

SECTION 4

DEFINITIONS

4.1 LIST OF DEFINED TERMS

A

'Accessory'
'Agricultural Use'
'Air Treatment Control'
'Amenity Area'
'Animal Shelter'
'Automotive Rental Establishment'
'Automotive Service Station'
'Automotive Washing Establishment'

B

'Basement'
'Bed & Breakfast House'
'Boarding or Lodging House'
'Body Piercing Establishment'
'Body Rub Parlour'
'Body Rub'
'Building Area'
'Building Height'
'Building Setback'
'Building'

C

'Cannabis Production Facility'
'Catering Service'
'Cellar'
'City'
'Clinic'
'Commercial Use'
'Community Centre'
'Community Lifestyle Facility'
'Contractors Yard'
'Convenience Store'
'Council'
'Crisis Residence'

D

'Day Nursery'
'Deck'
'Drinking Establishment'
'Driveway'
'Dwelling Unit'
'Dwelling, Apartment'
'Dwelling, Cluster Townhouse'
'Dwelling, Converted'
'Dwelling, Duplex'
'Dwelling, Semi Detached'

'Dwelling, Single Detached'
'Dwelling, Street Fronting
Townhouse'
'Dwelling, Townhouse'
'Dwelling'

E

'Erect'
'Existing or Existed'

F

'Financial Institution'
'Finished Grade'
'Floor Area, Gross Leasable'
'Floor Area, Gross'
'Floor Space Index (FSI)'
'Food/Beverage Production
Facility'
'Funeral Home'

G

'Gallery'
'Garage'
'Gas Bar'
'Golf Course'
'Grocery Store'
'Gross Vehicle Weight'
'Group Home'
'Group Residence'

H

'Hazard Land'

'Home Occupation'
'Hospital'
'Hotel'

I

'Industrial Mall'
'Industrial Use'
'Industrial Use, Accessory'

J

K

'Kennel'

L

'Laboratory'
'Landscaped Open Space'
'Lane'
'Laundromat'
'Light Industrial Use'
'Loading Space'
'Long Term Care Facility'
'Lot Area'
'Lot Coverage'
'Lot Depth'
'Lot Frontage'
'Lot Line, Exterior Side'
'Lot Line, Front'
'Lot Line, Interior Side'
'Lot Line, Rear'
'Lot Line, Side'
'Lot, Corner'

'Lot, Interior'
'Lot, Through'
'Lot'

M

'Main'
'Marina'
'Mobile Home Lot'
'Mobile Home Park'
'Mobile Home'
'Motor Home'
'Motor Vehicles, Commercial'
'Motor Vehicle'
'Museums'

N

'Noxious Uses'

O

'Office'
'Outdoor Patio'

P

'Park, Public'
'Parking, Extended'
'Parking Aisle'
'Parking Area'
'Parking Space'
'Parking Structure'
'Person'
'Personal Service Use'
'Place of Worship'

'Porch'
'Printing and Publishing Establishments'
'Public Use'

Q

R

'Recreational Use'
'Rental Stores, General'
'Rental Stores, Media'
'Repair Stores'
'Residential Use'
'Restaurant, Drive-Thru'
'Restaurant'
'Retail Store'
'Retail Warehouse'

S

'School, Commercial'
'School'
'Self Serve Use'
'Sensitive Land Use'
'Service Use'
'Setback'
'Shopping Centre'
'Sight Triangle'
'Storage, Indoor'
'Storage, Outdoor'
'Storey, First'
'Storey'
'Street Line'
'Street, Private'

'Street'
'Structure'
'Student Residence'
'Studio, Instruction'
'Studio'

'Yard'
'Yard Depth, Front'
'Yard Depth, Rear'
'Yard Width, Side'
'Yard, Exterior Side'
'Yard, Interior Side'

T

'Tattoo Parlour'
'Temporary Building'
'Transportation Depot'
'Travel Trailer'

Z

U

'Use or Used'

V

'Vehicle Body Shop'
'Vehicle Sales Establishment'
'Vehicle Service Bay'
'Veterinarian's Clinic'

W

'Warehouse'
'Wholesale Establishment'

X

Y

'Yard, Front'
'Yard, Rear'
'Yard, Required'
'Yard, Side'

4.2 DEFINITIONS

A

'Accessory' means a use, building or structure subordinate and incidental to and functionally associated with the main use, building or structure located on the same lot therewith, and when applied to buildings or structures, also means a building or structure separate from the main building on the same lot otherwise provided for in this By-law.

