

Municipality of West Perth - Zoning By-law

Section 3 - Definitions

For the purpose of this By-law, the definitions that are provided in this Section shall govern unless specifically indicated otherwise in other parts of this By-law.

3.1 Accessory means a use or a detached building or structure that is naturally and normally incidental, subordinate and exclusively devoted to supporting the principle use, building or structure and located on the same lot therewith, but does not include a dwelling unless otherwise specified.

Amended by By-law No. Z149-2012

3.2 Adult Entertainment Parlour means any premises or any part of them is an adult entertainment establishment if, in the pursuance of a business,

- (a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises; or
- (b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body, are performed, offered or solicited in the premises or part of the premises, excluding premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under a statute of Ontario.

3.3 Agricultural Use means a use of land, building, or structure for the purpose of animal husbandry, bee-keeping, dairying,

fallow, field crops, forestry, maple syrup production, fruit farming, horticulture, pasturage, poultry-keeping, or any other farming use, and includes the growing, raising, packing, treating, storing, and sale of produce produced on the premises.

3.4 Airfield means a facility used for the landing, departure and storage of small privately owned aircraft for personal use and shall not include a commercial Airport.

3.5 Alter when used in reference to a building, structure, or part thereof, means to change any one or more of the internal or external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof, or a change from one type of occupancy to another, or a structural alteration or change thereto.

When used in reference to a lot, the word "alter" means a change in use, or a decrease or increase in the width, depth, or area thereof or to decrease or increase the width, depth, or area of any required yard, setback, landscaped open space, or parking area or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise.

The words "altered" and "alteration" shall have corresponding meanings.

Amended by By-law No. Z149-2012

3.5.1 Amenity Space means the total area or areas within a lot provided for the use of the residents of a residential building or a commercial building containing residential units located on the lot for the purpose of personal recreation space or shared recreation space.

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3.6 Animal Clinic means the premises of a veterinary surgeon where domestic animals, birds, or other livestock are treated and/or kept. Animal clinic does not include a kennel.

Amended by By-law No. Z149-2012

3.6.1 Antique Store means a retail store selling any old and authentic objects of personal property which were made, fabricated or manufactured sixty or more years earlier and which have a unique appeal and enhanced value mainly because of its age, and, in addition, may include the sale of any article of personal property which was made, fabricated or manufactured twenty or more years earlier and because of public demand had attained a value in a recognized commercial market which is in excess of its original value.

Amended by By-law No. Z149-2012

3.6.2 Artisan's Establishment means an establishment used for the study or instruction of a performing or visual art such as dancing, music or painting or other similar uses or the workplace of an artisan such as a painter, sculptor, photographer, dressmaker or tailor together with the accessory retailing of paintings, sculpture, photography or handcrafts or other similar uses.

Amended by By-law No. Z34-2002

3.7 Assembly Hall means a building or part thereof, in which facilities are provided for such purposes as meetings for civic, educational, religious or social purposes and may include a banquet hall or private club.

Amended by By-law No. Z149-2012

3.7.1 Attached when used in reference to a building, means a building otherwise complete in itself which depends for structural support or for complete enclosure upon a division wall or division walls shared in common with adjacent building or buildings.

3.8 Auction Establishment means a building or part thereof used for the retail sale of articles or goods to members of the public bidding the highest offer for the article during the selling proceedings.

Amended by By-law No. Z149-2012

3.8.1 Automobile Parts Supply Store means a building or part thereof used for the sale and delivery of new motor vehicle parts, and equipment and devices to an automobile repair establishment or the sale of same directly to the public over a counter.

3.9 Automobile Repair Establishment means a building or other structure where the repairing, rebuilding, or reconditioning of motor vehicles or parts thereof, including body and fender work, rust-proofing, painting, and steam cleaning, is carried on but does not include an automobile service station or an automobile wrecking yard.

3.10 Automobile Sales and Service Establishment means a building and/or lot used for the display and sale of new and/or used motor vehicles and the servicing, repair, cleaning, rust-proofing, polishing, and greasing of these products, the sale of automotive accessories and related products, the leasing or renting of motor vehicles, and the retail sales of automotive fuels and lubricants.

3.11 Automobile Service Station means a building designed, intended, or used for the sale of automotive fuels and lubricants and providing minor repairs essential to the running of a motor vehicle.

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3.12 Automobile Washing Establishment

means

- (a) a building where mechanical equipment is used for washing motor vehicles and the labour is supplied by the patron; and/or
- (b) means a building containing facilities for washing motor vehicles using an automatic or semi-automatic application of cleaner, brushes, rinse water and drying devices.

In either of the above cases, a minimum of 4 spaces shall be made available for the queuing of motor vehicles.

3.13 Automotive Gas Bar means the use of land, buildings, or structures where vehicle fuels, or lubricants, are offered for sale but where no provision is made for the repair or maintenance of motor vehicles. The sale of associated sundry items and the sale of prepared food for consumption off the premises may be permitted in conjunction therewith provided the gross floor area devoted to the sale of such sundry items and prepared foods does not exceed 10.0 square metres.

3.14 Bakery means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products. The sale of goods produced on the premises shall be permitted as an accessory use.

Amended by By-law No. Z149-2012

3.14.1 Barber Shop or Hair Dresser means an establishment providing personal service to individuals by cutting, styling, colouring, shampooing, shaving, or treating of hair and may include manicures, pedicures or facial treatments, and the application of cosmetic products and the ancillary sale of products used in the delivery of the personal service.

Amended by By-law No. Z98-2007

3.15 Barn, Livestock/Poultry see livestock facility.

Amended by By-law No. Z98-2007

3.16 Basement means that portion of a building between two floor levels which is partly below the finished grade level and which has at least one-half of its height, measured from finished floor to finished ceiling (or the underside of the floor joists where the ceiling is not finished), above the finished grade level.

3.17 Bed and Breakfast Establishment means a single-detached dwelling in which not more than four (4) guest rooms are made available for the temporary accommodation of the travelling or vacationing public and within which meals may be provided to those persons temporarily residing therein. Bed and breakfast establishments shall:

- (a) be clearly secondary to the main use of the dwelling for residential purposes and not change the character of the dwelling as a private residence;
- (b) satisfy all applicable requirements of the appropriate Health authority and all requirements for sanitary/ septic systems approved by the appropriate authority;
- (c) have no external evidence that the bed and breakfast establishment exists with the exception of a single sign not greater than .20 square metres in area;
- (d) be operated only by a person(s) residing in the dwelling;
- (e) comply with all applicable requirements of this By-law (including parking requirements), and all other applicable laws; and

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- (f) not include a restaurant or eating establishment.

Amended by By-law No. Z149-2012

3.17.1 Beer Parlour or Cocktail Bar means an establishment licensed by the Provincial Government in which alcoholic beverages are offered for sale and consumed on the premises and may include amenities such as televisions, pools tables and video games and or similar machines and where music (whether performed live or recorded), dancing or other forms of entertainment shall be permitted.

Amended by By-law No. Z149-2012

3.17.2 Berm means a landscaped mound of earth having a minimum base: height slope ratio of 2:1 and a maximum base: height slope ratio of 3:1.

Amended by By-law No. Z149-2012

3.17.3 Boutique means a small retail shop with a gross floor area of not more than 112 square metres that specializes in gifts, fashionable clothes, and accessories.

3.18 Building means any structure, whether temporary or permanent, fixed to or supported by the soil and which is designed, used, or intended to be used for the accommodation, storage, or shelter of persons, animals, or chattels. A building shall not include a boundary wall, fence, retaining wall, light standard, head stone, or sign.

3.19 Building Height means the vertical distance measured from the finished grade level of the building to:

- (a) in the case of a flat roof, the highest point of the roof surface or parapet, whichever is greater.
- (b) in the case of a mansard roof, the roof decline.

- (c) in the case of a gable, hip, gambrel, or other roof type, the mean height between the eaves and the ridge.
- (d) in the case of a building not having a roof, the top part of any building.

The building height definition shall not apply to any ornamental dome, tower, cupola, steeple, church spire, chimney, smoke stack, ventilating device, air conditioning duct, skylight, aerial, transmission tower, satellite dish when located on the roof of a non-residential building, windmill, silo, or grain elevator.

3.20 Building, Main means the building or buildings designed and/or intended to accommodate the principal use on a lot as permitted by this By-law.

3.21 Building Official, Chief (Building Inspector) means the Chief Building Official or other employee of the Corporation being charged with the duty of enforcing the provisions of the Building By-law and the Ontario Building Code, or any other by-law of the Corporation from time to time in force for the purpose of regulating the erection, alteration, or repair of buildings.

