

OFFICE CONSOLIDATION

TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended

(This Office Consolidation Edition is prepared for purposes of convenience only.

For accurate reference recourse should be had to the original by-law(s) and amendments and Orders of the Ontario Municipal Board.)

SECTION 5 - DEFINITIONS

5.1 "ABANDONED" means the failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous 12 month period.

5.2 "ACCESSORY" means a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

5.3 "ACCESSORY DWELLING UNIT" - see "DWELLING UNIT"

5.4 "ADULT ENTERTAINMENT PARLOUR" means any premises or part thereof in or on which is provided in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclination and as further defined in the *Municipal Act*.

5.5 "AGRICULTURAL USE" means a use of land, building or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, nursery, poultry-keeping, greenhouses, or any other farming use, and includes the growing, raising, packing, treating, storing and sale of farm products produced on the farm and other similar uses customarily carried on in the field of general agriculture and which are not obnoxious.

5.6 (a) "ALTER" means:

(i) when used in reference to a building or structure or part thereof, to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof;

(ii) when used in reference to a lot, to change the lot area, lot frontage or lot depth thereof; to change the width, depth or area of any required yard, 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 such lot or otherwise; or

(iii) when used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.

(b) **"ALTERED"** and **"ALTERATION"** shall have corresponding meanings.

"AMENITY AREA" - see Section 5.187

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- 5.7 "ANIMAL HOSPITAL" or "SHELTER"** means a building or part thereof, with or without related structures, wherein domestic household pets including, but not so as to limit the generality of the foregoing, dogs, cats, caged birds and specialty fish, but excluding any animals kept primarily for the purpose of providing food or skins, are given temporary shelter and accommodation or are treated or kept for treatment by a registered veterinarian, and includes the office of a registered veterinarian, but does not include any establishment engaged primarily in the retail sale of animal or in breeding animals for gain or profit, or a veterinarian's clinic as defined herein.
- 5.8 "ANIMAL UNIT"** shall be defined in Table 2 of Schedule "B" attached hereto and forming part of this By-law.
- 5.9 "ARCADE"** means any establishment or part or parts of an establishment containing four (4) or more arcade machines operated for profit or gain, including where the operation of such game machine for profit or gain is an accessory use or is not the primary use of the establishment.
- 5.10 "ARCADE MACHINE"** means any mechanized game machine or electronic game machine including a pinball machine or coin operated billiard table operated for profit or gain.
- 5.11 "ASSEMBLY HALL"** means a building or part of a building in which facilities are provided for meeting of a civic, educational, political, religious, social or recreational nature and which facilities are capable of accommodating in excess of 100 persons and includes a public hall within the meaning of *The Public Hall Act*.
- 5.12 "ATTACHED"** means:
- (i) when referring to an accessory building, "attached horizontally to a main building on the same lot";
 - (ii) when referring to a main building, "attached horizontally to another main building either on the same lot or on an adjacent lot".
- 5.13 "ATTIC"** - see "STOREY"
- 5.14 "AUDITORIUM"** means a building or structure where facilities are provided for athletic, civic, education, recreational, political, religious or social events including, but not so as to limit the generality of the foregoing, an arena, a community centre, a bowling alley, a recreation centre, an assembly hall, a gymnasium, a stadium, a cinema, a theatre or a playhouse.
- 5.15 "AUTOMOBILE SERVICE STATION"** means an establishment where vehicle fuels, lubricants and accessories are offered for retail sale and which contain facilities for the minor running repairs and maintenance of vehicles that are essential

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to their operation, but does not include a body shop or automobile washing establishment.

- 5.16 "BAKERY"** means a food processing establishment where food products for which flour, grains, meal or sugar are the principal ingredients, are produced, mixed, compounded, baked or otherwise prepared.
- 5.17 "BAKE SHOP"** means a bakery where the prepared food products of such bakery are offered for retail sale on the same premises and includes a restaurant.
- 5.18 "BANK"** means an institution where money is deposited, kept, lent and exchanged and shall include Trust Companies, Credit Unions, and other like financial institutions.
- 5.19 "BASEMENT"** means any storey below the first storey.
- 5.20 "BEDROOM"** means a room located within a dwelling unit and used primarily for sleeping.
- 5.21 "BERM"** means a landscaped mound of earth.
- 5.22 "BILLIARD PARLOUR"** means any establishment or part or parts of an establishment containing two (2) or more billiard tables operated for profit or gain including where the operation of such billiard tables for profit or gain is an accessory use or is not the primary use of the establishment.
- 5.23 "BILLIARD TABLE"** means any table designed for the playing of various games with cues and balls, but does not include a coin operated billiard table which shall be considered as an arcade machine.
- 5.24 "BODY SHOP"** - see "VEHICLE BODY SHOP"
- 5.25 "BONAFIDE FARM OPERATION"** - ~~deleted as per By-law No. 1609 (1993)~~
- 5.26 "BUILDING"** means any structure consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, and includes any structure as defined as a building in *The Building Code Act* or in the building by-law, but does not include any vehicles as defined herein.
- 5.27 "BUILDING BY-LAW"** means any By-law of the Corporation passed pursuant to *The Building Code Act*.
- 5.28 "BUILDING PERMIT"** means a permit required by the building by-law and/or *The Building Code Act*.

