *Tourist Establishment*)

**Motor Vehicle** – see **Vehicle**

**Municipal Sewage Services** – See **Sewage Disposal and Water Systems**

**Municipal Water Services** – See **Sewage Disposal and Water Systems**

**Municipality**

Means the Corporation Township of McGarry.

**Museum**

Shall mean an institutional *place* that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of scientific, natural, artistic, or historical interest, or other interests.

**3.N**

**Non-Conforming**

Means any existing use, *building*, *structure* or *lot* which does not comply with the requirements and standards of this By-law.

**Non-municipal Drinking Water System**

Means a drinking water system that is not a *municipal drinking water system*.

**Nursery**

Means land and structures used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale. (See also *Commercial Greenhouse*)

**Nursing Home** – see **Continuum-of-Care Facility**

**3.O**

**Obnoxious Use**

Means any use which shall be a nuisance to the occupants or owners of any neighbouring land or buildings by reason of emissions from the said land or any part thereof or the creation thereon of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or depositing or leaving unsightly objects or chattels thereon, or an obnoxious use as defined in the in the *Health Protection and Promotion Act*.

**Occupancy Permit**

Means a permit issued under the authority of the *Planning Act* by the **Chief Building Official** which indicates that the proposed *use* of land or any *building* or *structure* on any such land is in conformity with this By-law.

**Office**

Means a *building*, *structure* or part thereof *used* for the purpose of providing accommodation for the performance and transaction of business including administrative, clerical and professional activities (e.g. lawyer, doctor, dentist, architect, realtor, computer programming, consultant, etc), but shall not include the manufacturing of any product.

**Official Plan**

Means the Official Plan of the Township of McGarry planning area or parts thereof and amendments thereto that may take from place time-to-time.

**Open Space**

Means the open, unobstructed space on a *lot* including landscaped areas, pedestrian walkways, patios, *pools* or similar areas but not including any *driveway*, ramp, *parking spaces* or *aisles*, *loading spaces* or maneuvering areas and similar areas.

**Open Storage**

Means storage or display of goods, merchandise or equipment outside of a *building* or *structure* on a *lot* or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a *lot*, a *parking area* or *parking space* or the *outdoor display* of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement.

**Outdoor Display**

Means an area set aside outside of a *building* or *structure*, *used* in conjunction with a business located within the building or structure on the same property, for the display of sales or seasonal produce may include garden supplies and Christmas trees, new merchandise or the supply of services.

**Owner**

Means a mortgagee, lessee, tenant, occupant, or a person entitled to a limited estate or interest in land, a trustee in whom the land is vested, a committee of the estate of a mentally competent person, an executor, an administrator or a guardian.

**3.P**

**Park**

Means an area of land, whether enclosed or not, maintained by the *Municipality* or other public authority for the enjoyment, health and well-being of people and open to the public with or without charge and, for the purposes of this definition, includes a Provincial Park or Conservation Area with or without campground facilities.

**Parking Area**

Means a *lot* or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of *motor vehicles* accessory or incidental to uses in all *zones*, and shall not include the storage or parking of four (4) or more motor vehicles for hire and gain, display or for sale.

**Parking Lot - Commercial**

Means a *lot* or portion thereof used for the temporary storage or parking of four (4) or more *vehicles* for hire and gain but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles. A commercial parking lot may used in association with a *commercial use* for the purposes of this By-law and the parking lot may or may not be for hire or gain.

**Parking Space**

Means an area used for the temporary parking of one (1) *motor vehicle* that is not less than 16.2 m<sup>2</sup> (193.75 ft<sup>2</sup>) measuring not less than 2.7 m (8.86 ft) in width by 6 m (19.7 ft) in length exclusive of driveways or aisles.