3.22 Bus Depot means a facility for the boarding and deboarding of passengers from buses and may include accessory uses such as a public washroom or rest area, bus ticket sales area, and office area.

3.23 Deleted by By-law No. Z149-2012

3.24 Carport means a building or structure or part thereof, of which at least 40 per cent of the area of the perimeter faces is open and unobstructed by any wall, door, post, pier, and:

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- (a) which is used for the temporary parking or storage of private passenger motor vehicles; and
- (b) wherein neither the servicing nor repairing of motor vehicles is carried on for remuneration or for commercial use.

An attached carport shall be considered as part of the main building whereas a detached carport shall be considered as an accessory building or structure.

Amended by By-law No. Z149-2012

3.24.1 Caterer's Establishment means an establishment 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, but does not include a food service establishment.

3.25 Cellar means that portion of a building between two floor levels which has more than one-half of its height, measured from finished floor to finished ceiling (or the underside of the floor joists where the ceiling is not finished), below the finished grade level.

3.26 Cemetery means land set aside to be used for the interment of human remains and includes a mausoleum, columbarium or other structure intended for the interment of human remains.

Amended by By-law No. Z98-2007

3.26.1 Cemetery, Closed means a cemetery that no longer receives human remains for interment.

3.27 Church means a building dedicated to religious worship.

3.28 Club, Private means a building or part of a building used as a meeting place for members of an organization and includes a

lodge, fraternity or sorority house, labour union hall, and country club.

3.29 Commercial Motor Vehicle means any motor vehicle capable of or having attached thereto a truck or delivery body or trailer and without limiting the generality of the foregoing includes transport truck tractors and/or trailers, delivery vans, hearses, buses, farm tractors and/or trailers used for hauling, and delivery trucks, but excludes travel trailers and motor homes as defined in this By-law.

3.30 Commercial Use means the use of land, buildings, or structures for the purpose of buying and selling commodities, and/or supplying of services, but does not include industrial uses.

Amended by By-law No. Z149-2012

3.30.1 Common Open Space means recreation space provided within or outside a building or buildings for the use of all the residents for recreation or social purposes and is readily accessible by all the residents of such building or buildings.

3.31 Community Centre means a building or structure owned and operated entirely by the Corporation or by the Corporation in conjunction with neighbouring municipalities and which provides social, recreational, or other facilities for use by the general public.

3.32 Complying and Conforming

Complying, when used to describe a use, building, or structure, means a use, building, or structure which agrees with, meets or satisfies all of the requirements of this by-law for such use, building, or structure.

Conforming, when used to describe a use, building, or structure, means a use, building, or structure which falls within the uses

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permitted in the zone category in which such use, building, or structure is located.

Amended by By-law No. Z149-2012

3.32.1 Condominium means a building or buildings in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the Condominium Act.

3.33 Conservation means the protection, maintenance and improvement of components of the natural environment, including land, soil, water and vegetation.

Amended by By-law No. Z149-2012

3.33.1 Conservation Lands means lands used solely for the preservation and enhancement of the natural environment.

Amended by By-law No. Z149-2012

3.33.2 Conservation Works means facilities constructed or works undertaken solely for the purpose of preserving and/or enhancing the natural environment.

Amended by By-law No. Z149-2012

3.33.3 Continuum-of-Care facility means a facility which may include a Senior Citizens Apartment Building, a Nursing Home and/or a Retirement Lodge and may include facilities associated with, and designed specifically to serve, the Senior Citizens Apartment Building, Nursing Home and/or Retirement Lodge such as hospitals, 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.

3.34 Contractor's Yard or Shop means the use of land, buildings, or structures for the purpose of:

- (a) storing equipment, vehicles, or material associated with the construction and building trades; and/or
- (b) performing shop work or assembly work by any building trade or other construction contractor.

Amended by By-law No. Z149-2012

3.34.1 Convenience Business Service Establishment means a commercial premise where communications and postal services are provided to both businesses and the public such as printing, photocopying, laminating, binding, fax machines, mail boxes, inter-net links, desktop publishing, and/or package shipping and receiving.

Amended by By-law No. Z149-2012

3.34.2 Convenience (or Variety Store) means a retail outlet serving the day-to-day, non-comparison shopping needs of a consumer including, for example, a variety store, bake shop, drug store or small food/grocery store, and shall not include any retail outlet having its main product line involving hardwares, housewares, apparel, footwear or fashion accessories.

3.35 Corporation means the Corporation of the Municipality of West Perth.

Amended by By-law No. Z98-2007

3.36 Council means the Municipal Council of the Corporation.

3.37 County means the Corporation of the County of Perth.

3.38 Day Nursery means a premises that receives more than five children who are not of common parentage, primarily for the

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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 development handicap, and
- (b) under ten years of age in all other cases, but does not include,
- (c) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act.

3.39 Day Nursery, private-home day care means the temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

3.40 Daylight Triangle or Sight Triangle means an area free of buildings and structures formed by measuring from the point of intersection of lot lines abutting a street on a corner lot, the distance required by this By-law along each such lot line abutting the street and joining such points with a straight line. The triangular-shaped land area between the intersecting lot lines abutting a street and the straight line joining the points the required distance along said lot lines is the daylight or sight triangle.

Amended by By-law No. Z149-2012

3.40.1 Density means the ratio between the number of dwelling units located or proposed to be located on a lot to one (1) hectare of lot area.

Amended by By-law No. Z149-2012

3.40.2 Department Store means a building or part thereof used for the retail sale of a great variety of merchandise usually organized by sections such as hardware, men's and women's apparel, and home furnishings.

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

3.42 Drainage Works includes a drain constructed by any means, including the improving of a natural water course, and including works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake, or pond, and includes a dam, embankment, wall, protective works or any combination thereof.

Amended by By-law No. Z149-2012

3.42.1 Dress maker or Tailor Shop means an establishment wherein the individual custom sewing or alterations of clothing and apparel are completed but does not include the large-scale manufacturing of clothing or apparel.

3.43 Dry Cleaning Depot or Establishment means a building or part of a building used for the purpose of collection and distribution of articles or goods or fabric for the on or off-site process of dry cleaning, dry dyeing, cleaning, spot and stain removal, and for the pressing of such articles or goods.

3.44 Dwelling means a building or part thereof containing one or more dwelling units.

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For the purpose of this By-law, permitted dwelling types are classified as follows:

3.44.1 Dwelling, Accessory

means a dwelling which is accessory to a use as specifically permitted in this By-law.

3.44.2 Dwelling, Apartment

means a dwelling containing 4 or more dwelling units, each of which may have an independent entrance from a common corridor within the building.

3.44.3 Dwelling, Boarding or Lodging House

means a dwelling in which the proprietor resides and supplies lodging to 3 or more tenants, with or without meals, for monetary gain, but which is not open to the general public. It does not include a motel, hotel, apartment dwelling, nursing home, or group home.

3.44.4 Dwelling, Converted means a dwelling erected prior to January 1, 1972 which, because of its design and size, has been or is capable of being altered or converted to provide two or more dwelling units.

3.44.5 Dwelling, Duplex means a separate building of two or more stories divided horizontally into not more than two (2) dwelling units, each of which is completely on a separate storey(s) with an independent entrance either directly from the outside or through a common vestibule.

3.44.6 Dwelling, 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.

3.44.7 Dwelling, Group Home means a single-detached dwelling operated as a single housekeeping unit for persons with

special social, mental, or physical needs in which not more than 10 persons, not including staff, reside under appropriate and responsible care and supervision consistent with their needs, and provided the group home:

- (a) is required to meet a local need;
- (b) is licensed or approved by the Province of Ontario;
- (c) is registered by the municipality;
- (d) meets all other applicable requirements of this by-law and other municipal by-laws; and
- (e) does not include a place of detention, correction or probation for persons with a criminal history or record.

Amended by By-law No. Z149-2012

3.44.7.1 Dwelling, Modular means a prefabricated single detached dwelling designed to be transported once only to a final location and is constructed so as the shortest side of such dwelling is not less than 6.0 metres in width.

3.44.8 Dwelling, Nursing Home means any premises maintained and operated for persons requiring nursing care or in which such care is provided to two or more unrelated persons, but does not include any premises falling under the jurisdiction of,

- (a) the Charitable Institutions Act,
- (b) the Child and Family Services Act,
- (c) the Homes for the Aged and Rest Homes Act,
- (d) the Mental Hospitals Act,
- (e) the Private Hospitals Act, or
- (f) the Public Hospitals Act.

