

SECTION 3: DEFINITIONS

SECTION 3: DEFINITIONS

In this By-law, unless the contrary intention appears, words importing the singular number shall include more persons, parties or things of the same kind than one, and the converse. In this By-law, the word "shall" is to be construed as being always mandatory and not directory.

Note: For the purposes of this circulation only definitions that are included in the Commercial and Mixed Use Zones and Transit Oriented Zones have been included.

Definitions that are **highlighted** already exist within Zoning By-law 05-200.

Definitions that are underlined are new within Zoning By-law 05-200, as part of the draft Commercial and Mixed Use Zones and Transit Oriented Corridor Zones.

Definitions identified by *Italics* are existing within Zoning By-law 05-200, but are being amended as part of the new Commercial and Mixed Use Zones and Transit Oriented Corridor Zones.

Adult Entertainment Parlour

Shall mean a use which provides entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations provided on the premises and shall include a Body Rub Parlour

Beverage Making Establishment

Shall mean a commercial establishment where individuals produce beverages for personal use and consumption off the premises.

Body Rub Establishment

Shall mean any premises or part thereof where a body rub is performed, offered or solicited in pursuance of a business but shall not include an Alternative Message Establishment medical or therapeutic treatment given by a person otherwise duly qualified, licenced or registered.

Building and Lumber Supply Establishment

Shall mean the use of land, building or structure, or part thereof, for a retail store

SECTION 3: DEFINITIONS

ZONING BY-LAW

predominantly selling of lumber and a wide range of building and home decorating supplies along with ancillary sales of construction tools, gardening products, and home design products.

Building or Contracting Supply Establishment

Shall mean land, building or structure, or part thereof, in which building, construction or home improvement materials are warehoused and may include accessory retail.

Catering Service

Shall mean a use where food and beverages are prepared for consumption off-site, but are not served on the premises or for immediate take-out consumption.

Commercial Entertainment

Shall mean a use of an establishment for the general purpose of providing entertainment or amusement for a fee and shall include, for example, but not be limited to cinemas, performing arts theatres, bingo halls, dance club, cultural events but shall not include an Amusement Arcade or Adult Entertainment Parlour

Commercial Motor Vehicle Sales, Rental and Service Establishment

Shall mean the use of land, building or structure, or part thereof, where commercial motor vehicles or parts for such vehicles are stored and displayed for the purpose of sale, lease, rental or repair.

Commercial Parking Facility

Shall mean all or part of a parcel of land or building, other than a street or laneway, used for the parking of motor vehicles for compensation, but shall not include an accessory parking lot to a principal use of the property located on the same lot. Parking spaces may be designed to include the use of stacked parking where a parking attendant is on site or a valet service is provided.

Commercial Recreation

Shall mean the use of an establishment, for a fee, for the provision of athletic and

SECTION 3: DEFINITIONS

amusement facilities involving the active participation of the user-public in a sports-related activity and shall include but not be limited to such facilities as racquet courts, fitness clubs, billiard parlour, bowling alley, Golf Course, driving range, skating or curling surfaces, riding stables, water sports, go-kart track or amusement parks, but shall not include an Amusement Arcade.

Commercial School

Shall mean a school where academic, vocational or technical subjects are taught and which is operated on a financial profit basis but shall not include an Educational Establishment.

Communications Establishment

Shall mean the use of land, building or structure, or part thereof, for the broadcasting and production of information through various media, and shall include but not be limited to print, television, radio and electronic media and which may include facilities for the printing or broadcasting of information but shall not include a call centre.

Community Garden

Shall mean land used for the growing and harvesting of plants, vegetables or fruits and provided the crops are for the sole use, donation or consumption by the individual or individuals growing or working the community garden. It shall not be considered as Landscaped Area, landscaped open space, landscaped strip or Landscaping.

Conference or Convention Centre

Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings and other similar activities including an exhibition facility, all which may include dining facilities for the exclusive use of conference or convention participants.

Craftsperson Shop

Shall mean an establishment used for the

SECTION 3: DEFINITIONS

creation, finishing, refinishing or similar production of custom or hand-made commodities, together with the retailing of such commodities.

Day Nursery

Shall mean a facility licensed under the Day Nurseries Act which receives more than 5 children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance for a continuous period not exceed 24 hours, where children are:

- a) under eighteen years of age in the case of a day nursery for children with a development disability, and
- b) under ten years of age in all other cases, but shall not include part of a school provided for under the Education Act.

Drive-Through Facility

Shall mean a facility that is designed to allow drivers to remain in their vehicles before and during an activity on the site, and may include drive-in or drive-through restaurants, retail and service uses, but shall not include a Motor Vehicle Washing Establishment.

