

SECTION VIII. DEFINITIONS

8.1 **ACCESSORY:**

when used to described a **USE, BUILDING, or STRUCTURE** means a **USE, BUILDING or STRUCTURE** subordinate, incidental and exclusively devoted to the main **USE, BUILDING, or STRUCTURE** located on the same **LOT** therewith.

8.2 **ACCOMMODATION UNIT:**

means a room or suite of rooms used or maintained for the accommodation of the travelling or vacationing public and which does not contain a **KITCHEN**.

*Amended By
2002-102*

8.3 **AGRICULTURAL USE:**

means farming and includes the raising and harvesting of crops, dairying, animal husbandry, raising of poultry and other similar **USES** and shall include roadside facilities for the retail sale of produce grown on the **FARM. AGRICULTURAL USE** does not include the extraction, mining, or excavating of peat for commercial purposes.

8.4 **ALTER:**

means, when used in reference to a **BUILDING, STRUCTURE** or part thereof, to change any one or more of the internal or external dimensions of such **BUILDING** or to change the type of construction of the exterior walls or roof or a change from one type of occupancy to another or a structural **ALTERATION** or change. 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 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 transference of any portion of said **LOT**, or otherwise. The words "altered" and "alteration" have corresponding meanings.

8.5 **AUTOMOBILE SALES ESTABLISHMENT:**

means a **BUILDING or STRUCTURE** or a clearly defined space on a **LOT** used for the display and sale of motor vehicles and may include the servicing, repair, cleaning, polishing, and lubricating of motor vehicles, the sale of automotive accessories and related products, and the leasing or renting of motor vehicles.

*Amended By
89-110*

8.6 **AUTOMOBILE SERVICE STATION:**

means a **BUILDING or STRUCTURE** or a clearly defined space on a **LOT** where gasoline, or other motor fuels and conveyance accessories are stored or kept for sale and where repairs essential to the actual operation of motor vehicles are executed or performed and includes areas where motor vehicles are parked or stored for remuneration, hire or sale and may include a **GAS BAR**.

8.7 **AUTOMOBILE WASHING ESTABLISHMENT:**

means a garage for washing and cleaning motor vehicles.

*Amended By
2003-77*

8.8 **BASEMENT:**

means that portion of a **BUILDING** between two floor levels which has at least one half of the distance from average finished floor to finished ceiling, below the average finished grade.

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- 8.9 **BED & BREAKFAST:**
- means a **SINGLE FAMILY DWELLING UNIT** in which not more than three bedrooms are used or maintained for the accommodation of the travelling or vacationing public, in which the owner supplies lodgings either or without meals for the persons so accommodated and which may be classified as a **HOME OCCUPATION**.
- 8.10 **BERM:**
- means a landscaped natural or manmade rise in land or a hill, designed to screen or buffer adjacent **USES**.
- 98-98 8.10A **BOAT PARKING SPACE:**
- means a single parking space for a boat or other marine vessel, which forms part of a **DOCK, BOATHOUSE** or other mooring facility.
- Amended By 8.11 **BOATHOUSE:**
95-95, 2006-126
- means an **ACCESSORY BUILDING** built or anchored near the shore for the berthing and sheltering of boats or other marine related equipment and enclosed by more than one wall. The second **STOREY** of the **BOATHOUSE** may include a **SLEEPING CABIN** or other recreational **USES**, unless prohibited by the applicable zone requirements. For the purposes of the applicable zone requirements and permitted **USES**, a **BOATHOUSE** shall include a **BOATPORT**.
- Amended 8.12 **BOATHOUSE WIDTH:**
95-95d By
- means the longest perpendicular measurement from any point on the outside of one sidewall of a **BOATHOUSE** (or the outside of a supporting post in the case of a **BOATPORT**) to any point on the outside of the opposite sidewall (or supporting post in the case of a **BOATPORT**). For the purpose of this definition, a sidewall means the outside wall of a **BOATHOUSE**, which is the closest to being perpendicular to the **HIGH WATER MARK** immediately behind such **BOATHOUSE**.
- 95-95 8.13 **BOATPORT:**
- means a roofed **ACCESSORY BUILDING** built or anchored near the shore for the purpose of berthing and sheltering of boats or other marine related equipment and is not enclosed by more than one wall.
- 8.14 **BUILDING:**
- means any **STRUCTURE** used or intended to be used for shelter or occupation of **PERSONS**, animals or chattels other than a fence or wall.
- 8.15 **BUILDING LINE:**
- means a line lying in the interior of a **LOT** drawn parallel to a **LOT LINE** for the purpose of establishing the minimum distance that must exist between a **BUILDING** or **STRUCTURE ERECTED** upon the lands and a **LOT LINE**.

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8.16 **BUILDING, MAIN:**

means a **BUILDING** in which the principal **USE** is conducted on the **LOT** on which

8.17 **BUILDING SUPPLY YARD:**

means a retail or wholesale store with or without a storage area used for the temporary storage and sale of building supplies such as lumber, cement, bricks and hardware.

8.18 **BULK FUEL STORAGE:**

means a tank for the bulk storage of petroleum, gasoline, fuel oil, gas or flammable liquid or fluid.

8.19 **CABIN:**

means a **BUILDING** without a **KITCHEN** designed for the overnight accommodation of the travelling or vacationing public.

8.20 **CAMPSITE:**

means an area of land within a **TENT AND TRAILER PARK** or **PRIVATE CAMP** which is designed to accommodate the placement of tents, **RECREATIONAL VEHICLE**, motor coach or truck campers for the temporary quarters of a travelling or vacationing **FAMILY**.

8.21 **CHURCH:**

means a **BUILDING** dedicated to religious worship and may include a church hall, church, auditorium, Sunday school, convent, monastery or parish hall.

8.22 **CLINIC:**

means a public or private **BUILDING** used for medical, surgical, dental, physio therapeutic chiropractic or other human health treatment, consultation or diagnosis by one or more practitioners.