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- 5.29 "BUSINESS OFFICE"** means a building or part thereof in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a telegraph office, a bank, the premises of a real estate or insurance agent, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office.
- 5.30 "BY-LAW ENFORCEMENT OFFICER"** means a person appointed by Council and charged with the duty of enforcing the provisions of the Zoning By-law and any amendments thereto.
- 5.31 "CAMP"** means a place where people are temporarily accommodated in tents, whether or not washing and toilet facilities are provided in permanent buildings, and shall include a trailer camp.
- 5.32 "CAR WASH"** means a building or structure containing facilities specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.
- 5.33 "CARPORT"** means a building or structure, at least forty per cent (40%) of the area of the perimeter walls of which are open and unobstructed by any wall, door, post or pier,
- (i) which is used for the temporary parking or storage of private passenger motor vehicles or commercial vehicles of less than one (1) tonne maximum capacity, and
 - (ii) wherein neither servicing or repairing is carried on for profit.
- 5.34 "CELLAR"** - see "STOREY"
- 5.35 "CEMETERY"** means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried and shall not include a crematorium or mausoleum.
- 5.36 "Chief Building Official"** means the Chief Building Official appointed by Council and charged with the duty of enforcing the provisions of *The Building Code Act* or any successors thereto, together with any Regulations made thereunder, and the provisions of the building by-law.
- 5.37 "CHURCH"** means a building owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious,

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social and charitable activities, with or without a church hall, a church auditorium, a convent or monastery, an office of a clergyman, a cemetery, a Sunday school, a parish hall or a parsonage as uses accessory thereto.

5.38 "CLINIC" means a building or part thereof used by health care professionals, their staff and their patients for the purpose of consultation, diagnosis or treatment.

5.39 "COMMERCIAL", when used in reference to a building, structure, lot, use or activity, means a building, structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include activities associated with the manufacturing, warehousing or assembling of goods, or with any construction work.

5.40 "COMMERCIAL VEHICLES" means a vehicle licensed by the Province of Ontario:

- (i) as a public vehicle pursuant to the provisions of *The Public Vehicles Act*, R.S.O. 1980, as amended from time to time, or any successors thereto;
- (ii) as a public commercial vehicle pursuant to the provisions of *The Highway Traffic Act*, R.S.O. 1980, as amended from time to time, or any successors thereto.

5.41 "COMMITTEE OF ADJUSTMENT" means the Committee of Adjustment of the Town of Pelham in accordance with the provisions of Sections 48 and 49 of *The Planning Act*.

"CONSERVATION" - see Section 5.188

5.42 "CONSTRUCTION TRADES ESTABLISHMENT" means the wholesale or retail sale of construction trade products and includes uses such as building supply yards, equipment and materials storage and tradesmen's shops and accessory office uses.

5.43 "CONVENIENCE RETAIL STORE" means a retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods such as, but not limited to, groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines, newspapers, and video sale and rental.

5.44 "CORPORATION" means the Corporation of the Town of Pelham.

5.45 "COUNCIL" means the Council of the Corporation of the Town of Pelham

5.46 "COVERAGE" - see "LOT COVERAGE"

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"CREMATORIUM" - see Section 5.189

5.46(a)

"CUSTOM WORKSHOP" means a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes, or articles and includes upholstering, but does not include metal spinning, woodworking or furniture manufacturing or any factory production or any shop or factory otherwise classified or defined in this By-law.

5.47 "DANGEROUS TRADES" means a use likely to create danger to health or danger from fire or explosion.

5.48 "DAY NURSERY" means a building or part thereof duly licensed by the Province of Ontario for use as a facility for the daytime care of children.

5.49 "DAYLIGHTING TRIANGLE" means an area free of buildings or structures or other visual obstructions, and which are to be determined by measuring, from the point of intersection of street lines on a corner lot, a minimum of 9 m (29.53 ft) along each such street line and joining such points with a straight line, and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "daylighting triangle".

5.50 "DETACHED" means "not attached" either above or below ground.

5.51 "DRIVEWAY" means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.

5.52 "DRY CLEANING OUTLET" means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing, or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

5.53 "DRY CLEANING PLANT" means a building or part thereof where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and may include a dry cleaning outlet but does not include a laundry or laundromat.

5.54 "DWELLING" means a building containing one or more dwelling units.

(a) **"APARTMENT DWELLING"** means a dwelling other than a triplex dwelling, containing 3 or more dwelling units accessible from a corridor system connecting with a common entrance from outside the dwelling, where the

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occupants of such units have the common right to use halls, stairs, elevators and yards, the said dwellings being located on a single lot with or without other dwellings, such lot being held and maintained under one ownership.

- (b) **"BLOCK TOWNHOUSE DWELLING"** means a dwelling containing two or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common masonry wall, the said dwelling being located on a single lot, with or without other dwellings, such lot being held and maintained under one ownership or under condominium ownership pursuant to *The Condominium Act* as amended from time to time.
- (c) **"BOARDING HOUSE DWELLING"** means a single dwelling that contains a dwelling unit occupied by the owner of such dwelling as his principle residence together with not less than two and not more than four accessory guest rooms.
- (d) **"CONVERTED DWELLING"** means a single detached dwelling that has been altered or otherwise converted to contain therein more than one (1) but not more than 4 single dwelling units.
- (e) **"DUPLEX DWELLING"** means a dwelling other than a converted dwelling, which is divided horizontally into two dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule.
- (f) **"FOURPLEX DWELLING"** means a dwelling which is divided into 4 dwelling units, each of which has an independent entrance from a yard.
- (g) **"SEMI-DETACHED DWELLING"** means a pair of dwelling units which are attached together in whole or in part, either above grade or below grade and divided vertically from each other by a common masonry wall and each of which has a private, independent entrance directly from a yard and said pair of single dwellings shall be free standing, separate and detached from other main buildings or structures. Where such attachment is above grade, a minimum of 35% of the vertical wall area shall be attached, and where below grade, a minimum of 10% or 4 m², whichever is the greater of vertical wall area shall be attached.
- (h) **"SINGLE DETACHED DWELLING"** means a single dwelling which is freestanding, separate and detached from other main buildings or main structures.
- (i) **"STREET TOWNHOUSE DWELLING"** means a group of not less than 3 but not more than 8 dwelling units which are attached together horizontally in

