In accordance with OLT Case # OLT-24-000544, By-law No. 24-052-OLT-02 (To Amend Zoning By-law No. 05-200 Respecting Electric Vehicle Parking Requirements) was approved on June 5, 2026. Notwithstanding, Section 34 (1) (1.1.1) of the *Planning Act* does not permit the regulations of By-law No. 24-052-OLT-02 to be required as it pertains to the provision of electric vehicle supply equipment in connection with parking facilities.

The amendments to Section 3: Definitions, of this Zoning By-law to implement By-law No. 24-052-OLT-02 are shown in red text. The definitions for "Parking Space, Electric Vehicle", "Parking Space, Electric Vehicle Capable", and "Parking Space, Electric Vehicle Ready" are provided for the purpose of interpreting Section 5.6.7 – Electric Vehicle Parking Space Regulations, should Electric Vehicle Ready Parking Space be provided voluntarily.

## 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.

**Abattoir**

Shall mean the use of land, building or structure, or portion thereof, for the confinement of live animals awaiting slaughter and slaughtering of live animals and the packaging of animal carcasses and may include the processing, packing, treating, and storing of the product on the premises, but shall not include the manufacture of inedible meat by-products, or rendering of such products as tallow, grease, glue, fertilizer, or any other inedible product.
(By-law No. 15-173, July 10, 2015)

**Accessory**

Shall mean, when used to describe a use of land, building or structure, shall mean a use which is commonly incidental, subordinate and exclusively devoted to the main use or main building situated on the same lot.

**Additional Dwelling Unit**

Shall mean a separate and self-contained Dwelling Unit located within the principal dwelling and shall not include a Farm Labour Residence.
(By-law No. 22-132, June 08, 2022)
(By-law No 24-051, April 10, 2024)

**Additional Dwelling Unit - Detached**

Shall mean a separate and self-contained detached Dwelling Unit located on the same lot

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| | as the principal dwelling but shall not include a Farm Labour Residence.<br>(By-law No. 22-132, June 08, 2022) |
| **Adult Entertainment Parlour** | Shall mean a use which provides entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations |

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| | provided on the premises and shall include a Body Rub Parlour. |
| **Agricultural Alcohol Production Facility** | Shall mean a Secondary use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beer, wine, cider and/or spirits. Agricultural Alcohol Production Facility uses may include the crushing, fermentation, distillation, production, bottling, aging, storage, and accessory sale of beers, ciders, wines, spirits and related products, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, overnight accommodation or an Alcohol Production Facility.<br>(By-law No. 15-173, July 10, 2015)<br>(By-law No. 19-062, March 27, 2019)<br>(By-law No. 22-084, April 13, 2022) |
| **Agricultural Processing Establishment – Secondary** | Shall mean a Secondary use to an Agricultural operation on the same lot, for a facility dedicated to the transformation of raw agricultural commodities, but shall not include an Abattoir or Agricultural Alcohol Production Facility. Agricultural Processing - Secondary shall be limited to the processing of agricultural commodities grown primarily as part of the farm operation, and may include Accessory Retail.<br>(By-law No. 15-173, July 10, 2015)<br>(By-law No. 22-084, April 13, 2022) |
| **Agricultural Processing Establishment – Stand Alone** | Shall mean the use of land, building or structure, or portion thereof, for a stand alone facility dedicated to the transformation of raw agricultural commodities and may include Accessory Retail, but shall not include an Abattoir, Agricultural Alcohol Production Facility, or processing of cannabis products.<br>(By-law No. 15-173, July 10, 2015) |

(By-law No. 18-266, September 12, 2018)
(By-law No. 22-084, April 13, 2022)

**Agricultural Research Operation** Shall mean a Secondary use to an Agricultural operation on the same lot for the study and research of Agriculture.
(By-law No. 15-173, July 10, 2015)

**Agricultural Storage Establishment** Shall mean the use of land, building or structure, or portion thereof, for a stand alone facility dedicated to the storage of agricultural products from one or more farm operation(s).
(By-law No. 15-173, July 10, 2015)