3.44.9 Dwelling, Row or Townhouse

means a separate building that has been divided vertically into three (3) or more dwelling units each of which has a separate and independent entrance and which are separated from the adjoining unit or units by

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a common unpierced wall with no interior access between the units.

3.44.10 Dwelling, Semi-Detached means a separate building containing two (2) dwelling units that are divided vertically by a common unpierced wall extending from the foundation through to the roof with no interior access between the units and where each unit has a separate independent entrance directly from the outside.

3.44.11 Dwelling, Single-Detached means a separate building which contains one (1) dwelling unit in which entrance is gained only by a private entrance directly from outside. Single-detached dwellings shall not include a mobile home.

3.44.12 Dwelling, Senior Citizens means a dwelling used for the purpose of providing accommodation and related facilities for persons of retirement age, and which is owned and operated by a private or government authority, but does not include a nursing home or a home for the aged.

Amended by By-law No. Z149-2012

3.44.13 Dwelling, Stacked Townhouse means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit.

Amended by By-law Nos. Z34-2002 and Z231-2019

3.45 Dwelling Unit means one or more habitable rooms occupied or capable of being occupied on a permanent basis by one or more persons as an independent and separate housekeeping unit in which kitchen and sanitary facilities and sleeping accommodation are provided for the

exclusive use of such person or persons. A Dwelling Unit shall not be used to define a "Secondary Dwelling Unit".

3.46 Dwelling Unit Area means the habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, unfinished attic, cellar or sunroom (unless such sunroom is habitable in all seasons of the year), and unenclosed porches and verandahs. The area of any common or public halls, stairways, and the thickness of the outside walls shall not be considered as dwelling unit area.

Added by By-law No. Z231-2019

3.46.1 Dwelling Unit, Secondary shall mean a self-contained dwelling unit with kitchen and bathroom facilities that are accessory and subordinate to another dwelling (the primary dwelling) and have independent entrance directly to the outside or through a common vestibule.

3.47 Eating Establishment, Restaurant means a building or part thereof used for the serving of food or refreshments to the public, with the serving and consumption of food or refreshments taking place on the premises. A restaurant eating establishment shall include a café, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, donut shop, or snack bar, but does not include a drive-in eating establishment, a bed and breakfast establishment, a drive-through eating establishment, or a take-out eating establishment as defined in this By-law.

3.48 Eating Establishment, Take-Out means a building or part thereof where food is offered for sale or sold to the public from a counter area and/or through a delivery or pick-up window within the building for consumption off of the premises of the establishment.

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Amended by By-law No. Z149-2012

3.48.1 Ecological Buffer means a combination of native trees, shrubs, grass or other plants, which are intended to provide protection to wetlands, stream corridors and other important natural features or functions. Within the ecological buffer, existing vegetation which is desirable, as identified in an approved environmental study, will be maintained. Horticultural activities and the placement or removal of fill shall not be permitted, except where it has been recommended in an approved environmental study.

Amended by By-law No. Z34-2002

3.49 Erect when used in this By-law includes building, constructing, and reconstructing, and without limiting the generality of the foregoing, also includes the following:

- (a) any preliminary physical operation such as excavating, filling, or draining.
- (b) altering any existing building or structure by an addition, enlargement, extension, or other structural change.
- (c) the moving of any building or structure from one location to another.
- (d) any work which requires a building permit under the Building By-law of the Corporation.

The words "erected" and "erection" shall have a corresponding meaning.

3.50 Existing means lawfully existing on the date of passing of this By-law.

Amended by By-law No. Z149-2012

3.50.1 Factory Outlet shall mean a building or part thereof accessory to, and clearly secondary to, an industrial use or a service trade, wherein products manufactured, produced, processed or stored on the premises are kept or displayed for wholesale

or retail sale, or wherein orders are taken for the delivery of such products.

3.51 Farm Produce Sales Outlet means a fruit, vegetable, flower, or farm produce stand used for the sale of agricultural produce.

3.52 Farm Use means the use of a parcel of land for the purpose of agriculture having a lot area of not less than 22 hectares.

3.53 Farm Vacation Establishment means a Bed and Breakfast Establishment as defined by this by-law, as well as vacation activities involving the day to day operation of the farm property.

Amended by By-law No. Z149-2012

3.53.1 Fence means an assembly of approved materials including a wall (other than the wall of a building), gate or other barrier which separates or purports to separate lands and which is continuous throughout the entire length where required in accordance with the provisions of the Fence By-law.

Amended by By-law No. Z149-2012

3.53.2 Financial Institution means an establishment chartered by the Federal or Provincial Government where money is deposited, kept, exchanged and lent and where monetary and fiscal advice and other financial services may be offered.

Amended by By-law No. Z149-2012

3.54 Finished Grade Level means the average elevation of the finished surface of the ground adjoining the base of a building or structure. In the case where the Finished Grade Level needs to be determined on one side of a building or structure, the elevation at the point of intersection of the building or structure with the ground at each corner of the side shall be used for elevation.

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Amended by By-law No. Z98-2007

3.54.1 Floor Area, Ground means the floor area of the lowest storey of a building or structure, approximately at or first above the finished grade level, measured between the exterior faces of the exterior walls of the building or structure. In the case of a dwelling, the floor area of any private garage or carport, porch, verandah, or sunroom (unless such sunroom is habitable in all seasons of the year) shall not be included in the calculation of ground floor area.

3.55 Floor Area, Gross means the sum total of the gross horizontal areas of the several stories of a building or other structures on a lot measured from the exterior faces of the exterior walls of the building or structure at the floor level of each storey or from the centre line of a common wall separating two buildings or other structures, and basement floor area but excludes the floor area of a cellar or areas used for parking and loading within the building or structure.

Amended by By-law No. Z149-2012

3.55.1 Floor Area Ratio means the gross floor area divided by the area of the lot expressed in a ratio of gross floor area to one square metre of lot area. The floor area ratio in each zone shall be deemed to apply only to that portion of such lot which is located within that zone.

Amended by By-law No. Z34-2002

3.56 Forestry means the management of trees, woodlots and forests for the sustainable production and harvesting of wood and wood products, and subject to the Perth County Tree By-law

Amended by By-law No. Z149-2012

3.56.1 Florist Shop means a retail store that arranges flowers and plants for retail sale and may include ancillary items such as vases, balloons, cards and other ceremonial

ornaments.

Amended by By-law No. Z149-2012

3.56.2 Fuel Pump Island means that portion of an automobile service station, public garage or portion of a non-residential use for the retail sale of automotive fuels, that includes the fuel pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any building for the repair or service of vehicles.

Amended by By-law No. Z149-2012

3.56.3 Funeral Home means a building or part thereof wherein a licensed undertaker prepares corpses for interment and may include an area for memorial services.

Amended by By-law No. Z34-2002

3.57 Garage, Attached means a private garage located on the same lot as a dwelling, attached to that dwelling by a common wall and/or common roof structure, and which is designed for the sheltering of private passenger motor vehicles of the occupants of the dwelling and the storage of household equipment. An attached garage does not include a carport. No facilities for the repairing or servicing of motor vehicles for remuneration or for commercial use shall be permitted in an attached garage. For the purpose of determining front yard, rear yard, and side yard setbacks, a detached garage shall be considered as part of the main building.

3.58 Garage, Detached means a private garage which is accessory to a permitted dwelling, located on the same lot as the dwelling, is a separate building that is fully enclosed, and which is designed for the sheltering of private passenger motor vehicles of the occupants of the dwelling and the storage of household equipment. A detached garage does not include a detached carport. No facilities for the

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repairing or servicing of motor vehicles for remuneration or for commercial use shall be permitted in a detached garage. For the purpose of determining front yard, rear yard, and side yard setbacks, a detached garage shall be considered an accessory building and subject to the provisions of Section 5.1 of this By-law.

3.59 Garage, Public Works means a municipal or Provincial facility used for the storage and servicing of road construction and maintenance equipment and materials.

3.60 Gate House means a building in a non-residential zone used for sheltering security personnel and/or equipment having a gross floor area of less than 8 square metres.

3.61 Golf Course means an area for the purpose of playing golf and includes a driving range, and associated recreational uses such as a club house and tennis courts.

3.62 Golf Course, Miniature means an area for the purpose of playing miniature golf, and associated facilities such as equipment rental building and refreshment stand.