'Agricultural Use' means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment; **but does not include a Cannabis Production Facility.**

'Air Treatment Control' means the functional use of industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified person.

'Amenity Area' means indoor or outdoor space on a lot that is:

- a) ancillary to the main use; and
- b) communal and available for use by the occupants of a building on the lot, or the general public, or both, for recreational or social activities.

'Animal Shelter' means a lot and/or building or part thereof used as a public use for the care of lost, stray, abandoned or neglected animals, where animals kept for care are housed entirely within enclosed buildings.

'Automotive Rental Establishment' means a lot or building or part thereof where an office is provided for the public to rent motor vehicles and includes a limited number of vehicles on-site for rent.

'Automotive Service Station' means a lot or building or part thereof where service, maintenance or mechanical repair essential to the operation of a motor vehicle is provided and may include the accessory sale of automotive products, a gas bar, an automotive washing establishment and an automotive rental establishment. An automotive service station does not include any other vehicle or automotive use otherwise defined in this By-law.

'Automotive Washing Establishment' means a lot or building or part thereof used for the washing, cleaning, drying or polishing of motor vehicles by automatic, manual or self-serve washing equipment.

B

'Basement' means any storey below the first storey partly below finished grade level but which has at least 50% of its height from finished floor to finished ceiling above the adjacent finished grade level.

'Bed & Breakfast House' means an owner-occupied dwelling, maintained for public overnight accommodation for the travelling public on a temporary basis for monetary gain, but does not include any other establishment otherwise defined or classified herein.

'Boarding or Lodging House' means a lot or building or part thereof in which accommodation for the public is supplied in guest rooms, where means may or may not be provided, and where located in a R1, R2, R3 and R4 Zone, means a private dwelling in which no more than four guest rooms are available to the public for accommodation, but does not include any other use otherwise defined in this By-law.

'Body Piercing Establishment' means any premise or part thereof where a person(s) body or extremities are pierced for the purposes of inserting decorative jewelry, studs or other similar objects and where the art of piercing and application is performed by a qualified technician as may be defined by the City in its Licensing By-law or other public agency.

'Body Rub Parlour' means any premise or part thereof where a body rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the treatments performed are for the purpose of medical or therapeutic treatment and are performed or offered by person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

'Body Rub' includes the kneading, manipulating, rubbing, massaging, touching or stimulation, by any means, of a person's body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

'Building Area' means the greatest horizontal area of a storey above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centreline of firewalls.

'Building Height' means the vertical distance measured from the average finished grade around the structure, and:

- a) in the case of a flat roof, the highest point of the roof surface or exterior wall (other than a required fire wall);
- b) in the case of a mansard roof, the ridge;
- c) in the case of a gabled, hip, gambrel or one-slope roof, the average level between eaves and ridge, except that a one-slope roof having a slope of less than 20 degrees from the horizontal shall be considered a flat roof for the purposes of this By-law.
- d) in the case of a structure not having a roof, the uppermost part of such structure.

Building height shall be exclusive of any accessory roof construction not used for human occupancy but necessary to house required mechanical equipment.

'Building Setback' means the shortest horizontal distance between a lot line and the nearest part of any building or structure on the lot.

'Building' means a fully or partially enclosed structure having a roof supported by walls, columns, piers or other structural systems, but does not include a vehicle.

C

'Cannabis Production Facility' means lands, buildings or structures used for producing, processing, testing, destroying, packaging and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

'Catering Service' means a use, building or part thereof used for the preparation of meals in full or in part for consumption at a location other than the premises in which the meal is prepared.

'Cellar' means any enclosed portion of a building that has more than fifty per cent (50%) of its height, from floor to ceiling, located below adjacent average finished grade.

'City' means The Corporation of the City of Owen Sound.

'Clinic' means a building or part thereof used by duly qualified, licensed or registered medical practitioners and their associated staff and patients or clients and offers services which may include consultation, diagnosis and treatments for medical, dental, chiropractic, therapy, optic or other human health concerns. A clinic may include ancillary offices, waiting and treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include a hospital or other facilities for in-patient care or major surgical procedures.

'Commercial Use' means the use of any lot, building or structure, or portion thereof, for the purpose of buying and/or selling of commodities, the rental of goods and materials, and the supplying of services to the general public, separate from uses associated with the manufacturing, assembly or warehousing of goods.

