

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

Abutting

Means two or more parcels of land sharing a common boundary of at least one point.

Accessory

See Uses, Accessory

Accommodation Unit

Means a room or a suite of rooms within a tourist establishment, institutional establishment or a bed and breakfast establishment designed to provide accommodation, which does not include a kitchen. An accommodation unit is not a dwelling unit.

Adult Entertainment Parlour

Any premises or part thereof in 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 inclinations but shall not include a retail store which sells adult goods and novelties.

Adverse Impacts

Means one or more of the following:

- i) Impairment of the quality of the natural environment for any use that can be made of it;
- ii) Injury or damage to property or plant and animal life;
- iii) Harm or material discomfort to any person;
- iv) An adverse affect on the health of any person;
- v) Impairment of the safety of any person;
- vi) Rendering any property or plant or animal life unfit for use by humans;

- vii) Loss of enjoyment of normal use of property; and
- viii) Interference with normal conduct of business.

Agricultural Use

Any building use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises.

Aisle

Means a portion of a parking lot which abuts one or more off-street parking spaces to which it provides access and which is not used for the parking vehicles.

Alley

See Laneway

Alter

When used in reference to a building, structure or part thereof, means:

- i) To change any one or more of the external dimensions of such building or structure; or
- ii) To change the type of construction of the exterior walls or roof of such building or structures; or
- iii) To change the use of such building or structure or the number or types of uses or dwelling units contained therein.

When used in reference to a lot means:

- i) To change the boundary of such lot with respect to a street or lane; or
- ii) To change the grade and drainage pattern of such lot; or
- iii) To change the use of such lot or the number of uses located thereon.

When used in reference to a shoreline:

Means to change, straighten, divert or interfere in any way with the channel of any watercourse.

Ambulance Service

Means an ambulance service which is licensed by the Ministry of Health in accordance with the Ambulance Act.

Animal Care

Means caring and grooming of domestic animals, excluding overnight care or accommodation, and shall not include an animal clinic.

Animal Clinic

Means a building or part of a building used by veterinarians, their staff and their patients to provide grooming, medical, or surgical treatments or similar services and includes overnight care or accommodation and can include short term boarding facilities.

Arcade

Means a building or a portion of a building or premises used or intended to be used for billiards or pool games, video or pinball games or other similar games.

Notwithstanding the foregoing, an arcade shall not include a building or a portion of a building or premises used or intended to be used for billiards or pool games, video or pinball games or other similar games where the use is clearly subordinate to the principle trade of the enterprise. Such exception shall include but not be limited to a restaurant, beverage room or tavern where the revenue generated from the arcade represents less than 10% of the total gross receipts.

Area

See Lot, Area

Arena

Means an enclosed area designed for sporting events or activities.

Art Gallery

Means the use of land, buildings or structures for the commercial exhibition or retail sale of paintings, sculptures or other works of art or hand-made crafts.

Artisan's Studio

Means the use of land, buildings or structures for the creation, finishing, refinishing or similar production of paintings, sculptures or other works of arts or hand-made crafts by the proprietor, together with the sale of such commodities, but does not include any use otherwise defined in this By-Law.

Assembly Hall

Means a building or part of a building in which facilities are provided for civic, educational, political, religious or social purposes and shall include a banquet hall or private club.

Assembly Plant

Means a building where goods are assembled and distributed.

Attached

Means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

Attic

Means that portion of a building immediately below the roof and wholly or partly within the roof framing and which is not a one-half storey.

Auction House

Means premises used for the storage and/or display of goods or materials which are to be sold on the premises by auction.

Auditorium

Means a building, structure or part thereof where facilities are provided for athletic, civic, educational, political, religious, or social events. This definition may include an assemble hall, arena, community centre, gymnasium, stadium, theatre or similar use.

Automotive Body Shop

Means a building with a service bay, where painting, refinishing, restoration or repairs to the coachwork of motor vehicles are performed, but shall not include an automobile wrecking yard or salvage yard.

Automotive Rental Establishment

Means a parking space or parking lot and/or a building or part thereof where motor vehicles are rented or kept or used for rental purposes.

Automotive Service Station

Means a building and/or lot used for the sale of fuels for vehicles and may include the renting, servicing, repairing, lubrication, cleaning and polishing of vehicles and the sale of automotive accessories and related products, but shall not include any other automotive use defined in this By-Law.

Automotive Sales and Service Establishment

Means a building and/or lot used principally for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other defined automotive uses.

Automotive Washing Establishment

Means a building or portion thereof used for washing or cleaning of motor vehicles for gain.

Bake Shop

Means a shop where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail sale on the premises only.

Bakery

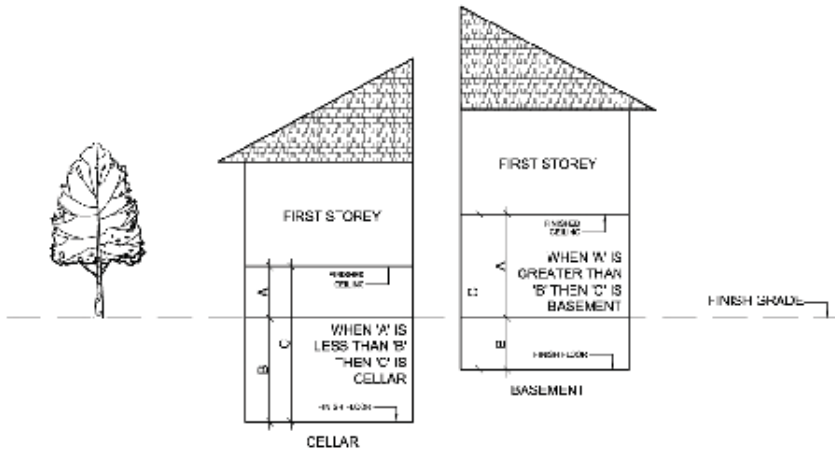
Means a factory for providing, producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a restaurant or other premises where any such product is made for consumption on the premises or a bake shop.

Bank

Means a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

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 adjacent finished grade.



Bed and Breakfast Establishment

Means an owner occupied private residential dwelling that is owner's principal residence and in which the owner has control of the environment. It provides temporary accommodations not exceeding 28 consecutive days and amenities and services auxiliary to guest accommodation including the preparation and service of breakfast for an all-inclusive fee.

Bingo Hall

Means a building or premise or part thereof used for bingo or a bingo event and is duly registered under the Gaming Control Act and is in compliance with municipal By-laws and approvals.

Boarding or Rooming House

Means a dwelling or portion thereof containing rooms in which the proprietor supplies for gain, lodging with or without meals, but does not include a bed and breakfast establishment, a hotel, a hospital, children's home, home for the aged, or other establishment otherwise classified or defined in this By-Law.

Boat House

Means an accessory building used for the purpose of berthing or sheltering and storing boats and related equipment that is enclosed by more than one wall and is built, founded or anchored near or at the ordinary water's edge of a navigable waterway either over water or on the land.

Boat Port

Means an accessory building used for the purpose of berthing, or sheltering and storing boats that is roofed, but not enclosed by more than one wall and is built, founded or anchored near or at the ordinary water's edge of a navigable waterway.

Boat or Recreational Vehicle Establishment

Means the use of land, buildings or structures for the display, sale, repair, storage or hire of boats, recreational vehicles, snowmobiles or all terrain vehicles, and may include the sale of fuel or goods related to the running of such boats or vehicles.

Boat Slip – Seasonal

Shall mean a mooring space that is provided for the use of a boat for a period of greater than seven consecutive days.

Boat Slip – Transient

Shall mean a temporary mooring space that is provided for the use of visitors arriving and departing by boat which is moored in the said space for a maximum of seven consecutive days.