Dwelling Unit

Shall mean a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway.

Educational Establishment

Shall mean a Provincially approved institution for academic instruction and shall include a public, private or separate school, college or university.

Emergency Shelter

Shall mean a fully detached building used for

SECTION 3: DEFINITIONS

ZONING BY-LAW

persons in a crisis situation requiring shelter, protection, assistance and counselling or support which is intended to be short term accommodation of a transient nature. An emergency shelter shall not include a residential care facility, a lodging house, a corrections residence, a correctional facility, or any other residential facility which is licensed, approved or regulated under any general or special Act.

**Equipment and Machinery Sales,
Rental and Service Establishment**

Shall mean the use of land, building or structure, or part thereof, for the display, sale, lease, rental or repair of commercial, industrial, farm or agricultural equipment and machinery and which may include facilities for the storage and sale of parts accessory to such equipment and machinery, together with the repair, painting and service of such equipment and machinery.

Farm Product Supply Dealer

Shall mean the use of land, building or structure, or part thereof, for the sale and/or storage of seeds, fertilizers, farm equipment or other goods or materials used in agriculture.

Financial Establishment

Shall mean a use where money is deposited, kept, lent and exchanged, and shall include but not be limited to banks, credit unions, trust companies or other similar banking services.

Funeral Home

Shall mean a building or structure or part thereof, used for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of corpses for internment or cremation and may include a chapel or a crematorium.

Garden Centre

Shall mean the use of land, building,

SECTION 3: DEFINITIONS

structure, or part thereof, for the display and sale of plants, gardening and landscaping supplies and equipment.

Home Furnishings Retail Establishment

Shall mean the use of land, building or Structure, or part thereof, for the sale or rental of home furnishings and related supplies, materials or fixtures.

Home Improvement Supply Establishment

Shall mean a retail store predominantly selling a focused range of building supplies such as paints, carpets, tiles, bathroom fixtures, lighting fixtures and similar products.

Hotel

Shall mean a commercial establishment used for temporary rental sleeping accommodation for travelers and which may offer other facilities such as personal service establishments, restaurants, retail stores, conference or convention facilities, exhibition facilities, commercial entertainment or commercial recreation and for the purposes of this By-law a motel, motor hotel or an apartment hotel shall be deemed to be a "hotel".

Major Recreational Equipment Sales and Service Establishment

Shall mean the use of land, building, structure, or part thereof, for the display and retail sale of travel trailers, major recreational vehicles, recreational vehicles and boats and which may include the servicing, repair, cleaning, painting, polishing and greasing of such vehicles, trailers and boats and the sale of accessories and related products and the leasing or renting of such vehicles, but shall not include a Motor Vehicle Sales and Service Establishment.

Medical Clinic

Shall mean a building, or part thereof, which is used jointly by health professionals for the purpose of consultation, diagnosis and/or treatment of persons and shall include but not be limited to laboratories, dispensaries or

SECTION 3: DEFINITIONS

other similar facilities, but shall not include overnight accommodation for in-patient care resulting from surgery.

Microbrewery

Shall mean a facility used for the manufacture and retail sale of beer, cider, wine or spirits, produced exclusively for consumption on or off site and may operate in combination with a restaurant.

Motor Vehicle Collision Repair Establishment

Shall mean the use of land, building or structure, or part thereof, for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and which may also include the reconstruction of motor vehicles, the painting or repainting of motor vehicles, the rebuilding or conversion of automotive engines or engine parts and which may also include an accessory Towing Establishment, but shall not include a Motor Vehicle Gas Bar, Motor Vehicle Service Station, Motor Vehicle Washing Establishment or Motor Vehicle Wrecking Establishment.

Motor Vehicle Dealership

Shall mean a use within a building or structure, or part thereof, where new and/or used motor vehicles are stored or displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of accessories and lubricants for motor vehicles and an associated Motor Vehicle Service Station.

Motor Vehicle Gas Bar

Shall mean a use on a lot, where fuel or lubricants are offered for sale but where no provision is made for the repair or maintenance of motor vehicles and may include the sale of foods and convenience items but shall not include a Motor Vehicle Service Station or a Motor Vehicle Wrecking Establishment.

SECTION 3: DEFINITIONS

Motor Vehicle Rental Establishment

Shall mean a premise where motor vehicles are stored and rented to the public.

Motor Vehicle Service Station

Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include Motor Vehicle Collision Repair Establishment, Motor Vehicle Sales and Service Establishment, Motor Vehicle Washing Establishment, and/or a Motor Vehicle Wrecking Establishment.