**Agriculture** Shall mean the growing of crops, including Nursery and horticultural crops; raising of livestock; raising, boarding and training of horses; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; aquaponics; apiaries; agro-forestry; maple syrup production; greenhouse operations; Cannabis Growing and Harvesting Facilities; hydroponics; and other such accessory uses as are customarily and normally associated with agriculture, including limited value retention uses required to make a commodity grown primarily as part of the farm operation salable, such as, but not limited to, grain drying, washing, sorting, grading, treating, storing, packing and packaging, feed mill, or grain mill, and selling of agricultural products primarily grown as part of the farm operation, and associated on-farm buildings and structures, including one Single Detached farm dwelling and a Farm Labour Residence.
(By-law No. 15-173, July 10, 2015)
(By-law No. 18-266, September 12, 2018)

**Agritourism** Shall mean a Secondary Use to an Agricultural operation on the same lot that provides educational and active opportunities to experience the agricultural way of life in Rural Hamilton. Such activities may include, for example, farm machinery and equipment

exhibitions, farm-tours, petting zoos, corn mazes, hay rides, sleigh rides, processing demonstrations, pick your own produce/products, farm theme playground for children, and educational facilities that focus on farming instruction, and which may include accessory retail, but shall not include a Farm Labour Residence, Restaurant or Conference or Convention Centre.
(By-law No. 15-173, July 10, 2015)
(By-law No. 24-137, July 12, 2024)

**Airport**

Shall mean the use of an area of land or water, for the arrival, departure, movement or servicing of aircraft, for which an airport license has been issued and includes uses directly related to airport operations.
(By-law No. 15-236, October 14, 2015)

**Airport Waste Processing Facility**

Shall mean the use of land, building or structure, or part thereof, for the sorting and processing of airport waste and recyclable materials and for which a Certificate of Approval for such purpose under Part V of the Environmental Protection Act is required. An Airport Waste Processing Facilities shall include but not be limited to: thermal treatment, blue box recyclable recovery facilities, open-air or in-vessel organics processing, wood waste recycling and/or a co-generation energy facility, but shall not include a Motor Vehicle Wrecking Establishment or a Salvage Yard.
(By-law No. 10-288, October 13, 2010 – OMB approval April 10, 2015)

**Airport Waste Transfer Facility**

Shall mean the use of land, building or structure or part thereof, for the temporary storage and collection of airport waste and for which a Certificate of Approval for such purpose under Part V of the Environmental Protection Act is required. An Airport Waste Transfer Facility may also include limited sorting of such waste prior to its transport.
(By-law No. 10-288, October 13, 2010 – OMB approval

April 10, 2015)

**Alcohol Production Facility**

Shall mean the use of land, building or structure for the production and distribution of beer and other malt-based beverages, wine, cider and / or spirits. An Alcohol Production Facility may include a tasting room, tours and limited retail sales of products developed on site as permitted by the specific zone, but shall not include the production of energy drinks, sports drinks and / or soft drinks. An Alcohol Production Facility shall not include an Agricultural Alcohol Production Facility, Beverage Making Establishment or Microbrewery.
(By-law No. 18-219, August 17, 2018)
(By-law No. 22-084, April 13, 2022)

**Alternative Massage**

Shall mean the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part of a person's body, but does not include such services as:

i) performed for the purpose of medical or therapeutic treatment provided by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario; or

ii) appealing to or designed to appeal to erotic or sexual appetites or inclinations including but not limited to such services advertised by any means as "sensual", "sexy" or by any other word or any depiction having like meaning or implication.

(By-law No. 10-076, April 14, 2010)

**Alternative Massage Establishment**

Shall mean any premises or part there of where an alternative massage is performed, offered or solicited in pursuance of a business.
(By-law No. 10-076, April 14, 2010)

**Amenity Area**

Shall mean the area of a lot intended for recreational purposes, and shall include areas that are landscaped, patios, privacy areas, balconies, communal lounges, swimming pools, play areas and similar uses, located on the same lot, but shall not include a building's service areas, parking lots, aisles or access driveways, or Planting Strip.
(By-law No. 17-240, November 8, 2017)

**Amusement Arcade**

Shall mean an establishment containing more than three pinball machines, or other mechanical game machines, or electronic game machines provided for public amusement.