Buffer

Means a portion of a lot where vegetation is substantially maintained in its natural state or vegetation is planted, or a fence or barrier is erected for the purpose of obscuring or screening buildings, structures, parking or activity on a lot.

Buffer, Shoreline

Means a natural area, adjacent to a shoreline, maintained in its natural predevelopment state for the purpose of protecting natural habitat and minimizing the visual impact of buildings and structures on a lot.

Building

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

Building Accessory

Means subordinate detached building or structure designed or intended for the better or more convenient enjoyment of the main building, to which it is accessory and which is located on the same lot therewith. An accessory building shall be uninhabitable unless otherwise specifically permitted.

Building Area

Means the maximum projected horizontal area of a building at established grade measured to the centre of party walls and to the outside of other walls including air wells, and all other spaces within the building, but excluding open air porches, verandas, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and pen loading platforms, balconies and garages.

Building Attached

See Attached

Building By-Law

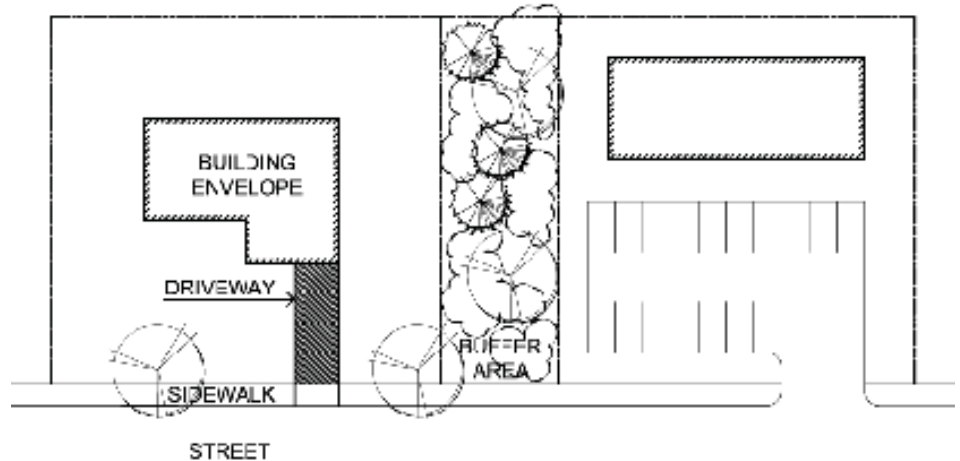
Means any By-Law of the Corporation passed pursuant to the Building Code Act.

Building Contractor's Shop

Means a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working and carpentry, or truck, bulldozer, loader and backhoe operating. Such place of business may be used for the storage of equipment, materials and vehicles which are used on construction sites and may include such related uses as office space or maintenance facilities, but shall not include a retail business sales counter nor a wholesale business.

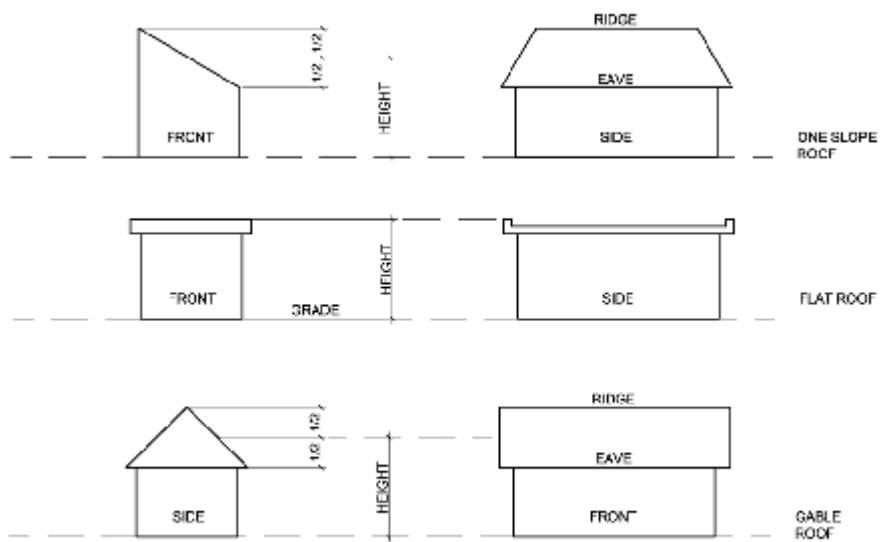
Building Envelope

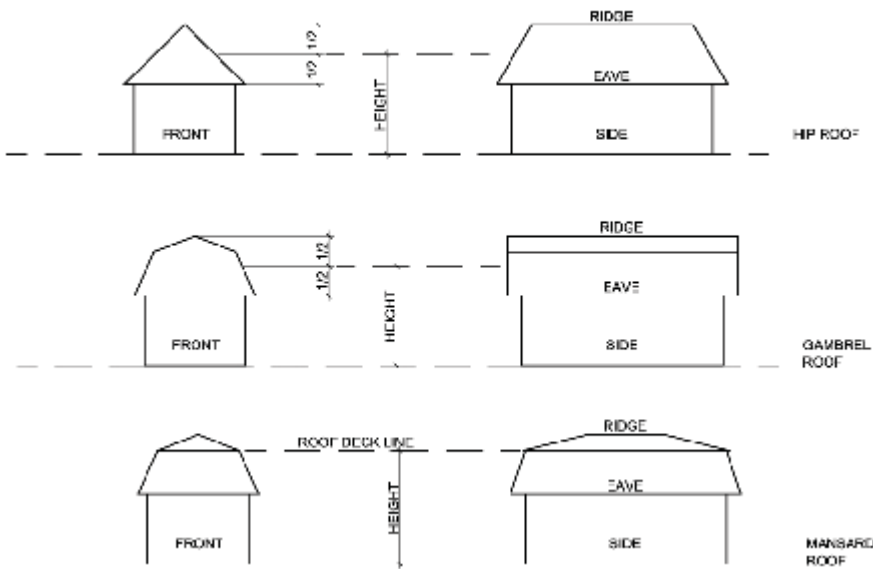
The three dimensional space within which a structure is permitted to be built on a lot as defined by the other standards of this by-law including height, yards and building coverage.



Building Height

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





Building Inspector

Means an officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building Code Act.

Building Line

Means a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

Building Main

Shall mean a building in which is conducted the principal uses of the lot on which it is situated. In any residential zone a dwelling containing one or more dwelling units shall be deemed to be a Main Building on the lot on which it is situated.

Building Separation

Means the least horizontal distance permitted between the nearest portions of the walls of any buildings on a lot.

Building Setback

See Setback

Building Supply Store

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

Building, Temporary

Means a building or structure intended for removal or demolition within a prescribed time not exceeding six months or as set out in a building permit.

Bulk Storage

Means the use of land, structures and/or buildings for the purpose of storing and selling coal, fuel oil, chemicals and similar items, but does not include any manufacturing, assembling or processing uses.

Butcher Shop

Means a building or portion of a building where animals, poultry and/or fish are processed and packaged for retail sale on the premises, but shall not include an abattoir. Can also be referred to as a butchery.

Campground

Means an area of land, managed as a unit, providing short term accommodation for tents, recreational vehicles or campers for a set fee but shall not include mobile homes, park model trailers or a mobile home park.

Campus Form Buildings

Means one or more buildings situated in a landscaped setting with shared amenities and features.

Canopy

Means a roof free of enclosing walls over an entrance to a building, structure or gasoline pump island.

Car Port

Means a structure open on at least two sides and intended to be used for the sheltering of one or more motor vehicles.

Where a roofed enclosure used for the storage or parking of motor vehicles has more than 60 per cent of the total perimeter enclosed by walls, doors or windows, the enclosure shall be considered a garage.

