

TOWN OF NIAGARA-ON-THE-LAKE

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

OFFICE CONSOLIDATION

BY-LAW NO. 500A-74

Being a by-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Niagara-on-the-Lake.

WHEREAS the Council of the Corporation of the Town of Niagara-on- the-Lake did pass By-law No. 56-70 on the 15th day of June 1970 to adopt the Official Plan of the former Township of Niagara Planning Area; and,

WHEREAS the Council of the Corporation of the former Town of Niagara did pass By-law No. 69-1713 on the 14th day of October, 1969, to adopt the Official Plan of the Town of Niagara Planning Area; and,

WHEREAS the Official Plan of these two Planning Areas have now been approved by the Minister of Municipal Affairs, and together comprise the Official Plan of the Town of Niagara-on-the-Lake Planning Area; and,

WHEREAS the Council of the Corporation of the Town of Niagara-on- the-Lake now deems it expedient to replace the existing land use by-laws in the two former municipalities with a by-law which conforms with the Official Plan of the Town of Niagara-on-the-Lake Planning Area; and,

WHEREAS authority is granted under Section 35 of The Planning Act, R.S.O. 1970, subject to the approval of the Ontario Municipal Board, to pass this By-law,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-LAKE ENACTS AS FOLLOWS:

SECTION 1 – TITLE

- 1.1 This By-law may be cited as the Town of Niagara-on-the-Lake Zoning By-law.
- 1.2 The maps and tables hereunto annexed as Schedules to the By-law are declared to be part of the By-law.

SECTION 2 – DEFINITIONS

In this By-law:

- 2.1 Accessory Building: means a detached building or structure located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and includes a private garage and which is not used for human habitation, except for a guest cabin or trailer licensed by the Municipality, which is located in a Rural (A) zone and further includes an above ground swimming pool, inground swimming pool and a satellite dish. *(By-law 500GD-91)* A Wind Energy System or any of its components is not considered an accessory building. *(By-law 500UP-08)*
- 2.2 Accessory Use: means a use of lands or buildings which is incidental and subordinate to the principal use of lands and buildings.
- 2.2A Adult Entertainment Parlour: means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations. *(By-law 500GD-91)*
- 2.2AA Agricultural Market: shall mean a building and land used only for the retail sale of fresh fruit and vegetables, processed fruit and vegetables, including frozen fruit, nuts, honey, maple syrup products, flowers, plants and bedding plants being primarily domestic in origin. The retail sale of dairy products, hand-crafted products and baked goods baked on the premises is permitted provided the same are accessory to the products described above. The sale of the following products is not permitted: clothing, meat, frozen foods, paper products, coffee, housewares, breakfast cereals, tobacco products, magazines, newspapers, soap, detergents, pharmaceutical products, lottery tickets and similar items. *(By-law 500GH-91 as approved by O.M.B. File No. R890359)*
- 2.2B Amusement Arcade: means a building or part thereof within which more than three game machines are available to the public. *(By-law 500GD-91)*
- 2.2C Animal Hospital: means a building or structure under the control and supervision of a qualified veterinarian who is a member of the Ontario Veterinarian Association, where the animals or birds are given medical treatment but have no outdoor kennels. *(By-law 500GD-91)*
- 2.2D Antique Store: means any building used for the sale of any old and authentic objects of personal property which was made, fabricated or manufactured sixty or more years earlier and which has a unique appeal and enhanced value mainly because of its age, and, in addition, may include the sale of any article of personal property which was made, fabricated or manufactured twenty or more years and because of public demand has attained value in a recognized commercial market which is in excess of its original value. *(By-law 500PE-01)*

- 2.3 Apartment Building: means a multiple dwelling excluding a triplex dwelling, a row dwelling or any group of semi-detached or duplex dwellings.
- 2.4 Assembly Hall: means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political or social purposes and shall include a banquet hall, private club or community centre. *(By-law 500GD-91)*
- 2.5 Auctioneer: means a person gainfully employed in conducting a public sale in which articles are sold to the highest bidder.
- 2.6 Automobile Service Station: means a building or place where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs and batteries for motor vehicles, and new retail goods are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed, but where no other activities of a public garage as defined under Section 2.35 are carried on.
- 2.6A Automobile Body Shop: means a general industrial establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include a motor vehicle repair shop, an impounding yard, an automobile service station or a gas bar. *(By-law 500EX-88)*.
- 2.6B Automobile Rental Establishment: means premises where vehicles are stored and rented to the public. *(By-law 500EX-88)*
- 2.6C Automobile Repair Garage: means a service commercial or general industrial establishment for the repair or replacement of parts in a motor vehicle and, without limiting the generality of the foregoing, includes the repair, replacement or reconditioning of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, electrical systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include an auto body repair shop, an impounding yard, an automobile service station or gas bar. *(By-law 500EX-88)*
- 2.6D Automobile Sales Area: means an open area used for the display, sale, or rental of automobiles or trailers. *(By-law 500EX-88)*
- 2.6E Automobile Sales and Service Establishment: means premises where new and used vehicles are stored or displayed for the purpose of sale or hire and shall include the storage and sale of automotive accessories together with the repair and service of the vehicles. *(By-law 500EX-88)*
- 2.6F Automobile Supply Store: means a building or part thereof used for the purpose of retail sale of equipment and parts used to repair, service or customize motor vehicles. This does not include any installations or repairs. *(By-law 500EX-88)*