**Parking Space, Barrier-Free**

Means an *parking space* of not less than 22.2 m<sup>2</sup> (238.9 ft<sup>2</sup>) measuring a minimum of 3.7 m (12.1 ft) in width by 6 m (19.6 ft) in length exclusive of driveway *aisles*, for the temporary parking of a *motor vehicle* used by a handicapped or disabled person.

**Partial Services – see Sewage and Water Systems**

**Person**

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

**Personal Service Establishment**

Means a commercial *place* wherein a personal service is performed. This definition may include, but is not limited to, businesses or services such as a barber shop, hair styling salon, shoe repair shop, tattoo and piercing parlour, spa, tanning salon, dry cleaning outlet, tailor shop, dressmaker shop, massage therapy service, photofinishing, picture framing, publishing and photocopying, but excludes any manufacturing or fabrication of goods for sale.

**Pharmacy – see Retail Store**

**Pit**

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 open excavation and includes the processing thereof for commercial purposes including screening, sorting, wading, crushing and other similar operations together with required buildings and structures, but does not include a *wayside pit*.

**Place**

Means lands, *buildings* and/or *structures*.

**Place of Amusement**

Means an establishment operated for commercial gain or profit wherein amusement facilities are provided such as a video arcade or arcade, billiard or pool room, pinball machines and video games but does not include an adult entertainment parlour, casino or *bingo hall*. (See also *Bingo Hall*)

**Place of Assembly**

Shall mean a *place* where facilities are provided for such purposes as meetings for civic, educational, political or social purposes, and without limiting the generality of the foregoing, may include such facilities as a banquet hall or private club, but shall not include a *place of worship* or *community centre*.

**Place of Worship**

Shall mean a *place* or an open area dedicated to religious worship and may include a manse or rectory located on the same *lot* therewith, but does not include a manse or rectory that is established on a separate lot.

**Playground**

Means a *park* or part thereof which is equipped with active recreational facilities oriented to children.

**Portable Asphalt/Concrete Plant**

Means in the case of a portable asphalt plant a facility with equipment designed to mix or heat and dry aggregate and to mix aggregate with bituminous asphalt to produce concrete or asphalt paving materials, or in the case of a portable concrete plant equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete. Both uses may include stockpiling and storage of bulk materials used in the process. Either use shall not be of permanent construction but are designed to be dismantled and moved to another location as required.

**Printing and Publishing Establishment**

Means a *building* or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, maps and similar publications and also includes the sale and servicing of printing and duplicating equipment.

**Private Airfield** – see **Airfield, Private**

**Private Communal Sewage Services** – see **Sewage Disposal and Water Systems**

**Private Communal Water Services** – see **Sewage Disposal and Water Systems**

**Private Road**

Means a private right-of-way over private property which affords access to at least two (2) abutting *lots* and which is not maintained by a *public authority*.

**Private School** – see **School, Private**

**Public Access Point**

Means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable *water body*. (See also *Marine Facility*)

**Public Authority**

Means the Township of McGarry and any Boards or Commissions thereof and any Ministry, Commission or Department of the Governments of Ontario or Canada, or recognized public utility or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by By-law of *Council*.

**Public Service Use**

Means a *building, structure or lot* used for public services by the Township of McGarry, and any Ministry, Department or Commission of the Governments of Ontario and Canada, any telephone, telegraph or railway company, any company supplying natural gas, HydroOne, and any public utilities company or similarly recognized agencies.

**Public Storage** – see **Self Storage Facility**

**Public Street**

Means a public or common roadway or *highway* affording the principal means of access to abutting properties which has been dedicated to and or assumed by a *public authority*.

**Public Use**

Means the use of land, *building or structures* by civic, religious, educational, charitable, fraternal, social or recreational societies, agencies, boards or committees so long as the activity is not conducted for a profit, and any business is accessory to the main use.

**Public Utility**

Means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, scientific research system, and includes any lands, *buildings* or equipment required for the administration or operation of any such system and which is operated by a *public authority* or a publicly governed company.