Car Washing Establishment

See Automobile Washing Establishment

Catalogue Store

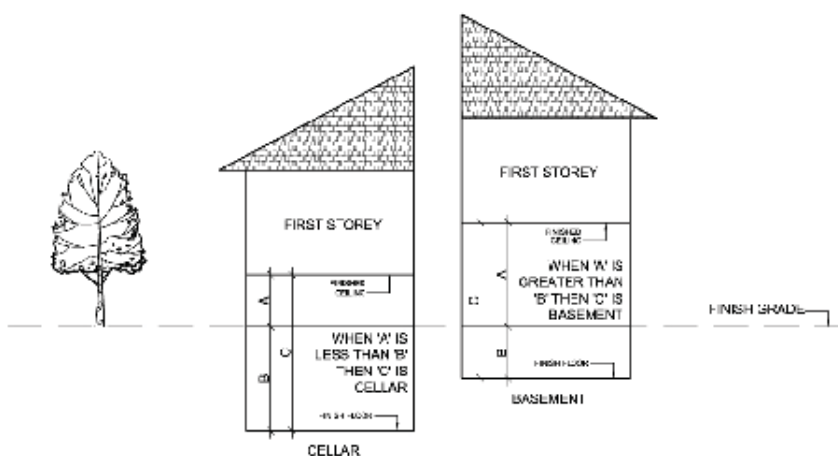
Means a retail commercial establishment in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment and in which some or all of the goods so listed may also be available within the establishment for sale at retail.

Catering Establishment

Means an establishment in which meals and beverages are prepared to be served for consumption off the premises.

Cellar

Means that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the finished grade.



Cemetery

Means a cemetery within the meaning and as regulated by the Cemeteries Act.

Chief Building Official

Means an officer or employee of the Corporation of the Town of Gananoque charged with the duty of enforcing the provisions of the Building Code Act.

Cinema, Theatre

Theatre means a building or part of a building which is used for the presentation of live, dramatic or musical performances or entertainment.

Cinema means a building or part of a building devoted to the showing of motion pictures.

Clinic

Means a building used solely for the purpose of consultations, diagnosis and treatment of patients, by one (1) or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club, Commercial

Means a building or premises used as an athletic recreational or social club operated for gain or profit.

Club, Private

Means a building or premises used as an athletic, recreation or social club not operated for gain or profit. This definition may include a social service club, a fraternity or sorority, a hostel, a labour union hall or similar use.

Cluster Development

Means a group of single detached dwellings, each located on an individual lot or unit and some communal lands.

Commercial Greenhouse

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

Commercial Sports and Recreation Establishment

Means an athletic, recreational or social club operated for gain or profit or for the private use of members.

Commercial Storage

Means a building or structure in which more than one storage unit is rented and used for the temporary storage of household items, vehicles and/or commercial goods and materials, but does not include any business operation or use associated with the storage. Each unit is physically separated from other units within the building and has its own entrance.

Commercial Vehicle

Means a motor vehicle used for commercial trade or government services and without limiting the foregoing includes delivery vehicles, emergency vehicles, motor buses, farm tractors, tractors and tractor trailers and single or multiple axle trucks.

Communications Facility

Means a structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, satellite or telephone signals.

Community Centre

Any tract of land or building or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof.

Concert Hall

Means a facility used for live musical productions.

Conservation Use

Means the use of land for the protection of the natural environment through maintenance or comprehensive management for individual or public use or benefit.

Convenience Store

Mean a building or part of a building used primarily for the sale of grocery and confectionery items and incidentally for the sale of such other merchandise as is required to fulfill the day-to-day needs of a surrounding community.

Corporation

Means the Corporation of the Town of Gananoque

Council

Means the Council of the Corporation of the Town of Gananoque

County

Means the Corporation of the United Counties of Leeds and Grenville.

Coverage

See Lot, Coverage

Custom Workshop

Means the use of a building or part of a building for the production or finishing of custom or hand-made commodities in small quantities. Without limiting the generality of the foregoing, a custom workshop includes upholstering, refinishing of antiques or furniture, drapes, Venetian blinds, handmade leather goods, orthopedic and prosthetic appliances, weaving, awnings and where other non-offensive, non-dangerous custom production is carried out but does not include any use other wise defined in this By-Law.

Day Nursery

Means a place wherein the temporary care of children is provided , which is operated as an accessory use within a residential dwelling unit and is not required to be licensed by the Province but shall comply with the applicable provisions of the Day Nursery Act or;

Means a place wherein the temporary care of children is provided in facilities and by staff licensed by the Province of Ontario and operated in accordance with the provisions of the Day Nursery Act.

Deck

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

Density

Means the maximum number of dwelling units allowed by this By-law based on lot area. A fraction of one-half or more in value shall be counted as one dwelling unit.

Department Store

Means a building or part of a building wherein various goods, wares, merchandise, substances or articles are offered for retail sale directly to the public in various parts of such building and may include storage for such goods, wares, merchandise, substances, or articles.

Detached

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

Development

The construction, erection or placing of one or more buildings or structures on land or,

The making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability or,

The laying out and establishment of a parking lot or,

The removal of vegetation.

Diameter at Breast Height (DBH)

"DBH" or "diameter at breast height" means the measurement of a trunk of a tree at a height of one hundred and twenty (120) cm for trees of fifteen (15) cm diameter or greater, and at a height of thirty (30) cm for trees of less than fifteen (15) cm diameter.

Dining Room

Means that part of a restaurant, or other building, which is used for the consumption of food by persons seated at booths, counters tables or a combination thereof.

Discretionary Uses

See Use, Discretionary

Distinctive Tree

Means any tree with a DBH of 60 centimetres or greater.

Dock, Floating

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

Dock, Permanent

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

Drainage

Means the movement of water, whether by way of the natural characteristics of the ground surface or by an artificial method.

Drive-through facility

Means a premises used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated queuing space, and may be in combination with other land uses.

Driveway

Means a vehicular access connected to only one public street or thoroughfare and which provides ingress to and/or egress.

Dry Cleaning Establishment

Means a building or part of a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric may be performed. This definition may include a dry cleaning outlet.

Dwelling

Means a detached building occupied or capable of being occupied as the home, residence or sleeping place by one or more persons, and containing one or more dwelling units but shall not include a trailer, houseboat or motor home.

Dwelling – Apartment

Means the whole of a building that contains three (3) or more dwelling units, which units are served by a common entrance from street level and by a common corridor and the occupants of which units have the right to use in common the corridors, stairs, yards, or one or more of them. An “Apartment Dwelling” includes a garden suite, but does not include a quadruplex dwelling, a group of row dwellings, or a pair or group of semi-detached duplex or triplex dwellings, not any other dwelling otherwise defined herein.

Dwelling, Converted

Means a building originally designed as a single detached dwelling which has been altered or converted so as to provide therein not more than four dwelling units, with or without separate entrances, none of which shall be located in the cellar of the dwelling but which may be located in the basement.

Dwelling – Duplex

Means a building divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

Dwelling, Mobile Home

See Modular Home

Dwelling, Park Model Trailer

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

Dwelling – Quadruplex

Means a dwelling that is divided vertically by common party walls into four separate dwelling units, each of which has two common party walls.

Dwelling – Semi-detached

Means a building on a single foundation divided vertically into two (2) separate dwelling units by a common wall.

Dwelling – Townhouse

Means a building that is divided vertically into three or more dwelling units attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

Dwelling – Triplex

Means a building that is divided horizontally into three separate dwelling units each of which has an independent entrance wither directly or through a common vestibule.

Dwelling Unit

Means a building occupied or capable of being occupied as the home or residence of one or more persons, where food preparation and sanitary facilities are provided, but shall not include a boarding house, mobile home or recreational vehicle, hotel, motel, rental cottage or cabin, or similar commercial use of a private or semi-private institution.

Dwelling Unit – Accessory

Means a dwelling unit which is part of and accessory to a permitted non-residential building other than an automobile service station or commercial garage.