**Animal Shelter**

Shall mean the use of land, building, structure or part thereof for emergency accommodation of animals.
(By-law No. 11-276, November 16, 2011)

**Artist Studio**

Shall mean a workplace of an artist and shall include but not limited to a painter, sculptor or photographer.
(By-law No. 17-220, October 25, 2017)

**Basement**

Shall mean that portion of a building which is partially below grade but which has more than one half of its height, from the floor to the underside of the finished ceiling located above grade.

**Bed and Breakfast Establishment**

Shall mean an establishment operated as an accessory use to a detached or semi-detached dwelling unit where guestrooms are made available for the temporary accommodation of the travelling public and where meals may be offered to the occupants of the guestrooms.

**Beverage Making Establishment**

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

**Biotechnological Establishment**

Shall mean an establishment used for the research, development, application, prototypical manufacturing and production of bio-organisms, which may or may not be used in a manufacturing process, and shall in no way be construed to be the slaughtering, eviscerating, rendering, or cleaning of meat, poultry, or fish or by-products thereof, or animal husbandry, or the raising of animals.
(By-law No. 07-043, February 15, 2007)

**Body Rub**

Shall mean the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part of a person's body appealing to or designed to appeal to erotic or sexual appetites or inclinations including but not limited to a body rub advertised by any means as "sensual", "sexy" or by any other word or any depiction having like meaning or implication, and does not include a body rub performed for the purpose of medical or therapeutic treatment provided by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.
(By-law No. 10-076, April 14, 2010)

**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.
(By-law No. 10-076, April 14, 2010)

**Building**

Shall mean a structure, whether permanent or temporary, with walls or a roof or part thereof, used or intended to be used for shelter, accommodation or enclosure of persons, animals, goods or chattels. For the purposes of this By-law, a shipping storage container shall be construed to be a building when located on a lot.

**Building Code Act**

Shall mean the Building Code Act, 1992, S.O. 1992, c.23, or any amendments thereto.

**Building Base**

Shall mean the maximum vertical distance measured between the base of the façade at finished grade level to the first required stepback.
(By-law No.18-114, May 9, 2018)

**Building Height**

Shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.
(By-law No. 07-101, March 28, 2007)
(By-law No. 14-238, September 10, 2014)

**Building or Contracting Supply Establishment**

Shall mean the use of land, building or structure, or part thereof, in which building, construction or home improvement materials are warehoused and which may include accessory retail.
(By-law No. 10-128, May 26, 2010)

**Building and Lumber Supply Establishment**

Shall mean the use of land, building or structure, or part thereof, for a retail store and any associated outdoor storage which predominantly sells lumber and a wide range of building and home construction materials along

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| | with ancillary sales of construction tools, gardening products, and home design products. (By-law No. 10-128, May 26, 2010), (By-law No. 11-276, November 16, 2011) (By-law No. 17-240, November 8, 2017) |
| **Bulk Fuel and Oil Storage Establishment** | Shall mean the use of land, building or structure, or part thereof, for the bulk storage or wholesale distribution of gasoline, oil, petroleum products or other flammable liquids, but shall not include a Motor Vehicle Service Station or a Motor Vehicle Gas Bar. (By-law No. 10-128, May 26, 2010) |
| **Cannabis Growing and Harvesting Facility** | Shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law. (By-law No. 14-163, June 25, 2014) (By-law No. 15-173, July 10, 2015) (By-law No. 18-266, September 12, 2018) |
| **Casino** | Shall mean a building or structure, or part thereof, in which any activity or game of chance or skill for money as approved by the Province of Ontario or other designated approval authority, and may include accessory restaurants and offices, and shall not include Adult Entertainment Parlour, bingo hall, or Commercial Entertainment. (By-law No. 17-240, November 8, 2017) |
| **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. |
| **Cellar** | Shall mean that portion of a building which is partly below grade but which has one half or less of its height, from the underside of the finished ceiling, above grade. |
| **Cemetery** | Shall mean land used for the internment of |