'Community Centre' means a publicly owned or operated building or structure used for community recreation, social, cultural, educational, gathering or leisure activities which may include offices for the administration of such activities and accessory retail and other concession operations.

'Community Lifestyle Facility' means a lot, building or part thereof used for gatherings, meetings and activities of a civic, educational, political,

religious, social, cultural, athletic, amusement or recreational nature but does not include any other commercial use otherwise defined in this By-law

'Contractors Yard' means a lot, building or part thereof wherein vehicles, equipment and/or supplies are parked, stockpiled, stored and maintained for use by a contractor for the construction and/or renovation trades. Facilities for the administration or management of the business as well as minor maintenance and assembly work normally considered to be accessory to the trade are permitted. It does not include the lease, retail, or wholesale sale of construction materials or supplies, or home improvement materials, equipment or supplies.

'Convenience Store' means a retail store where various convenience goods and items of day to day use or necessity are offered for retail sale, and may include accessory convenience services such as dry cleaning depot, laundry depot, photo finishing, automated banking outlet, video/game rentals or postal outlet.

'Council' means the Council of The Corporation of the City of Owen Sound.

'Crisis Residence' means a lot and / or building or part thereof established as a single housekeeping unit used for the short term accommodation of three or more persons exclusive of staff living under supervision, who normally would have a permanent residence elsewhere, who by reasons of their emotional, mental, social, or physical condition or legal status require a temporary living arrangement for their well being. For purposes of this definition, short term shall mean averaging one month or less in time.

D

'Day Nursery' means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

- i) under eighteen years of age in the case of a day nursery for children with a developmental disability, and
- ii) under ten years of age in all other cases,

but does not include,

- iii) part of a public school, separate school or private school under the *Education Act*.

'Deck' means a structure abutting a dwelling 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.

'Drinking Establishment' means a lot or building or part thereof where the main use is the serving of alcoholic beverages (beer, wine and spirits) to the public in consideration of payment, intended for consumption on the same premises (in the building or on an abutting terrace or patio), licensed and operated in accordance with the provisions of the Liquor License Act S.O.

1990, and may include dancing and entertainment accessory to and in combination therewith.

'Driveway' means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but shall not include a parking aisle.

'Dwelling Unit' means a room or group of rooms designed, occupied or intended to be occupied as a single housekeeping unit, for one or more persons, providing kitchen and sanitary facilities and sleeping accommodations for the exclusive use of the occupants.

'Dwelling, Apartment' means a residential building other than a townhouse dwelling containing three or more dwelling units.

'Dwelling, Cluster Townhouse' means a residential building divided into three or more dwelling units by a common wall which prevent internal access between the attached dwelling units. A cluster townhouse dwelling shall not include a street townhouse dwelling.

'Dwelling, Converted' means:

- i) a detached or attached dwelling originally designed to contain one dwelling unit, the interior of which has been altered to provide one or more additional dwelling units; or
- ii) a building originally designed to contain a non-residential use, the interior of which has been altered to provide one or more dwelling units;

provided however that no dwelling or building shall be converted unless the gross floor area within the said dwelling or building which is to be used to calculate density has been used for a minimum period of 10 years in the manner for which the said dwelling or building was originally constructed.

'Dwelling, Duplex' means a residential building containing two dwelling units, but shall not include a semi-detached dwelling.

'Dwelling, Semi Detached' means one of two attached dwelling units, divided by whole or in part by a common vertical wall, each of which has an independent entrance directly from the outside or through a vestibule. Each dwelling unit shall be designed having access to and frontage on a street.

'Dwelling, Single Detached' means a residential building that is detached and permanent, consisting of one dwelling unit.

'Dwelling, Street Fronting Townhouse' means a townhouse dwelling having access to a street. Each townhouse dwelling unit shall be on a separate lot.

'Dwelling, Townhouse' means a residential building divided vertically into three or more attached dwelling units by common walls which prevent internal access between the attached dwelling units.

'Dwelling' means a building occupied or capable of being occupied exclusively as a home or residence by one or more people, but shall not include hotels, motels, mobile homes, motor homes, caravans, travel trailers,

boarding or lodging houses, group homes, group residences, crisis residences, or other institutions licensed or approved under any Act of the Province of Ontario or the Dominion of Canada.