**3.Q**

**Quarry**

Means a place where unconsolidated rock has been or is being removed by means of an open excavation and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing and other similar operations, required buildings and structures, but does not include a *wayside quarry*.

### 3.R

**Recreation Dwelling** – see **Dwelling – Seasonal or Camp**

#### **Recreational Commercial Establishment**

Means an *place* where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasias, band shell or open theatre, and other similar uses but does not include a casino or *bingo hall*. The definition of recreational commercial establishment shall not include *golf courses, miniature golf courses, campgrounds, marinas, parks* or cabins.

#### **Recreational Vehicle**

Means any *vehicle* so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for living, sleeping, eating or accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home or a park model trailer, as defined. A recreational vehicle shall not be deemed to include a mobile home or a manufactured home. The definition of a recreational vehicle shall not be interpreted to include recreational equipment such as boats, boat or vehicle trailers, personal water craft, snowmobiles, all terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a lot. Recreational vehicles shall be considered *dwelling*s for the purposes of *Minimum Distance Separation* where one (1) or more persons are able to sleep and prepare and serve meals within the vehicle.

**Recreational Vehicle Campground** - see **Campground**

#### **Recreational Vehicle Sales and Storage**

Means a *place* which is used for the display, storage and/or sale of boats, *trailers*, campers and other *recreational vehicles* or recreational equipment.

#### **Recycling Depot or Transfer Station**

Means a special *waste management facility* which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system. (See also *Waste Management Facility*)

#### **Redevelopment**

Means the removal or rehabilitation of *buildings* or *structures* from land and the construction, reconstruction or *erection* of other buildings or structures in their place.

#### **Renovation**

Means the repair and restoration of a building or structure to safe condition, but shall not include its replacement.

**Residence** – see **Dwelling Unit**

**Residential Use**

Means the use of land, *buildings* or *structures* for human habitation.

**Residential Zone**

For the purposes of this By-law, residential zone shall mean the General Residential (R1) Zone, Multiple Residential (R2) Zone, Rural Residential (R3) Zone and Lakefront Residential (R4) Zone.

**Restaurant**

Means a *building* or *structure* or part thereof where food is prepared and offered for sale to the public for consumption within or outside the building or structure or off the premises and may include an order board and drive-through facility.

**Retail Store**

Means a *building* or part thereof wherein goods, wares, merchandise, substances or articles are offered for sale to the general public, and may include the limited storage and display of goods, wares, merchandise, substances or articles, and shall not include any other *use* defined herein.

**Retirement Home**

Means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and medical care facilities may also be provided. Such a facility shall be for adults who are capable of living independently without nursing care. (See also *Continuum-of-Care Facility*)

**Right-of-Way**

Means an area of land acquired for or devoted to the provision of a road.

**Road** – see **Public Street**

**3.S**

**Salvage Yard**

Means a *place* where used goods, wares, merchandise, articles, *motor vehicles*, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a junk yard, a scrap metal yard, a *recycling depot* and an automobile wrecking yard on the premises.

**Satellite Dish**

Means a **structure** designed and used for the reception of television signals related back to earth from a communications satellite.

**Sawmill or Planing Mill**

Means a **place** where timber is cut or sawed, either to finished lumber or as an intermediary step.

**Sawmill, Portable**

Means equipment which is portable (e.g. may be drawn by a **vehicle**) and is used on a temporary basis for the cutting of saw logs.

**Sauna**

Means an **accessory building** or **structure** not exceeding 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) wherein facilities are provided for the purpose of inducing perspiration and may include a change room and shower and may be constructed as part of a **boat house**.

**School**

Shall mean an institutional **place** for the education or instruction of a body pupils by a body of teachers, and shall include an elementary or secondary school, adult education and English or French as a second language programs, but shall not include a **studio**, **museum**, post-secondary educational institution, any type of **home based business**, or any other **use** defined herein.

**Screening**

Means the use of landscaping, walls, fences, hedges or other ornamental fixtures to shield the view from one (1) property to another.