8.23 **COMMERCIAL HOUSEBOAT:**

means a boat, rented for commercial gain, which contains facilities for overnight accommodation of people by including facilities for sleeping, the preparation, storage and cooking of food, and sanitary facilities.

8.24 **CONSERVATION:**

means the protection and improvement of the components of the natural environment through comprehensive management and maintenance for both the individual and society's uses both in the present and in the future.

8.25 **CONVIENCE STORE:**

means a retail commercial establishment supplying groceries and other daily household supplies to the immediate surrounding area.

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CONVERTED DWELLING: See Section 8.32

*Amended By
2006-126*

8.26 **CONTRACTOR'S YARD:**

means an area of a **LOT** used by construction, mechanical, electrical, structural, plumbing, or landscaping contractors to store, maintain, or repair construction equipment and material. It may include a business office related to the business, and may include an area for the parking of employees' vehicles. It does not include an area for the crushing or screening of aggregates or topsoil.

CORNER LOT: See Section 8.70

8.27 **CORPORATION:**

means the Corporation of the Township of Muskoka Lakes.

89-110

8.28 **COTTAGE INDUSTRY:**

means a gainful occupation conducted in whole or in part in a **SINGLE FAMILY DWELLING UNIT** or an **ACCESSORY BUILDING** to a **SINGLE FAMILY DWELLING UNIT** by the residents of the **SINGLE FAMILY DWELLING UNIT** in accordance with General Provision 7.36.

2005-05

8.28A **COVERED AREA:**

means an area covered by a roof bounded by a maximum of three walls which is open at one end or side.

95-95

8.29 **CUMULATIVE WIDTH:**

means in reference to a **BOATHOUSE** or a **DOCK** is the sum of the widths of every **BOATHOUSE** and every **DOCK** on the **LOT**.

8.30 **DISTRICT:**

means the District Municipality of Muskoka.

*Amended By
2005-05*

8.31 **DOCK:**

means a **STRUCTURE** built at or anchored to the shore at which boats or other floating vessels are berthed or secured to and which may provide a foundation for a **BOATHOUSE**. Any structure situated in or over lands covered by water, which is within 10 feet of a **DOCK**, shall be deemed to be part of the **DOCK** unless it is a **BOATHOUSE** or a **BOATPORT**.

*Amended By
95-95*

8.32 **DWELLING, CONVERTED:**

means a completed separate **BUILDING** that was originally designed for, and constructed a **DWELLING UNIT** that is converted to a maximum of three **DWELING UNITS**.

89-110

8.33 **DWELLING, DUPLEX:**

means a separate **BUILDING** that is divided horizontally into two separate **DWELLING UNITS** each of which has an independent entrance either from the outside or through a common vestibule.

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- 8.34 **DWELLING, MULTIPLE:**
means a **BUILDING**, which contains two or more **DWELLING UNITS**.
- 89-110 8.35 **DWELLING, ROW:**
means a group of three but not more than eight attached **SINGLE FAMILY DWELLING UNITS** having independent entrances directly from the outside.
- 89-110 8.36 **DWELLING, SEMI DETACHED:**
means a pair of attached **SINGLE FAMILY DWELLING UNITS** with a common masonry wall extending from the base of the foundation to the roofline.
- Amended By
89-110, 98-98 8.37 **DWELLING UNIT or DWELLING:**
means one or more **HABITABLE ROOMS** designed for use by and occupation by not more than one **FAMILY** in which sanitary facilities and only one separate **KITCHEN** are provided for the exclusive use of such a **FAMILY**, with a private entrance from outside the **BUILDING** or from a common hallway or stairway inside the **BUILDING**. A **RECREATIONAL VEHICLE** or **MOBILE HOME** or **HOUSEKEEPING UNIT** is deemed not to be a **DWELLING UNIT** for the purpose of this By-law. A **DWELLING UNIT** includes an **ATTACHED GARAGE**.
- 8.38 **DWELLING UNIT, SINGLE FAMILY:**
means a separate **BUILDING** containing only one **DWELLING UNIT**.
- 8.39 **ERECT:**
means to build, construct, reconstruct, **ALTER**, enlarge and relocate and without limiting the generality of the foregoing is taken to include any associated physical operation such as excavating, grading and/or structurally altering any existing **BUILDING** or **STRUCTURE** by an addition, deletion, enlargement or extension.
- 8.40 **ESTABLISHED BUILDING LINE:**
means the average **SETBACK** from the **FRONT** or **REAR LOT LINE** of existing **BUILDINGS** and **STRUCTURES** within 200 feet of the **SIDE LOT LINES** of the subject property.
- 95-95 8.41 **FAMILY:**
means one or more persons living together in one **DWELLING UNIT**.
- 8.42 **FARM:**
means land used for the tillage of soil and the growing of vegetables, fruits, grains and other staple crops including livestock raising, dairying or woodlots and includes a farm **SINGLE FAMILY DWELLING UNIT** and **ACCESSORY BUILDINGS**.