E

'Erect' means to build, construct, re-construct, alter or relocate any building or structure and includes, without limiting the generality of the foregoing:

- a) The performance of any preliminary physical operation, such as excavating, grading, filling or draining;
- b) The alteration of a building or structure by an addition, enlargement, deletion or extension; or
- c) Any work for which a building permit is required under the *Ontario Building Code*, as amended.

'Existing or Existed' means in existence on the date of passing of this By-law.

F

'Financial Institution' means a commercial establishment, which is used primarily for financial business, which may include the receiving, lending, exchanging, investing and/or safeguarding currency, credit and investments such as banks, trust companies, credit unions, finance companies and stockbroker establishments.

'Finished Grade' means, when used in reference to a building or structure, the average elevation of the finished surface of the ground measured from a point 0.305 m (1 ft) out from the base of an exterior wall, support of a building or structure, but exclusive of any artificial embankment.

'Floor Area, Gross Leasable' means the total area of a building for which tenants pay rent and have exclusive occupancy, measured from the centreline of partition walls and exterior face of outside walls, but does not include:

- a) Any floor area used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any lunchroom or staff room, washroom, boiler room, maintenance room, mechanical, electrical or utility room, and any automobile parking facilities provided within the building; and
- b) Storage area to which the public cannot or does not have access or which is capable of being used for no other purpose than the storage of goods, fixtures and equipment related to an on-site use.

'Floor Area, Gross' means the sum total of the gross horizontal areas of all floors of all buildings or structures on a lot, measured from the interior faces

of the exterior walls or from the centre line of the common wall separating two buildings.

The "floor area, gross" of a building or structure shall also include:

- a) Basement or cellar floor area where the ceiling height is 2.1 m (7 ft) or more, unless otherwise specified;
- b) Attic space having headroom of 2.1 m (7 ft) or more for at least half the attic floor area, unless otherwise specified;
- c) Interior balconies and mezzanines; and
- d) Enclosed porches and enclosed verandas.

In the case of a building that contains floor area devoted to non-residential uses the "floor area, gross" shall not include:

- a) Elevator shafts and stairwells at each floor;
- b) Floor area used for mechanical equipment;
- c) Parking structures and enclosed parking areas; and
- d) Outdoor garden centres.

Floor area contained within a private garage, breezeway, unenclosed porches or unenclosed verandas decks shall not be included in any 'floor area, gross' calculation.

'Floor Space Index (FSI)' means an index that, when multiplied by the total land area of a lot, indicates the maximum permissible gross floor area for all buildings on the lot, excluding underground or covered parking structures and floor space located in the cellar.

'Food/Beverage Production Facility' means lands, buildings or structures used for the industrial manufacture, processing, packaging, storage and shipping of food and/or beverages for human consumption. This may include, but not be limited to breweries, wineries and distilleries, but shall not include non-human food production or uses otherwise defined or prohibited in this By-law.

'Funeral Home' means a building or part thereof established or maintained for the purpose of providing funeral services limited to the disposition of human remains and includes the care and preparation of human remains and a crematorium.

G

'Gallery' means a building or part thereof where works of art, such as paintings, sculpture, pottery, glass and weaving, are displayed for public viewing or sale.

'Garage' means an accessory building or that part of a main building intended for the storage of a motor vehicle(s) of the owner, tenant or occupant of the lot upon which such garage is located.

'Gas Bar' means a building or place which is used for the sale of automotive fuels containing one or more fuel pumps together with the necessary pump islands, canopy, storage tanks and kiosk.

'Golf Course' means a public or private area operated for the purpose of playing golf and may include accessory uses such as a clubhouse, restaurant, drinking establishment, assembly area, the sale of golf equipment, driving range, miniature courses and similar uses operated for commercial purposes.

'Grocery Store' means a building or part thereof wherein the primary function is the retail sale of food and other household items to the general public and may include a bake shop, meat and butcher services or delicatessen and which operates on a self-serve cash and carry basis, and may include facilities for parcel pickup.

'Gross Vehicle Weight' means the combined weight of vehicle and load.

'Group Home' means a single housekeeping unit in which three to ten people (excluding supervisory staff or the receiving family) live under supervision and who by reasons of their emotional, mental, social, or physical condition or legal status, require a group living arrangement for their well-being. The group home must be licensed or approved under an Act of the Parliament of Canada or the Province of Ontario.