**Seating Capacity**

Means the number of persons which can be accommodated in a **building** or **structure** or part thereof in a seated position on chairs, benches, forms or pews.

**Self Storage Facility**

Means a commercial **building** or part of a building wherein items are stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

**Semi-detached Garage – see Garage - Private**

**Sensitive Land Use**

Means a land **use** or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one (1) or **more adverse effects** from contaminant discharges generated by nearby facilities and includes, but is not limited to, a **dwelling**, **day nursery**, or an educational or health facility (e.g. **school**, hospital). A sensitive land use may be a part of the natural or built environment.

**Setback**

Means:

- (a) With reference to a road or *street*, the least horizontal distance between the *front lot line* and the nearest building line.
- (b) With reference to a *water body*, the least horizontal distance between the *high water mark* of the water body and the nearest building line.
- (c) With reference to a *building, structure* or land *use* and not applicable under paragraph (a) or (b), shall mean the least horizontal distance from the *building, structure* or land *use* in question.

### **Sewage Disposal and Water Systems**

(a) **Full Municipal Services**

Means the combination of *municipal sewage services* and *municipal water services*.

(b) **Individual On-Site Systems**

Shall mean individual autonomous water supply and sewage disposal systems that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five (5) residential units/lots.

(c) **Partial Services**

Means

- (i) *municipal sewage services* or *private communal sewage services* and *individual on-site water services*; or
- (ii) *municipal water services* or *private communal water services* and *individual on-site sewage services*.

(d) **Municipal Sewage Services**

Means a *sewage works* within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by the Municipality of McGarry.

(e) **Municipal Water Services**

Means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

(f) **Private Communal Sewage Services**

Means a *sewage works* that serves six (6) or more *lots* or private *residences* and is not owned by the Municipality of McGarry Lake.

**(g) Private Communal Water Services**

Means a *non-municipal drinking water system* that services six (6) or more *lots* or private *residences*.

**Sewage Disposal System** – see **Sewage Disposal and Water Systems**

**Sewage Lagoon**

Means an area of land used for the discharge and disposal of sewage waste and that has a standing Certificate of Approval issued by the Ministry of the Environment.

**Sewage Treatment Facility**

Means a facility where sewage is collected, transmitted and treated and has a standing Certificate of Approval issued by the Ministry of the Environment.

**Sewage Works**

Means any works for the collection, transmission, treatment and disposal of sewage or any part of such works, but does not include plumbing to which the *Building Code Act* applies.

**Shooting Range or Rifle Club**

Means a *place* used for recreational target practice, skeet shooting, gun or hunter safety instruction and is operated by a club or organization.

**Shoreline**

Means a *lot line* or portion thereof which abuts or parallels the *high water mark* of a *water body* or *watercourse*.

**Shoreline Structure**

Means a *boat house* (wet or dry), a boat port, a float plane hangar, a *sauna* or steam bath, a *dock* or wharf, a *gazebo*, a utility or storage shed or a *viewing deck*.

**Side Exterior Yard** – see **Yard, Side Exterior**

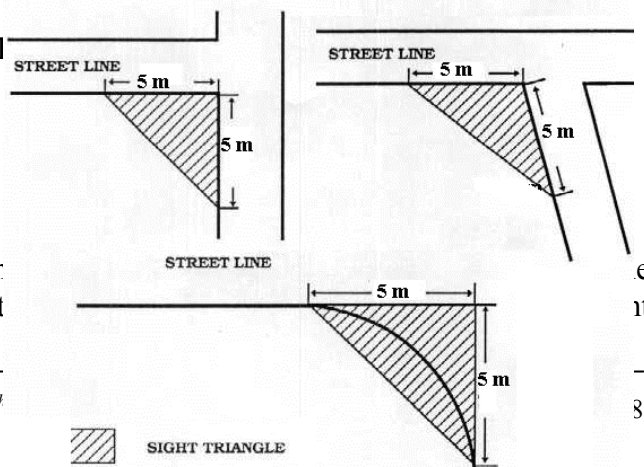
**Side Interior Lot Line** – see **Lot Line, Side Interior**