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- 8.43 **FARM, SPECIALIZED USE:**
- means land on which the predominant economic activity consists of raising chickens, turkeys or other fowl, the raising of hogs, goats, horses or cattle on feed lots, the raising or boarding of dogs or cats or the growing of mushrooms.
- 89-110 8.44 **FINANCIAL BUSINESS:**
- means an establishment, which shall include, but not be limited to the following: a finance and loan company, mortgage company, investment and security company and other savings and credit establishments.
- Amended By
98-98, 2006-126 8.45 **FLOOR AREA:**
- means the total **AREA** of all **STOREYS** contained within the exterior faces of the exterior walls of a **BUILDING**, but excluding any **ATTACHED GARAGE**, **PRIVATE GARAGE**, porch, veranda, attic or **SUNDECK** or any **BASEMENT** when used solely for the purpose of storage. In the case of walls less than three feet in height, the **FLOOR AREA** is the total area of all **STOREYS** within the interior surface of the walls where such exist.
- Amended By
98-98 8.46 **FLOOR AREA, GROSS:**
- means the sum total of the gross horizontal areas of all **STOREYS** of all **BUILDINGS** excluding any **ATTACHED GARAGE**, attics and **BASEMENTS** when used solely for the purpose of storage.
- 8.47 **FLOOR AREA, GROUND:**
- means the maximum area of that portion of a **LOT** occupied by a **BUILDING** or **STRUCTURE** measured to the outside walls, excluding in the case of a **DWELLING** any **PRIVATE GARAGE**, porch, veranda or sunroom unless such area is habitable at all seasons.
- Amended By
98-98, 2002-102 8.48 **FORESTRY OPERATION:**
- means the general raising and harvesting of wood for commercial purposes or gain and shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees and other forest products. A **FORESTRY OPERATION** does not include a **SAWMILL**.
- FRONT LOT LINE:** See Section 8.76
- FRONT YARD:** See Section 8.148
- FRONT YARD DEPTH:** See Section 8.149
- 98-98, Amended
By 2006-126 8.48A **GARAGE, ATTACHED:**
- means a **PRIVATE GARAGE** attached to a **DWELLING** by a common wall and/or common roof **STRUCTURE** and shall be considered to be part of the **MAIN BUILDING**.

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*Amended By
2006-126*

8.49 **GARAGE, PRIVATE:**

means a **BUILDING** which is primarily used for the storage of motor vehicles, tools and household equipment incidental to residential occupancy and in which no business, occupation or service is conducted for profit unless otherwise specifically permitted in this By-law. Except in a Waterfront Landing Zone (WL) a **PRIVATE GARAGE** is an **ACCESSORY BUILDING**. If a **PRIVATE GARAGE** is an **ATTACHED GARAGE**, it is not an **ACCESSORY BUILDING**.

8.50 **GAS BAR:**

means a **BUILDING** or **STRUCTURE** which is used primarily for the sale of gasoline, or other motor fuels including minor running repairs to motor vehicles.

98-98

8.50A **GAZEBO:**

means a freestanding, roofed **ACCESSORY STRUCTURE** used for the purpose of relaxation in conjunction with a residential **DWELLING**. A **GAZEBO** exceeding 200 square feet in **FLOOR AREA**, which is screened or glassed, shall be considered to be a **HABITABLE ROOM**.

*Amended By
2002-102*

8.51 **GOLF COURSE:**

means a public or private area operated for the purpose of playing golf and includes a driving range and a miniature golf course. A **GOLF COURSE** may include a clubhouse.

GROSS FLOOR AREA: See Section 8.46

GROUND FLOOR AREA: See Section 8.47

8.52 **GROUP HOME:**

means a **SINGLE FAMILY DWELLING UNIT** in which not more than six **PERSONS**, having physical, social or mental handicaps, reside as a **FAMILY** under the appropriate supervision of supervised personnel, who may also reside in the **DWELLING UNIT**, and which is licensed or approved by a **PUBLIC AUTHORITY**. A **DWELLING UNIT** occupied for the purpose of providing shelter for **PERSONS** on parole or released from penal institutions, or for **PERSONS** ordered to reside there as a result of conviction of a criminal offence, is not a **GROUP HOME**.

2005-05

8.52A **HABITABLE FLOOR AREA:**

means the total **FLOOR AREA** of all **STOREYS** contained within the exterior walls of a **BUILDING** including a **BASEMENT** where floor to ceiling height is greater than 6 feet, but excluding any **ATTACHED GARAGE**, **PRIVATE GARAGE**, open **PORCH**, **VERANDAS**, attic and **SUNDECK**.

95-95

8.53 **HABITABLE ROOM:**

means a room designed for living, sleeping, eating or food preparation. A den, library, office, craft or hobby room, sewing room, enclosed sunroom, **GAZEBO**, or screened room are deemed to be a **HABITABLE ROOM**.

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*Amended By
95-95*

8.54 **HEIGHT:**

means, when used in reference to a **BUILDING** or **STRUCTURE** the vertical distance between the lowest finished ground surface at the exterior of the **BUILDING** and the highest point of the roof; or, in the case of a **BOATHOUSE**, the vertical distance between the top of the **DOCK** and the highest point of the roof; or in the case of a **SUNDECK**, the vertical distance between the lowest finished ground surface adjacent to the perimeter of the **SUNDECK**. In the case where a **SUNDECK** is joined to a **BUILDING** or other **STRUCTURE**, the **HEIGHT** of the **SUNDECK** and the **HEIGHT** of the **BUILDING** or **STRUCTURE** shall be measured separately, and each shall comply with the provisions of this By-law.

8.55 **HIGH WATER MARK:**

means the present normal **HIGH WATER MARK** of a **NAVIGABLE WATERWAY**, without regard to any dredging or filling carried out subsequent to October 24th, 1980.

8.56 **HOME INDUSTRY:**

means a gainful occupation conducted in whole or in part in a **DWELLING UNIT** in accordance with General Provision 7.10.

8.57 **HOME OCCUPATION:**

means a gainful occupation conducted entirely within a **SINGLE FAMILY DWELLING UNIT** by members of the **FAMILY** residing in such **DWELLING UNIT** in accordance with General Provision 7.11.

8.58 **HOTEL:**

means a type of **TOURIST RESORT** used mainly for the purposes of catering to the needs of the vacationing or travelling public by supplying food and drink and furnishing sleeping accommodation of not less than ten **ACCOMMODATION UNITS**.

8.59 **HOUSEKEEPING UNIT:**

means a room or a suite of rooms maintained for the accommodation of the travelling or vacationing public and equipped with a **KITCHEN**.

2001-201

8.59A **HUMAN HABITATION:**

means a place of abode occupied by humans primarily for, but not limited to eating, sleeping and living functions. Such functions also include leisure and recreational activities, such as sewing, reading, crafting, hobbies, and exercising.

*Amended By
95-95*

8.60 **HUNT CAMP:**

means a **BUILDING** occupied not more than 14 days in any month and not more than 60 days in any twelve month period and used solely for the purposes of accommodating hunters. A **HUNT CAMP** shall not be used as a **DWELLING UNIT**.