Amended by By-law No. Z149-2012

3.62.1 Government Administrative Office means a building or part thereof used in which the managerial functions of the Municipality, County, Province, Government of Canada, or their agencies, brokers, or organizations are carried out and includes a service offices, support offices, financial or general offices.

3.63 Greenhouse, Commercial means a building or structure 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, but are sold directly from such lot at wholesale or retail.

3.64 Habitable Room means any room within a dwelling unit used or capable of being used for living, eating, and sleeping, but excluding a cellar or any portion thereof, bathroom, toilet room, serving or storage pantry, laundry area, and corridor.

Amended by By-law No. Z149-2012

3.64.1 Hiking Trail means the part of a park that has been blazed for the purpose of walking by the public, and is not used for motor vehicles, bicycles, in-line skates, and motorized snow or all terrain vehicles.

Amended by By-law No. Z149-2012

3.64.2 Home Decorating Store means a retail store devoted to the sale of goods and materials required for decorating the interior of a home or office, including floor, wall and window coverings, lighting fixtures, bathroom or kitchen fixtures and accessories.

Amended by By-law No. Z149-2012

3.64.3 Home Improvement Store means a retail store devoted to the sale of goods or materials required for the construction or alteration of buildings, including such merchandise as wall panelling, wood products, sheet glass products, windows and mirrors, floor, wall and ceiling tiles, paint and wallpaper, bathroom and kitchen cupboards and fixtures, landscaping materials and similar goods. Open storage may be permitted as an accessory use.

3.65 Home Occupation means an occupation and/or a profession conducted entirely within a dwelling unit and subject to the following criteria:

- (a) such home occupation must be clearly secondary to the main use of the dwelling for residential purposes.

Amended by By-law No. Z149-2012

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- (a.1) a home occupation shall include but not be limited to an office or consulting room for a professional person or agent; an office for a trade such as a builder, a plumber, an electrician; an office for a charitable organization; a workroom for a dressmaker or a tailor; hairdresser/barber; dog groomer; a studio for a teacher of music, art, or academic subjects, a photographer or a commercial artist; and any other use of a similar nature which satisfies all of the criteria of this Section of the By-law; but shall not include a kennel, a boarding house, a clinic, a retail store, or any workshop, or plant for any trade.
- (b) such home occupation must not change the character of the dwelling as a private residence.
- (c) such home occupation shall be conducted only by a person(s) residing in the dwelling.
- (d) there shall be no external evidence of the home occupation from outside of the dwelling, including window displays, with the exception of a single sign measuring not greater than 0.2 square metres in area and placed in accordance with the Corporation's sign By-law.
- (e) there shall be no external display or storage of goods, materials, wares or merchandise on the lot on which the dwelling containing the home occupation is located.
- (f) no external alteration of the dwelling shall be permitted so as to accommodate a home occupation, such as the inclusion of any specialized structure, ramps, or oversize doorways which will tend to change the character of the dwelling as a private residence.
- (g) such home occupation shall not create nor become a nuisance or hazard to neighbours by reason of noise, vibration, dust, smoke, fumes, odour, heat, debris, refuse, fire, lighting interference, hours of operation, traffic, or parking.
- (h) not more than one home occupation is permitted in a dwelling unit and no home occupation shall occupy more than 25.0 square metres of floor area or 25 percent of the gross floor area of the dwelling (excluding an attached garage), whichever is lesser. The area of the dwelling not being used for home occupation must comply with the applicable floor area requirements of this By-law.
- (i) no home occupation shall be carried on in an accessory building or structure or in an attached garage.
- (j) such home occupation shall meet all of the applicable requirements of this By-law, including parking requirements.
- (k) Deleted by By-law No. Z149-2012
- 3.66 Hospital** means any institution, building or other premises or place established for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved under the Hospital Act as a public hospital.

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3.67 Hospital, Private means a house in which four or more patients are or may be admitted for treatment, other than:

- (a) a hospital or other establishment or institution supported in whole or in part by provincial aid.
- (b) an institution for the reclamation and cure of habitual drunkards established under the Municipal Act.
- (c) a children's residence licensed under Part IX (Licensing) of the Child and Family Services Act.
- (d) a lodging house licensed under a municipal by-law.

3.68 Hotel means any hotel, tavern, inn, or public house in a building or buildings which is used principally for the purpose of catering to the needs of the public by supplying food and furnishing sleeping accommodation of not less than six (6) bedrooms, and shall include a hotel within the meaning of the Liquor License Act, but does not include a boarding house dwelling or a motel.

3.69 Industrial Mall means a building or group of buildings designed, developed, owned, and managed as a unit containing three or more separated spaces for lease or occupancy by industrial uses as permitted by this By-law.

3.70 Industrial Use means the use of any land, buildings, or structures designed, used, or intended for the purpose of manufacturing, assembling, processing, constructing, printing, preparing, finishing, treating, repairing, shipping, wholesaling, storing, or warehousing any goods, substances, articles, or things.

Amended by By-law No. Z98-2007

3.71 Institutional Use means the use of any land, buildings, or structures for some public purpose and may include any governmental, religious, educational, charitable, hospital, or other similar uses.

Amended by By-law No. Z149-2012

3.72 Kennel means a place, building, or confine where purebred dogs are bred and raised and registered in the register for the Canadian Kennel Club Incorporated.

3.73 Landscaped Open Space means open space comprised of lawn and/or ornamental shrubs, flowers, and trees any may include space occupied by paths, walks, courts, and patios, but shall not include any parking area, traffic aisles, driveways, or ramps.

Amended by By-law No. Z149-2012

3.73.1 Landscape Supply Outlet means the use of land, buildings or structures or part thereof where soil and other similar landscape materials are offered for sale on a retail or wholesale basis.

Amended by By-law No. Z149-2012

3.73.2 Lane means a walkway, emergency access or any other passageway or right-of-way, open from ground to sky, not constituting a street but laid down and dedicated to public use, as a right-of-way for use in common by adjacent landowners.

Amended by By-law No. Z149-2012

3.73.3 Library means a building or part thereof used for the public display and lending of books, magazines, audio visual materials to the public, which is operated by the Municipality of West Perth Library Board.

Amended by By-law No. Z149-2012

3.73.4 Liquor, Beer and Wine Store means a retail store devoted to the sale of spirits,

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beer and/or wine.

Amended by By-law No. Z98-2007

3.74 Livestock means dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds, and other animals identified in Table 1 of the Minimum Distance Separation formulae, but does not include domestic pets.

Amended by By-law No. Z98-2007

3.75 Livestock Facility means one or more barns or structures with livestock-occupied portions, intended for keeping or housing livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.

Amended by By-law No. Z98-2007

3.75.1 Livestock Facility, Expanded means any building activity to construct or expand a livestock facility that requires a building permit and results in an increase, or decrease, in Nutrient Unit capacity on a lot, where there already was some existing Nutrient Unit capacity.

Amended by By-law No. Z98-2007

3.75.2 Livestock Facility, First means any building activity to construct a livestock facility that requires a building permit and results in an increase in Nutrient Unit capacity on a lot, where there was no existing Nutrient Unit capacity.

Amended by By-law No. Z98-2007

3.75.3 Livestock Facility, Housing Capacity means the maximum livestock capacity for all facilities on a lot at any time, even if currently empty but able to house livestock.

3.76 Loading Space means an off-street area for the temporary parking of a

commercial vehicle while loading and unloading merchandise or materials.

3.77 Lot means:

- (a) a parcel of land or contiguous parcels of land under one ownership, having frontage on a public street and which is described in a deed or other document legally capable of conveying an interest in land and which is on record in the Land Registry Office No. 44; or
- (b) a parcel of land shown as a whole lot or block on a registered plan of subdivision within the meaning of the Planning Act, but a registered plan of subdivision for the purpose of this paragraph does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a by-law passed by the Council pursuant to the Planning Act.

For the purpose of this definition, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or had been conveyed to or acquired by the Corporation, Her Majesty in Right of Ontario, or Her Majesty in Right of Canada.

3.78 Lot Area means the total horizontal area within the boundary lines of a lot.

3.79 Lot, Corner means:

- (a) a lot situated at the intersection of two or more streets, or a lot abutting on one or more parts of the same street, in which an interior angle of less than 135 degrees is contained, between the front and side lot lines abutted by the said street or streets; or

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- (b) a lot located on the curve of a street where the angle of intersection of the projection of the tangents of the street line does not exceed 135 degrees and for which the corner of the lot shall be deemed to be the corner point of that part of the arc of the street line upon which the lot abuts.