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whole or in part above grade and divided vertically from each other by a common masonry wall between each two adjacent dwelling units and each of which fronts onto a travelled public road and has a private independent entrance directly from a yard.

(j) **"TRIPLEX DWELLING"** means a dwelling other than a converted dwelling, which is divided into three dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule.

5.55 (a) "DWELLING UNIT" means a suite of habitable rooms which:

(i) is located in a building;

(ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;

(iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and

(iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.

(b) **"ACCESSORY DWELLING UNIT"** means a dwelling unit accessory to a permitted non-residential use and occupied by either the owner of, or by a person employed on, the lot where such dwelling unit is located.

(c) **"BACHELOR DWELLING UNIT"** means a dwelling unit consisting of a room containing sanitary facilities and not more than 2 other habitable rooms providing therein living, dining, sleeping and cooking accommodation.

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

5.57 "EMISSION" means any corrosive gases, dust, dirt, fly ash, electromagnetic fields, heat, glare, odours, smoke, toxic gases or radiation issuing from a building, structure or lot.

5.58 (a) "ERECT" means to build, place, construction, reconstruct, relocate or alter by means of an addition, enlargement or extension, and includes any preliminary physical operation preparatory to such building, construction, reconstruction

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or relocation including, but not so as to limit the generality of the foregoing, excavating, filling or draining.

(b) **"ERECTED"** and **"ERECTION"** shall have corresponding meanings.

5.59 "EXISTING" means "lawfully existing prior to the date of passing of this By-law".

5.60 "FAMILY" means one person or group of persons, including domestic servants, caregivers and not more than two boarders, residing in a single housekeeping unit.

5.61 "FARM" means a lot, with or without accessory buildings or structures, which is used for:

- (i) the tillage of soil;
- (ii) the growing of vegetables, fruits, grains or flowers including, but not necessarily limited to lettuce, carrots, tomatoes, mushrooms, beans, melons, and potatoes;
- (iii) woodlots;
- (iv) the raising of livestock including, but not so as to limit the generality of the foregoing, cattle, swine, sheep, goats, poultry, horses, ponies, donkeys, mules, mink, ducks, rabbits;
- (v) dairying;
- (vi) beekeeping;
- (vii) greenhouses; or
- (viii) the sale of farm products produced on the farm.

5.62 "FARM HELP HOUSE, PERMANENT" means a building located on the same lot and accessory to an agricultural use and which is provided and maintained by the owners of the lot for the accommodation of persons employed full time in agriculture by the owner of the lot.

5.63 "FARM HELP HOUSE, SEASONAL" means a trailer located accessory to a principal farm dwelling and used only for the accommodation of one or more persons employed on the farm between April 1st and November 30th of each calendar year.

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- 5.64 (a) "FARM PRODUCE OUTLET"** means a building or structure accessory to a farm where farm products produced on the farm are offered for retail sale on the same lot as the farm.
- (b) "FARM PRODUCE MARKET"** means a building or structure where farm products are offered for retail sale.
- 5.65 "FARM SUPPLY AND SERVICE ESTABLISHMENT"** means the use of land and/or buildings or structures for the provision of goods, materials or services that are necessary to support an agricultural use as defined in the By-law and, without limiting the generality of the foregoing, shall include such goods and services as machinery sales and service, welding, contracting trades related to agriculture, custom equipment operations, veterinary services and processing and storage of seed, feed, fertilizer and agricultural chemicals.
- 5.66 "FINISHED GRADE"** means:
- (i) when used in reference to a building, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the lowest average elevation; or
- (ii) when used in reference to any other structure, the average elevation of the finished surface of the ground at the base of such structure, exclusive of any artificial embankment at the base of such structure.
- 5.67 (a) "FLOOR AREA"** means the area of the floor surface of a storey or part thereof.
- (b) "DWELLING UNIT AREA"** means the aggregate of the floor areas of all habitable rooms in a dwelling unit, excluding the thickness of any exterior walls.
- (c) "GROSS FLOOR AREA"** means the aggregate of the floor areas of all storeys of a building or structure other than a private garage, an attic or a basement or cellar not used for commercial purposes.
- (d) "GROUND FLOOR AREA"** means the floor area of the first storey of a building.
- 5.68 "FOOD PROCESSING ESTABLISHMENT"** means a building or part of a building, other than a restaurant or a refreshment room in which agricultural products are prepared, processed, preserved or stored for human consumption, and

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includes a dairy, a bakery, a cannery, a catering establishment or a soft drink manufacturing establishment.

5.69 "FORESTRY USE" means the general raising and harvesting of wood and, without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products.