Easement

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

Emergency Services

Means a building or structure used for the purposes of supporting the provision of municipal fire protection services, police services or ambulance services and which can include sleeping and dining facilities for personnel, vehicle storage, maintenance and repair facilities and office space.

Equestrian Facility

Means a building(s) where horses are bordered and may mean a facility where instruction is given on the equestrian arts.

Equipment Rental Establishment

Means a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture, fixtures and other goods, of a size and type which would be used for home improvement, household purposes, agricultural, business, and industrial or similar non-household oriented rental functions.

Equipment Sales Establishment

Means a building or part of a building where machinery, equipment, furniture, fixtures and other goods of a a size and type which would be used for home improvement, household purposes, agricultural, business, and industrial or similar non-household oriented rental functions.

Equipment Service and Repair

Means a building or part of building used for the servicing or repairing of articles, goods and materials but no does not include the manufacturing or motor vehicle repair.

Erect

Means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension. Any work for the doing of which a building permit is required under the Ontario Building Code Act.

Established Building Line

Means the average setback from the street line of existing buildings on one side of a continuous 100 metres (324 feet) strip of land where three (3) or more of the lots having street frontage upon the said side of the street have been built upon and can also be referred to as median setback.

Established Grade

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

Existing

Means existing as of the date of the passing of this By-Law

Existing Vegetation

Means the plant materials growing upon any lands prior to the erection, alteration or enlargement of any buildings or structures thereon.

Fabricating Plant

See Assembly Plant

Factory Outlet

Means a building or part of a building where products or goods are manufactured or produced on site for wholesale or retail sale or are manufactured off-site for wholesale or retail sale.

Farm Supply and Machinery Sales and Service

Means a building or part of a building where the sale, storage or repair of equipment and machinery directly associated with the operation of a farm.

Fence

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

Finished Grade

The average elevation of the finished surface of the ground. A ground level measured on any side of a building or structure.

Fish Habitat

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

Flea Market

Means a street market composed of a series of individual retailer's booths or tables where sundry items, new or secondhand articles, fresh produce or preserves are offered for sale.

Flood Proofing

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

Floodline or Flood Elevation

Means a line established by a one in one hundred year storm as established by flood plain mapping or by the Cataraqui Region Conservation Authority.

Floodplain

Means the area below the one in one hundred year flood line as established by the conservation Authority, Ministry of Natural Resources, or other designated authority.

Floor Area – Gross

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

Floor Area – Net

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.

Footprint

Means the floor area of a building or structure, measured at grade on a horizontal plane, to the outside edge of walls, or posts in the case of an unenclosed structure, and includes the furthest extent of a deck or a dock.

Forestry Use

Means the planting, managing and harvesting of timber resources including the cultivation of Christmas Trees.

Frontage, Road

Means the horizontal straight-line distance determined as follows:

- i) Where a lot abuts a road, the distance between the side lot lines measured along a line that is parallel to the road at a distance equal to the minimum front yard setback; or
- ii) In the case of a back lot where a lot abuts a road or roads in more than one location the distance measured along the front lot line where it abuts the road, or
- iii) In the case of a shoreline lot where a lot abuts a road or roads in more than one location, the distance measured along the rear lot line where it abuts the road; or
- iv) Where there are no side lot lines, such as in the case of a peninsula, the greatest distance between any point on the front lot line and any point on the rear lot line.

Frontage, Water

Means the horizontal straight-line distance determined as follows:

- i) Where the lot abuts a shoreline or a closed shore road allowance or is within a navigable waterway, waterfrontage is the distance measured along the shortest line joining the point where one side lot line or a projection thereof intersects the shoreline and the opposite side lot line or a projection thereof; or
- ii) Where the lot abuts a shore road allowance that has not been closed, is the distance along the shortest line joining the points where the side lot lines intersect the inner limit of the shore road allowance; or

- iii) Where there are no side lot lines, such as in the case of a peninsula, the greatest distance between any point on the shoreline, or in the case where the shore road allowance has not been closed, the inner limit of the shore road allowance and any point on the rear lot line, or
- iv) Where there are no inside or rear lot lines, such as in the case of an island, the greatest horizontal straight-line distance measured between any two points on the shoreline, or in the case where the shore road allowance has not been closed, the inner limit of the shore road allowance.

Fuel Depot

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

Full Drawing Set

Means the set of plans that is required by this by-law to review and be submitted with any development proposal.

Funeral Parlour/Home

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

Garage, Attached

Means a private garage accessory to a dwelling unit on the same lot and attached thereto by a common wall and/or common roof structure.

Garage, Detached

Means a private garage accessory to a dwelling on the same lot, but not attached to the dwelling by a common wall and/or common roof structure.

Garage, Parking

Means an enclosed structure used for the temporary parking of more than 4 vehicles available for public use either for free, for compensation or as an accommodation to customers.

Garden Centre

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

Gasoline Pump Island

A structure which is an accessory use intended to provide gasoline for vehicles.

Gatehouse

Means a structure at the entrance to a property for the purpose of security and the screening of visitors.

Gazebo

Means an accessory freestanding roofed structure with open or screened walls enclosing a single area used for the purpose of relaxation.

Golf Course

Means a public or private area operated for the purpose of playing golf and includes a par 3 golf course, but does not include driving ranges, miniature courses and similar uses.

Golf Driving Range

Means an open-air recreation facility where golf is practiced from individual tees and which may include accessory structures for the management and operation of the range, and a miniature golf course, but not a golf course.

Golf Course, Miniature

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

Grade

Means when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior at the base of a building and when used with reference to a structure shall mean the average elevation of the finished surface of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment, and when used with reference to a street, road or highway means the highest elevation of the street, road or highway by the Corporation or other designated authority.

Greenhouse

Means a building and/or structure used for the growing of flowers, vegetables, shrubs, trees and similar vegetation including any part of a building, structure or area used for the sale of garden supplies and landscaping materials which may include seeds, bulbs, tools etc. This definition shall not include any premises for the growing of mushrooms.

Group Home

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

Guest Room

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

Habitable Room

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

Health Retreat

Means a building or part thereof wherein the business of a respite care, relaxation and rejuvenation is undertaken. Without limiting the generality of this type of use, such services as a business office, therapeutic massage, health and food counseling and therapy, may be located therein.

Height

Means the vertical distance measured from the average elevation of the finished grade adjacent to a building or structure, or for a structure partially or entirely on or over the water, from the elevation of the ordinary water's edge, to:

- i) The highest point of the surface of a flat roof or of the surface of a structure, but excluding any railing;
- ii) Half the distance between the top of the highest load-bearing wall and the roof ridge of any sloped roof; or
- iii) 75% of the height of the roof ridge of an A-framed structure.

Heritage Site

Means premises included in the Inventory of Heritage Properties, listed as being of historical, architectural, archeological or cultural heritage value or interest, or designated as such pursuant to the Ontario Heritage Act.

Heritage Tourist Inn

Means a building with historic and architectural merit on a large property in which no more than six guest rooms are made available for the temporary (no more than 30 days) accommodation of the travelling public. Such an establishment may offer meals to guests staying at the Inn, but shall not offer services to non-guests.

Hereafter

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

Herein

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

High Water Mark

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

Home for the Aged

See Nursing Home.

Home Occupations

Means an occupation or enterprise which is carried out as use accessory to the main residential use of a property and is owned and operated only by a person or persons residing on the property.

Hospital

Means a hospital as defined by the Private Hospitals Act or a hospital as defined by the Public Hospitals Act.

Hotel

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

Housekeeping Unit

Means a room or a suite of rooms within a tourist establishment that is designed to provide accommodation and is equipped with a kitchen. A housekeeping unit is not a swelling unit.

Household

The collection of all individuals normally resident in a dwelling unit.

Human Habitation

Means the use of a building or structure for living, sleeping, eating or for food preparation purposes.