- 2.6G Automotive Use: means an automobile service station, a gas bar, an automobile repair shop, a car wash, an automobile supply store, a body shop or sales or rental establishment as defined herein. *(By-law 500EX-88)*
- 2.6H Automotive Use, Restrictive: means an automobile service station, a gas bar, a carwash, or an automobile supply store. *(By-law 500EX-88)*
- 2.6I 1 Background Sound Level: shall mean the sound level that is present in an environment, produced by noise sources other than the source under impact assessment. Highly intrusive short duration noise caused by a source such as an aircraft flyover or train pass-by is excluded from the determination of the Background Sound Level. *(By-law 500UP-08)*
- 2.6I Bank or other Financial Establishment: means a 'Financial Institution' as defined in Section 2.32B of the By-law. *(By-law 500GD-91)*
- 2.7 Basement: means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- 2.8 Boarding House: means a dwelling house containing not more than three guest rooms used or maintained for the accommodation of the public, in which the owner supplies, for hire or gain, lodgings with or without meals for the persons so accommodated.
- 2.9 Building: means any edifice used or intended to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a boundary fence or wall.
- 2.9A Building or Contracting Establishment: means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building new structures, or works, additions or renovations and typically includes the offices of general building contractors, general contractors, specialized trades and building maintenance services such as window cleaning and extermination services. Also included is the prefabrication of building equipment and materials and wrecking and demolition contractor's offices, but does not include salvage yards. *(By-law 500EX-88)*
- 2.10 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.
- 2.11 Building Lot: means the land appropriated for the exclusive use of one dwelling or the land appropriated for the exclusive use of one hotel or commercial or industrial establishment.
- 2.12 Building, Main: means a building in which the principle use is conducted on the building lot on which it is located. In the Residential (R) Zone the dwelling is the main building.
- 2.12A Building Supply or Lumber Yard: means an industrial premises used for milling, storage, and wholesale sales of a broad range of building materials and which may include a retail operation. *(By-law 500GD-91)*

- 2.13 Business or Professional Office: means an office in which any business is carried on or any profession is practised.
- 2.13A Car Wash: means a building or structure for use by the general public containing facilities for the washing of motor vehicles for a fee. *(By-law 500GD-91)*
- 2.13B Caterer's Establishment: means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, but does not include a food service establishment. *(By-law 500EX-88, By-law 500GD-91)*
- 2.14 Cellar: means the portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from the finished floor to finished ceiling, below adjacent finished grade.
- 2.14A Cemetery: means land that is set apart or used as a place for the interment of the deceased or in which human bodies have been buried and may include a crematorium and a columbarium. *(By-law 500GD-91)*
- 2.14B Church: means a building dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, church auditorium, convent, monastery, office of a clergyman, cemetery, Sunday school, parish hall, day nursery, or a parsonage as uses accessory thereto. *(By-law 500GD-91)*
- 2.15 Clinic: means a public or private building, used for medical, surgical, dental, physiotherapeutic, chiropractic or other human health treatment by one or more practitioners.
- 2.15A Clubhouse: shall mean a building or part of a building used as a meeting place by an association of persons who are bona fide members paying dues, which owns, hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, recreational or charitable purposes. *(By-law 500GD-91)*
- 2.15B Coin Laundry: means a building or part thereof wherein machines and facilities for wet laundering, drying or finishing are available for public use at a charge. *(By-law 500GD-91)*
- 2.15C Commercial Greenhouse: shall mean a building(s) or protective environment structure(s) designed to optimize maximum incoming solar radiation in which temperature, humidity, carbon dioxide and air movement can be regulated for the cultivation of delicate or out of season plants for the purpose of commercial enterprise. *(By-law 500DV-86, By-law 500GD-91)*
- 2.15D Commercial Recreation Establishment: means a building, or part thereof, used for the purposes of an arena, auditorium, assembly hall, billiard or pool room, bowling alley, dance hall, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool. *(By-law 500EX-88, By-law 500GD-91, By-law 500RT-04)*
- 2.15E Community Centre: means any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the municipality, a local board or agent thereof. *(By-law 500GD-91)*

- 2.15F Contractor's or Tradesman's Shop or Office: means a 'Building or Contractor's Establishment' as defined in Section 2.9A of this By-law. (By-law 500GD-91)
- 2.15G Convenience Store: means a retail food store, confectionery, delicatessen, grocery store, or groceteria of a limited floor area as determined by the Zone Standards where a variety of both household and food items are offered for sale primarily to serve the people's daily needs and may include the rental of videos. (By-law 500GD-91)
- 2.16 Corporation: means the Corporation of the Municipality of the Town of Niagara-on-the-Lake.
- 2.16.1 Country Inn: means a building or portion thereof in which persons are harbored, received or lodged for hire having more than 3 rented rooms not including a hotel, motel, hospital, nursing home or similar institution as defined in this by-law. A Country Inn shall only be permitted by way of a site specific zoning by-law amendment and may be subject to the same requirements as Small Scale Tourist Accommodation facilities. (By-law 500LJ-97)
- 2.16A Heritage Inn: shall mean a building which has been shown to the satisfaction of the Council of the Corporation to be of historic and/or architectural significance which is used for the overnight sleeping accommodation of the travelling public and the serving of breakfast to the registered guests, and which shall include residential accommodation for the owner or manager. Convention facilities or meeting rooms for remuneration purposes shall not be permitted. (By-law 500DL-86 as amended by O.M.B. File No. R860085J)
- 2.16B Data Processing Establishment: means a building, or part thereof, used for the input, processing and printing of computerized data. (By-law 500EX-88)
- 2.16C Day Care Centre: shall mean a 'Day Care Facility' as defined in Section 2.16D of this By-law. (By-law 500GD-91)
- 2.16D Day Care Facility: means a building or facility that receives more than 5 children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, for a continuous period not exceeding 24 hours, where the children are under 18 years of age. (By-law 500FB-89, By-law 500GD-91)
- 2.16E Development: shall mean the construction or erection of buildings or structures or part thereof on land. (By-law 500DH-85, By-law 500GD-91)
- 2.16F Dry Cleaning and Laundry Depot: means a building used for the purpose of receiving articles of clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.
(By-law 500EX-88, By-law 500GD-91)
- 2.16G Dry Cleaning or Laundry Establishment: means a 'Dry Cleaning and Laundry Plants' as defined in Section 2.16H of this By-law. (By-law 500GD-91)
- 2.16H Dry Cleaning and Laundry Plants: means a building where dry cleaning, dry dyeing, cleaning or pressing of articles of clothing is carried on. (By-law 500GD-91)