'Group Residence' means a group home in which greater than ten people live under supervision.

H

'Hazard' means the lands which fall within the boundaries of the Hazard Zone (ZH) and represent property or lands that could be unsafe for development due to naturally occurring processes.

'Home Occupation' means a business, occupation, trade or craft conducted for gain or profit within a dwelling unit or an accessory building or structure, which is an accessory use to the principle residential use by a resident therein.

'Hospital' means a hospital as defined by the *Private Hospitals Act* or as defined by the *Public Hospitals Act*.

'Hotel' means an establishment in which the main use is to provide accommodation for the traveling public, with or without restaurant facilities, and may include among its internal functions accessory uses including a banquet hall, meeting rooms, drinking establishments, personal service stores, retail stores and indoor or outdoor recreation and entertainment facilities.

I

'Industrial Mall' means a building or group of buildings which are planned, developed, managed and operated as a unit, and in which each building

contains two or more units or spaces for lease or occupancy for industrial uses and other uses permitted in the applicable zone and may include a limited floor area for accessory office.

'Industrial Use' means the use of land, buildings or structures primarily for manufacturing, processing, fabricating, packaging, cleaning, stamping, treating, finishing and assembling of goods or raw materials, warehousing and bulk storage of goods, and the repair and servicing of goods including transportation terminals.

'Industrial Use, Accessory' means a building or structure or portion thereof wherein an Industrial Use is conducted that is subordinate and incidental to and functionally associated with the main use, building or structure located on the same lot therewith. This use may include those uses permitted in the M1 zone, but shall not include a transportation terminal, cannabis production facility, or automotive/vehicle uses.

K

'Kennel' means an duly licensed and privately operated establishment where dogs, cats or other similar domestic animals are housed and may be groomed, bred, boarded, trained, or sold subject to restrictions in the general provisions of this By-law.

L

'Laboratory' means a building or structure or portion thereof wherein scientific experiments, tests or investigations are conducted and may include the taking and processing of x-rays, or where drugs, chemicals or other substance or article pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for use on the premises.

'Landscaped Open Space' means the area of a lot which is at finished grade, terraced or on a roof defined for such purpose and primarily used or intended to be used for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and other landscaping and includes any buffer strip, and impervious areas such as surfaced walks, surface patios, swimming pools, but shall not include any access driveway, ramp, parking area or loading spaces whether surfaced or not.

'Lane' means a thoroughfare under private or public ownership which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

'Laundromat' means a commercial establishment where the service of laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning.

'Light Industrial Use' means an industrial use as defined in this By-law that is unlikely to cause injury or damage to property, plant or animal life, cause harm or material discomfort to any person, impair the safety of any

person, and / or cause loss of enjoyment or normal use of any residential lot which abuts a lot used for such industrial use.

'Loading Space' means an off-street space or berth located on the same lot as a permitted use and used for the parking of a vehicle for the purpose of loading or unloading merchandise or materials pertinent to a permitted use, and which has unobstructed access to a road or lane.

'Long Term Care Facility' means a lot and/or building or part thereof providing accommodation primarily for seniors with or without meals where common lounges, recreation rooms and medical care facilities may be provided and shall include a home for the aged or rest home as within the meaning of The Homes For The Aged and Rest Homes Act, and a nursing home within the meaning of the Nursing Homes Act .

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

'Lot Coverage' means that percentage of the lot area covered by the area of all buildings and structures measured at the ground.

'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. When there is no 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 such distance being measured at the intersection of the minimum front yard setback with the interior side lot line(s).

'Lot Line, Exterior Side' shall mean the side lot line which abuts a street, unopened road allowance or lane.

'Lot Line, Front' means, in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line. In the case of a corner lot where the length of the lot lines abutting a street are equivalent or there are three abutting streets the front lot line shall be deemed to be the lot line where the face of the building intended to be the front is located. In the case of a through lot, only one of the lot lines abutting a street shall be deemed to be the front lot line.

'Lot Line, Interior Side' shall mean a lot line which does not abut a street, unopened road allowance or lane.

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

'Lot Line, Side' means a lot line, other than a front or rear lot line. See also 'Lot Line, Exterior Side' and 'Lot Line, Interior Side'.

'Lot, Corner' means a lot situated at the intersection of two or more streets, provided that the angle of intersection of such streets is not more than one hundred and thirty-five (135) degrees.