**Side Interior Yard** – see **Yard, Side Interior**

**Side Yard** – see **Yard, Side**

**Sight Triangle**

Means a triangular space formed by the intersection of two streets drawn from a point on a *street line* to the intersection of the two streets.



being 5 m (16.4 ft) from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines. (See Figure 3-11)

**Sign**

Shall mean any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

- (a) is a *structure*, or part of a structure, or which is attached thereto or mounted thereon; and
- (b) which is used to advertise, inform, announce, claim, give publicity or attract attention.

**Skateboard Park**

Mean a *building* or *structure* or part thereof or an area of land occupied by structures used in skateboarding, roller skating, roller blading, BMX riding or other similar activities, such structures including ramps, half-pipes, rails, etc.

**Sleep Cabin**

Means an *accessory building* or *structure*, located on the same *lot* as the principal *building* or *structure*, the *accessory use* being for sleeping accommodation in which cooking facilities shall not be provided but may contain sanitary facilities. (See also *Loft-Above-a-Garage*)

**Solar Collector**

Means a device consisting of photovoltaic panels that collect solar power from the sun. A solar collector may be attached to a *building* or *structure* or erected on a post(s).

**Solid Waste Disposal Site – see Waste Management Facility**

**Solarium**

Means a glassed-in *structure* or room projecting from an exterior or *main wall* of a *building* which may be used for sunning, therapeutic exposure to sunlight, or for a *use* where the intent is to optimize exposure to sunlight.

**Storey**

Means that portion of a *building* other than a *cellar* or *basement* included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it. (See Figure 3-12)

Figure 3-12



**Street** – see **Public Street**, **Private Road** or **Street Allowance**

**Street Allowance**

Shall have a corresponding meaning to that of *Public Street* or *Private Road*.

**Street Line**

Means the limit of the road or *street allowance* and is the dividing line between a *lot* and a *public street* or *private road*.

**Structure**

Means anything constructed or *erected*, the use of which requires location on the ground or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a *recreational vehicle* and a *sewage disposal system* but does not include a *fence*.

**Studio**

Means a *building* or part thereof used,

- (a) as the workplace of a cabinetmaker, ornamental welder, photographer, artist, or artisan or any similar artist or craftsman, where unique articles are made or fabricated and offered for sale.
- (b) for the instruction of art, music, languages or similar disciplines.

**Swimming Pool**

Means an open or covered pool used for swimming, wading, diving or recreational bathing with a water depth of or potentially of at least 50 cm (19.6 inches), and may include a hot tub, inflatable pool or whirlpool.

**3.T**

**Tavern**

Means a *building* or part thereof where liquor, beer or wine are served for consumption on the premises, with or without food, and is licensed under the *Liquor License Act*.

**Temporary Building** – see **Building, Temporary**

**Theatre**

Means a *building* or part thereof used for the presentation of motion pictures or staged entertainment. The definition of theatre shall not include drive-in theatres.

**Theme Park**

Means an entertainment or amusement facility or *park* developed around one or more themes.

**Through Lot** – see **Lot, Through**

**Tourist Cabin** – see **Sleep Cabin**

**Tourist Cabin Establishment**

Shall mean a *place* providing sleeping accommodation in rental cabins for the travelling or vacationing public. A tourist cabin establishment provides a minimum of four (4) cabin units for rent, and may include accessory facilities which support the *use* such as, without limiting the generality of the foregoing, administration offices but shall not include a *restaurant* that serves the general public.

**Tourist Establishment**

Means *place* used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a *hotel, motel, lodge or bed and breakfast*, and rental cottage or cabin where four or more such rental units occupy the same property, including *accessory uses* such as dining, meeting and beverage rooms and similar uses.