Industrial Mall

Means a building divided into a number of self-contained units which are occupied by uses which are permitted uses in an Industrial designation.

Industrial or Business Service Centre

Means a building where commercial or industrial services are offered to industries.

Industrial Uses Class I Industry, Light

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

Industrial Uses Class II Industry, Medium

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractor's yard.

Industrial Uses Class III Industry, Heavy

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes, vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit potential adverse effects on the environment or the surrounding areas and public health.

Infrastructure

Means physical structures that form the foundation for development including sewage and water works, waste management systems, electric power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

Institutional Use

Means land, building, structure or part thereof used by any government agency, organization, group or association, for the promotion of religious, charitable, educational, medical, benevolent objectives or public service.

Kennel

Means a building or a structure or part of a building or structure used for the breeding, raising and/or boarding of dogs or cats for personal use or for profit or gain.

Land

Means any ground, soil or earth whatsoever regarded as the subject of ownership and everything annexed to it whether by nature (such as trees, water) or by man (such as buildings, fences).

Landscaped Open Space

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

Landscape Strip

An open unobstructed space free of buildings or structures which is used for the growing and maintenance of grass, flowers, shrubs or other landscaping.

Landscaping

Means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the aesthetics of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

Lane

Means a subsidiary thoroughfare providing access from within a lot, principally from parking or loading spaces or from a lot to a public street; or

A subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open spaces and/or buildings.

Landing

Means an area at the top of a flight of stairs or between flights of stairs, which does not exceed the width of the associated stairs by more than 1 ½ times, or a maximum width of 2.5 metres (8.2 feet), whichever is less.

Laundromat

Means a building or structure where coin-operated laundry machines are made available to the public for the purpose of laundry cleansing.

Library

Means a public building or structure where books and other audio-visual resources may be read, consulted or borrowed.

Loading Space

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

Local Commercial Uses

Means uses which provide retail and service commercial uses that serve the daily and weekly requirements and needs of the surrounding residential neighbourhoods.

Lot

Means a parcel of land;

- a) The whole of which can be legally conveyed without approval pursuant to the Planning Act, and
- b) No part of which can be transferred without such an approval; and
- c) Which is not described in a registered condominium description; or
- d) Two or more parcel of land which are:

Deemed to be one lot by this By-Law; or

Required to be transferred together by an agreement made pursuant to the Planning Act; or

A parcel of land described as a whole registered description by the Condominium Act, except for :

A vacant land condominium, in which a unit is considered to be a lot, or

In the case of a resort commercial establishment that includes associated accommodation units within one or more condominium descriptions that share central management and resort amenities on one contiguous area of land, the entire land area of the resort commercial establishment is deemed to be one lot for the purpose of this By-Law.

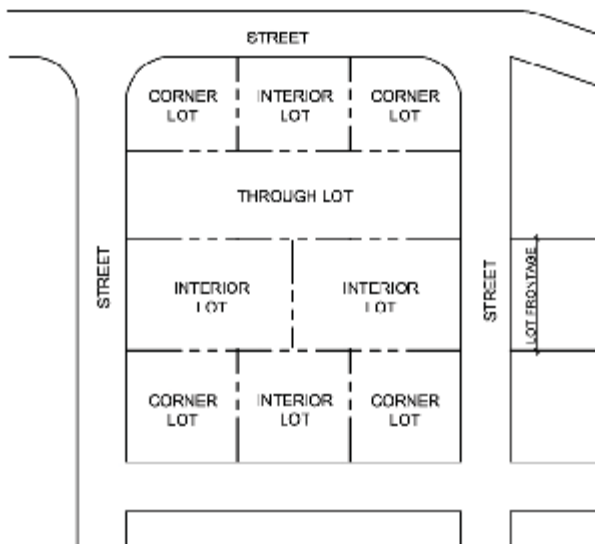
Lot Area

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

Lot, Corner

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

Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.



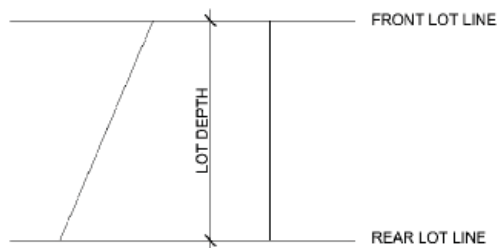
Lot, Coverage

Means the percentage of the lot area covered by the ground floor area of all buildings located on the lot excluding canopies, balconies, overhanging eaves and private open air swimming pools.

Lot, Depth

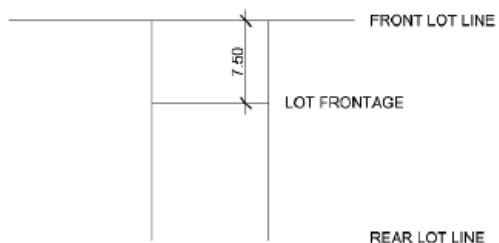
Means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

If there is not rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.



Lot, Frontage

Means the horizontal distance between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line 7.5 metres (24.6 feet) back from and parallel or concentric to the front lot line. Arc distances shall apply on curved lines.



Lot Frontage, Island

Means the maximum distance measured between the farthest points along the shoreline.

Lot, Interior

Means a lot other than a corner or a through lot which has frontage on a public street.

Lot, Irregular

Means a lot abutting more than one street, but not otherwise defined herein.

Lot, Line

Means a boundary line of a lot.

Lot Line, Exterior Side

Means a lot line located between the front and rear lot lines and dividing the lot from a street.

Lot Line, Front

Means:

- i) In the case of an interior lot, the line dividing the lot from the street line.
- ii) In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line.
- iii) In the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street, or abuts a Provincial Highway shall be deemed to be the front line, and in the case of both streets being under the same jurisdiction and of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
- iv) In the case of a lot with frontage on a public street or private road and on a water body, the front lot line shall be measured both on the street line and on the water side.

Lot Line, Rear

Means the lot line furthest from, and opposite to, the front lot line.

Lot Line, Side

Means a lot line other than a front, rear or side exterior lot line.

Lot, Through

Means a lot having a frontage on two parallel or approximately parallel streets.

Lot, Waterfront

Means a lot with one lot line abutting the shoreline of a waterbody.

Lot, Width

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

Main Wall

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

Main Front Wall

Means the exterior wall of the building, excluding the front wall of an attached garage, and all structural members essential to the support of a fully enclosed space or roof, that faces the front lot line.

Maneuvering Aisle

Means a space which services two or more parking spaces in a parking lot, such as the area between two rows of parking spaces.

Manufacturing Plant

Means the use of land, buildings or structures for the purpose of producing, assembling, making, preparing, inspecting, finishing, treating, altering, warehousing or storing or adopting for sale of any goods, substance, article or service.

Marina

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

Marine Commercial Facility

Means a building or structure used for boat repairs, sales, storage, and service or other marine related commercial use.

Marine Facility

Means a non-commercial building or structure which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, dock or boathouse, but does not include any building used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure.

Maximum

Means the greatest number or amount permitted.

Median Building Line

See Established Building Line

Minimum

Means the least or smallest amount or number permitted.

Mini Warehouse and Public Storage

Means a commercial building or part of a building wherein general merchandise, vehicles, furniture and household goods are all stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Minor

Means a variance from any provision of this By-Law in respect to the land, building or structure or the use thereof, which is desirable for the appropriate development of the land, building or structure and which maintains the general intent and purpose of the By-Law and of the policies implemented by the By-Law.

Mobile Home

Means any dwelling that is designed and constructed in compliance with CSA Z 240 to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

Mobile Home Park

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

Mobile Home Parcel

Means the space for the placement of one mobile home and for the exclusive use of its occupants.

Modular Home

Means a single detached dwelling consisting of one or more modules which has been prefabricated or manufactured in compliance with CSA A 277 in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a Mobile Home or Park Model Trailer as otherwise defined.