Amended by By-law No. Z149-2012

3.80 Lot Coverage means the area of a lot covered by buildings and structures, excluding overhanging structures which do not project more than 1.0 metre from the main wall, and excluding:

- (a) uncovered swimming pools;
- (b) decks which are 0.2 metres or less above the average grade; and
- (c) accessory buildings which are less than 10 square metres.

3.81 Lot Depth means the horizontal distance between the front and rear lot lines of a lot. Where these lines are not parallel, the lot depth shall be determined by calculating the length of a straight line joining the midpoints of the front and rear lot lines. Where there is no rear lot line, the lot depth shall be determined by calculating the length of a straight line joining the midpoint of the front lot line with the apex of the triangle formed by the intersection of the side lot lines.

3.82 Lot Frontage means the horizontal distance between the side lot lines of a lot measured along the front lot line of said lot. Where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be determined by measuring the length of a line that is parallel to and located back the required front yard distance of the zone classification from the cord of the

lot frontage established by joining the two points where the side lot lines intersect the front lot line.

3.83 Lot, Interior means a lot other than a corner lot.

Amended by By-law No. Z149-2012

3.84 Lot Line means any boundary of a lot or the vertical projection thereof.

Internal lot lines created by:

- (a) a registration of a plan of condominium; or
- (b) a plan or plans of condominium registered on all or a portion of a lot which is part of a comprehensively planned development subject to a Development Agreement pursuant to Section 41 of the Planning Act; shall not be construed to be lot lines for the purposes of zoning regulations provided that all applicable regulations of this by-law relative to the whole lot and its external lot lines, existing prior to any condominium plan registration are strictly observed.

3.85 Lot Line, Front means in the case of:

- (a) an interior lot, the lot line that abuts the street;
- (b) a corner lot, the shorter lot line abutting the street shall be the front lot line and the longer lot line abutting the street shall be the exterior side lot line.
 - (i) where the lot lines abutting the street are of equal length, the lot line that abuts the street governed by the government with the higher jurisdiction shall be the front lot line while the other lot line shall be the exterior side lot line.

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- (ii) where the lot lines abutting the street are of equal length and the abutting streets are under the same jurisdiction, the lot line over which the principal means of access to the lot is obtained shall be the front lot line while the other lot line shall be the exterior side lot line.

3.86 Lot Line, Rear means the lot line farthest from and opposite to the front lot line.

3.87 Lot Line, Side means a lot line other than a front or rear lot line. For the purpose of this By-law, there shall be two types of side lot lines which are classified as follows:

- (a) Lot Line, Exterior Side means a side lot line that abuts a street or a reserve.
- (b) Lot Line, Interior Side means a side lot line that abuts a neighbouring lot, block, or parcel of land.

Amended by By-law No. Z98-2007

3.88 Lot of Record means a lot or parcel of land that can legally be conveyed and which was legally created prior to the passing of this By-law. Subject to the above, a lot of record shall include only the following:

- (a) a lot or block shown on a registered plan of subdivision;
- (b) a lot or parcel of land created by consent in accordance with the provisions of the Planning Act, or
- (c) any other separate and distinct land holding, the deed to which is registered in the Land Registry Office No. 44

For the purpose of this definition, lots of record shall not include those lots on a

registered plan of subdivision which has been deemed not to be a registered plan of subdivision in a by-law passed by the Council pursuant to the Planning Act.

3.89 Lot, Through means a lot bounded on two opposite sides by streets. Where a lot qualifies as being both a corner lot and a through lot such lot shall be conclusively deemed to be a corner lot.

3.90 Main Wall means the exterior front, side, or rear wall of a building, and all structural members that are essential to the support of a roof or fully enclosed space.

Amended by By-law No. Z149-2012

3.90.1 Manufacturing And Assembly Industry means a building or part thereof used for a broad range of manufacturing, fabricating and assembly industries, including processing ancillary to the permitted manufacturing and assembly uses and includes household waste recycling depots, but excludes primary paper products industries, primary metals industries, waste treatment industries, armaments, munitions and explosive manufacturing industries, and any obnoxious use.

3.91 Medical Clinic means a building where members of the medical profession such as physicians, dentists, chiropractors, drugless practitioners, or occupational therapists and their staff provide diagnosis and treatment to the general public without overnight accommodation. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, reception areas, examining and treatment rooms, x-ray facilities, and a dispensary provided that such are part of or accessory to the medical clinic and provided that the only access to such is from the interior of the building.

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Amended by By-law No. Z98-2007

3.91.1 Minimum Distance Separation (MDS I)

means a tool to determine a required distance for new development from existing livestock facilities as determined by the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario, as amended from time to time.

Amended by By-law No. Z98-2007

3.91.2 Minimum Distance Separation (MDS II)

means a tool to determine a required distance for a new or expanding livestock facility from an existing use or approved development area as determined the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario, as amended from time to time.

3.92 Mobile Home / Modular Home

means a prefabricated dwelling unit designed and intended to be transported or portable for movement on its own chassis from site to site.

3.93 Mobile / Modular Home Community

means a lot, cared for, and managed by a community operator, where individual sites for locating mobile / modular homes or single-detached dwellings are rented or leased and where ownership and responsibility for the maintenance and development of the site facilities, including underground services (e.g. water supply, sanitary sewers, storm sewers), access roads, communal areas and buildings, together with general community management (e.g. snow clearing and removal, garbage or waste collection), rests with the land lease community operator(s).

3.94 Mobile / Modular Home Site

means an area of land described on a reference plan located within a land lease community used for the placement of a mobile / modular home or a single-detached dwelling.

Amended by By-law No. Z149-2012

3.94.1 Model Home

means a dwelling which is not occupied for human habitation but is used for the purpose of display to the public and where a portion of this dwelling may be used as a sales office for the dwelling units to be constructed on lots within a plan of subdivision/condominium.

3.95 Motel

means a building or group of two or more detached buildings designed and used for the purpose of catering to the travelling public by furnishing sleeping accommodation of not less than six (6) bedroom units and may include living accommodation for permanent staff, dining, dancing, convention, and other public rooms licensed under the Liquor License Act, as amended, parking facilities, and recreational facilities. Each bedroom unit must be capable of being entered directly from the exterior of the building. A motel shall not include a boarding or lodging house dwelling or a hotel.

3.96 Motor Home/Travel Trailer

means a self-propelled vehicle or any unit suitable for attachment to a motor vehicle for towing and capable of being used for temporary living, sleeping, and eating accommodation, and shall not include a mobile / modular home.

3.97 Motor Vehicle

means an automobile, truck, motorcycle, motorized snow vehicle, and motorized all-terrain vehicle, but does not include cars or engines running on railway tracks, farm tractor, or self-propelled farm machinery or road building equipment.

Amended by By-law No. Z149-2012

3.97.1 Multi-Use Pathways

means that part of a park that has been improved with a hard surface and intended for a variety of uses including pedestrians, in-line skating and vehicles, excluding motor vehicles, horses and horse drawn conveyances of any sort

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and motorized snow or all terrain vehicles.

3.98 Municipal Drain means a watercourse or sewer which carries storm surface water and drainage and includes a storm sewer, but does not include a sanitary sewer.

Amended by By-law No. Z149-2012

3.98.1 Mutual Driveway means an ingress or egress that is common to two or more owners of abutting lands as a right-of-way registered against the title of the lands.

3.99 Non-Complying means an existing use, building, or structure permitted by the permitted use provisions of the zone in which such use, building, or structure is located, but which does not meet one or more of the zone provisions with respect to lot area, lot frontage, yards, parking, or other provisions applicable to such zone.

3.100 Non-Conforming means an existing use, building, or structure not permitted by the permitted use provisions of the zone in which such use, building, or structure is located.

3.101 Nursery School means a day nursery within the meaning of the Day Nurseries Act.

Amended by By-law No. Z98-2007

3.101.1 Nutrient Unit (NU) means the amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the Nutrient Management Act, 2002) and as provided by the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario, as amended from time to time.

Amended by By-law No. Z149-2012

3.101.2 Office means a building, or part thereof, containing one or more offices including professional or service offices and all other forms of offices except medical/dental offices.

Amended by By-law No. Z149-2012

3.101.3 Office, Business means a building or part thereof in which the administrative functions of agencies, foundations, brokers, labour or fraternal organizations are carried out and includes a service office, but does not include medical/dental offices, professional offices, support offices, financial or general offices.

Amended by By-law No. Z149-2012

3.101.4 Office, Medical/Dental means an office or offices in which the practice of the professions of medicine, psychiatry, dentistry or optometry is carried on or in which the treatment by osteopathy or chiropractic is carried out.