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

'Lot, Through' means a lot bounded on two opposite sides by a street.

'Lot' means a single parcel or tract of land that may be conveyed in accordance with the provisions of the Planning Act of the Province of Ontario.

DRAFT

M

'Main' when used to describe a use, a building or a structure, means a use, building or a structure, which constitutes or within which a principal use of the lot is conducted.

'Marina' means a use which provides convenient short-term mooring and boat launch facilities for visiting boaters, rental boat operators and fishing charter operations.

'Mobile Home Lot' means a parcel of land within a mobile home park intended for occupancy by one mobile home.

'Mobile Home Park' means a parcel of land containing two or more mobile home lots together with potential accessory uses for the use of Mobile Home Park residents.

'Mobile Home' means a prefabricated dwelling unit constructed to be towed on its own chassis (notwithstanding that its running gear is or may be removed) to be placed on a foundation and used designed and equipped for occupancy as a dwelling unit.

'Motor Home' means a self propelled mobile unit capable of providing human occupancy and which shall contain at a minimum a toilet and sink with a holding tank or similar receptacle capable of managing waste water from the toilet and sink and all other appliances that produce waste water, a food preparation area, and sleeping facilities but which does not include barbecues or other external elements normally associated with camping.

'Motor Vehicles, Commercial' means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the street.

'Motor Vehicle' means an automobile, a motorcycle, a motor-assisted bicycled unless otherwise indicated in the Highway Traffic Act, any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine.

'Museums/Galleries' shall mean an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and/or exhibiting to the public for its instruction and enjoyment, a collection of artefacts of cultural, historic or scientific interest and may include retail sales as a secondary use.

N

'Noxious Uses' means a trade which is offensive, dangerous or would pose a hazard to the public by reason of emission of odour, smoke, dust, noise, fumes, gas, vibration or refuse matter.

O

'Office' means a building in which one or more persons are employed in the management, direction or conducting of a business, a government institution or non-government organization or where professionally qualified persons and their staff serve clients who seek advice and consultation of a public or private agency, a business, a brokerage, or a labour or fraternal organization.

'Outdoor Patio' means an outdoor area accessory to a restaurant or drinking establishment, which is to be used on a seasonal basis to provide an area for service and consumption.

P

'Park, Public' means a 'public use' as defined herein and established as a park, playground or playfield which may include therein one or more conservation areas, athletic fields, field houses, arenas, community centers, bleachers, stadiums, swimming or wading pools, beaches, picnic grounds and shelters, greenhouses, botanical gardens, children's farms, zoos, bandstands, skating rinks, golf and miniature golf courses, campgrounds, race courses, pavilions, ski courses, ice rinks, tennis courts, bowling greens, marinas, washrooms, curling rinks, refreshment and other concessions accessory thereto, and similar uses.

'Parking, Extended' means an area of a lot upon which overnight parking of motor homes for a period of 24 hours or more may occur as an accessory use.

'Parking Aisle' means a portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access and which is not to be used for the parking of vehicles.

'Parking Area' means an area provided for the parking of motor vehicles and may include aisles, parking spaces and related ingress and egress lanes or a private garage but shall not include any part of a public street.

'Parking Space' means an area exclusive of any aisles or ingress or egress lanes, used for the temporary parking or storage of motor vehicles, and may include a private garage.

'Parking Structure' means a building or structure used for the parking of vehicles and is available to residents, clients, customers or the public with or without a fee being charged and may be above or below finished grade.

'Person' means any human being, association, firm, partnership, incorporated company, corporation, chartered organization, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context of this By-law can apply according to law.

'Personal Service Use' means a building or part of a building in which persons are employed in providing services and otherwise administering to the individual and personal needs of persons, and shall include but not be

limited to a barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, tanning salon, photography studio, dry cleaner, depots for collecting dry cleaning and laundry, clinics, and service or repair shops. The sale of merchandise shall be permitted only as a secondary use to the personal service provided.

'Place of Worship' means a building including churches, synagogues, mosques, and rectories, owned or occupied by a non-profit religious organization or congregation and which is dedicated exclusively to worship and related social and charitable activities. Related accessory uses may include a hall or auditorium, offices, faith-based school, cemetery, day nursery, convent, monastery, or a dwelling unit for use by the clergy person(s) and their family.

'Porch' means a covered structure, attached to the exterior of a building with or without steps, consisting of a platform.