Motor Vehicle Washing Establishment

Shall mean a building or structure or part thereof, used for either the mechanical or manual cleaning or washing of motor vehicles and shall include motor vehicle detailing.

Office

Shall mean a building or part of a building in which management, clerical, administrative, consulting, advisory or training services are offered or performed and shall include an Industrial Administrative Office, and Surveying, Engineering, Planning or Design Business but shall not include a Medical Clinic.

Personal Services

Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, may include, but shall not be limited to an Alternative Massage Establishment, but shall not include a Dry Cleaning Plant or a Body Rub Parlour.

SECTION 3: DEFINITIONS

Place of Worship

Shall mean a building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include but not be limited to an assembly hall, auditorium, convent, monastery, rectory cemetery, day nursery and educational or recreational uses.

Place of Assembly

Shall mean a building or part of a building used for social, literary, cultural, political, educational, or recreational purposes, and may include a banquet hall and Catering Service, but shall not include a Conference or Convention Centre or a Labour Association Hall.

Repair Service

Shall mean the provision of maintenance or repair services for goods or equipment, excluding motor vehicles and major recreational equipment.

Restaurant

Shall mean a building where food and/or drink is prepared and sold for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under the Liquor License Act.

Retail

Shall mean the sale or rental of goods or materials to the ultimate consumer which shall include but may not be limited to, Building or Contracting Supply Establishment, Building and Lumber Supply Establishment, Home Furnishing Retail Establishment, Home Improvement Supply Establishment, convenience retail goods, but shall not include a restaurant, farm implement dealership, the sale or rental of motor vehicles and the sale of motor vehicle fuel or major recreational equipment.

Retirement Home

Shall mean a multiple dwelling where all

SECTION 3: DEFINITIONS

ZONING BY-LAW

dwelling units do not contain full kitchens but where the building provides communal facilities such as kitchen/dining facilities, laundry facilities, lounges and where the residents are supervised in their daily living activities. A retirement home may be licensed by the municipality and shall not be considered a long term care facility, emergency shelter, lodging house, residential care facility or any other facility which is licensed, approved or regulated under any general or special Act.

Social Services Establishment

Shall mean a building in which non-profit services intended to promote and improve the independence, economic self-sufficiency, social and health development of citizens are provided and shall include but not be limited to clerical, administrative, consulting, counselling, office and recreational functions for a non-profit agency but shall not include facilities in which overnight accommodation is provided.

Stacking Lane

Shall mean the area required to provide for the required number of stacking spaces to a service window for a Drive-Through Facility.

Studio

Shall mean an establishment used for the study or instruction of a performing or visual art, such as but not limited to, dancing, singing, acting or modeling, or the workplace with accessory retail, of a painter, sculptor or photographer, or an establishment used for the making or transmission of motion pictures, music, radio or television programs.

Surveying, Engineering, Planning or Design Business

Shall mean a building or part of a building in which professionals in the field of surveying, engineering, planning or design provide technical consultation, analysis, advisory or administrative services.

SECTION 3: DEFINITIONS

Tradesperson's Shop

Shall mean a building in which is provided to the public a non-personal service or trade, and shall include but not be limited to, a carpenter's shop, contractor's shop, electrician shop, painter's shop, plumber's shop and other shops that provide an installation service.

Transportation Depot

Shall mean the use of land where commercial motor vehicles pick up and discharge fare-paying passengers or dispatch vehicles for such purpose.

Urban Farm

Shall mean land that is used for the growing and harvesting of edible plants, vegetables or fruits and that the edible plants, fruits and vegetables grown on-site may be sold on-site. It may include structures such as *farm produce/product stand*, greenhouses, hoop houses or cold frames. It shall not include a medical marihuana growing and harvesting facility, an aquaponics, or aquaculture facility, or a mushroom operation. It shall not be considered as landscaped area, landscape open space, landscaped strip or landscaping.

Urban Farmers Market

Shall mean a temporary public market operated by a community organization, or a non-profit corporation, at which the majority of persons who operate the stalls sell local agricultural products, value added local agricultural products, or VQA wines provided the products are produced by persons who operate the stalls.

Veterinary Service

Shall mean a use within a wholly enclosed building or part thereof, where domestic animals or household pets are provided treatment by a veterinarian and may include temporary indoor accommodation related to treatment and/or recovery and pet grooming but shall not include a kennel.

SECTION 3: DEFINITIONS

Warehouse

Shall mean the use of land, building or structure, or part thereof, for the bulk storage and/or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse shall not include a Waste Management Facility, Salvage Yard or Towing Establishment.