Motel

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

Multiple Occupancy Industrial Building

Means a building containing two storeys or less located within an Industrial zone wherein a combination of two or more uses permitted in the zone occupy separate homogenous floor space areas and where no individual occupant is identifiable as a dominant occupant of the building.

Municipal Garage

See Garage Municipal

Municipal Office

Means an office occupied and or owned by the municipality and used for municipal purposes.

Municipality

See Corporation.

Museum

Means the use of land, buildings or structures for the purposes of assembling, preparing and displaying a collection or articles and artifacts illustrating science, art, ancient life or other subjects and includes accessory uses such as facilities for repair, renewing and storage and may include retail outlets for souvenirs and refreshments.

Natural Heritage Features

Means features and areas, such as significant wetlands, significant woodlands, fish habitat, significant wildlife habitat and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Negative Impacts

Means:

In regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity.

In regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified.

No Encroachment Area

Means an area on a lot where no development shall be permitted, with the exception of surface landscaping that is installed at grade.

Non-Conforming or Non-Complying

Means any existing use, building, structure or lot which does not conform with the zone requirements and standards of this By-Law.

Nursery

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

Nursing Home

Means a building or premises used in accordance with the provisions of the Nursing Homes Act, or the Homes for the Aged and Rest Homes Act, the Long-Term Care Act or a home for the aged as provided for under the Charitable Institutions Act respectively and amendments thereto.

Obnoxious Uses

Means any use which is a nuisance to the occupant or owner of any neighbouring lands or buildings by reason of the emission from the neighbouring land or building or any part thereof, or the creation thereon, of odours, gasses, dirt, radiation, smoke, noise, vibration, fumes, cinders soot, waste or water carried waste, or depositing or leaving unsightly objects or chattels thereon.

Office

Means a building or part of a building where one or more persons are employed in administering, directing, managing or conducting the affairs of a private enterprise. This definition shall not include any manufacturing operation or any premises used for the repairing equipment, goods, materials or vehicles.

Office, Public Administration

Means the use of a building for the business and administration of a public authority.

Official Plan

Means the Official Plan of the Town of Gananoque or parts thereof and amendments thereto and any Official Plan which may be adopted by the Corporation.

One Hundred Year Flood

Means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

Open Space

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

Open Storage

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

Open Storage Area

Means an area within or outside of a building used or intended for use for the open storage of goods, merchandise or equipment which may or may not be intended for immediate sale.

Outdoor Café

Means an outdoor area adjoining a restaurant, a bar or a tavern, consisting of outdoor tables, and related decorations and fixtures, and where meals or beverages are served to the public for consumption on the premises. An outdoor café may be located within the public road right-of-way where an encroachment agreement exists between the owner and the Municipality.

Outdoor Display Area

Means a portion of a lot used for exhibiting in an orderly manner, completely assembled or finished merchandise, equipment, goods or products sold by a retail or wholesale business on the same lot.

Outdoor Recreational Facility

Shall mean an establishment which provides recreational activities primarily located outside of a building such as golf driving range, miniature golf, lawn bowling, tennis court, model airplane flying or similar activities. A Go Cart Track is not included within this definition.

Owner

Means the person or organization who owns the land in or on which a land use is located and who may be responsible for the establishment or operation of that land use.

Park – Public

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

Park – Private

Means an area of land, enclosed or not, owned and maintained by a private person for the enjoyment, health and well-being of people and which is open to the public with or without charge.

Parking Area

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

Parking, Garage

See Garage, Parking

Parking Lot

A parking area forming the principal use of a lot.

Parking Space

Means an area used for the temporary parking of one motor vehicle and includes spaces for the handicapped.

Permitted

Means permitted by this By-Law.

Permitted Uses

Means a use which is listed under the heading "Permitted Uses" in the designation where such use is located. It should be noted that unless the use has been specifically identified as permitted or discretionary it is not permitted.

Person

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

Personal Service Establishment

Means an establishment wherein a personal service is performed. This definition may include a barber shop, beauty salon, shoe repair, Laundromat or a dry cleaning distribution station or a similar use.

Pet Shop

Means a shop or place where animals or birds for use as pets are sold, kept for sale or groomed, where pet supplies and pet foods are sold but does not include a shop for breeding or boarding of pets.

Pharmacy

Means a building or structure or portion thereof wherein prescription medicines, patent medicines, sundry household items and similar merchandise are kept and offered for sale to the public.

Place of Assembly

Means a building specifically set aside for and primarily engaged in the operation of arts and crafts shows, trade fairs, fashion show, public meetings, banquets, conference meetings and similar activities.

Place of Entertainment

Means an establishment operated for commercial gain or profit wherein amusement facilities are provided such as an arcade shop or penny arcade, billiard or pool room, pinball machines and video games.

Place of Recreation

Means an establishment, premises, or building where any recreational, social or cultural uses are operated commercially for profit such as arenas, health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasium, band shell or open theatre, and other similar uses but does not include a casino or bingo hall.

Place of Worship

Means a building or an open area dedicated to religious worship.

Playground

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

Principal

See, Uses Principal

Printing and Publishing Establishment

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

Private Amenity Area

Means a privacy yard immediately adjacent to the dwelling unit which serves the household and with access controlled by the household of the dwelling unit.

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, which owns, hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational, business or athletic purposes.

Private Road

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

Propane/Compressed Natural Gas Transfer and Handling Facility

Retail propane/compressed natural gas transfer means a transfer facility that is licensed under the provisions of the Energy Act, R.S.O. 1990, c. E.16, from which petroleum fuels (propane and compressed natural gas) may be retailed to the public.

Consumer outlet propane/compressed natural gas facility means a non-retail facility licensed under the Energy Act, R.S.O., where vehicles, appliance and other equipment of the business or establishment to which the said facility belongs are refueled with petroleum fuels (propane and natural gas).

Gas cylinder handling facility means a facility licensed under the Energy Act, R.S.O., where bottled gases are handled and stored in cylinders and where there is no element of transfer.

Bulk propane storage depot means a propane transfer facility that has an aggregate capacity in excess of 47571 litres (2000 US gallons).

Public Access Point

Means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body.

Public Art

Means any artistic installation in a publically owned building or space.

Public Authority

Any Federal, State, Provincial, District, Region, county or Municipal agencies, and includes any commission, board, authority, or department established by such agency.

Public Market

Means the use of a building, structure or lot for the purpose of selling any or all of produce, fish, seafood, fruits, meats, dairy product, plants and crafts, but does not include a flea market.

Public Street

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

Public Service Area

Means the area served by the Town operated water and wastewater services.

Public Use

Means a building, structure or lot used for public services by the Town of Gananoque or the United Counties of Leeds and Grenville and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario or Canada, any telephone, telegraph or railway company, any company supplying natural gas, Ontario Hydro, and Conservation Authority, Public Utilities Company or similarly recognized agencies.

Public Utility

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

Recreational Trailer

Means a structure designed to provide temporary living accommodation for travel, vacation or recreational use and to be driven, towed or transported and without limiting the generality of the foregoing includes folding camping trailers, travel trailers and motor homes.

Recreational Vehicle

Shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term basis for living, sleeping or eating accommodation of persons. The term recreational vehicle includes the following: motor homes, travel trailers, tent trailers, camper, motor homes but does not include a mobile home, recreational equipment such as boats, snowmobiles, personal water craft, all terrain vehicles or other equipment used for recreational purposes.

Recreational Vehicle Sales and Storage

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

Recycling Depot or Transfer Station

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

Redevelopment

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

Restaurant

Means the use of a building or structure or part of a building for the preparation and sale of food and beverages for immediate consumption within or outside of the building or structure and may include ancillary home delivery, catering or take out services.