**Tourist Outfitters Establishment**

Means a *place* which operates throughout all or part of a year which may or may not furnish overnight accommodation and facilities for serving meals and furnishes

equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

**Township**

Means the Corporation of the Township of McGarry.

**Trailer** – see **Recreational Vehicle**

**Transportation Depot**

Means *place* where commercial *vehicles* are kept for hire, rental and/or lease, or stored and/or parked for remuneration and/or from which such *vehicles* are dispatched for hire as common carriers and where such land, structure or building may be used for the storage and/or distribution of goods, wares, and merchandise.

**3.U**

**Use**

Means the purpose for which any land, *building*, *structure* or any combination thereof is designed, arranged, occupied or maintained.

**3.V**

**Vehicle**

Means a motor vehicle, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a snowmobile or a street car.

**Veterinary Establishment**

Means an establishment located within a *building* or part of a building used by a veterinarian where animals are treated and where domestic animals may be kept for treatment within a building, but shall not include a commercial *kennel*.

**Video Rental Outlet**

Means a *building* or part of a building wherein the primary *use* is the rental of video materials (e.g. DVDs, tapes, blu-ray discs, etc) and may include the rental of video cassette recorders, video cameras, video games and the sale of other such items related to audio-visual entertainment.

**Viewing Deck**

Means a *structure* that is designed and oriented on the ground to provide a view of a particular area of feature (e.g. lake, valley). A viewing deck shall not exceed 16.7 m<sup>2</sup> (1.7 ft<sup>2</sup>) and may be screened-in but shall not be enclosed by walls. The definition of viewing deck does not include a *gazebo*, *deck*, patio or any other *shoreline structures*, however, a viewing deck shall be considered a shoreline structure.

**Viewing Platform** – see **Viewing Deck**

### 3.W

#### **Warehouse**

Means a *building* or part thereof used primarily for the operation of general merchandise warehousing, cold storage or other storage facilities and includes a centre for distribution of wholesale goods and commodities for resale to retailers; to industrial, commercial, institutional or professional users, and/or to other wholesalers. (See also *Self Storage Facility*)

#### **Waste Management Facility**

Means a site which is licensed or approved by the Ministry of the Environment and/or its agents where garbage, refuse, domestic or industrial waste, excluding radioactive or toxic chemical wastes, is disposed of or dumped. This definition shall include waste transfer stations, processing sites, and *recycling depots*. (See also *Recycling Depot*).

#### **Watercourse**

Means the natural channel for a perennial or intermittent creek, stream or river.

#### **Waterfront**

Means the lands adjacent to the common boundary of a *water body* or *watercourse* with an area of land.

#### **Water Access Lot**

Means a *lot* that is provided access by a navigable *water body* or *watercourse*.

#### **Water Body**

Means any bay, lake, river, wetland or canal but excluding a drainage or irrigation channel.

#### **Water Frontage**

Means the strip of land comprising part of a *lot* that directly abuts a *water body* or *watercourse*. When used as an adjective, means a lot or lands that has frontage on a *water body* or watercourse.

#### **Water System – see Sewage and Water Systems**

#### **Water Vehicle**

Means any *vehicle* drawn, propelled or driven by any kind of power, including muscular power, on water. The definition of water vehicle shall not include a snowmobile or any other vehicle that is capable of being propelled or driven on both land and water.

#### **Wayside Pit**

Means land from which unconsolidated aggregate is removed by means of open excavation for use in a public undertaking.

**Wayside Quarry**

Means a place from which consolidated aggregate is removed by means of open excavation for use in a public undertaking.

**Welding Shop**

Means a *building* or *structure* or part thereof where metal products are joined, repaired or shaped by welding but no mass productions shall be involved.