- 2.16l Duplication Shops: means a building or structure or part thereof engaged in reproducing drawings, plans, maps or other document reproduction. (*By-law 500GD-91*)
- 2.17 Dwelling, One Family: means a separate building containing only one dwelling unit.
- 2.18 Dwelling, Two Family: means a separate building containing only two dwelling units.
- 2.19 Dwelling, Semi-detached: means a building that is divided vertically into two dwelling units.
- 2.20 Dwelling, Duplex: means a building that is divided horizontally into two dwelling units, each of which has an independent entrance.
- 2.21 Dwelling, Triplex: means a building that is divided horizontally into three dwelling units.
- 2.22 Dwelling, Fourplex: means a detached building that consists of two duplex dwellings attached to each other.
- 2.23 Dwelling Multiple: means a building which contains four or more dwelling units to which unit access is provided by a common entrance at street level and common corridors, stairs or elevators.
- 2.24 Dwelling, Row House: means one of a group of three or more attached one family dwellings, each having at least 2 separate private entrances.
- 2.25 Dwelling, Condominium: means an apartment building or other multiple dwelling as defined in this By-law in which individual ownerships of dwelling units are permitted under the provisions of The Condominium Act.
- 2.26 Dwelling House, Converted: means a dwelling house existing on the date of passing of this By-law which may be enlarged, altered or changed so as to provide therein more dwelling units than the number contained in the dwelling house on the date of passing of this By-law.
- 2.27 Dwelling House, Seasonal: means a dwelling house constructed as a secondary place of residence for seasonal use only.
- 2.28 Dwelling, Split-level: means a dwelling in which the first floor above finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being always less than the full storey. For the purpose of this By-law, a split-level dwelling shall be considered as a one storey dwelling.
- 2.29 Dwelling Unit: means one or more habitable rooms designed for use by and occupied by not more than one family in which separate kitchen and sanitary facilities 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.
- 2.29A Eating Establishment: means a 'Restaurant' as defined in Section 2.67C of the By-law. (*By-law 500GD-91*)

- 2.29A-1 Estate Winery: means a lot on which buildings and structures are used for the making of wines produced from locally grown fruits and subject to the following criteria:
- (1) all wines produced shall be made from locally grown fruit;
 - (2) all wines produced are to be from locally grown fruit crushed and fermented on site;
 - (3) all Estate Wineries shall have the capability to bottle all the wine produced on site.
- (By-law 500IO-94)*
- 2.29B Experimental Greenhouse Technology Centre: means a building or facility in which the investigation of: experimental greenhouse production facilities; the viability of various greenhouse products and their associated costs; hydroponics research; the experimentation and testing of new irrigation systems, fertilizers and non-chemical pest control techniques; are undertaken. *(By-law 500FI-90, By-law 500GD-91)*
- 2.30 Family: means one or more persons living as a single housekeeping unit in a dwelling unit and includes domestic servants and a maximum of two roomers or boarders.
- 2.31 Farm: means land used for the growing of trees, grain, vegetables or fruit crops, the raising of livestock, or dairying and includes a farm dwelling and accessory buildings, where such accessory buildings may include accommodation for seasonal farm workers.
- 2.31A Farm Implement Dealer: means premises where new or used farm machinery are stored or displayed for the purposes of sale or hire and shall include the storage and sale of farm machinery accessories together with the repair and service of farm machinery. *(By-law 500GD-91)*
- 2.32 Farm, Specialized Use: means land on which the predominate use is for buildings for the raising of chickens, turkeys or other fowl, fur-bearing animals, hogs, or the growing of mushrooms or the intensive feeding of cattle in a feed lot, and includes a farm dwelling and accessory buildings. *(By-law 500M-76)*
- 2.32-1 Farm Winery: means a farm on which buildings and structures are used for the making of wines from fruit grown exclusively on site and subject to the following criteria:
- (1) all wines produced shall be made from fruit grown exclusively on site;
 - (2) all wines produced are to be from fruit grown, crushed, and fermented on site;
 - (3) all wines produced shall be bottled on site
- (By-law 500IO-94)*
- 2.32A Fence: means any Fence, wall (other than the wall of a building), gate or other barrier which separates or purports to separate lands not under common ownership and which is continuous through the entire length where required, save and except where access areas and lines of sight are required to be preserved for traffic safety purposes. *(By-law 500GD-91)*