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| | human remains and may include a mausoleum, columbarium, crematorium or structure intended for or used in the internment of human remains.<br>(By-law No. 06-166, June 14, 2006) |
| **Child Care Centre** | Shall mean a facility under the Child Care and Early Years Act, as amended, for the purpose of providing temporary care of children for a continuous period not exceeding twenty-four hours, but shall not include Home Child Care.<br>(By-law No. 25-155, August 06, 2025) |
| **City** | Shall mean the City of Hamilton. |
| **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, circuses, bingo halls, dance club, cultural events, and escape rooms. Commercial Entertainment may include reception centres but shall not include an Amusement Arcade, Adult Entertainment Parlour, or Casino.<br>(By-law No. 06-324, October 25, 2006)<br>(By-law No. 16-265, October 12, 2016)<br>(By-law No. 17-240, November 8, 2017)<br>(By-law No. 19-062, March 27, 2019) |
| **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.<br>(By-law No. 10-128, May 26, 2010) |
| **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 any parking spaces provided in the minimum or maximum quantity required by this By-law for a permitted use.<br>(By-law No. 18-219, August 17, 2018) |
| **Commercial Recreation** | Shall mean the use of an establishment, for a fee, for the provision of athletic and 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 indoor and outdoor 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.
(By-law No. 17-240, November 8, 2017)

**Commercial School**

Shall mean

a) an establishment used for the study or instruction of a performing or visual art, such as but not limited to, dancing, singing, acting or modelling and which is operated on a financial profit basis; and,

b) 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.
(By-law No. 17-220, October 25, 2017)
(By-law No. 23-079, May 10, 2023)

**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.
(By-law No. 07-043, February 15, 2007)
(By-law No. 10-128, May 26, 2010)

**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, landscape open space, landscaped strip or landscaping.
(By-law No. 14-273, September 24, 2014)

**Computer, Electronic and Data Processing Establishment**

Shall mean the use of land, building or structure, or part thereof, for the research, development, input, prototypical manufacturing, processing and printing of data and which may include the design, manufacturing and warehousing of electronic equipment or software.
(By-law No. 07-043, February 15, 2007)
(By-law No. 10-128, May 26, 2010)
(By-law No. 11-276, November 16, 2011)

**Condominium Act**

Shall mean the Condominium Act, S.O. 1998, Chapter 19, and any amendments thereto.

**Conference or Convention Centre**

Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings cultural events and other similar activities including an Exhibition Facility, circus, and public hall. A Conference or Convention Centre may include dining facilities for the exclusive use of conference or convention participants, and the selling of goods related to the event.
(By-law No. 06-324, October 25, 2006)
(By-law No. 17-220, October 25, 2017)
(By-law No. 19-062, March 27, 2019)

**Conservation**

Shall mean the use of land, buildings or structures for the purpose of the protection and management of the natural environment.
(By-law No. 06-166, June 14, 2006)

**Contractor's Establishment**

Shall mean the use of land, building, structure or part thereof, by a contractor, for the storage and maintenance of equipment used by the contractor, but shall not include a Salvage Yard.
(By-law No. 10-128, May 26, 2010)

**Correction Facility**

Shall mean a facility used as a secure facility for people who are on remand, serving a sentence or awaiting transfer to another correctional facility and which facility is owned, operated, funded or supervised by the Province of Ontario or the Federal Government, but shall not include a corrections residence.

**Corrections Residence**

Shall mean a group living arrangement in a secure facility, for people who have been placed on probation, who have been released on parole, or who are admitted to the facility for correctional or rehabilitation purposes, and live together with the requirements of its residents and accepted standards for secure detention. A corrections residence is licensed, funded, approved or has a contract or agreement with the Province of Ontario or Federal Government, but shall not include a correctional facility, emergency shelter, or a residential care facility.