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2006-126

8.60A **INCLINATOR:**

means a **STRUCTURE** consisting of a cart on rails or track which is pulled up and down an incline or slope for the purpose of transporting people or goods. The **STRUCTURE** may include a roofed **STRUCTURE** no more than 100 square feet in **FLOOR AREA** at the upper and lower terminals of the **INCLINATOR**.

INTERIOR LOT: See Section 8.75

8.61 **KENNEL:**

means a place where dogs and/or other animals other than livestock as defined in the Agricultural Code of Practice (1976) are bred and raised, and are sold or kept for sale or boarded.

8.62 **KITCHEN:**

means a room or part of a room where food is stored or prepared or cooked, and which has cooking appliances.

8.63 **LANDINGS:**

means a **STRUCTURE** or platform between flights of stairs or at the head or foot of a staircase.

8.64 **LANDSCAPED BUFFER:**

means a landscaped or naturally planted area reserved for the purpose of screening adjacent uses by the planting or maintaining of trees and shrubs and shall consist of at least a continuous row of trees, evergreens or shrubs, not less than 6 feet high.

8.65 **LANDSCAPING CENTRE:**

means land, **BUILDINGS** or **STRUCTURES** used for the purpose of growing and selling vegetables, plants and flowers and may include the selling of materials associated with landscaping.

8.66 **LANE:**

means a travelled private road or travelled private **RIGHT-OF-WAY**, which affords access to abutting **LOTS**.

8.67 **LIGHT INDUSTRY:**

means the **MANUFACTURING**, assembling or processing of component parts or finished products for retail trade but does not include any operation involving stamping presses, furnaces, machinery or the emission of any air, water or noise pollution that creates a nuisance outside of the building. Such **USE** shall not generate any outside activity other than one loading area and parking for employees and visitors cars.

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8.68 **LOT:** means

a. a parcel of land:

*Amended By
89-110*

- i) the whole of which can be transferred without approval for consent or approval of a plan of subdivision pursuant to the Planning Act; and

*Amended By
89-110*

- ii) no part of which can be transferred without such an approval; and

*Amended By
89-110*

- iii) which is not described in a registered condominium description; and

*Amended By
89-110*

- iv) which is not the subject of an agreement or By-law referred to in clause (c) below.

OR

*Amended By
89-110*

- b. a parcel of land described as a whole registered description by the Condominium Act.

OR

*Amended By
89-110*

- c. two or more parcels of land:

*Amended By
89-110*

- i) deemed to be one **LOT** by this By-law; or,

*Amended By
89-110*

- ii) required to be transferred together by an agreement made pursuant to the Planning Act.

8.69 **LOT AREA:**

means the total horizontal area within the **LOT LINES** of a **LOT** but does not include lands under water. In the case of a **CORNER LOT** having **STREET LINES** rounding at the corner with a radius of 20 feet or less, the **LOT AREA** of such **LOTS** shall be calculated as if the **LOT LINES** were produced to their point of intersection.

8.70 **LOT, CORNER:**

means a **LOT** situated at the intersection of and abutting upon two or more **STREETS** provided that the angle of intersection within the **LOT** formed by such **STREETS** is not more than 135 degrees.

8.71 **LOT COVERAGE:**

means that percentage of area covered by **BUILDINGS** and **STRUCTURES** including **ACCESSORY BUILDINGS** and **STRUCTURES** on the **LOT** inclusive of any such area covered on lands adjacent to the **LOT** in a WOS Zone and excluding non-roofed **STRUCTURES** and **DOCKS**.

8.72 **LOT DEPTH:**

means the horizontal distance between the **FRONT** and **REAR LOT LINES**. Where these lines are not parallel, it is the length of a line joining the midpoints of the **FRONT** and **REAR LOT LINES**.

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8.73 **LOT FRONTAGE:** means the horizontal straight-line distance determined as follows:

*Amended By
95-95*

- a. where the **FRONT LOT LINE** is a **HIGH WATER MARK** or abuts an **ORIGINAL SHORE ROAD ALLOWANCE**, the distance between the points where the **LOT LINES** or their **STRAIGHT LINE PROJECTIONS** intersect the **HIGH WATER MARK**.
- b. where the **FRONT LOT LINE** is in whole or in part within a **NAVIGABLE WATERWAY**, the distance between the points where each **SIDE LOT LINE** intersects.
 - i) the **HIGH WATER MARK**, if it so intersects, or
 - ii) the **FRONT LOT LINE**, otherwise.
- c. where there are no **SIDE LOT LINES**, the greatest distance between any point on the **FRONT LOT LINE** and any point on the **REAR LOT LINE**.
- d. where there are no **SIDE LOT LINES** and no **REAR LOT LINE**, such as on an island, the greatest distance between any two points.
 - i) on the **FRONT LOT LINE**, if those points are not within a **NAVIGABLE WATERWAY**; or
 - ii) on the **HIGH WATER MARK** and those parts of the **FRONT LOT LINE** not within a **NAVIGABLE WATERWAY**.

2001-201

- e. where there are two (2) **FRONT LOT LINES** abutting the same **STREET**, the longer of the two **LOT LINES** shall be the **FRONT LOT LINE**.

*Amended By
2001-201*

- f. in all cases other than those above, the distance between the points where the **SIDE LOT LINES** intersect the **FRONT LOT LINE**.

For the purposes of this definition, only those **SIDE LOT LINES**, which intersect the **FRONT LOT LINE** are to be considered in determining **LOT FRONTAGE**.

8.74 **LOT LINE:** means any boundary of the **LOT** or the vertical projection thereof.

8.75 **LOT, INTERIOR:**

means a **LOT** that is not a **CORNER LOT** and not a **THROUGH LOT**.