- 2.32B Financial Institution: means an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stock brokers, but not including the internal offices or administrative offices which shall be considered to be offices for the purposes of this By-law. (*By-law 500EX-88, By-law 500GD-91*)
- 2.32C Flea Market: means a building or part of a building or an open area where second hand goods and articles are offered or kept for sale at retail to the general public but does not include an antique store, or a garage/yard sale in a residential area.
(*By-law 500PE-01*)
- 2.33 Floor Area: means the total floor area of all storeys or half storeys contained within the exterior faces of the exterior walls of a building, but excluding any private garage, breezeway, porch, verandah, sunroom, attic or cellar.
- 2.33A Floor Area, Gross Leasable: means the total area of a building for which tenants pay rent and have exclusive occupancy, measured from the centre line of partition walls and the exterior face of outside walls, and includes all such floor area on a main floor, mezzanine and upper storey in a cellar, but does not include the following:
(*By-law 500GD-91, By-law 500PE-01*)
- a) any floor area used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any lunchroom or staff room, washroom, boiler room, maintenance room, mechanical or electrical or utility room, and any automobile parking facilities provided within the building; and;
 - b) Storage area
 - (i) to which the public cannot or does not have access; and
 - (ii) which is capable of being used for no other purpose than the storage of goods, fixtures and equipment related to the on-site use.
- 2.34 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. (*By-law 500M-76*)
- 2.35 Garage, Public: means a building which is used for the care, repair or equipping of motor vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.
- 2.35-1 Garden Centre: means a retail or wholesale outlet for domestic garden and lawn sprays, fertilizers, gardening literature, hand tools, ceramic or concrete ornamentals, potting soils and other domestic gardening items, but shall not include the sale of power operated lawn mowers or other powered garden tools.
- 2.36 Golf Course: means a public or private area operated for the purpose of playing golf and includes a driving range, but not a miniature course or similar uses operated for commercial purposes.

- 2.36A Grade: means:
- (a) when used in reference to a building or structure, the average elevation of the finished surface of the ground where it meets the exterior face of such building or structure, exclusive of any artificial embankment;
 - (b) when used in reference to a street, road or highway, the elevation of the street, road or highway established by the Town of Niagara-on-the-Lake or other regulatory body having appropriate jurisdiction. (*By-law 500EX-88*)
- 2.36B Group Home: means a supervised single housekeeping unit in which persons requiring a group living arrangement for their well-being by reasons of physical, mental, emotional, social or legal impairment live as a family under responsible supervision. The 'group home' must be approved by the Province of Ontario, licensed by the Municipality and in compliance with Municipal By-laws. (*By-law 500MT-99*)
- 2.37 Guest Cabin: means a dwelling unit for guest accommodation accessory to a seasonal dwelling house.
- 2.38 Guest Room: means a room or suite of rooms used or maintained for the accommodation of the public and which contain no provisions for cooking.
- 2.39 Height: means, when used with reference to a building, the vertical distance between grade and: (*By-law 500GD-91*)
- (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater.
 - (b) in the case of a mansard roof, the deck roof line, and
 - (c) in the case of a gable, hip or gambrel roof, the mean height between the eaves and ridge.
- 2.39A Help Accommodation: means a structure for the housing of seasonal farm employees between the months of March 15th to November 15th in any year, but in no event shall be used for year round occupancy. (*By-law 500GD-91*)
- 2.40 Home Industry: means a gainful occupation including an animal hospital, woodworking shop, window frame shop, welding shop, machine shop or blacksmith operation conducted in whole or in part in an accessory building to a one-family dwelling house by the residents of the dwelling unit provided that:
- (a) there is no external advertising other than a sign erected in accordance with any by-laws of the Corporation regulating signs;
 - (b) there is no external storage of goods or materials;
 - (c) such home industry is not an obnoxious trade, business or manufacture;

- (d) such home industry is clearly secondary to the main residential use and does not change the residential character of the dwelling unit;
 - (e) such home industry does not interfere with radio or television reception; and
 - (f) submission of a site plan as defined in Section 2.73
 - (g) parking is provided in the rear yard only.
- 2.41 Home Occupation: means an occupation, business, enterprise or service conducted entirely within a dwelling unit only by the members residing in such dwelling unit provided that: *(By-law 500GD-91)*
- (a) there shall be no external display or advertising other than a sign not exceeding .1858 m² in area and such sign shall not be externally or internally illuminated by artificial means;
 - (b) there shall be no external storage or display of goods or materials
 - (c) retail sales of items, goods or products shall not be permitted from the premises
 - (d) such 'Home Occupation' shall not occupy more than 25% of the total floor area of the dwelling unit and shall not exceed 28 m² (301.4 ft²)
 - (e) such 'home occupation' does not interfere with television or radio reception
 - (f) parking must be provided for the use listed under Section 3.19 of the By-law
 - (g) no food preparation or food service shall be permitted as a 'Home Occupation'
 - (h) the 'Home Occupation' shall not involve the use of the premises as a base of operations for persons who are employed by or associated with the 'Home Occupation', nor shall the premises be used to assemble or rally such persons for transportation to a work site
 - (i) the 'Home Occupation' shall not involve the use or employment of a person who does not reside in the dwelling unit
- 2.41A Hospital: means a hospital as defined by The Private Hospitals Act, as amended from time to time, or a hospital as defined by The Public Hospitals Act, as amended from time to time. *(By-law 500GD-91)*
- 2.41B Hospitality Room: means all or part of a building where wine and food may be served but does not include the use of commercial cooking equipment on site in the preparation of food. *(By-law 500IO-94)*
- 2.42 Hotel: means a building or group of buildings mainly used for the purpose of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation of not less than ten guest rooms and not including any use otherwise defined herein or specifically named in this By-law. *(By-law 500GD-91)*
- 2.42A Household Furnishing Store: means a building, or part thereof, used for the retail sale of movable contents of a room or home. Such goods may include furniture, light fixtures, clocks, organs or pianos, carpet and indoor window coverings. *(By-law 500EX-88)*