**Craftsperson Shop**

Shall mean an establishment used for the creation, finishing, refinishing or similar production of custom or hand-made commodities, together with the retailing of such commodities.

**Daylight Triangle**

Shall mean a triangular area formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them from their point of intersection.

**Deck**

Shall mean a structure accessory to a building with or without roof or walls, which may include visual partitions and railings, and is constructed on piers or a foundation at a minimum of 0.15 metres above-grade.
(By-law No. 14-238, September 10, 2014)

**Demolition**

Any act or process which destroys in part or on whole any building or structure or any act or process which threatens to destroy a Cultural Heritage Resource by failure to maintain it in a condition of good repair and maintenance.
By-law No.18-114, May 9, 2018)

**Development**

A change in the use of any land, building, or structure for any purpose, and shall include the carrying out of any building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure.
(By-law No.18-114, May 9, 2018)

**Ditch**

Shall mean a small to moderate excavation created to channel water.
**(**By-law No. 21-071, May 12, 2021)

**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 and a Motor Vehicle Service Station.
(By-law No. 11-276, November 16, 2011)
(By-law No. 17-240, November 8, 2017)

**Dry Cleaning Plant**

Shall mean a building where dry cleaning, dry dyeing, washing or pressing of articles of clothing is conducted.

**Dwelling**

Shall mean a building used or intended to be used for human habitation but shall not include a recreational vehicle or tent, or Farm Labour Residence.
(By-law No. 15-173, July 10, 2015)

**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.
(By-law No. 18-219, August 17, 2018)

**Duplex Dwelling** – shall mean a building containing two dwelling units, but shall not include a semi-detached dwelling.

**Fourplex Dwelling** – shall mean a building containing four dwelling units with at least one dwelling unit entirely or partially above another dwelling unit but shall not include a street townhouse dwelling.
(By-law No. 24-051, April 10, 2024)

**Multiple Dwelling** – shall mean a building or part thereof containing five or more dwelling units but shall not include a street townhouse dwelling.
(By-law No. 24-051, April 10, 2024)

**Multiple Dwelling Townhouse** – shall mean:

i) one separate building containing five or more dwelling units; or,

ii) two or more separate buildings containing three or more dwelling units each which form one comprehensive development containing a total of five or more dwelling units;

And,

i) Dwelling units are divided by common walls preventing internal access between units;

ii) Each dwelling units has at least one exclusive exterior pedestrian access;

iii) Dwelling Units within a Multiple Dwelling Townhouse may have shared amenity area(s), parking area(s), and common vehicular access to a street, such as a condominium road.

iv) A Multiple Dwelling Townhouse shall include a block townhouse, a stacked townhouse, a back-to-back townhouse, a stacked back-to-back townhouse, a maisonette, and a townhouse development comprising townhouse units on parcels of tied land, except as restricted in this By-law.
(By-law No. 25-075, April 16, 2025)

**Semi-Detached Dwelling** – shall mean a building divided vertically into two dwelling units, by a common wall which prevents internal access between semi-detached dwelling units

and extends from the base of the foundation to the roof line and for a horizontal distance of not less than 35% of the horizontal depth of the building. Each semi-detached dwelling unit shall be designed to be located on a separate lot having access to and frontage on a street.

**Single Detached Dwelling** - shall mean a separate building containing one Dwelling Unit.
(By-law No. 25-155, August 06, 2025)

**Street Townhouse Dwelling Unit** – shall mean a building divided vertically into three or more dwelling units, by common walls which prevent internal access between units and extend from the base of the foundation to the roof line and for a horizontal distance of not less than 35 percent of the horizontal depth of the building but shall not include a Multiple Dwelling Townhouse. Each street townhouse dwelling unit shall be designed to be on a separate lot having direct access to and frontage on a street.
(By-law No. 11-276, November 16, 2011)
(By-law No. 25-075, April 16, 2025)
(NOT FINAL & BINDING, By-law No. 26-179, October 07, 2026)