5.70 "FRONTAGE" - see "LOT FRONTAGE"

5.71 "FRONT LOT LINE" - see "LOT LINE"

5.72 "FRONT YARD" - see "YARD"

5.73 "FUEL STORAGE TANK" means a tank used or intended to be used for the bulk storage of combustible or inflammable liquids or gases including, but not so as to limit the generality of the foregoing, petroleum or petroleum products.

5.74 (a) "GARAGE, PRIVATE" means an accessory building or structure, or a portion of a building, which is used or intended to be used for the sheltering of vehicles, and in which there are no facilities for repairing or servicing such vehicles for gain or profit, and includes a partially enclosed carport.

(b) "GARAGE, MUTUAL" means a private garage which:

- (i) contains sufficient space for the parking of not less than two permitted vehicles;
- (ii) is situated astride a common side lot line between two adjacent lots; and
- (iii) is accessory to a main use on each of such lots.

5.75 "MOTOR FUEL RETAIL OUTLET" means an establishment where vehicle fuels and lubricants are offered for retail sale.

5.76 "GRADE" - see "FINISHED GRADE"

"GREENHOUSE" - see Section 5.190

5.77 "GROUP HOME" means a single dwelling unit in a residential dwelling in which three to six persons (excluding staff or receiving family) reside under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute.

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5.78 (a) "GUEST ROOM" means a habitable room or suite of habitable rooms wherein accommodation, with or without meals, is provided for gain or profit to one or more persons, and which contains no facilities for cooking.

(b) "ACCESSORY GUEST ROOM" means a guest room accessory to a permitted dwelling.

5.79 (a) "HABITABLE ROOM" means a room which:

(i) is located within a dwelling unit;

(ii) is designed for living, sleeping or eating, or contains sanitary or food preparation facilities; and

(iii) can be used at all times throughout the year;

but does not include any room specifically defined herein as a non-habitable room.

(b) "NON-HABITABLE ROOM" means any room in a dwelling other than a habitable room, including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet, a sunroom, a verandah, a porch, a balcony, a private garage, an unfinished attic, a cellar, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.

5.80 "HEIGHT", when used in reference to a structure, means the vertical dimension between the finished grade of such structure and the top or topmost part of such structure.

5.81 "HEIGHT OF BUILDING" means the vertical height from the finished grade around the exterior of the building to the highest point of the roof joists in the case of a flat roof, or to a point halfway up the roof in the case of a pitched roof.

5.82 (a) "HEREAFTER" means "after the date of the passing of this By-law".

(b) "HEREIN" means "anywhere in this By-law".

(c) "HEREOF" and "HERETO" means "of this By-law" and "to this By-law" respectively.

5.83 "HOME OCCUPATION" means an occupation conducted entirely within the dwelling or dwelling unit for gain or profit as an accessory use to the principle residential use by one or more persons residing therein.

5.84 "HOME PROFESSION" - deleted as per By-law No. 1209 (1993)

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5.85 "HOTEL" means any establishment so defined in *The Hotel Registration of Guests Act*, as amended from time to time, and includes a motel or motor hotel.

5.86 "IMPROVED STREET" - see "STREET"

"INDUSTRIAL USE" - see Section 5.191

5.87 "INSTITUTIONAL" means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and includes churches, places of worship, public or private schools, day nursery, public or private hospital, children's home, nursing home, home for the aged or infirm, monastery, convent, or training school.

5.88 "INTERIOR SIDE LOT LINE" - see "LOT LINE"

5.89 "INTERIOR SIDE YARD" - see "YARD"

5.90 "KENNEL" means a structure, building or fenced run or any part thereof or areas of land in which domesticated animals are bred, raised, trained, sold or kept for sale or boarded.

5.91 "LAND DIVISION COMMITTEE" means the Land Division Committee of the Regional Municipality of Niagara in accordance with the provisions of *The Planning Act*.

5.92 "LANDSCAPED AREA" means an open area of land which is:

(i) unoccupied by any building or structure;

(ii) situated at ground level on a lot; and

(iii) used or intended to be used for the growth and maintenance of grass, flowers, shrubs, bushes, trees and other vegetation, and for the provision of other landscaping features including, but not necessarily restricted to, planting strips, facilities for outdoor recreation, amenity areas, surfaced walks and patios;

but does not include any part of a driveway or parking area, regardless of surface composition, or any retaining wall, roof-top terrace, balcony, swimming pool or space enclosed within a building.

5.93 "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 upon a registered plan and dedicated to public use, or legally dedicated as a right-of-way for use in common by adjacent landowners.

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- 5.94 "LAUNDROMAT"** means a self-serve clothes washing establishment containing one or more washers and drying, ironing, finishing or other incidental equipment.
- 5.95 "LAUNDRY"** means a building or a part thereof where the washing, drying and ironing of articles or goods of fabric is carried on but does not include a dry cleaning plant or laundromat.
- 5.96 "LEGAL SIGN"** - see "SIGN"
- 5.97 "LIBRARY, PUBLIC"** means a library, branch library or distributing station under *The Public Libraries Act*, as amended from time to time.
- 5.98 "LOADING SPACE"** means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle loading or unloading merchandise or materials pertinent to such permitted use.
- 5.99 (a) "LOT"** means a parcel of land:
- (i) which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision or part of a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to *The Planning Act*, as amended from time to time;
 - (ii) is a separate parcel of land without any adjoining lands being owned by the same owner or owners; or
 - (iii) the description of which is the same as in a deed which has been severed pursuant to *The Planning Act*, as amended from time to time; or, the description of a remnant parcel which results from the adjacent parcel having received the necessary severance; but
- for the purpose of this paragraph, no parcel or tract of land ceases to be a lot by reason only of the fact that a part of it has or have been conveyed to or acquired by the Municipality, The Regional Municipality of Niagara, Her Majesty the Queen in the Right of Ontario, or Her Majesty the Queen in the Right of Canada.
- (b) "CORNER LOT"** means a lot having two or more street lines intersecting at an angle of not more than 135° curved, provided that where the street lines of a lot are curved, the angle of intersection of such street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines,