- 2.42B Kennel: means any lot, building or structures on or within which three or more domesticated animals are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment. (*By-law 500GD-91*)
- 2.42C Laboratories: means a building or part thereof, used for scientific, medical or dental testing, experimentation and/or research, and may include the taking and processing of x-rays. (*By-law 500EX-88, By-law 500GD-91*)
- 2.42D Landscaped Open Space: means the open space which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping and includes any surface or walk, patio, swimming pool or similar area but does not include any access, driveway or ramp, parking lot or any open space beneath or within any building or structure. (*By-law 500EX-88, By-law 500GD-91*)
- 2.43 Lane: means a public highway or public road which affords a secondary means of access to abutting lots and does not include a street.
- 2.43A Locally Grown: means when referring to an Estate Winery, that the fruit used in the production of wine shall consist entirely of fruit in the first instance grown and harvested within the municipal boundaries of the Town of Niagara-on-the-Lake, in the second instance from fruit grown and harvested in the Regional Municipality of Niagara, and in the third instance from fruit grown and harvested in the Province of Ontario. (*By-law 500IO-94, By-law 500PE-01*)
- 2.44 Lot: means a parcel or tract of land:
- (a) which is the whole lot as shown on a registered plan of subdivision, but a registered plan of subdivision for the purpose of this paragraph does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a by-law passed pursuant to Section 29 of The Planning Act, being Chapter 349 of The Revised statutes of Ontario, 1970, as amended, or
 - (b) which fronts a public highway and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as of the date of the passing of this by-law, or
 - (c) the description of which is the same as in a Deed which has been given consent pursuant to Section 29 of The Planning Act, being Chapter 349 of The Revised Statutes of Ontario, 1970, as amended, or
 - (d) is the whole remnant remaining to an owner or owners after conveyance made with consent, pursuant to Section 29 of The Planning Act, being Chapter 349 of The Revised Statutes of Ontario, 1970, as amended, but for the purposes of this paragraph no parcel of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to, or required by the Town, Region of Niagara, Her Majesty in the right of Ontario, or Her Majesty in the right of Canada.

- 2.45 Lot Area: means the total horizontal area within the lot lines of a lot. In the case of a corner lot having street lines rounding at the corner with a radius of twenty feet or less, the lot area of such lots shall be calculated as if the lot lines were produced to their point of intersection.
- 2.46 Lot, Corner: Corner Lot: Where a lot abuts one or more streets of such a curve that the tangents drawn from the street extremities of the lot lines contain an angle of not more than 135 degrees, the lot for the purpose of determining yard requirements shall be considered a corner lot. The corner shall be the point on the lot nearest to the point of intersection of the tangents. *(By-law 500PE-01)*
- 2.47 Lot Coverage: means the percentage of the lot area covered by buildings, including accessory buildings, bay/cantilevered windows, covered porches and verandas, covered decks and covered entrance ways but not including an in-ground or above ground swimming pool, a satellite dish, uncovered parking areas or driveways. *(By-law 500GD-91, By-law 500PE-01)*
- 2.48 Lot Depth: means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines. In the case of a triangular lot, the lot depth means the perpendicular distance from the front lot line to the apex of the angle formed by the intersection of the side lot lines. *(By-law 500PE-01)*
- 2.48A Lot Line, Exterior: means the lot line that intersects the front lot line and divides the lot from the street. *(By-law 500PE-01)*
- 2.49 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 30 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 points where the side lot lines intersect the front lot line.
- 2.50 Lot, Interior: means a lot other than a corner lot or a through lot. *(By-law 500PE-01)*
- 2.51 Lot Line, Front: means the lot line that divides the lot from a street. In the case of a lot that fronts on more than one street, the street onto which the principal means of access is provided shall be deemed to be the front lot line. *(By-law 500PE-01)*
- 2.52 Lot Line, Rear: means the lot line opposite the front lot line.
- 2.53 Lot Line, Side: means any lot line other than the front lot line, the rear lot line.
- 2.54 Lot, Through: means a lot having two lot lines which are not adjacent to one another abutting on two or more streets. For the purpose of setback requirements, the lot frontage for a through lot shall be deemed to be the lot line which provides the principal means of access for the lot and/or the lot line on which the main building fronts on. *(By-law 500PE-01)*

- 2.54-1 Main Building: means the building in which is carried on the main use for which the building lot is used and in a residential zone the dwelling is the main building. For the purposes of this definition the main use means the principal use of the lot on which the building or structure is located. *(By-law 500PE-01)*
- 2.54A Manufacturing Establishment: means premises used for the purpose of assembling, altering, converting, fabricating, processing, treatment or blending of raw or prepared materials to transform them into new products, and includes any other manufacturing use specifically named elsewhere in this by-law. *(By-law 500EX-88)*
- 2.55 Marina: means a building, structure or place, containing docking facilities and automobile parking areas, and located on a navigable waterway, where boats and boat accessories are built, stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.
- 2.55A Meeting Hall or Auditorium: shall mean an 'Assembly Hall' as defined in Section 2.4 of this By-law. *(By-law 500GD-91)*
- 2.55B Miniature Golf Course: means an area of land or a building, structure or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range. *(By-law 500GD-91)*
- 2.55C Mini-Warehouse: means a building containing separate, individual self-storage units divided from floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment or the storage of goods which will be sold elsewhere or, subsequently, transported to another location for sale or consumption. *(By-law 500QZ-03)*
- 2.56 Motel: means an establishment other than a private home catering primarily to the travelling public by supplying overnight sleeping accommodation with or without meals.
- 2.56-1 Motor Vehicle: means an automobile, truck, motorcycle and other vehicle propelled or driven other than by muscular power. *(By-law 500PE-01)*
- 2.56A Motor Vehicle Sales and Service Establishment: means an 'Automobile Sales and Service Establishment' as defined in Section 2.6E of this By-law. *(By-law 500GD-91)*
- 2.56B Motor Vehicle Sales Outlet: shall mean an 'Automobile Sales Area' as defined in Section 2.60 of this By-law. *(By-law 500GD-91)*
- 2.56C Municipality: shall mean the Corporation of the Town of Niagara-on-the-Lake. *(By-law 500DH-85, By-law 500GD-91)*
- 2.56C Museum: means a building or part of a building used for the storing and exhibiting to the general public of objects illustrating antiquities, natural history, art works, sculptures and paintings. *(By-law 500GD-91)*