**Triplex Dwelling** - shall mean a building containing three dwelling units with at least one dwelling unit entirely or partially above another dwelling unit but shall not include a street townhouse dwelling.
(By-law No. 24-051, April 10, 2024)

**Dwelling Unit, Mixed Use**

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 and shall be located in the same building as a non-residential use permitted in the zone.
(By-law No. 17-240, November 8, 2017)
(By-law No. 19-062, March 27, 2019)
(By-law No. 21-189, October 13, 2021)

(By-law No. 25-155, August 06, 2025)

**Education Act**

Shall mean the Education Act, R.S.O. 1990, c.E.2 and any amendments thereto.

**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 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 may include an "out of the cold" program but 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.
(By-law No. 19-062, March 27, 2019)

**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.
(By-law No. 10-128, May 26, 2010)

**Erect**

Shall mean, with reference to a building or structure, to build, construct, enlarge, reconstruct or alter, and shall include the moving of a building or structure from one location to another; and "erected" and "erection" shall have the same corresponding meaning.

**Exhibition Facility**

Shall mean a place which is used to house an exhibition, operated over the duration of four consecutive weeks or less and limited to only those exhibitors registered with the organization holding the exhibition. The retailing of goods, materials or services, including motor vehicles

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| | and major recreational equipment, associated with the exhibition may be permitted in such a facility subject to municipal licensing requirements where applicable.<br>(By-law No. 11-276, November 16, 2011) |
| **Existing** | Shall mean legally established on the effective date of this By-law or applicable amendments thereto. |
| **Façade** | Shall mean a building wall or series of building walls facing a street. |
| **Façade Height** | Shall mean the vertical distance between the base of the façade at finished grade level and the lowest point of the top of the façade. |
| **Farm Implement Dealership** | Shall mean the use of land, building, or structure, or part thereof, where new and/or used equipment or machinery designed and used for agricultural or horticultural uses, including machinery attachments and parts are stored and displayed for the purpose of sale, rental or leasing and may include a building for<br><br>the storage and sale of machinery attachments and parts, and lubricants for the equipment and machinery. The use shall also be prescribed under the Farm Implements Act.<br>(By-law No. 19-062, March 27, 2019) |
| **Farm Labour Residence** | Shall mean accommodation for full-time farm labour where the size and nature of the farm operation requires additional employment.<br>(By-law No. 15-173, July 10, 2015 (deleted))<br>(By-law No. 21-071, May 12, 2021) |
| **Farm Produce/Product Stand (Urban)** | Shall mean a building or structure used for the sale of fresh fruit, vegetables, and edible plants which are grown on an urban farm on a seasonal basis. Products derived from the urban farm produce may also be sold.<br>(By-law No. 14-273, September 24, 2014) |
| **Farm Produce/Product** | Shall mean a building or structure where fresh |

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| **Stand (Rural)** | fruit and vegetables, flowers and plants grown and other products derived from the Agricultural operation on the same property are offered for sale on a seasonal basis.<br>(By-law No. 15-173, July 10, 2015) |
| **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.<br>(By-law No. 10-128, May 26, 2010) |
| **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. |
| **Floor Area Ratio** | Shall mean the figure obtained when the gross floor area on a lot is divided by the lot area. |
| **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 and a crematorium.<br>(By-law No. 17-240, November 8, 2017) |
| **Garden Centre** | Shall mean the use of land, building or structure, or part thereof, for the display and sale of plants, gardening and landscaping supplies and equipment.<br>(By-law No. 10-128, May 26, 2010) |
| **Golf Course** | Shall mean the use of land for the purpose of playing golf and may include such buildings and structures necessary for the operation and maintenance of the golf courses well as Accessory uses such as a club house, restaurant and a dwelling for maintenance and/or security purposes.<br>(By-law No. 15-173, July 10, 2015) |
| **Grade** | Shall mean the average level of the proposed or |

finished ground adjoining a building calculated along the perimeter of all exterior walls.