Restaurant, Take Out

A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

Retail Factory Outlet

Means a building or part of a building wherein goods, wares, merchandise, substances, or articles produced by one factory only are offered for sale directly to the public and may include storage for such goods, wares, merchandise, substances, or articles.

Retail Grocery Store

See Supermarket

Retail Store

Means a building wherein goods, wares, merchandise, substances or articles are offered for sale to the general public, and may include the limited storage and display of goods, wares, merchandise, substances or articles, and shall not include any other use defined herein. A retail store may include the sale of food stuffs; such as baking, dairy, fruit or vegetables and meat.

Retail Outlet

Means a building or part of a building accessory to a permitted use in the Employment Designation, in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public and which are largely manufactured on site.

Revegetation

Means the planting or planting and regeneration of native vegetation in order to restore a shoreline buffer.

Road

See public street.

Road Allowance

Means a public highway and includes the surface of which is not improved for use by vehicular traffic and is not maintained by a Public Authority.

Rooming House

Any house or other building or portion thereof in which persons are harbored, received or lodged for hire, but does not include a hotel, hospital, home for the young or the aged or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or specific Act.

Sample and Showroom

Means a building or part of a building used for the display of samples, patterns or other goods for viewing by the consumer and where purchase orders are taken, provided that articles from the display are not taken from the premises.

Satellite Dish/Receiver

Means a structure designed, used or intended to be used to send or receive signals to or from a satellite.

Sawmill or Planing Mill

Means a building, structure or area where timber is cut or sawed, either to finished lumber or as an intermediary step.

Sauna

Means an accessory building or structure not exceeding 10 square metres (107 square feet) wherein facilities are provided for the purpose of a steam bath and may include a change room and shower and may be constructed as part of a boat house.

School

Shall mean a public educational establishment operated by a School Board.

School, Commercial

Means a commercial establishment which offers instruction in a specialized field including, but not limited to, computer training, music, sports, arts and crafts.

School, Private

Means an educational establishment, other than a School wherein teaching or instruction is offered for gain in such fields as academics, dancing, music, art, sports, business or trade, and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts.

Seat

Means a place on or in which one sits. Where provided by benches, forms or pews, each 0.6 linear metre (2.0 feet) of seating space shall be the equivalent of one (1) seat.

Seating Capacity

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

Secondary Suite

Mean an ancillary dwelling that is part of a principal dwelling.

Secondhand Shop

Means a building or part of a building in which used goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail and may include such uses as a pawnshop, an antique store, an opportunity shop or similar use but no open storage is permitted other than during regular business hours.

Sensitive Land Use

Means buildings, amenity areas or outdoor spaces where routine or normal activities occurring as reasonable expected times would experience on or more adverse effects from contaminant discharges generated by a nearby facility and includes a dwelling, day care centre and an educational or health facility.

Service or Repair Establishment

Means the use of a building for the servicing or repairing of articles, goods or materials, and includes sales accessory to the principal use. A service or repair shop does not include the manufacture of articles, goods or materials, motorized or gas powered engines or include a use otherwise defined by this By-Law.

Setback

Shall mean:

With reference to a road or street, the least horizontal distance between the front lot line and the nearest building line.

With reference to an interior lot or a through lot, the space between the front lot line and the nearest portion of the main wall of a building.

With reference to a corner lot, the space between the nearest portion of the main wall of a building and the street line, and the space between the side lot line abutting the flanking street, and the nearest portion of the main wall of a building.

Setback, Prominent

Shall mean the average setback along the streetscape between two intersecting streets.

Sewage and Water Systems

Full Municipal Sewage and Water Services

Means piped sewage and water services that are connected to a centralized water and waste water treatment facility.

Communal Services

Means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water but which; are not connected to full municipal sewage and water services; are for the common use of more than five residential units/lots; are owned, operated, and managed by a municipality or, another public body, or a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the Planning Act, providing for municipal/public body assumption of the communal services in the event of default by the owner.

Individual On-Site Systems

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

Partial Services

Means connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

Shopping Centre

Means a group of restricted business uses designated, developed and managed as a unit, having the off-street parking provided on the site.

Shoreline

Means those lands extending from the average annual water level which have potential and direct significant impact on near shore waters and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

Shoreline Structure

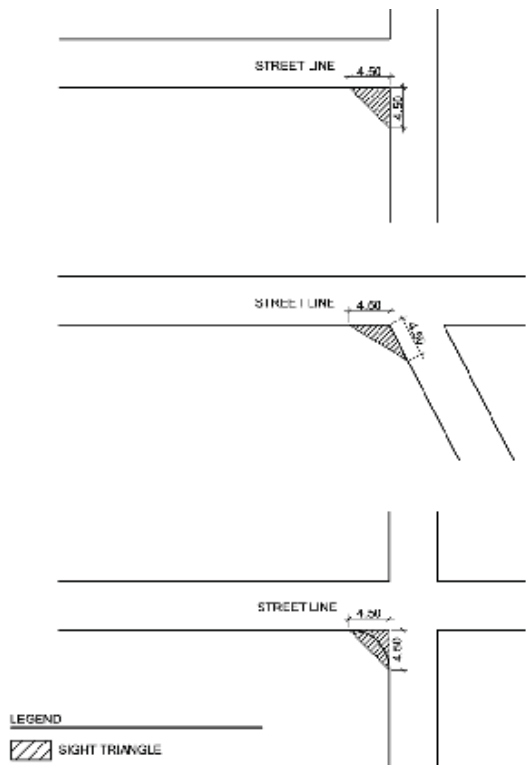
Means a boat house (wet or dry), a boat port, a float plane hangar, a sauna or steam bath, a dock or wharf, a gazebo, a utility or storage shed or a viewing deck.

Side Wall

Means the exterior wall of a building; and all structural members essential to the support of a fully enclosed space or roof.

Sight Triangle

Means a triangular space, free of buildings, structures and obstructions including landscaping materials such as shrubs and trees, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines as specified in this By-law.



Sign

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

Is a structure, or part of a structure, or which is attached thereto or mounted thereon; and

Which is used to advertise, inform, announce, claim, give publicity or attract attention.

Site Alteration

Means a change to the existing topography by more than 0.3 metres (1 foot) and over an area exceeding 9.29 square metres (100 square feet).

Sleeping Cabin

Means a building used for the temporary accommodation of persons with no kitchen or sanitary facilities.

Small Batch Brewery

Means a building or structure used to brew local beer for sale and distribution and may include a retail facility.

Solid Waste Disposal Site

See Waste Disposal

Steep slope

Means a slope of more than 30%.

Storage, Establishment

Means the use of land, buildings or structures for the primary purpose of storing of chattels such as boats or heavy equipment. A storage establishment may include accessory structures for the management and operation of the establishment, but does not include the overnight accommodation of humans or any use otherwise defined in this By-Law.

Storage, Outdoor

Means the use of an area of land outside of a building or structure intended for the storage of equipment, chattels, goods or materials integral to a principal use on a regular basis for a time period greater than 72 hours.

Storage Shed

Means an accessory building used for the storage of household items and equipment incidental to a residential occupancy.

Storey

Means that portion of a building other than a cellar or basement included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it.

First Storey means the storey with its floor closest to finished grade and having its ceiling at least 1.5 metres (4.92 feet) above finished grade.

One-half Storey means that portion of a building situated wholly or partly within the roof and in which there is a vertical dimension of at least 2.0 metres (6.56 feet) (measured from finished floor to finished ceiling) over a floor area equal to at least 50% of the floor area of the storey next below.

Attic means that portion of a building situated wholly or partly within the roof but which is not a one-half storey.

Basement means any storey below the first storey which is at least 50% above finished grade (measured from finished floor to finished ceiling).

Cellar means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).

Straight Line Projection

Means the straight-line extension or projection of a lot line.

Street Allowance

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

Street or Road

Means a public or common highway affording principal means of access to abutting properties. This definition shall not include a private land or private right-of-way.