- 2.57 Non-Conforming: means a use of land a building or a structure which does not comply with the provisions of this by-law for the zones in which such land, building or structure is located, as of the date of passing of this by-law. (*By-law 500M-76*)
- 2.57-1 Nursery: means the growing of any type of plant, including flowers, trees, shrubs and vegetables which are offered for sale.
- 2.58 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.
- 2.60 Obnoxious Use: an offensive trade within the meaning of The Public Health Act for Ontario or any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter.
- 2.60A Offices: means a building, or part thereof, containing one or more offices including business, professional or service. (*By-law 500EX-88*)
- 2.60B Offices, Business: 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 nonidentical use, a telegraph office, 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. (*By-law 500EX-88*)
- 2.60C Offices, Medical/Dental: means an office or offices in which the practice of professions of medicine, psychiatry, dentistry or optometry is carried on or in which the treatment by osteopathy or chiropractic is carried out. (*By-law 500EX-88*)
- 2.60D Offices, Professional: means a building or part thereof in which a legal or other personal professional service is performed or consultation given, including, but not necessarily restricted to a clinic and the offices of a lawyer, an architect, a surveyor, an engineer or a chartered accountant, but does not include a personal service shop, a business office, a medical/dental office, a veterinarian's clinic, a body-rub parlour or any adult entertainment parlour as defined in The Municipal Act (R.S.O. 1980), Chapter 302, as amended. (*By-law 500EX-88*)
- 2.60E Offices, Service: means a building, or part thereof, in which one or more persons is employed in the management, direction or conducting of a travel agency, an insurance agency, or a real estate agency. (*By-law 500EX-88*)
- 2.61 Parking Area: means an area provided for the parking of motor vehicles and may include aisles, parking spaces and related ingress and egress lanes or a private garage, but shall not include any part of a public street.
- 2.62 Parking Lot: means a parking area operated by either a private or public organization for public use.

- 2.63 Parking Space: means an area of not less than 2.7 metres (8.86 ft) by 6.0 metres (19.69 ft) exclusive of any aisles or ingress or egress lanes, usable for the temporary parking or storage of motor vehicles, and may include a private garage.
(By-law 500PE-01)
- 2.64 Person: means any human being, association, firm, partnership, incorporated company, corporation, agent or trustees, and the heirs, executors or their legal representatives of a person to whom the context can apply according to law.
- 2.64A Personal Service Establishment: means a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, comprising the premises of a barber, hairdresser, beautician, tailor, dressmaker and shoemaker, as well as a sun-tanning shop and a formal rentals shop. The sale of merchandise shall be permitted only as an accessory use to the personal service provided. (By-law 500EX-88)
- 2.65 Place of Entertainment: means a motion picture or other theatre, arena auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink.
- 2.66 Point of Intersection: means the point at which two street lines abutting a corner lot intersect or if the two street lines meet in a curve then it is the point at which the productions of the two lot lines abutting the two streets intersect.
- 2.66 B Point of Reception: Refers to the Ministry of the Environment publication PIBS 4709 "Interpretation for Applying MOE NPC Technical Publications to Wind Turbine Generators", Version 1.0 which defines a Point of Reception as any point on the premises of a person within 30 meters of a dwelling or camping area, where sound or vibration originating from other than those premises is received.
- A Point of Reception shall include existing or zoned for future use premises; permanent or seasonal residences, hotels/motels, nursing/retirement homes, rental residences, hospitals, campgrounds, and noise sensitive buildings such as schools and places of worship.
- For the purposes of. this by-law, the definition of Point of Reception shall apply to shadow flicker. (By-law 500UP-08)
- 2.66A Principal Means of Access: means the front of the main building where the main entrance to the building is provided for the general public. (By-law 500PE-01)
- 2.66B Printing Establishment: means a building or part thereof, used for the primary purpose of printing, lithographing or publishing. It may include some of the same uses permitted in a duplicating shop, but must include at least one of the above-listed primary functions. (By-law 500EX-88)
- 2.66C Private Club: means a building or part of a building used as a meeting place by an association of persons who are bona fide members paying dues, which owns, hires, or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, recreational or athletic purposes. (By-law 500EX-88)