'Printing and Publishing Establishments' means a building or part thereof where the principal use is to provide printing and publishing services including lithographing or binding of periodicals or other written material.

'Public Use' means the use of any lot, building or structure or portion thereof by or for the Corporation of the City of Owen Sound, the Corporation of the County of Grey, the Grey Sauble Conservation Authority, the Province of Ontario, or the Dominion of Canada.

R

'Recreational Use' means the use of land for sports, physical play or exercise, and includes public or private parks and facilities.

'Rental Stores, General' means a building or part thereof where residential, industrial, and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, bicycles, home furnishings, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools, and power tools. Rental stores may include as an accessory use the sale of supplies necessary for the operation of said rental equipment.

'Rental Stores, Media' means a building or part thereof where digital media including movies, music and other media forms are kept for rental to the general public. Rental stores may include as an accessory use the sale of supplies necessary for the operation of said rental equipment.

'Repair Stores' means a building or part thereof used for the provision of maintenance or repair services for goods or equipment, excluding motor vehicles, major recreational vehicles, farm or other heavy machinery and equipment.

'Residential Use' means the use of any land, building or structure or part thereof where the main use of the building is to be occupied or capable of being occupied exclusively as a home or residence by one or more people and includes dwelling types as defined in this By-law.

'Restaurant, Drive-Thru' means a restaurant where patrons order and purchase their food through an attendant, window or an automated machine from their vehicles in a designated stacking lane.

'Restaurant' means a building or part thereof, either licensed or unlicensed for liquor sales, where food or refreshments are prepared and offered for retail sale to the public for immediate consumption, but shall not include a drive-thru restaurant.

'Retail Store' means a building or part thereof, in which goods, wares, merchandise, substances, or articles are offered or kept for sale at retail, and includes limited storage of such goods, wares, merchandise, substances, articles or things on the premises to service such store but does not include any establishment otherwise defined or classified herein, except for a retail warehouse.

'Retail Warehouse' means a large building operated as a single purpose retail facility serving a regional trade area and storing and displaying products in a warehouse format for retail sale to the public.

S

'School, Commercial' means a school where instruction is given for gain or profit, providing instruction in a specific trade, skill or service but does not include a school as defined in the Education Act or a post secondary institution or other use otherwise defined herein.

'School' means an establishment providing educational services and instructional courses for students under the jurisdiction of a Board as defined in The Education Act, a college or university and may include a day care centre.

'Self Serve Use' means a service use where a business provides the required materials, ingredients, equipment or facility to allow members of the public to prepare an intended product for personal use. A self-serve use includes uses such as brew your own beer or wine, scrapbooking, paint your own pottery and may include accessory retail of materials, ingredients and equipment.

'Sensitive Land Use' means a lot, building or structure that is being used or is zoned for those uses within the Residential, Institutional, Open Space, or Hazard Zones.

'Service Use' means a use where the purpose of such enterprise is to provide non-personal service or, service to an industry or the public, where such a service is conducted and/or provided off-site at a location in need of such service, and may include maintenance, caretaking, cleaning, security and trades or contractors which provide an installation service and does not include outdoor storage or workshop.

'Setback' means the minimum horizontal distance, measured at a right angle, between a lot line and the nearest part of any building or structure.

'Shopping Centre' means a building or group of buildings containing a group of permitted commercial uses which is planned, designed, and developed as a unit.

'Sight Triangle' means the triangular space formed by two intersecting street lines and a line drawn from a point in one street line to a point in the other street line.

'Storage, Indoor' means the storage of goods, materials, merchandise and equipment or the display and sale of goods and materials.

'Storage, Outdoor' means the storage of goods, materials, merchandise and equipment or the display and sale of goods and materials, including vehicles for hire or sale, **but does not include raw inputs or waste associated with a Food/Beverage Production Facility or Cannabis Production Facility**, outside a building in the open air.

'Storey, First' means the lowest storey of a building completely above average finished grade level.

'Storey' means that portion of a building or structure other than a cellar or attic which is situated between the surface of any floor and the surface of the floor next above it, or any portion thereof and, if there is no floor above it, that portion between the surface of any floor and the ceiling above it.

'Street Line' means the limit of the road allowance and is the dividing line between a lot and a street.

'Street, Private' means a street or lane under the ownership of, and maintained by a private individual or corporation.

'Street' means the road allowance associated with a public thoroughfare, other than a lane, which is maintained by a public authority and which is open and passable during all seasons and provides principal access to abutting lots.