Amended by By-law No. Z149-2012

3.101.5 Office, Service means a building, or part thereof, in which one or more persons is employed in the management, direction or conducting of a travel agency, an insurance agency, or a real estate agency or other similar use.

Amended by By-law No. Z149-2012

3.101.6 Office, Support means a building or part thereof in which technical or professional consulting services are performed to serve industrial manufacturing, assembly, processing or repair establishments, and includes the offices of an architect, a surveyor, an engineer, a business machine servicing establishment and an industrial training facility for manufacturing, assembly, processing or repair skills, but does not include a personal service establishment, a lawyer's office, a chartered accountant's office, a clinic, a medical/dental office or an

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animal hospital.

Amended by By-law No. Z149-2012

3.101.7 Open Space, Common means an outdoor space within a development, at grade level or otherwise, which is designed and intended for the common use or enjoyment of the occupants or users of the development, and may include a terrace, tot lot, swimming pool, garden, games area, sitting area, arcade or other similar facility or area, and landscaped open space areas having no dimension less than 3.0 metres.

3.102 Open Storage means the uncovered storage of goods, material, merchandise, or equipment in the open air and in unenclosed portions of buildings which are open to the air on the sides.

3.103 Outdoor Display and Sales Area means an area set aside out of doors, covered or uncovered, to be used in conjunction with an established use located for the display or sale of produce, goods or merchandise.

3.103.1 Park, Dog means an unlit outdoor enclosed recreational environment open to the general public where dogs may exercise and play off-leash while supervised by their owners.

3.104 Park, Public means a recreational area owned and controlled by the Corporation or by any board, commission or other authority established under any statute of the Province of Ontario, or any religious, charitable, or philanthropic organizations.

Amended by By-law No. Z149-2012

3.105 Parking Area means an area or areas of land or a building or structure or part thereof which is provided and maintained for the purpose of temporary parking or storing

of motor vehicles accessory to a permitted use.

3.106 Parking Driveway means an area of land used for access to a parking area.

Amended by By-law No. Z149-2012

3.106.1 Parking Lot, Accessory means a parking lot which is an open area, other than a street, used for the temporary parking of two or more vehicles which is customarily incidental, subordinate and exclusively devoted to the main use and carried on with such main use on the same lot.

3.107 Parking Lot, Commercial means a privately owned parking area located on a lot which exists as, a non-accessory use, separate and distinct from any building or structure for which the provision of parking spaces is required, for profit or gain.

3.108 Parking Space means an area on a lot on which a licensed motor vehicle may be parked, which area:

- (a) is provided for the temporary parking or storage of one motor vehicle other than for the purpose of offering commodities or goods for sale or display;
- (b) is adequate for the temporary parking or storage of one motor vehicle and may be located within a private garage, building, carport, or covered area; and
- (c) has adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles, maneuvering areas or similar areas, no part of which access is to be used as parking space as defined herein.

Amended by By-law No. Z149-2012

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3.108.1 Parking Space, Angle means the orientation of a parking space in such a manner that the side of the vehicle when parked is at an angle to the aisle or ramp, lane or street.

Amended by By-law No. Z149-2012

3.108.2 Parking Space, Parallel means the orientation of a parking space in such a manner that the side of the vehicle when parked is parallel to the aisle, ramp, lane or street which gives direct access to such parking space.

Amended by By-law No. Z149-2012

3.108.3 Parking, Tandem means the arrangement of two parking spaces such that it is necessary to traverse one space to gain vehicular access to the other from a public lane or street.

Amended by By-law No. Z149-2012

3.108.4 Passive Recreational Use means enjoyment of the natural environment through non-intensive activities that cause minimal impact on the natural features and functions of an area including trails, nature study, birdwatching, outdoor education and associated facilities, but do not include recreational buildings, sports fields or golf courses.

Amended by By-law No. Z149-2012

3.108.5 Patio means an area or areas of land located out of doors, covered or uncovered where the earth has been covered with a hard surface such as stone or brick situated no more than 20 centimetres above grade level used as an accessory amenity area. For the purposes of this by-law a patio as described herein shall be considered landscaping and shall not contribute to lot coverage.

3.109 Permitted means permitted in accordance with the provisions of this By-law.

3.110 Person means an individual, association, firm, partnership, incorporated company, corporation, agent, trustee, and their heirs, executors, or other legal representatives of a person to whom the context of this By-law can apply according to law.

3.111 Personal Service Shop means a building or part thereof in which persons are employed for the purpose of providing service and otherwise administering to the individual and personal needs of persons and shall include such uses as a barber shop, a hair dressing shop, a beauty parlour, a dressmaking or tailor shop, a shoe repair shop, a watch and jewelry repair shop, a sun tanning shop, or other similar uses. General retail is not permitted and any sale of merchandise from a personal service shop must be accessory to and associated with the personal services provided in that shop.

Amended by By-law No. Z149-2012

3.111.1 Pet Hotel means an establishment where the care of not more than 50 domestic animals, not including livestock, is provided for gain and includes such activities as boarding, grooming, and walking, where the stay must include overnight accommodations, and where breeding is prohibited.

Amended by By-law No. Z149-2012

3.111.2 Pharmacy means a retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.

3.112 Pit means a place where unconsolidated gravel, sand, earth, clay, fill, mineral, or other material is being or has been removed by means of an open excavation to supply material for construction, industry, or manufacturing, but

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does not include a wayside pit defined in this By-law or the removal of material associated with excavation necessary for the erection of buildings or structures or associated with excavation necessary for the construction of roads.

3.113 Pit, Wayside - see Wayside Pit Aggregate Operation.

Amended by By-law No. Z149-2012

3.113.1 Place of Entertainment means a building, or part thereof, used for the general purpose of providing entertainment and includes cinemas, theatres, art galleries, commercial recreation establishments, auditoriums and all other places of amusement, but excludes amusement game establishments.

3.114 Planting Strip means an area of land which shall be used for no other purpose than the planting of a row of trees or a continuous unpierced hedgerow of evergreens or shrubs.

Amended by By-law No. Z105-2008

3.114.1 Point of Reception is a definition used by the Ontario Ministry of the Environment in assessing applications for a Certificate of Approval for wind energy generating systems. A point of reception includes the following structures/uses on separately titled lots: permanent or seasonal residences, hotels/motels, nursing/retirement homes, rental residences, hospitals, camp grounds, or noise sensitive buildings such as schools and places of worship.

Amended by By-law No. Z149-2012

3.114.2 Pool Mechanical Equipment means the mechanical/operational components of a swimming pool which includes but shall not be limited to the pump, heater/furnace and filter.

Amended by By-law No. Z149-2012

3.114.3 Porch shall mean a roofed open gallery or unenclosed portico attached to the exterior of a building.

3.115 Portable Asphalt Plant means a temporary plant opened and used by a public road authority for the purpose of a particular project or contract of road construction and are subject to the following criteria

- (a) A certificate of approval for each plant must be obtained from the Ministry of Environment;
- (b) Each plant shall comply with the minimum separation distances established by the MOE;
- (c) Plant sites shall not be permitted in natural environment or environmentally sensitive areas within the "Agriculture" designation in the County of Perth Official Plan;
- (d) sites having previously been in agricultural use shall be rehabilitated back to their former agricultural use
- (e) each plant shall be removed from the site upon completion of the public project; and
- (f) prior to locating a portable asphalt plant on productive agricultural land, consideration shall be given to the use of existing asphalt plants in the area, locating the portable asphalt plant in a licensed pit or a wayside pit, and locating the plant on lesser quality or inactive agricultural lands.

3.116 Public Building means a building or structure owned or leased and occupied by the Corporation, the County, the Province of Ontario, or the Government of Canada.

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3.117 Public Library means a public library within the meaning of the Public Libraries Act.

3.118 Public Utility means a waterworks, gasworks, including works for the transmission, distribution and supply of natural gas, electrical power or energy works, or system for the generation, transmission or distribution of electric light, heat or power, a telephone system, a street or other railway system, a bus or other public transportation system or any other works or system for supplying the inhabitants generally with necessities or conveniences that are vested in or owned, controlled or operated by a municipality or municipalities or by a local board.

3.119 Pump Island means that portion of a commercial or industrial use which is used for the dispensing of automotive fuels, which include the fuel pumps, concrete base, overhead canopy, and kiosk.

Amended by By-law No. Z149-2012

3.119.1 Railway Lines means an area of land, a portion of which is covered by a system of tracks, that provides for the movement and making up of trains and includes ancillary structures such as stations, offices, wheel houses, towers, repair and storage buildings.