- 2.66D Publishing Establishment: means a 'Printing Establishment' as defined in Section 2.66B of this By-law. (*By-law 500GD-91*)
- 2.67 Racetrack: means an establishment licensed or permitted by the Provincial Government to conduct horse racing events and to permit para-mutual wagering.
- 2.67-1 Recreation Facility: means a 'Commercial Recreation Establishment' as defined in Section 2.15D of the By-law. (*By-law 500PE-01*)
- 2.67A Repair and Rental Establishment: means a business engaged in maintaining, repairing, installing and renting articles and equipment for household and personal use, such as: radios and televisions; refrigeration and air conditioning; appliances; watches, clocks and jewellery; and re-upholstery and furniture repair. This does not include any other use specifically referred to or defined in this By-law. (*By-law 500EX-88*)
- 2.67B Research and Development Laboratory: means 'Laboratories' as defined in Section 2.42C of this By-law. (*By-law 500GD-91*)
- 2.67C Restaurant: means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, but does not include a refreshment room or any building or part thereof where prepacked foods or beverages requiring no further preparation before consumption are offered for sale. (*By-law 500EX-88, By-law 500GD-91*)
- 2.67D Restaurant Outdoor Patio: means an outdoor roofless unenclosed area for the purposes of serving food and/or beverages in conjunction with and accessory to the operation of a restaurant. (*By-law 500GE-91, By-law 500GV-92*)
- 2.67E Riding Stable: means an establishment which offers horses for hire or instruction in horsemanship. (*By-law 500GD-91*)
- 2.67F Roomer or Boarder: means a person other than the lessee, tenant, owner or person related thereto who rents living accommodation within the dwelling unit of a family, without separate cooking facilities or a separate entrance and where lodging is provided for compensation for a term of not less than 28 days. (*By-law 500PE-01*)
- 2.68 Salvage 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, bones, 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.
- 2.68A Satellite Dish: means a parabolic or spherical antenna which receives television or microwave transmissions or other signals from orbiting satellites or other devices. (*By-law 500GD-91*)
- 2.68B School: means a school under the jurisdiction of a Board as defined in the Education Act or the University and Colleges Act and shall include a school under the jurisdiction of a public agency and also a school under the jurisdiction of a private, non-profit board of trustees or governors, a religious organization or a charitable institution. (*By-law 500GD-91*)

- 2.68C Senior Citizens Home: means an apartment building designed for the accommodation of the elderly. (*By-law 500GD-91*)
- 2.68-1 Seasonal Home Grown Produce stand: shall mean a structure display area comprising a maximum area of 18.5 m² used only for the sale of non-processed Canadian grown produce. (*By-law 500GH-91 - OMB*)
- 2.69 Service Shop: means a 'Personal Service Establishment' as defined in Section 2.64A of the By-law. (*By-law 500PE-01*)
- 2.69A Service and Repair Establishment: means a premises engaged in maintaining, repairing and installing machinery and equipment for household and personal use, such as air conditioners, appliances, watches, clocks, jewellery, re-upholstery and furniture repair. (*By-law 500EX-88*)
- 2.69B Service Station: shall mean an 'Automobile Repair Garage' as defined in Section 2.6C of this By-law. (*By-law 500GD-91*)
- 2.69C Service Trade: means an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a merchandise service shop, a battery storage and recharging shop, a well driller's establishment, a furrier's shop, an upholsterer's shop, a bakery, a dairy, a catering establishment, an egg grading station, a machine shop, or a monument engraving shop. (*By-law 500EX-88, By-law 500GD-91*)
- 2.70 Setback: means the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line to the nearest part of any building or structure on the lot.
- 2.71 Shopping Centre: means a commercial development, containing more than four individual business establishments, conceived and designed as a single, comprehensively planned development project with appropriate relationships between the shopping centre's buildings, activities, open spaces, parking areas, loading areas, driveways, other shared facilities, public areas and adjoining streets, and held in single ownership or by participants in a condominium corporation or commercial cooperative and where the predominant use is retail stores or restaurants. (*By-law 500GD-91*)
- 2.72 Sight Triangle: means the triangle 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.
- 2.73 Site Plan: means an acceptable scaled drawing clearly showing the relation between the lot lines and the uses, buildings or structures existing or proposed on a lot, including such details as parking areas, driveways, walkways, landscaped areas, building areas, minimum yards, building heights, floor areas, densities and areas for special uses.

- 2.73A Small Scale Tourist Accommodation: means a building or portion thereof in which persons are harbored, received or lodged for hire and includes a Bed & Breakfast, rented dwelling or cottage where such is intended for tourist accommodation but does not include a country Inn, hotel, motel, hospital, nursing home or similar Institution as defined in this by-law provided that: *(By-law 500LJ-97)*
- (i) Small Scale Tourist Accommodation is an accessory use to a one family dwelling unit. Where a rented cottage or rented dwelling is the only dwelling on a lot it shall be considered as the main use.
 - (ii) Small Scale Tourist Accommodation is permitted in any zone in which a 'one family dwelling' as defined in this By-law is permitted. *(By-law 500PE-01)*
 - (iii) Small Scale Tourist Accommodation must be fully serviced with water and sewage services approved by the Municipality or the Regional Public Health Department.
 - (iv) Small Scale Tourist Accommodation shall not exceed three rented rooms. One unrented bedroom must remain in the dwelling for the exclusive use of the owner. The maximum occupancy load for the building shall be 10 persons. In the case of a rented cottage or rented dwelling the entire dwelling may be rented but not individual rooms.
 - (v) Small Scale Tourist Accommodation facilities must obtain an annual license pursuant to Section 207 (63) of the Municipal Act R.S.O. 1990, from the municipality and pay an annual licensing fee to the Municipality in order to operate each and every year.
 - (vi) Small Scale Tourist Accommodation shall provide an outdoor amenity space adjacent to the dwelling suitable for the relaxation of the guests and host family having a minimum area of 47 sq. m. with no dimension less than 6 m.
 - (vii) Small Scale Tourist Accommodation facilities shall provide off street parking on the same lot where the facility is located at the rate of one space for each rented room and one space for the main dwelling unit. Parking space and driveway dimensions shall be in accordance with By-law 500A-74 and only one vehicle may be stacked behind a required parking space. A stacked parking space shall be considered equivalent to a required parking space. A maximum of two required parking spaces for a small scale tourist facility shall be permitted within a required front yard. Section 3.19h of By-law 500A-74 regarding a front yard or exterior side yard setback for parking spaces shall not apply to Small Scale Tourist Accommodations. In the case of a rented cottage or rented dwelling in which individual rooms are not permitted to be rented one parking space shall be required.
 - (viii) Small Scale Tourist Accommodation is not permitted in combination with any other type of accommodation such as roomers and boarders and accessory apartments.