8.76 **LOT LINE, FRONT:** means in the case of:

*Amended By
89-110*

- i. an **INTERIOR LOT**, the **LOT LINE** abutting;

*Amended By
89-110*

- a) a **STREET**; or,

*Amended By
89-110*

- b) a **NAVIGABLE WATERWAY**; or,

*Amended By
89-110*

- c) an **ORIGINAL SHORE ROAD ALLOWANCE**;

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*Amended By
89-110, 95-95*

d) a **RIGHT-OF-WAY**, where the **LOT** does not abut a **STREET**, **NAVIGABLE WATERWAY** or an **ORIGINAL SHORE ROAD ALLOWANCE**.

*Amended By
95-95, 89-110*

ii. a **CORNER LOT**, the longest of the **LOT LINES**, which abut the **STREETS**. If one of the **STREETS** contains a one-foot reserve that abuts the **LOT** the **LOT LINE** adjacent to that reserve is not to be considered in determining the **FRONT LOT LINE**.

*Amended by 89-
110*

iii. a **THROUGH LOT**;

*Amended by 89-
110*

a) if it abuts two **STREETS**, the **LOT LINE** abutting the **STREET** from which access is primarily gained to the **LOT**;

*Amended by 89-
110*

b) if it abuts a **STREET** and a **NAVIGABLE WATERWAY**, the **LOT LINE** along the **HIGH WATER MARK** or within the **NAVIGABLE WATERWAY**;

*Amended by 89-
110*

c) if it abuts a **STREET** and an **ORIGINAL SHORE ROAD ALLOWANCE**, the **LOT LINE** abutting the **ORIGINAL SHORE ROAD ALLOWANCE**;

*Amended by 89-
110, 2003-77*

d) if it abuts two **ORIGINAL SHORE ROAD ALLOWANCES**, the longer of the two **LOT LINES** abutting the **ORIGINAL SHORE ROAD ALLOWANCES**;

*Amended by 89-
110, 2003-77*

e) if it abuts a **NAVIGABLE WATERWAY** and an **ORIGINAL SHORE ROAD ALLOWANCE**, the longer of the two **LOT LINES**;

*Amended by 89-
110, 95-95,
2001-201*

f) if it abuts two **NAVIGABLE WATERWAYS**, the longer of the two **LOT LINES** abutting the **NAVIGABLE WATERWAYS**.

*Amended By
95-95*

8.77 **LOT LINE, REAR:**

means the longest **LOT LINE** opposite the **FRONT LOT LINE**.

8.78 **LOT LINE, SIDE:**

means any **LOT LINES** other than the **FRONT LOT LINE** and the **REAR LOT LINE**. For the purpose of measuring the **SIDE YARD SETBACK** of **BUILDINGS** and **STRUCTURES** over water, the **SIDE LOT LINE** includes the **STRAIGHT LINE PROJECTION** of each **SIDE LOT LINE** into the water.

8.79 **LOT, THROUGH:**

means a **LOT** bounded on both the **FRONT LOT LINE** and the **REAR LOT LINE** by **STREETS**, or in the case of a **LOT** on a **NAVIGABLE WATERBODY**, by an **ORIGINAL SHORE ROAD ALLOWANCE** or **HIGH WATER MARK** on the **FRONT LOT LINE** and by a **STREET**, or **ORIGINAL SHORE ROAD ALLOWANCE** or **HIGH WATER MARK** on the **REAR LOT LINE**.

MAIN BUILDING: See Section 8.16

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8.80 **MANUFACTURING:**

means the **USE** of land, **BUILDING** or **STRUCTURE** designed for the purpose of **MANUFACTURING**, assembly, making, preparing, inspecting, ornamenting, finishing, treating, **ALTERING**, repairing, **WAREHOUSING** or storing or adapting for sale of any goods, substance, article, thing or service, but shall not include an **OBNOXIOUS USE**, mine, **PIT** or **QUARRY**.

8.81 **MARINA:**

means a **BUILDING**, **STRUCTURE** or place, and may contain docking, boat storage facilities and automobile **PARKING AREAS**, and may be located on a **NAVIGABLE WATERWAY**, where boats and boat accessories are stored, serviced, repaired or kept for sale or hire and where facilities for the sale of marine fuels and lubricants may be provided but shall not include the rental of **COMMERCIAL HOUSEBOATS**.

8.82 **MOBILE HOME:**

means a single wide factory built **SINGLE FAMILY DWELLING UNIT** that is designed to be transported and capable of being connected to service utilities so as to be suitable for a long term occupation, but does not include a double wide **MOBILE HOME**, **TRAVEL TRAILER**, tent trailer, or **TRAILER** otherwise designed.

*Amended By
95-95*

8.83 **MOBILE UNIT:**

means singlewide factory built unit that is designed to be transported and is capable of being connected to service utilities so as to be suitable for long-term occupation. **MOBILE UNITS** include Park Model Trailer and do not include portable classrooms or an enclosed truck trailer.

8.84 **MOTEL:**

means a type of **TOURIST RESORT** which caters primarily to the traveling public by supplying overnight sleeping accommodation with or without meals of not less than five (5) **ACCOMMODATION UNITS**.

MULTIPLE DWELLING: See Section 8.34

8.85 **NAVIGABLE WATERWAY:**

means any body of water that is capable of affording reasonable passage of floating vessels of any description for the purpose of transportation, recreation or commerce.

*Amended By
95-95, 2006-126*

8.86 **NON-COMPLYING:**

means a **LOT**, **BUILDING** or **STRUCTURE** that does not fulfil the zone requirements for the zone in which the **LOT**, **BUILDING**, or **STRUCTURE** is located.

*Amended By
95-95*

8.87 **NON-CONFORMING:**

means a **USE**, which does not conform with the provisions of this By-law for the zones in which such a **USE** is located on the date the By-law was passed.