**Greenhouse**

Shall mean a building or structure used for the growing of agricultural product that is climatically controlled and made primarily of translucent building material.
(By-law No. 18-219, August 17, 2018)

**Green Roof**

A treatment to a rooftop that supports living vegetation and includes a synthetic, high quality waterproof membrane, drainage layer, root barrier, soil layer, and vegetation layer.
(By-law No. 18-114, May 9, 2018)

**Gross Floor Area**

Shall mean the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building (excluding any cellar or floor area having a ceiling height of 2.0 metres or less or devoted exclusively to parking) within all buildings on a lot but shall not include any area devoted to mechanical equipment.
(By-law No. 11-276, November 16, 2011)

**Habitable Room**

Shall mean any room used for living, eating or sleeping, but does not include a bathroom,

laundry, corridor, cellar or other space not used frequently or for extended periods.

**Hazardous Waste Management Facility**

Shall mean a Waste Transfer Facility, a Waste Processing Facility or a Waste Disposal Facility that handles Hazardous Waste and for which an Environmental Compliance Approval for such purpose under Part V of the Environmental Protection Act is required. A Hazardous Waste Management Facility may also include the storage, transfer or processing of non-hazardous waste.
(By-law No. 10-128, May 26, 2010)
(By-law No. 14-238, September 10, 2014)

**Hazardous Waste**

Shall mean materials that are defined as Hazardous Waste under Ontario Regulation 347 to the Environmental Protection Act.
(By-law No. 10-128, May 26, 2010)

**Health Professional**

Shall mean an individual who practices any of the health disciplines regulated under a Provincial Act, such as, but not limited to, physicians, dentists, optometrists, pharmacists, physiotherapists, chiropractors and psychologists, and disciplines not regulated under a Provincial Act such as an Osteopath.
(By-law No. 19-062, March 27, 2019)

**Highway Traffic Act**

Shall mean the Highway Traffic Act, R.S.O. 1990, c. H.8 or any amendments thereto.

**Home Business**

Shall mean a use conducted as a business in a dwelling unit which is secondary to the use of the dwelling unit as a private residence.

**Home Child Care**

Shall mean a portion of a Dwelling used for the purpose of providing temporary care to children for a continuous period not exceeding twenty-four hours that:

i) is licensed in accordance with the requirements of the Child Care and Early Years Act, as amended; or,

ii) is not licensed under the Child Care and Early Years Act, as amended, and the number of children does not exceed five.

(By-law No. 25-155, August 06, 2025)

**Home Furnishing 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.
(By-law No. 10-128, May 26, 2010)

**Home Improvement Supply Establishment**

Shall mean a retail store predominantly selling a focused range of building supplies including, but not limited to paints, carpets, tiles, bathroom fixtures, lighting fixtures, and similar

products.
(By-law No. 17-240, November 8, 2017)

**Home Industry**

Shall mean a Secondary use to an Agricultural operation on the same lot, which is limited to a use directly related to Agriculture such as the

repair of agricultural equipment, or a Craftsperson Shop, Tradespersons Shop, or artisans studio, together with the retailing of commodities produced, but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Service Station, Motor Vehicle Wrecking Establishment, or Contractor's Establishment.
(By-law No. 15-173, July 10, 2015)

**Hotel**

Shall mean a commercial establishment used for temporary rental sleeping accommodation for travellers 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, but shall not include a Casino, and for the purposes of this By-law a motel, motor hotel or an apartment hotel shall be deemed to be a "hotel".
(By-law No. 17-240, November 8, 2017)

**Household**

Shall mean one or more persons living together as a single, non-profit housekeeping unit, sharing all areas of the dwelling unit and may, in addition, be designed to accommodate lodging units containing less than four residents.