**Wetland**

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Lands being used for agricultural purposes, that are periodically 'soaked' or 'wet', or which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wind Turbine, Small**

Means a wind energy conversion *structure* consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 300 kilowatts, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale. The definition of small wind turbine also includes vertical axis wind turbines which consist of blades rotating around a vertical motor shaft. For the purposes of this By-law, a small wind turbine shall be considered an *accessory structure*.

**Wind Turbine, Large**

Means a wind energy conversion structure consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of 2 megawatts or greater, and which is connected to the provincial electrical system and is which intended to generate electricity for sale off-site.

**Workshop or Custom Workshop**

Means a *building*, *structure* or part thereof where manufacturing is performed by a tradesman, 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.

**Wrecking Yard – see Salvage Yard****3.Y****Yard**

Means the area between a *main wall* of a *building* and a *lot line* that, except for landscaping or *accessory buildings*, *structures* and *uses* and projections specifically permitted elsewhere in this By-law, is unobstructed above grade.

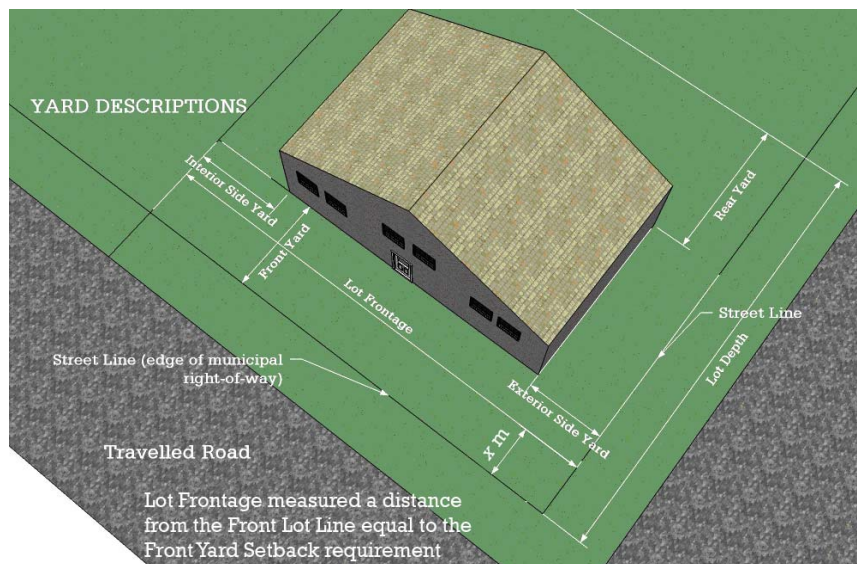
### **Yard Sale**

Means the occasional or infrequent sale (e.g. one or two days annually for anyone household) of household goods, clothing, furniture, tools, recreational equipment or other secondhand articles or sundry items, usually by the households on an individual property, but may include a joint sale by neighbours on the same *street* or a joint sale at a *school, place of worship* or other location. A yard sale shall not include a *Flea Market* as defined.

### **Yard, Front**

Means the space extending across the full width of a *lot* between the *front lot line* and the nearest part of any *main building* or *structure* for which such *yard* is required (See Figure 3-13).

Figure 3-13



### **Yard, Rear**

Means a space extending across the full width of a *lot* between the *rear lot line* and the nearest part of any *main building* or *structure* for which such a *yard* is required. Where there is no rear lot line, the rear yard shall be measured from the intersection of the *side lot lines* to the closest point of the main building (See Figure 3-13).

### **Yard, Side**

Means a space extending from the *front yard* to the *rear yard* between the *side lot line* and the nearest part of any *main building* or *structure* for which such a *yard* is required (See Figure 3-13).

### **Yard, Exterior Side**

Means a *side yard* adjacent to a *public street* or *private road* (See Figure 3-13).

### **Yard, Interior Side**

Means a *side yard* other than an *exterior side yard* (See Figure 3-13).

**3.Z**

**Zone**

Means a designated area of land *use* demarcated on the Schedules attached hereto.