Amended by By-law No. Z149-2012

3.119.2 Recreation or Community Centre means a public building used for recreation or social activities, meetings or other leisure activities.

3.120 Recreational Trail means a non-commercial, travelled path for outdoor activities such as hiking, cycling, cross-country skiing, and snowmobiling but shall not include any track, trail, course or circuit for: racing motorized vehicles such as

motorcycles or snowmobiles; the use of automobiles or trucks; the use of motorized go-carts; the use of motorized scale model vehicles.

3.121 Recreational Use means the use of land or buildings for such uses as public parks, playgrounds, playing fields, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, golf courses, recreational trails, picnic areas, swimming pools, wading pools, day camps, bleachers, bandstands, skiing, fishing, and similar uses, together with any necessary and accessory buildings and structures, but does not include hunting or a track for the racing of animals, motor vehicles, snowmobiles, motorcycles, go-carts, or all-terrain vehicles.

3.122 Recreational Use, Commercial means the commercial use of land, buildings or structures for the purpose of recreation or entertainment and shall include a cinema, bowling alley, billiard hall, fitness or health club, or other similar uses.

3.123 Recreation Vehicle means a vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

3.124 Recycling Depot means land, building, or structure used for the collection and/or storage of materials such as cardboard, newspaper, fine paper, glass bottles, cans, and plastic containers for recycling purposes.

Amended by By-law No. Z149-2012

3.124.1 Renovation means the restoration or reconstruction of buildings, structures or

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parts thereof to modern building standards without the removal of the building or structures from the lot.

Amended by By-law No. Z149-2012

3.124.2 Rental Shop means a business where residential, commercial, and industrial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools, and power tools.

3.125 Repair Shop means a business engaged in the maintaining and repairing articles, machinery and equipment for household or personal use such as appliances, air conditioners, clocks, watches, jewelry, and furniture.

3.126 Repair Shop, Small Engine means a business engaged in the maintaining and repairing articles, machinery and equipment for household or personal use such as lawnmowers, garden tractors, snow blowers, generators, appliances, but does not include the repair or service of automobiles, snowmobiles, all terrain vehicles or other similar types of recreational vehicles.

3.127 Deleted by By-law No. Z149-2012

3.128 Reserve means a parcel of land, usually 0.3 metres in width, located between a lot line and the street line used to restrict access to the street from the lot or to the lot from the street. For the purpose of determine yard requirements, a reserve shall be considered part of the street.

Amended by By-law No. Z149-2012

3.128.1 Resource Extraction Operation means a place where gravel, rock, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an

open excavation to supply material for construction, industrial or manufacturing purposes, and includes a pit or wayside pit as the main uses and may include an aggregate storage area, asphalt batching plant, portable asphalt plant, concrete batching plant or crushing plant.

3.129 Retail Store means a building or part thereof in which goods, merchandise, products, wares, articles or things are offered or kept for sale directly to the public, but does not include any manufacturing, processing, assembly, or construction use.

Amended by By-law No. Z149-2012

3.129.1 Road, Private means a private right-of-way over private property that is a commonly owned and/or shared access to abutting lots that is privately maintained and is not a public highway as defined by the Municipal Act.

3.130 Salvage or Wrecking Yard means a lot, building, and/or structures used for the storage, handling, salvage, dismantling, reclaiming, and/or sale of scrap or used materials, and without limiting the generality of the foregoing, shall include waste paper, rags, wood, bottles, vehicles, tires, metal, and/or other scrap material and it shall include establishments such as a junk yard, a scrap metal yard, and an automotive wrecking yard.

3.131 Satellite Dish means a parabolic or spherical antenna which receives television or microwave transmissions or other signals.

3.132 School means,

- (a) the body of public school pupils or separate school pupils or secondary

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school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board, or

- (b) the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario,

and includes the teachers and other staff members associated with such unit or institution and the lands and premises used in connection therewith.

3.133 School, Private means an institution at which instruction is provided for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study and that is not a school as defined in this section.

3.134 School, Commercial means a school other than an academic school where instruction is given for hire or gain and without limiting the generality of the foregoing may include the studio of a dance teacher, an art school, business or trade school.

3.135 Secondary Farm Occupation means an occupation and/or a profession conducted on a farm as part of the farm unit and such secondary farm occupation shall:

- (a) be conducted only by residents of the farm who are involved in conducting the farming operation on a day-to-day basis and not more than one employee from off of the farm;
- (b) be limited to those uses involved in the manufacture or fabrication of goods, small-scale food processing

operations, trades occupations (such as an electrician, plumber, carpenter, small engine repair, welder), and occupations which are primarily and directly related to agriculture and farming;

- (c) not result in the loss of good and/or productive farm land; not occupy building area that is necessary for or essential to the farming operation; and in no way impede or interfere with the ability of the farmer to conduct the farming operation;

- (d) be conducted inside of buildings and/or structures and not occupy more than 186 square metres total floor area; not include any outdoor storage exceeding 2000 square metres in area, provided such outdoor storage is abutting the building containing the secondary farm occupation and is maintained in a neat and orderly fashion;

Amended by By-law No. Z98-2007

- (e) be accommodated in buildings and structures which are capable of being converted/reverted to a farming use that is appropriate for the farm property at such time that the secondary farm occupation ceases to exist, and which are located in proximity to the principal farm buildings (i.e. farm dwelling and livestock facilities);

- (f) be small scale and clearly secondary to the principal use of the farm for farming purposes, not be separate or independent from the farm operation, and be located on the same farm therewith;

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- (g) be accessed by a driveway which serves the farm unit, and not accessed by a separate driveway serving only the secondary farm occupation;
- (h) not require municipal water or sewer services; and require the approval of the appropriate authority for the method of water supply and waste disposal, if such approval is required
- (i) be limited to not more than one secondary farm occupation use per farm lot; and

Amended by By-law No. Z98-2007

- (j) the requirements of Section 3.135 shall apply, with necessary modifications, to permit a trades occupation (such as an electrician, plumber, carpenter, welder, painter) to be conducted accessory to an existing non-farm dwelling in the "Agricultural Zone (A)". However, no outdoor storage is permitted where the lot area of the existing non-farm dwelling use is less than 1.0 ha. All other requirements of Section 3.135 (a) through (i) shall apply with the necessary modifications for a non-farm lot.

Amended by By-law No. Z149-2012

3.135.1 Self-Storage Establishment means a building or buildings consisting of individual storage units accessible by the user, used for the storage of goods, wares, merchandise, foodstuffs, substances, articles or things, but does not include a fuel storage tank except as an accessory use.

Amended by By-law No. Z149-2012

3.135.2 Service Commercial Centre means a building or buildings containing two or more different permitted commercial uses, which is designed and which functions as a unit in

relation to its siting, vehicular access and off-street parking, but not having more than 30 percent (30%) of its gross floor area devoted to all restaurant uses.

3.136 Shopping Centre means a group of commercial establishments designed, developed, owned, and managed as a unit containing three or more separated spaces for lease or occupancy by commercial uses or business or professional offices, providing common open spaces, on-site parking areas, loading areas, driveways, and other shared facilities, and which may be held in a single ownership or by participants in a condominium corporation.

3.137 Sign means a name, identification description, device, display, or illustration which is affixed to, or represented directly upon a building, structure, or lot and which directs attention to an object, product place, activity, person, institution, organization, or business.

Amended by By-law No. Z149-2012

3.137.1 Species, Endangered means any native species that, on the basis of the best available scientific evidence, is at risk of extinction or extirpation throughout all or a significant portion of its (Ontario) range.

Amended by By-law No. Z149-2012

3.137.2 Species, Threatened means any native species that, on the basis of the best available scientific evidence, is at risk of becoming endangered throughout all of a significant portion of its (Ontario) range.

Amended by By-law No. Z149-2012

3.137.3 Species, Vulnerable Or Species At Risk means any native species that, on the basis of the best available scientific evidence, is a species of special concern (in Ontario), but is not a threatened or endangered species.

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3.138 Storey, means that portion of a building, other than an attic, basement, or cellar, which is situated between any floor and the ceiling or roof next above it.

3.139 Street, Road or Highway (Private) means a road which has not been assumed by the Corporation, the County or the Province and shall include the principle means of access to any mobile / modular home site.

3.140 Street, Road or Highway (Public) means a road which has been assumed by the Corporation, the County, or the Ministry of Transportation for Ontario and shall include such public road, street, or highway as affords the principal means of access to any lots that abut thereon, but does not include a lane or private right-of-way. For the purpose of determining yards, an unopened road allowance shall be considered a road, street, or highway (public).