'Structure' means anything that is temporarily or permanently erected, built or constructed of one or more parts joined together.

'Student Residence' means premises owned or operated by or for any public or separate school, private school, post-secondary school or educational facility, consisting of dwelling units or rooms, used for student accommodation.

'Studio' means building or part thereof used for the study or creation of media, an art form such as music, acting, modeling, painting, sculpting, pottery, stained glass, jewelry, photography, television or radio, dance, marital arts, yoga or pilates.

T

'Tattoo Parlour' means any premise or part thereof where ink, dye or other material are implanted in a hygienic and safe manner in a persons skin in the form of a picture, design, slogan or similar purpose and where the art of

applying a tattoo is performed by a qualified applicator as may be defined by the City in its Licensing By-law or other public agency.

'Temporary Building' means a building or structure incidental to and accessory to lawful construction work, intended for removal or demolition within a prescribed time as set out in a building permit.

'Transportation Depot' means a lot, building, structure, or part thereof, used for the dispatch, temporary storage, and maintenance of vehicles including ships, trucks, transports, taxis or buses.

'Travel Trailer' means a recreational vehicle designed to be used exclusively for travel, recreation and vacation and which is capable of being drawn by a passenger vehicles, including tent trailers or similar transportable accommodation, but shall not include a mobile or motor home.

U

'Use or Used' means the purpose for which a lot or a building or structure, or any combination thereof, is designed, arranged, intended, occupied, or maintained and "uses" shall have a corresponding meaning. "Use" when used as a verb, or "to use", shall have a corresponding meaning.

V

'Vehicle Body/Repair Shop' means a lot or building or part thereof where motorized vehicle(s) , recreational vehicles, travel trailers or boats may be subject to major repairs, parts or systems replacement, body work or painting in addition to maintenance or mechanical repair essential to the operation. A vehicle body shop does not include any other vehicle or automotive use otherwise defined in this By-law.

'Vehicle Sales Establishment' means a lot or building or part thereof where the main use is the display and sale of new or used motorized vehicles, recreational vehicles, travel trailers or boats and may include accessory to the sale, renting or leasing of motorized vehicles and/or the sale of automotive accessories and related products and/or maintenance or mechanical repair essential to the operation of a motor vehicle.

'Vehicle Service Bay' means a building or part thereof that is part of a Vehicle Body Shop or automotive service station designed to accommodate a single motorized vehicle at a time and supplied with the necessary equipment, machinery and tools to complete service or repair tasks.

'Veterinarian Clinic' means a building or part thereof used by a duly qualified and registered veterinarian(s) and their associated staff and services for the purpose of consultation, diagnosis, treatment of animals, but does not have outdoor kennels and indoor boarding facilities are limited to overnight stays for animal recovery.

W

'Warehouse' means a building or part thereof which is used for the storage and wholesaling of goods or material but not including the storage of goods or materials primarily intended to be offered for sale or rental on site.

'Wholesale Establishment' means a building or part thereof used for the storage and sale of quantities of goods, wares, merchandise and materials for resale or commercial / industrial use.

Y

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

'Yard, Rear' means a yard extending across the full width of the lot between the rear lot line, or where there is no rear lot line the apex of the triangle formed by the side lot lines, and the nearest part of any main building or structure on the lot.

'Yard, Required' means any yard defined in this By-law which must be provided so as to comply with a specified building setback requirement or a specified yard depth / width requirement of this By-law.

'Yard, Side' means a yard, extending from the required front yard to the required rear yard and from the side lot line to the nearest part of the main building or structure on the lot.

'Yard' means a space appurtenant to a building, structure or use, located on the same lot as the building, structure or use, and which space is open, uncovered and unoccupied from the ground to the sky except for such uses as are specifically permitted elsewhere in this By-law.

'Yard Depth, Front' means the minimum horizontal distance between the front lot line and the nearest part of any main building or structure on the lot.

'Yard Depth, Rear' means the minimum horizontal distance between the rear lot line, or where there is no rear lot line, the apex of the triangle formed by the side lot lines, and the nearest part of any main building or structure on the lot.

'Yard Width, Side' means the minimum horizontal distance between the side lot line and the nearest part of any main building or structure on the lot.

'Yard, Exterior Side' means a side yard immediately adjoining a street, unopened road allowance or lane.

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