SECTION VIII DEFINITIONS

- 8.88 **NURSERY SCHOOL:**
means a day nursery within the meaning of The Day Nurseries Act for Ontario.
- 8.89 **NURSING HOME:**
means a **BUILDING** in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, provides nursing, medical or similar care and treatment, if required, and includes a rest home or convalescent home.
- 8.90 **OBNOXIOUS USE:**
means an offensive trade within the meaning of The Public Health Act of Ontario.
- 8.91 **OFFICE:**
means a **BUILDING** or **STRUCTURE** or part thereof used for the purpose of providing accommodation for an **OFFICE** in which business is carried on or a profession is practiced.
- Amended By
98-98* 8.92 **OPEN SPACE RECREATION:**
means the use of land, **STRUCTURES** or equipment for outdoor sports and games not conducted for profit and does not include a range for firearms, a racetrack or **PRIVATE PARK**, or **GOLF COURSE**.
- 8.93 **ORIGINAL SHORE ROAD ALLOWANCE:**
means a 66-foot wide allowance for road reserved along the shore of a **NAVIGABLE WATERWAY** by the Crown but not an allowance that has become a **STREET**.
- 98-98* 8.93A **OPEN STORAGE:**
means the storage of equipment, goods, chattels, raw materials or processed materials outside of any **BUILDING** or **STRUCTURE** for a period of more than 24 hours. For the purpose of this by-law the overnight parking of licensed vehicles shall not be **OPEN STORAGE**.
- 8.94 **PARKING AREA:**
means an area provided for the parking of motor vehicles and includes aisles, **PARKING SPACES** and related ingress and egress lands or a **PRIVATE GARAGE**, but does not include any part of a public **STREET**.
- 8.95 **PARKING SPACE:**
means an area of not less than 200 square feet, exclusive of any aisles or ingress and egress lanes, usable for the temporary parking or storage of motor vehicles, and may include a **PRIVATE GARAGE** or carport. Each **PARKING SPACE** shall be at least 10 feet by 20 feet.
- 2006-126* 8.95A **PAVILION:**
means a **STRUCTURE** accessory to a **TOURIST RESORT** for the purpose of sheltering people with a maximum **FLOOR AREA** of 600 square feet and containing no walls.

SECTION VIII. DEFINITIONS

	8.96	<u>PERSON:</u>	means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a PERSON to whom the context can apply according to law.
	8.97	<u>PERSONAL SERVICE SHOP:</u>	means barbershop, beauty parlour, shoe repair shop, self-service laundry or depot for the collection of any cleaning and laundry.
97-46, Amended By 2001-201	8.97A	<u>PICNIC SHELTER:</u>	means a STRUCTURE with a roof, floor and support posts without walls, screening or any other form of closure (except a railing no higher than 48 inches from the floor), that is used temporarily for the prime purpose of picnicking or lounging, not for overnight accommodation of persons or the storage of chattels.
	8.98	<u>PIT:</u>	means an open excavation or cavity in the natural level of the ground made other than by natural causes by the removal of soil or rock for the purpose of removing sand, gravel or similar material and shall include the processing of excavated material.
2003-77	8.99A	<u>PLACE OF WORSHIP:</u>	means lands or BUILDINGS used for worship by an association of persons that is: i) Charitable under the laws of the Province of Ontario; and, ii) Organized for the advancement of religion and for the conduct of religious worship, service or rites; and, iii) is intended to be permanently established as to the conduct of its existence. and may include accessory STRUCTURES such as DWELLING for a caretaker or head of the congregation and an assembly hall.
89-110	8.99	<u>PLACE OF AMUSEMENT:</u>	means a bowling alley, athletic club, billiard or pool hall, amusement arcade, theatre, arena or other similar USE .
	8.100	<u>PLANNING ACT:</u>	means Statutes of Ontario 1983 Chapter 1, as amended, and any successor legislation relating to the same subject matter.
2005-05	8.100A	<u>PORCH:</u>	means a roofed structure projecting from the exterior wall of a BUILDING for the purpose of providing a covered shelter for an entrance to a BUILDING and does not have an exterior wall.

SECTION VIII DEFINITIONS

8.101 **PRIVATE CAMP:**

means an establishment operated by a religious or private organization that provides reserved accommodation in the form of **CABINS**, rooms or **CAMPSITES**, which is not open to the travelling public, and has centralized facilities for dining and recreation, and provides recreational, religious or educational programs.

8.102 **PRIVATE CLUB:**

means golf, tennis, sailing or other athletic, social or recreational club located on private lands.

PRIVATE GARAGE: See Section 8.49

8.103 **PRIVATE PARK:**

means a park operated for commercial gain on land permanently devoted to recreational uses and may be generally characterized by its natural, historic landscape or recreational features or activities and is used for both passive and active forms of recreation.

8.104 **PRIVATE RUNWAY:**

means an area of a **LOT** used on an intermittent basis for private aircraft to take off and land and may include **ACCESSORY BUILDINGS** and **STRUCTURES** such as a hanger and private fuelling facilities and which is not Federally licensed, or used for any purpose associated with commercial gain.

8.105 **PUBLIC AUTHORITY:** means

- a. the **CORPORATION**, the **DISTRICT**, the Government of Ontario, the Government of Canada, or any board, authority, or commission of any of them; or,
- b. any utility company providing telephone, telegraph, electrical or natural gas services; or,
- c. any railway company authorized under the Railway Act of Canada; or,
- d. any corporation providing services to the public, that has an operating budget entirely funded by one or more entities described in clause (a).

8.106 **PUBLIC USE:**

means the use of a **LOT**, **BUILDING** or **STRUCTURE** by a **PUBLIC AUTHORITY**, for the purpose of providing its services to the public, or carrying out its public mandate, but does not include an office building.

8.107 **QUARRY:**

means an excavation in the natural level of the ground made other than by natural causes for the purpose of removing stone or similar material which is to be used for construction, further processing or as a raw material in a manufacturing process and shall include the processing of excavated material.

SECTION VIII. DEFINITIONS

REAR LOT LINE: See Section 8.77

REAR YARD: See Section 8.150

REAR YARD DEPTH: See Section 8.151

2001-201

8.107A **RECONSTRUCTION:**

means the replacement of an existing **BUILDING** or **STRUCTURE** where the amount of the **BUILDING** or **STRUCTURE** being replaced exceeds the requirements of a **RESTORATION**.