3.141 Streetline means the line that divides the lot from the street.

3.142 Structure means anything that is constructed of one or more parts, whether permanent or temporary, and which is fixed to or supported by the soil or an attachment to something having a location on the ground, but does not include a boundary wall, fence, retaining wall, hedge or other planting, light standard, sign, patio stones or other hard surface at grade level for people or vehicles, weigh scale or tombstone.

Amended by By-law No. Z149-2012

3.142.1 Supermarket means a retail store devoted to the sale of food and associated small household items.

3.143 Swimming Pool means any body of water with a depth greater than 0.4m located indoors or outdoors which is contained by

artificial means, and used and maintained for the purpose of swimming, wading, or diving, but shall not include a water storage tank.

Amended by By-law No. Z149-2012

3.143.1 Taxi Stand and Office means a property, site or building used as a dispatch office or an area, site or location intended for the parking of taxis and/or limousines when not engaged in transporting persons or goods.

Amended by By-law No. Z149-2012

3.143.2 Temporary Use By-law means a use that is authorized by By-law passed under the provisions of Section 38 of the Planning Act, R.S.O. 1990.

3.144 Tourist Establishment means any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include,

- (a) a camp operated by a charitable corporation approved under the Charitable Institutions Act, or
- (b) a summer camp within the meaning of the regulations made under the Health Protection and Promotion Act, or
- (c) a club owned by its members and operated without profit or gain.

3.145 Trailer means a trailer within the meaning of the Highway Traffic Act. A trailer shall not be considered to include a mobile home.

3.146 Transportation Terminal means a building, structure, or place where licensed buses, licensed trucks, and/or licensed

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tractor trailers are rented, leased, repaired, loaded/unloaded, kept for hire or stored/parked for remuneration or from which such buses, trucks, and/or tractor trailers are dispatched as common carriers or where goods are stored temporarily for further shipment.

3.147 Travel Trailer / Motor Home Campground means a lot whereon two or more sites are provided for parking or placing motor homes/travel trailers or tents on a temporary or seasonal basis.

Amended by By-law No. Z149-2012

3.147.1 Unit In A Vacant Land Condominium means a parcel of land within a vacant land condominium for the purpose of constructing a single detached dwelling.

Amended by By-law No. Z149-2012

Amended by By-law No. Z105-2008

3.147.2 Urban Area means lands designated in the County of Perth Official Plan as a settlement area (serviced urban area, village, or hamlet), urban fringe, infilling area, or mobile/modular home park or any lands zoned as "Park and Recreational Zone (PR)" in the Municipality of West Perth Zoning By-law No. 100-1998 and used for travel trailers/motor home campgrounds.

3.148 Use means the purpose for which a lot, building, or structure, or combination thereof, is designed, arranged, or occupied. The words "uses", "to use", and "used" shall have corresponding meanings.

Amended by By-law No. Z149-2012

3.148.1 Vehicle means an automobile, truck or other motor vehicle, including motorized construction equipment or farm equipment, a motor home, a motorcycle, a snowmobile, a boat, recreational vehicles, and also including a trailer or farm implement or any other device which is capable of being driven,

propelled or drawn by any kind of power, but does not include a bicycle or any other device powered solely by means of human effort.

Amended by By-law No. Z149-2012

3.148.2 Vehicle, Commercial means a motor vehicle having permanently attached thereto a truck, or delivery body and includes ambulances, hearses, fire trucks, buses, and tractors used for hauling purposes on the highways.

Amended by By-law No. Z149-2012

3.148.3 Vehicle, Recreational means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles and shall include a recreational trailer as defined herein.

3.149 Watercourse means a natural or altered lake, pond, river, creek, municipal drain, or stream, but shall not include a farm pond.

3.150 Wayside Permit Aggregate Operation means a temporary pit opened and used by a public road authority or its agent for the purpose of a particular project or contract of street construction.

3.150.1 Wholesale Establishment means a building or part thereof used for the selling of goods for delivery from the premises to an industrial, commercial or institutional establishment or organization and may include a showroom and/or display area open to the general public which does not exceed 25% of the premises.

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Amended by By-law No. Z149-2012

Amended by By-law No. Z105-2008

3.150.2 Wind Energy Generating System, Small Scale means a wind turbine, a tower, a generator, a rotor, and associated controls and conversion electronics that are primarily intended for on-site domestic consumption of wind energy generated electricity.

Amended by By-law No. Z149-2012

Amended by By-law No. Z105-2008

3.150.3 Wind Energy Generating System, Commercial Scale means a wind turbine, a tower, a generator, a rotor, and associated controls and conversion electronics that are primarily intended to feed electricity into the electrical transmission grid.

Amended by By-law No. Z149-2012

Amended by By-law No. Z105-2008

3.150.4 Wind Energy Generating System, Height means the vertical distance measured from the finished grade level of the base of the tower to the top of the rotor blade at the highest point in the rotation of the blade. For the purposes of Section 3.19 Wind Energy Generating System shall not be considered as a windmill.

3.151 Yard means a space appurtenant to a building or structure, located on the same lot as such building or structure, and which is open, uncovered, and unoccupied from the ground to the sky except as permitted otherwise by this By-law.

3.152 Yard, Front means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.

3.153 Yard, Minimum Front means the minimum depth of a front yard between the front lot line and the nearest wall, or part thereof, of any building or structure on the lot.

3.154 Yard, Rear means a yard extending across the full width of a lot between the rear lot line and the nearest wall, or part thereof, of any main building or structure on the lot, where the rear yard is a point, the rear yard is measured back a distance along the side lot lines or measured back from the part to a line which is parallel to the line used for front yard measurement, not front yard.

3.155 Yard, Minimum Rear means the minimum depth of a rear yard between the rear lot line and the nearest wall, or part thereof, of any main building, structure, on the lot.

3.156 Yard, Side means a yard extending from the front yard to the rear yard of a lot and from the side lot line of the lot to the nearest wall, or part thereof, of any building or structure, on the lot.

3.157 Yard, Exterior Side means a side yard immediately abutting a street.

3.158 Yard, Interior Side means a side yard other than an exterior side yard.

3.159 Yard, Minimum Side means the minimum width of a side yard between the side lot line of a lot and the nearest wall, or part thereof, of any main building or structure of the lot.

Amended by By-law No. Z149-2012

3.159.1 Yard Sale, Residential means a street-side unenclosed event in which used household items and things, which are surplus to the residents of the dwelling, are offered for sale to the general public by the residents of the dwelling hosting the event.

Amended by By-law No. Z149-2012

3.59.2 Yard Waste Composting Facility means a facility for the composting of yard materials in windrows. Yard material

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includes garden trimmings, grass, brush and leaves but does not include food waste.

3.160 Zone means any classification established in Section 4 of this By-law which applies to the area(s) delineated on the attached Zoning Map or Zoning Map Schedules for such classification and to which specific provisions as established by this By-law shall apply.

Amended by By-law No. Z105-2008

3.161.1 Zone, Rural means lands that are located outside of an Urban Area and located within the “Agricultural Zone (A)”, “Agricultural Commercial/Industrial Zone (ACM)”, “Mineral Aggregate Resources Zone (MAR)”, “Institutional Zone (I)”, or “Park and Recreation Zone (PR)” or combination thereof.

Amended by By-law No. Z105-2008

3.161.2 Zone, Urban means lands that are located within an Urban Area and located within the “Hamlet/Village Residential Zone (HVR)”, “Mitchell Residential Low Density Zone One (R1)”, “Mitchell Residential Low Density Zone Two (R2)”, “Mitchell Residential Medium Density Zone Three (R3)”, “Mitchell Residential High Density Zone Four (R4)”, “Mobile Home/Modular Home Zone (MH)”, “Core Area Commercial Zone (C1)”, “Hamlet/Village Commercial Zone (C2)”, “Highway Commercial Zone (C3)”, “Secondary Commercial Zone (C4)”, “Light Industrial Zone One (M1)”, “General Industrial Zone Two (M2)”, “Mineral Aggregate Resources Zone (MAR)”, “Institutional Zone (I)”, “Future Development Zone (FD)”, or “Park and Recreation Zone (PR)” or combination thereof.

3.161 Zone Boundary means the limit or extent of a designated area of land use shown on Schedule "A" attached hereto.

3.162 Zoning Administrator means an officer or employee of the Corporation charged with the duty of administering and enforcing the provisions of this By-law.