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drawn through the extremities of the interior lot lines, and the corner of the lot shall be deemed to be that point of intersection of the said tangents;

- (c) **"INTERIOR LOT"** means any lot, other than a corner lot, which abuts and is accessible from an improved street;
- (d) **"THROUGH LOT"** means any interior lot having two or more street lines or any corner lot having more than two street lines.

5.100 "LOT AREA" means the total horizontal area within the lot lines of a lot, but shall not include any area below the high water mark.

5.101 "LOT COVERAGE" means:

- (i) that percentage of the lot area covered by all buildings above ground level; but
- (ii) does not include that portion of the lot area which is occupied by a building or portion thereof and which is completely below ground level, and for the purpose of this paragraph, the lot coverage in each zone applies and shall be deemed to apply only to that portion of such lot that is located within said zone.

5.102 "LOT DEPTH" means:

- (a) the shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;
- (b) the horizontal distance between the mid-point of the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or
- (c) the horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line.

5.103 "LOT FRONTAGE" means the horizontal distance between the side lot lines measured along the front lot line, but 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 measured by a line 7.5 m (24.61 ft) back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two (2) points where the side lot lines intersect the front lot line.

5.104 (a) "LOT LINE" means any boundary of a lot.

(b) **"FRONT LOT LINE"** means:

- (i) the lot line that divides the lot from the street; but

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- (ii) in the case of a corner lot, the shorter street line shall be deemed to be the front lot line and the longer street line shall be deemed to be an exterior side lot line; but
 - (iii) in the case of a corner lot with two (2) street lines of equal length, the lot line that abuts the wider street, or abuts a Regional Road or Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
 - (c) **"REAR LOT LINE"** means, in the case of a lot having 4 or more lot lines, the lot line farthest from, and opposite to, the front lot line, except that where a lot has less than 4 lot lines there shall be deemed to be no rear lot line.
 - (d) **"SIDE LOT LINE"** means a lot line other than a front or rear lot line.
 - (e) **"EXTERIOR SIDE LOT LINE"** means a side lot line that is also a street line.
 - (f) **"INTERIOR SIDE LOT LINE"** means a side lot line other than an exterior side lot line.
- 5.105 "LOT, REGISTERED"** means a parcel of land described in a deed or other document legally capable of conveying land recorded in the Registry Office for the Registry Division of Niagara South or recorded as a lot or block on a Registered Plan of Subdivision in the Registry Office for the Registry Division of Niagara South.
- 5.106 "MAIN"** - deleted as per By-law No. 1209 (1993)
- 5.107 "MANUFACTURING PLANT"** means a building, structure or part thereof, with or without an accessory business office or an accessory warehouse, in which is carried on any process, activity or operation pertaining to the making or remaking of an article or part thereof, including, but not so as to limit the generality of the foregoing, the following processes:
- (i) making;
 - (ii) altering;
 - (iii) assembling;
 - (iv) repairing;
 - (v) ornamenting;
 - (vi) finishing;
 - (vii) restoring;
 - (viii) processing;

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- (ix) cleaning;
- (x) polishing;
- (xi) washing;
- (xii) refinishing;
- (xiii) packing;
- (xiv) adapting for sale;
- (xv) breaking up; or
- (xvi) demolishing.

"MAUSOLEUM" - see Section 5.192

- 5.108** "MINIMUM DISTANCE SEPARATION FORMULA" as set out in *The Agricultural Code of Practice*, as amended from time to time, is used to calculate an appropriate distance between an existing or proposed livestock building and other use on an adjacent lot.
- 5.109** "MOBILE HOME" 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, notwithstanding that such vehicle is jacked up or that its running gear is removed, but not including any vehicle unless it is used or intended for the living, sleeping, or eating accommodation of persons therein for permanent year-round use.
- 5.110** "MOTEL" means a separate building or two (2) or more connected or detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments, and without limiting the generality of the foregoing, shall include a motor court, auto court and tourist homes, within the meaning of *The Tourism Act*, as amended from time to time.
- 5.111** "MUNICIPAL", when used in reference to a lot, a building or a structure, means a lot, a building or a structure owned, occupied and used by the Corporation or any department, board, commission or agency thereof.
- 5.112** "MUNICIPAL DRAIN" means a watercourse or sewer which carries storm surface water and drainage and includes a municipal drain pursuant to *The Drainage Act*, as amended from time to time.
- 5.113** "NON-CONFORMING", when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure which does not conform to one or more of the provisions of this By-law.