Street Line

Means the limit of the road or street allowance and is the dividing line between a lot and a Public Street or Private Road.

Structure

Means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground. For the purposes of this By-Law, a fence not exceeding 2 metres (6.56 feet) in height shall be deemed not to be a structure.

Studio

Means a building or part thereof used, as the workplace of a photographer, artist, or artisan or for the instruction of art, music, languages or similar disciplines.

Suite Secondary

Means a dwelling unit located within and ancillary to a principal detached dwelling and which is to be used on a temporary basis as an alternative living arrangement for individuals that require some support from the occupants of the principal dwelling.

Swimming Pool

Means an outdoor or indoor pool used for swimming, wading, diving or recreational bathing which is at least 60 centimetres (23.5 inches) in depth, but does not include a hot tub, spa or whirlpool.

Tarpaulin Structure

Means a supporting metal pole frame structure with a fabric cover made of canvas nylon or similar material. Such structure must be ancillary to a main permitted use and can be dismantled and moved.

Taxi Station

Means a building or structure or a part thereof used in whole or in part to dispatch taxis and includes adjacent land used to store vehicles used for the taxi business.

Teletheatre

Means the use of a building or part of a building for a horse racing off-track betting facility licensed by the Ontario Racing Commission which operates wagering and provides live audio visual signals of direct, simulcast horse racing. The teletheatre may only be carried on in conjunction with an existing restaurant/tavern.

Temporary Use

Means a use established for a fixed period of time by By-Law under Section 38 of the Planning Act, R.S.O., 1990, as amended, with the intent to discontinue such use upon the expiration of the time period.

Theatre, Cinema

See Cinema, Theatre

Top of Slope

Means the point of line which is the beginning of a significant change in the elevation of the land surface, and from which the land surface slopes downward toward an existing (or abandoned) watercourse (or lake).

Tot Lots

Means a public park which is generally limited in size and which is equipped with amenities designed for recreational use by small children.

Transportation Depot/Terminal

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

Transport Trailer

Means any vehicle so constructed that it is suitable for being attached to a motor vehicle or tractor and capable of being used for transporting goods, materials or livestock, despite that such vehicle is jacked up or its running gear is removed.

Unclassified Wetland

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The edge of a unclassified wetland shall be defined as being where greater than 50% of the plant community consists of hydrophytic or water tolerant species. For the purpose of this By-Law, such areas have not been classified as being of Provincial significance under the Provincial Policy Statement. Lands being used for agricultural purposes, that are periodically "soaked" or "wet", are not considered to be unclassified wetlands in this definition.

Use

Means the purpose for which land, buildings or structures may be arranged, designed, designated, intended, maintained or occupied; and

The occupation, business, activity, or operation carried on, or intended to be carried on the land or in a building or structure for which it is arranged, designed, designated, intended, maintained or occupied.

Use, Accessory

Means a use customarily incidental and subordinate to the main use or main building and located on the same lot with such principal use or principal building.

Use, Discretionary

Means a use which may be permitted subject to a municipal review to confirm that the use is both desirable and appropriate in the proposed location on the basis of the physical and functional design of the structure(s) and use(s) and subject to the provisions of the applicable Area Designation.

Use, Principal

Means the predominant purpose for which any land, building or structure, or part thereof is used, designed, arranged, occupied or maintained.

Vegetation

Means healthy, woody vegetation which measures at least 4 feet in height.

Vegetation Removal

Means the removal of healthy, woody vegetation of at least 4 feet in height, but does not include trimming, pruning and removal of such woody vegetation if it presents a hazard to life or property.

Vehicle

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

Vehicle Agency

Means an establishment having as its main use the storage of vehicles for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

Video Rental Outlet

Means a building or part of a building wherein the primary use is the rental of DVD's, video tapes or compact discs and may include the rental of video recorders, cameras, players or games.

Warehouse

Means a building or structure or portion thereof used or intended to be used for the bulk storage of goods, merchandise, or material.

Waste Disposal Site

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

Waste Disposal Site Influence Area

Means the area where the possible effects of a Waste Disposal Site, including landfill-generated gases, ground and surface water contamination by leachate, odour, litter, contaminant discharges from associated vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff, and vectors and vermin, are most likely to occur.

Water Frontage

Means a lot which has one or more lot lines abutting a navigable watercourse, bay or lake.

Water Body

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

Watercourse

Means the natural channel for a perennial or intermittent body of water, including a river or stream with well defined banks and a bed.

Welding Shop

Means the use of land, building, or structure where pieces of metal are welded or fabricated.

Wetland

Means a Provincially Significant Wetland.

Wholesale Establishment

Means a building, structure or part thereof used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, or materials for resale or business use.

Wildlife Habitat

Means areas where plants, animals and other organisms live, and find adequate amounts of food, water shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non-migratory species.

Woodlands

Means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands also include treed areas, woodlots or forested areas and vary in their level of significance.

Workshop

Means a building, structure or part thereof where manufacturing is performed by a tradesman, requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar uses.

Yard

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

Yard, Front

Means a yard extending across the full width of the lot between the front lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a main building closest to the front lot line.

Yard, Rear

Means a yard extending across the full width of the lot between the rear lot line and a line drawn parallel or concentric thereto and through the point of the main wall of the main building closest to the rear lot line. Where there is no rear lot line, the Yard, Rear shall be measured from the intersection of the side lot lines to the closest point of the main wall of the main building.

Yard, Side

Means a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line.

Yard, Side Exterior

Means a side yard adjacent to a public street. In the case of an irregular lot, if a proposed building or structure conforms to the yard requirements but would be located closer to the property limit than the minimum distance required, the minimum distance required shall be applied between the property limit and the closest part of the building or structure.

Yard, Side Interior

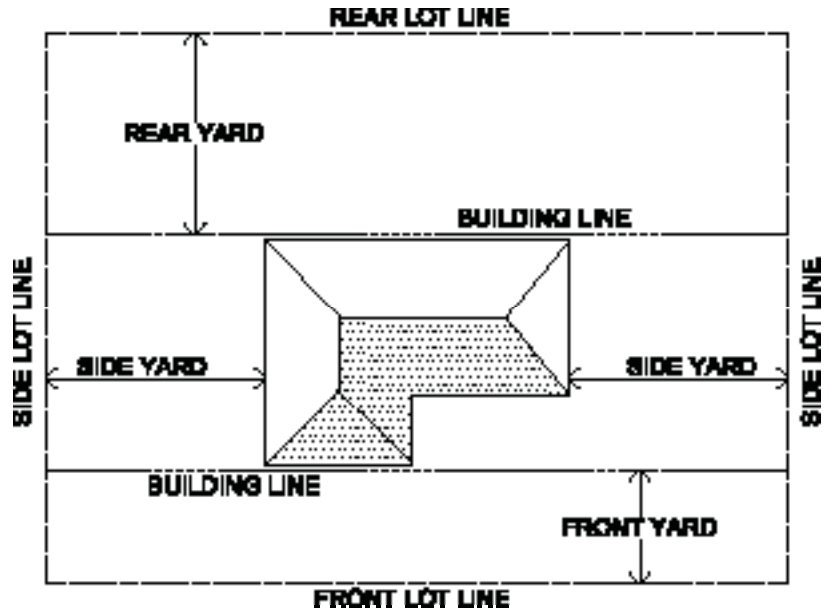
Means a side yard other than an exterior side yard.

Yard, Shoreline

Means a yard extending across the full width of the lot situated between the shoreline and a line parallel thereto and passing through the nearest point of the outside edge of walls or posts of a building or structure, including any attached or directly adjacent deck, or the nearest open storage on the lot.

Yard, Required

Means the minimum and maximum yard required by the standards, provisions and requirements of this By-Law.



Examples of Designer Heritage Colours