- (ix) Small Scale Tourist Accommodation facilities must front onto a Public Road.
 - (x) Small Scale Tourist Accommodation shall not be licensed to serve alcoholic beverages.
 - (xi) Small Scale Tourist Accommodation is not permitted on a property which was the subject of the demolition of a building designated under the Ontario Heritage Act after the date of the passing of this by-law.
- 2.74 Store. Retail: means a building or a part of a building where goods, wares, merchandise, substances, articles or things of which 80 percent are new are stored, offered or kept for sale at retail, but does not include a flea market or any retail outlet otherwise classified or defined in this by-law. (By-law 500PE-01)
- 2.75 Storey: means the portion of a building other than the cellar 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.
- 2.76 Storey. One-half: means the portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 7 feet, 6 inches over a floor area equal to at least 50 percent of the area of the floor next below.
- 2.77 Street: means a public highway or public road which affords the principal means of access to abutting lots and does not include a lane or a private right-of-way, or an unopened road allowance.
- 2.78 Street Line: means the limit of the road or street allowance and is the dividing line between a lot and a street.
- 2.79 Structure: means anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground, and for the purposes of this by-law, shall include a vehicle as defined in The Highway Traffic Act.
- 2.79A Swimming Pool - Above Ground & Inground: means a privately owned outdoor body of water constructed for swimming, diving or bathing which has a possible water depth of greater than 0.6 metres (1.96 ft) (By-law 500GD-91, By-law 500PE-01)
- 2.79C Take-out Food Outlet: means a type of retail store in which the primary operation is the preparation of food and drink items to be consumed in locations other than on the premises. (By-law 500M-76, By-law 500GD-91)
- 2.79D Theatre: means a building or part thereof, used for the presentation of the performing arts. (By-law 500GD-91)
- 2.79E Transportation Terminal: means premises used principally for providing and co-ordinating facilities to transport the general public and may include facilities for the repair or storage of equipment used to transport the general public and shall include, but not be limited to, a bus terminal or depot, a railway or an airport terminal. (By-law 500GD-91)

- 2.80 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.
- 2.80A Undertaking Establishment: means a building or part thereof wherein a licensed undertaker prepares corpses for interment and may include a chapel for funeral services. (*By-law 500GD-91*)
- 2.80B Vehicle, Inoperable: means an inoperative motor vehicle which is not currently licensed. (*By-law 500GD-91*)
- 2.80C Warehousing: means the storage of goods for remuneration or the storage of goods which will be sold elsewhere or, subsequently, transported to another location for sale or consumption. This does not include any other use specifically referred to or defined in this By-law. (*By-law 500EX-88, By-law 500GD-91*)
- 2.81 Water Supply: means a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the Regional Municipality of Niagara and/or the Ontario Water Resources Commission for public use.
- 2.81A Wholesale Establishment: means a building or part of a building used for the selling of goods in large bulk or quantity for delivery from the premises to a person other than the ultimate consumer. (*By-law 500EX-88*)
- 2.81B Wind Energy System: means a renewable electrical generation facility that produces power from wind primarily to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution grid. A Wind Energy System shall mean a single wind turbine, outbuildings, access roads, and distribution lines. This definition does not include anti-frost wind machines or any turbine specifically designed to only circulate air. A wind energy system is not considered to be an accessory use under Section 3.4 of this by-law. (*By-law 500UP-08*)
- 2.81C Wind Turbine Height: refers to the total height of a wind turbine measured from the base of the supporting tower to the tip of a turbine blade at its highest point. (*By-law 500UP-08*)
- 2.81D Wind Turbine: shall mean a machine for producing power in which a wheel or rotor is made to revolve by a flow of air. A wind turbine is considered to be the part of a wind energy system encompassing the rotor (including turbine blades), generator, tail and supporting structure. Supporting structure may include a guyed or free standing structure that supports the turbine or be an existing building or structure on which the turbine is located. The following scales of turbines are recognized by this by-law:

Micro Scale: means any wind energy system with a wind turbine height less than 16.6 metres.

Small Scale: means any wind energy system with a wind turbine height ranging between 16.6 metres and 36 metres. A Small Scale Wind Energy System shall have a blade diameter not greater than 20 metres.

Medium Scale: means any wind energy system with a turbine height greater than 36 metres and less than 100 metres.

Large Scale: means any wind energy system utilizing a wind turbine greater than 100 metres in height. Multiple Large Scale Wind Energy Systems are considered projects using multiple turbines where one or more of the turbines exceed 100 metres in height. Multiple Large Scale Wind Energy Systems are used for the purposes of a single energy generation project that is contained within one lot or located across multiple lots.

(By-law 500UP-08)

- 2.82 Yard: means an open, uncovered and unoccupied space appurtenant to a building.
- 2.83 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, or the nearest open storage use on the lot. "Front Yard Depth" means the least horizontal dimensions between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- 2.84 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. "Rear Yard Depth" means the least horizontal dimension between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- 2.85 Yard, Required: means the minimum yard required by the provisions of this by-law.
- 2.86 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. "Side Yard Width" 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.
- 2.87 Yard, Side Exterior: means a side yard immediately adjoining a public street.
- 2.88 Yard, Side Interior: means a side yard other than an exterior side yard.