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- 5.114 "NON-COMPLYING"** shall mean a permitted use, building or structure existing at the date of the passing of this By-law which does not comply with a zone requirement of the zone within which they are located.
- 5.115 "NURSING HOME"** means a building wherein lodging, meals, personal care, nursing services, and medical care and treatment are provided for gain or profit or as a charitable public service.
- 5.116 "OBNOXIOUS USE"** means a use with which is associated the emission of odour, smoke, dust, noise, gas, fumes, cinders, refuse matter or waterbourne waste or which is associated with fly ash and foundry sand, or which is declared to be a noxious trade under *The Public Health Act*, as amended from time to time.
- 5.117 "OPERATING MACHINERY"** shall mean any apparatus (including air conditioners, electric motor and compressors) used for mechanical power having one or more moving parts which are driven by other than muscular power and meeting the following criteria:
- (i) incidental to the main use or accessory use of the property and connected to the main building by way of brackets, electrical power lines, air ducts or similar connectors, but excluding portable type air conditioning units of 6500 KJ or less.
- 5.118 "OUTSIDE STORAGE"** means the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides.
- 5.119 (a) "OWNER"** means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office.
- (b) "OWNERSHIP"** has a corresponding meaning.
- 5.120 (a) "PARK"** means an area of land consisting primarily of landscaped open space, including, but not so as to limit the generality of the foregoing, a recreational playground, a golf course, a play area, a bowling green, a tennis or badminton court, a playfield and a conservation area, with or without accessory recreational buildings or structures thereupon.
- (b) "PUBLIC PARK"** means a park owned or controlled by a public agency.
- (c) "PRIVATE PARK"** means a park other than a public park.
- 5.121 "PARKING AISLE"** means a portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access, and which is not used for the parking of vehicles.

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- 5.122 "PARKING AREA"** means an area or structure, including a private garage, carport, provided for the parking of vehicles, and includes any related parking aisles, parking spaces and structures, but does not include any part of a street or lane.
- 5.123 "PARKING LOT"** means a lot which contains, and the main use of which is, a parking area, whether or not such parking area is located within a structure.
- 5.124 "PARKING SPACE"** means a portion of a parking area, exclusive of any aisles, to be used for the temporary parking or storage of a motor vehicle.
- 5.125 "PERMITTED"** means "permitted by this By-law".
- 5.126 "PERSON"** means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person at law.
- 5.127 "PERSONAL SERVICE SHOP"** means a building or part thereof wherein a personal service is performed, including, but not so as to limit the generality of the foregoing, a barber shop, a beauty salon, a shoe repair shop, a dry cleaning outlet, a laundromat, a tailor or dressmaking shop, a photographic studio and a taxi dispatch office, but does not include a massage or body-rub parlour or any adult entertainment parlour as defined in *The Municipal Act*, as amended from time to time.
- 5.128 "PLACE OF ENTERTAINMENT"** means a motion picture or other theatre, arena, auditorium, public hall, bowling alley, ice or roller skating rink, dance hall or music hall; but does not include any place of entertainment or amusement otherwise defined or classified herein.
- 5.129 "PLANTING STRIP"** means a portion of the landscaped area located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices:
- (i) a continuous row of trees;
 - (ii) a continuous hedgerow of evergreens or shrubs;
 - (iii) a berm;
 - (iv) a wall; or
 - (v) an opaque fence.
- 5.130 "PORCH" or "VERANDAH"** means a partially enclosed stoop having a roof but lacking any enclosing walls greater than 1.1 m (3.61 ft) in height from the top of the platform of the said stoop.
- 5.131 "PRIVATE"** means "not public".

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5.132 "PRIVATE CLUB" means an athletic, recreational or social club which is not operated for gain or profit, and includes the premises of a fraternal organization.

5.133 "PRIVATE GARAGE" - see "GARAGE, PRIVATE"

5.134 "PROFESSIONAL OFFICE" means a building or part thereof in which a legal, medical or other professional service is performed or consultation given, including, but not so as to limit the generality of the foregoing, the offices of a lawyer, an architect, a surveyor, an engineer or an accountant, but does not include a personal service shop, a business office, a veterinarian's clinic, an animal hospital or shelter, a body-rub parlour or any adult entertainment parlour as defined in *The Municipal Act*, as amended from time to time.

5.135 "PUBLIC", when used in reference to a building, structure, use or lot, means a building, structure or lot used by a public agency to provide a service to the public.

5.136 "PUBLIC AGENCY" means:

- (i) the Government of Canada, the Government of Ontario or any municipal corporation;
- (ii) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation;
- (iii) any public utility; or
- (iv) any railway company authorized under *The Railway Act*, as amended from time to time.

5.137 "PUBLIC UTILITY" means:

- (i) any agency, corporation, board or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewage or waste collection and disposal services to the public; or
- (ii) a use pertaining to any such agency, corporation, board or commission.

5.138 (a) "QUARRY" or "PIT" means any pit or excavation made for the removal of any soil, earth, clay, marl, sand, stone, gravel or rock for commercial purposes, or to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by a corporation, or an excavation incidental to the construction of any public works.