Amended By
89-110

8.108 **RECREATIONAL ESTABLISHMENT:**

means a drive-in theatre, miniature golf course, tennis courts or similar **USE**.

8.109 **RECREATIONAL VEHICLE:**

means any vehicle that is mobile either by itself or when attached to a motor vehicle and that is capable of being used for the living, sleeping or eating accommodation of **PERSONS**, notwithstanding that such vehicle is jacked-up or that its running gear is removed, for seasonal or temporary occupancy only.

8.110 **RECREATIONAL VEHICLE AND EQUIPMENT CENTRE:**

means a **BUILDING** or **STRUCTURE** or part thereof used for the storage, service, sale and hire of recreation vehicles including snowmobiles, boats and all terrain vehicles.

2001-201

8.110A **RESIDENTIAL:**

means the **USE** of land, **BUILDINGS**, or **STRUCTURES** for human habitation.

REQUIRED YARD: See Section 8.152

RESIDENTIAL – DWELLING UNIT: See Section 8.37

8.111 **RESTAURANT:**

means a **BUILDING** or part thereof where food is offered for sale or sold to the public for immediate consumption on or about the premises and includes a drive-in or take-out **RESTAURANT**.

2001-201

8.111A **RESTORATION:**

means the repair of a **BUILDING** or **STRUCTURE** to a safe condition where over 20% of the **FLOOR AREA** and walls remains in its present state. It does not include the **RECONSTRUCTION** or replacement of an entire **BUILDING** or **STRUCTURE**. In the case of a **DOCK**, it applies to over 20% of the top decking and does not include the foundation cribbing, piling, or poles.

8.112 **RETAIL STORE:**

means a **BUILDING** or part of a **BUILDING** where goods, wares, merchandise, substances or articles are offered for retail sale.

SECTION VIII DEFINITIONS

8.113 **RIDING STABLE:**

means land and **BUILDINGS** used to house horses and for their exercise and training and may include a school, boarding stables, tack shop or other related uses.

8.114 **RIGHT-OF-WAY:**

means an area of land that is legally described in a registered deed for the provision of private access on which there is usually a **LANE**.

8.115 **ROOFED RECREATION FACILITY:**

means a covered **BUILDING** or **STRUCTURE** used for sport or recreation uses only, such as an indoor swimming pool, racquet courts or gymnasium.

ROW DWELLING: See Section 8.35

8.116 **SLAVAGE YARD:**

means land or **BUILDINGS** used for an automobile wrecking yard or premises, the keeping and/or storing of used building products, waste paper, rags, bottles, bicycles, automobile tires, old metal, other scrap material or salvage and where such materials are bought, sold, exchanged, baled, packed, disassembled or handled for further **USE**.

8.117 **SATELLITE DISHES:**

means a **STRUCTURE** used or intended to be used to receive broadcast signals from satellites.

8.118 **SAW MILL:**

means a **BUILDING** or **STRUCTURE** used to process wood from saw logs to another use and may include land used for open storage of raw or finished lumber or products.

SEMI DETACHED DWELLING: See Section 8.36

95-95

8.119 **SERVICE CLUB:**

means an association of persons united by a common community service interest. This includes the premises owned and occupied by the members of such an association within which the activities of the club are conducted.

Amended By
98-98

8.120 **SERVICE SHOP:**

means a **BUILDING** or part of a **BUILDING** devoted primarily to the repair or servicing of goods, commodities, articles or materials, but not the manufacturing of same. A **SERVICE SHOP** does not include the repair or service of motor vehicles.

SECTION VIII DEFINITIONS

8.121 **SETBACK:**

means the least horizontal distance between any **LOT LINE** or **HIGH WATER MARK**, and the nearest part of any **BUILDING** or **STRUCTUE** on the **LOT**. Where the **LOT LINE** is within a **NAVIGABLE WATERWAY** the distance shall be measured from the **HIGH WATER MARK**.

8.122 **SEWER SERVICE:**

means a system of underground piping for the collection of and treatment of sewage, owned and operated by a **PUBLIC AUTHORITY**.

98-99,
Amended By
2005-05

8.122A **SHORELINE BUFFER:**

means a natural area maintained in its natural predevelopment state for the purpose of buffering **BUILDINGS** or **STRUCTURES** on a **LOT**. Where the natural state does not include significant vegetative cover the area may be planted with indigenous trees and shrubs. Such a buffer shall consist of trees or shrubs a minimum of six feet in height and a density of one tree per 100 square feet of the required buffer.

SIDE LOT LINE: See Section 8.78

SIDE YARD: See Section 8.153

SIDE YARD EXTERIOR: See Section 8.155

SIDE YARD INTERIOR: See Section 8.156

8.123 **SIGHT TRIANGLE:**

means the triangular space formed by two intersecting **STREET LINES** and a line drawn from a point in one **STREET LINE** to a point in the other **STREET LINE**, each such point being 40 feet measured along the **STREET LINE** from the point of intersection of the **STREET LINES**.

SINGLE FAMILY DWELLING UNIT: See Section 8.38

Amended By
89-110

8.124 **SLEEPING CABIN:**

means a unit not attached to the **MAIN** residential **BUILDING** for the accommodation of **PERSONS**, but not containing a **KITCHEN**. A **RECREATIONAL VEHICLE** is deemed not to be a **SLEEPING CABIN** for the purposes of this By-law.

SPECIALIZED FARM USE: See Section 8.43

8.125 **STAFF QUARTERS:**

means an **ACCESSORY BUILDING** for accommodating only the employees of a **TOURIST RESORT** or **PRIVATE CAMP** and which may contain a kitchen.

8.126 **STORAGE FACILITY:**

means a covered **BUILDING** or **STRUCTURE** used for the storage of chattels, but not for the accommodation of persons.

SECTION VIII DEFINITIONS

*Amended By
2001-201*

8.127 **STOREY:**

Means the portion of a **BUILDING**, other than the **BASEMENT** which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it. In the case of a **BOATHOUSE**, the **DOCKS** are considered to be a floor.