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- (b) **"WAYSIDE PIT OR QUARRY"** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 5.139 **"REAR LOT LINE"** - see "LOT LINE"
- 5.140 **"REAR YARD"** - see "YARD"
- 5.141 **"REDEVELOPMENT"** means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereupon.
- 5.142 **"REFRESHMENT ROOM"** means a building or part thereof in which alcoholic or non-alcoholic beverages and related refreshments other than meals are offered or kept for retail sale to the public for immediate consumption therein.
- 5.143 **"RENOVATION"** means the repair and restoration of a building to good condition, but shall not include its replacement.
- 5.144 **"REQUIRED"** means "required by this By-law".
- 5.145 **"RESIDENTIAL RETIREMENT HOME"** shall mean a residence containing individual bedroom units without food preparation facilities. The home shall be used for a long-term residence where nursing care is available on a continuous basis and where central dining facilities are provided. The dining facilities are not intended for use by the general public and the food prepared therein is not offered for retail sale. The home shall include auxiliary uses such as indoor and outdoor recreational amenities.
- 5.146 (a) **"RESTAURANT"** means a building or part thereof, other than a refreshment room, where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises.
- (b) **"TAKE-OUT RESTAURANT"** means a restaurant which does not contain any facilities for the consumption of food therein.
- (c) **"DRIVE-IN RESTAURANT"** means any restaurant where patrons consume food and drink within vehicles parked on the same lot therewith.
- (d) **"EAT-IN RESTAURANT"** means any restaurant other than a take-out restaurant or a drive-in restaurant.
- 5.147 **"RETAIL STORE"** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are stored, offered or kept for retail sale to the public, but does not include any establishment defined or classed in this By-law.
- 5.148 **"ROAD"** - see "STREET"

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- 5.149 "SALVAGE YARD"** means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.
- 5.150 (a) "SCHOOL"** means a school under the jurisdiction of a Board as defined in *The Education Act*, as amended from time to time, a college, a university or any other educational establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.
- (b) "PUBLIC SCHOOL"** means a school under the jurisdiction of a public agency.
- (c) "COMMERCIAL SCHOOL"** means a school operated by one or more persons for gain or profit.
- (d) "PRIVATE SCHOOL"** means a school, other than a public school or a commercial school, under the jurisdiction of a private board or trustee or governors, a religious organization or a charitable institution.
- 5.151 "SENIOR CITIZENS APARTMENT HOUSE"** means a multiple dwelling used for self-contained living quarters for elderly persons, which may be sponsored and administered by a non-profit organization or is under the authority of the Ontario Housing Corporation and which is qualified to receive aid from the Province of Ontario, and such homes shall include auxiliary uses such as club and lounge facilities, usually associated with senior citizens development.
- 5.152 "SERVICE SHOP"** means a building or part of a building, not otherwise defined or classified herein, and whether conducted in conjunction with a retail store or not, for the servicing or repairing of articles, goods or materials, and in which no product is manufactured.
- 5.153 "SETBACK"** means the shortest horizontal dimension of a yard between the street line of a lot and nearest part of any building or structure on such lot, and includes the front yard depth and the exterior side yard width of a lot.
- 5.154 "SEWER SYSTEM, PUBLIC SANITARY"** means a system of underground conduits, operated by the Corporation, by another municipality or by the Ministry of the Environment, which carries sewage to a sewage treatment facility.
- 5.155 "SEWER SYSTEM, STORM"** means a system of conduits and ditches which carries storm surface water and storm drainage, but which does not carry sewage or industrial waste.

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- 5.156 "SHOPPING CENTRE"** means one or more buildings or part thereof containing five or more separate permitted commercial uses, which is maintained as a single unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to *The Condominium Act*, as amended from time to time.
- 5.157 "SHOWROOM"** means a building or part thereof where samples of patterns are displayed and orders taken for delivery of goods, wares and merchandise, and includes the premises of a wholesale merchant.
- 5.158 "SIDE LOT LINE"** - see "LOT LINE"
- 5.159 (a) "SIGN"** means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institute, organization or business.
- (b) "LEGAL SIGN"** means a sign conforming to any By-laws of the Corporation regulating signs.
- 5.160 "SINGLE DWELLING"** - see "DWELLING"
- 5.161 "STOOP" or "SUNDECK"** means a roofless, unenclosed structure with or without steps, consisting of a platform and connecting to an exterior door on the ground floor of a dwelling.
- 5.162 "STORAGE, OPEN"** means storage of goods or materials outside of a building as defined herein, except the temporary parking of motor vehicles.
- 5.163 (a) "STOREY"** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (b) "FIRST STOREY" or "GROUND FLOOR"** means the storey having its floor level closest to finished grade and its ceiling at least 2 m (6.56 ft) above finished grade.
- (c) "SECOND STOREY" or "SECOND FLOOR"** means the storey directly above the first storey.
- (d) "HALF STOREY" or "ATTIC"** means that portion of a building situated wholly or partially within a roof, where at least 50 percent of such half storey or attic is less than 2.5 m (8.20 ft) in height.

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- (e) **"BASEMENT"** means any storey below the first storey.
 - (f) **"BASEMENT, WALKOUT"** means that portion of a building which is partly underground, but which has more than 50 percent of the floor area not greater than 0.61 m (2.00 ft) below grade, and which has an entrance/exit at grade level. This definition shall only apply in an area where natural terrain permits construction of a walk-out basement. (See illustration)
 - (g) **"CELLAR"** means a basement which is more than one-half below finished grade, measured from finished floor to finished ceiling.
- 5.164** (a) **"STREET"** means a public highway or public road under the jurisdiction of either the Corporation, the Region, or the Province of Ontario, and includes any highway as defined by *The Municipal Act*, as amended from time to time, but does not include a lane or private right-of-way.
- (b) **"STREET ALLOWANCE"** means land held under public ownership for the purpose of providing a street.
 - (c) **"IMPROVED STREET"** means any street that is:
 - (a) owned and maintained all year round by the Corporation hereafter;
 - (b) has been constructed in such a manner so as to permit its use by normal vehicular traffic; and
 - (c) not a lane or private right-of-way.
- 5.165** **"STREET LINE"** means a lot line dividing a lot from a street and is the limit of the street allowance.
- 5.166** **"STREET WIDTH"** means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.
- 5.167** **"STRUCTURE"** means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of the railway, or any paved surface located directly on the ground.
- 5.168** **"STUDIO"** means the workshop or atelier of an artist; a place for instruction and experimentation in one of the performing arts including, but not so as to limit the generality of the foregoing, acting, singing, dancing, playing musical instruments.