8.128 **STRAIGHT LINE PROJECTION:**

means the straight-line extension or projection of a **LOT LINE**.

8.129 **STREET:**

means a travelled public highway or a travelled public road and does not include a **LANE** or a **PRIVATE RIGHT-OF-WAY**, or unopened road allowance.

8.130 **STREET LINE:** means the dividing line between the **LOT** and a **STREET**.

*Amended By
98-98*

8.131 **STRUCTURE:**

means anything constructed or **ERECTED**, the **USE** of which requires location on the ground but does not include a septic system. A **STRUCTURE** shall include a tennis court or sport court.

*Amended By
2003-77*

8.132 **SUNDECK:**

means a non-roofed **STRUCTURE** designed for lounging or sunbathing. A **SUNDECK** is not part of a **DWELLING UNIT**.

8.133 **TAVERN:**

means a **BUILDING** or **STRUCTURE** or part thereof which is primarily used for the sale and serving of alcoholic beverages with or without entertainment and may serve food or meals.

8.134 **TENT AND TRAILER PARK:**

means a parcel of land used and maintained as an overnight tenting or camping ground where people are temporarily accommodated in tents, **TRAVEL TRAILERS, CABINS, RECREATIONAL VEHICLES** or other similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not accommodate **MOBILE HOMES**.

THROUGH LOT: See Section 8.79

8.135 **TOURIST RESORT:**

means a commercial establishment under one management designed and used for the travelling or vacationing public, and that has facilities for accommodation and serving meals and drinks and furnishes equipment, supplies or services to persons for recreational purposes. No **DWELLING UNIT** is permitted within a **TOURIST RESORT** except as accessory to the principal permitted **USE**, by way of living accommodation for the manager or owner of the resort and family, and staff quarters for the staff of the resort.

SECTION VIII DEFINITIONS

- 95-95 8.136 **TRAILER:**
- means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for the living, sleeping or eating accommodation of **PERSONS**, notwithstanding that such vehicle is jacked-up or that its running gear is removed.
- 95-95 8.137 **TRAVEL TRAILER:**
- means a **TRAILER** designed and equipped for travel, recreation and vacation uses and for seasonal or temporary occupancy only.
- 8.138 **TUCK SHOP:**
- means a retail shop selling personal supplies, sundries, sports equipment and clothing to visitors to, and employees of, a **PRIVATE CAMP**.
- 2005-05 8.138A **VERANDA:**
- means a roofed open structure along one or more sides of a **BUILDING** having the purpose of, or capability of providing for lounging and relaxation.
- 8.139 **VETERINARY CLINIC:**
- means a **BUILDING** or **STRUCTURE** where animals, birds or other livestock are treated and where domestic animals or birds are kept for treatment.
- 8.140 **USE:**
- means when used as a noun, the purpose for which the land or a **BUILDING** or **STRUCTURE** or any combination thereof, is designed, arranged, intended, occupied or maintained and "uses" has a corresponding meaning. "Use" when used as a verb, or "to use" has a corresponding meaning.
- 8.141 **WAREHOUSE:**
- means any **BUILDING** or **STRUCTURE** involved primarily in transportation, storage and shipment of goods.
- 8.142 **WASTE DISPOSAL:**
- means a facility for the transfer and treatment and disposal of sanitary wastes or other wastes.
- 8.143 **WASTE TREATMENT FACILITY:**
- means an area on the same site as the principle permitted **USE** which is used for the purpose of storing, treating and spraying effluent generated on site in compliance with the relevant regulations of the Ministry of Environment.
- 8.144 **WATERCOURSE:** means a creek, river and/or drainage ditch.

SECTION VIII DEFINITIONS

2001-201

8.144A **WATERFRONT LANDING:**

means the **USE** of land, parking vehicles, and storing boats, which facilitate access by persons to one or more **RESIDENTIAL** properties, to which access is gained by water.

8.145 **WATER SERVICE:**

means a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by a **PUBLIC AUTHORITY**.

8.146 **WAYSIDE PIT OR WAYSIDE QUARRY:**

means a temporary **PIT** or **QUARRY** open and used by a **PUBLIC AUTHORITY** solely for the purpose of a particular project or contract and road construction and not located on the **STREET**.

8.147 **YARD:**

means an open, uncovered and unoccupied space between a **BUILDING** or **STRUCTURE** and a **LOT LINE**.

8.148 **YARD, FRONT:**

means a **YARD** extending across the full width of the **LOT** between the **FRONT LOT LINE** of the **LOT** and the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**.

8.149 **YARD DEPTH, FRONT:**

means the least horizontal dimensions between the **FRONT LOT LINE** of the **LOT**, or the nearest open storage **USE** on the **LOT**.

8.150 **YARD, REAR:**

means a **YARD** extending across the full width of the **LOT** between the **REAR LOT LINE** of the **LOT** and the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**, or the nearest open storage **USE** on the **LOT**.

8.151 **YARD DEPTH, REAR:**

means the least horizontal dimensions between the **REAR LOT LINE** and the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**, or the nearest open storage **USE** on the **LOT**.

8.152 **YARD, REQUIRED:**

means the minimum **YARD** required by the provisions of this By-law.

8.153 **YARD, SIDE:**

means a **YARD** extending from the **FRONT YARD** to the **REAR YARD** and from the **SIDE LOT LINE** of the **LOT** to the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**, or the nearest open storage **USE** on the **LOT**.

SECTION VIII DEFINITIONS

8.154 **YARD WIDTH, SIDE:**

means the least horizontal dimension between the **SIDE LOT LINE** of the **LOT** and the nearest part of any **BUILDING** or **STRUCTURE** on the **LOT**, or the nearest open storage use on the **LOT**.

8.155 **YARD, SIDE EXTERIOR:**

means a **SIDE YARD** immediately adjoining a public **STREET** or an unopened road allowance.

8.156 **YARD, SIDE INTERIOR:**

means a **SIDE YARD** other than an **EXTERIOR SIDE YARD**.