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- 5.169** "SUITE" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal service occupancies.
- 5.170** "SUN ROOM" means a porch or verandah, or part thereof, which is fully enclosed by walls containing windows, the glazed area of each wall being not less than one third of the area of such wall between the platform and roof of the said porch or verandah.
- 5.171** "SWIMMING POOL" means any body of water permanently located outdoors, contained by artificial means and used and maintained for the purpose of swimming, wading, diving or bathing.
- 5.172** (a) "TRAILER" means any vehicle designed to be towed by another vehicle.
- (b) "TOURIST TRAILER" means a trailer capable of being used for the temporary living, sleeping or eating accommodation of one or more persons, notwithstanding that the running gear of such trailer is or may be removed, or that such trailer is fixed on a finished and permanent foundation or has become in any other manner so adapted and affixed to the land upon which it is situated and it is, or has become, an immobile and permanent structure.
- 5.173** "TRAILER CAMP" means a lot used for the parking of tourist trailers.
- 5.174** "UNDERTAKING ESTABLISHMENT" means a building or part thereof wherein dead human bodies are preserved or otherwise prepared for interment.
- 5.175** "USE" means:
- (i) when used as a noun, the purpose for which a lot, building or structure, or any combination thereof, is designed, arranged, occupied or maintained; or
- (ii) when used as a verb, to put to such purpose.
- 5.176** (a) "VEHICLE" means a passenger automobile or other motor vehicle, a boat, a farm implement, a mobile home, a motor home, a snowmobile, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power, and includes a recreational vehicle and a commercial vehicle as defined herein.
- (b) "VEHICLE, RECREATIONAL" means a boat, all-terrain vehicle, a snowmobile or any other vehicle having not more than two wheels including, but not so as to limit the generality of the foregoing, a motorcycle, bicycle, or any other device powered solely by means of human effort.
- (c) "VEHICLE, COMMERCIAL" - see "COMMERCIAL VEHICLE"

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- 5.177 "VEHICLE BODY SHOP"** means an establishment engaged primarily in the repairing and/or painting of vehicle bodies.
- 5.178 "VEHICLE REPAIR SHOP"** means an establishment or part thereof which contains facilities for the repair and maintenance of vehicles and/or recreational vehicles on the premises, and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration, but does not include a body shop or any establishment engaged in the retail sale of vehicle fuels.
- 5.179 "VEHICLE SALES OR RENTAL ESTABLISHMENT"** means an establishment having as its main use the sale, rental or leasing of vehicles, with or without an accessory vehicle repair shop or an accessory gasoline retail outlet.
- 5.180 "VETERINARIAN'S CLINIC"** means a building or part thereof with or without related structures wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.
- 5.181 "WAREHOUSE"** means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food-stuff, substances, articles or things, and includes the premises of a warehouseman, but does not include a fuel storage tank except as an accessory use.
- 5.182 "WATERCOURSE"** means the natural channel for a stream of water and, for the purpose of this By-law, includes any watercourse as shown on Schedule "A" of this By-law.
- 5.183 "WATER SYSTEM, PUBLIC"** means a water distribution system consisting of piping, pumping and purification appurtenances and related storage, owned and operated by the Corporation, another municipality or the Ministry of the Environment.
- 5.184 "WRECKING YARD"** - see "SALVAGE YARD"
- 5.185 (a) "YARD"** means an area of land which:
- (i) is appurtenant to and located on the same lot as a building or structure; and
 - (ii) is open, uncovered and unoccupied from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted thereon elsewhere in this By-law.
- (b) "FRONT YARD"** means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building or structure on such lot.

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- (c) "**REAR YARD**" means a yard extending across the full width of a lot between the rear lot line of such lot or, where there is no rear lot line, the junction point of the side lot lines and the nearest part of any building or structure on such lot.
 - (d) "**SIDE YARD**" means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any building or structure on such lot.
 - (e) "**EXTERIOR SIDE YARD**" means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.
 - (f) "**INTERIOR SIDE YARD**" means a side yard other than an exterior side yard.
 - (g) "**REQUIRED YARD**" means that part of a yard required by this By-law and does not contain any buildings, structures or uncovered surface parking areas except where specifically permitted elsewhere in this By-law.
- 5.186 "**ZONE**" means a designated area of land use shown on Schedule "A" hereto.
- 5.187 "**AMENITY AREA**" means an area of land in a residential or mixed use development which provides recreational space for the residents of a development.
- 5.188 "**CONSERVATION**" means the use of land and/or water for the purpose of planned management of natural resources.
- 5.189 "**CREMATORIUM**" means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.
- 5.190 "**GREENHOUSE**" means a structure used to cultivate or grow floral, vegetable or other horticultural produce in a climatically controlled environment and made primarily of translucent building material, usually plastic or glass.
- 5.191 "**INDUSTRIAL USE**" means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.
- 5.192 "**MAUSOLEUM**" means a building or structure serving as a final repository for the dead.