**Industrial Administrative Office**

Shall mean an office for the management of administration of Manufacturing establishments.
(By-law No. 10-128, May 26, 2010)

**Kennel**

Shall mean the use of land, building or structure, or part thereof, for the breeding, raising, training, sheltering or boarding of dogs, cats and other domestic animals, but shall not include Veterinary Service and Veterinary Service – Farm Animal, or the keeping of farm animals as part of an Agricultural operation.
(By-law No. 15-173, July 10, 2015)

**Laboratory**

Shall mean a building or part thereof, used for scientific or technical research, testing, evaluation or redevelopment.
(By-law No. 16-265, October 12, 2016)

**Labour Association Hall**

Shall mean the use of land, building, or structure, or part thereof, as a meeting place by labour or trade unions and which is operated for the exclusive use of members and their guests and is not open to the general public on an equal basis, and which may include but not be limited to administrative offices, training facilities and meeting rooms. A Labour Association Hall may also include a Trade School.
(By-law No. 10-128, May 26, 2010)

**Landscaped Area**

Shall mean any portion of a lot which:

a) Contains no building thereon;

b) Is not used for parking, access to parking, driveways or loading space;

c) Is used for the purpose of landscaping; and,

d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes.

(By-law No. 11-276, November 16, 2011)
(By-law No. 18-219, August 17, 2018)
(By-law No. 19-062, March 27, 2019)

**Landscaped Parking Islands**

Shall mean a curbed portion of land for the growing of ornamental shrubs or trees, flowers, grass, and other vegetation, suitable to the soil and climatic conditions of the area of land for the purpose of landscaping within a parking lot, and shall include walkways, fire hydrants, decorative walls, or features, and light standards, and shall not form part of a Planting Strip or Landscaped Area.
(By-law No. 17-240, November 8, 2017)
(By-law No. 19-062, March 27, 2019)

**Landscaping**

Shall mean outdoor space for use, enjoyment and recreation and shall include natural vegetation areas and constructed areas such as patios, decks, playgrounds, pathways, outdoor

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| | recreational amenities, fencing, decorative architectural features and retaining walls.<br>(By-law No. 11-276, November 16, 2011) |
| **Landscape Contracting Establishment** | Shall mean the use of land, building or structure, or part thereof, where soil, mulch, rock, screening and other similar landscape materials are stored and offered for sale on a wholesale basis and which may include but not be limited to the storage of related equipment. Accessory snow removal equipment shall also be permitted.<br>(By-law No. 10-128, May 26, 2010) |
| **Landscape Contracting Establishment – Secondary** | Shall mean a Secondary use to a Nursery operation on the same lot, which is limited to storage of soil, composted materials and other soil amendments, mulch, rock, screening and other similar landscape materials; landscape design services and off-site landscape installation services; storage of landscaping and horticultural maintenance equipment; composting and mixing of soil and soil amendments; and Accessory storage of snow removal equipment.<br>(By-law No. 15-173, July 10, 2015) |
| **Laneway** | Shall mean a public highway or road allowance having a width of less than 12.0 metres. |
| **Liquor Licence Act** | Shall mean the Liquor Licence Act, R.S.O.1990 c. L.19 and any amendments thereto. |
| **Livestock Assembly Point** | Shall mean feedlots, livestock auction markets, livestock assembly pens, stockyards, dealers in livestock, cooperative or buying stations, livestock shows, or other places where livestock is assembled for the purposes of sale, show, exchange, breeding, barter, or transportation, and where the assembled livestock has more than one owner, but shall not include Retail pet stores. The assembly point may handle one or more species of livestock.<br>(By-law No. 15-173, July 10, 2015) |
| **Local Agricultural Products** | Shall be defined as fruits, vegetables, grains, |

seeds, flowers, herbs, dairy, fish, meat and poultry, maple, or honey bee products that have been grown or produced as part of Ontario farm operations.
(By-law No. 15-107, April 22, 2015)

**Lodging House**

Shall mean a dwelling containing one or more lodging units designed to accommodate four or more residents. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household. This shall not include a long term care facility, hospital, hotel or any residential care facility licensed; approved or supervised under any general or specific Act. This shall include but not be limited to, student residences and convents.

**Lodging Unit**

Shall mean a room or set of rooms located in a lodging house designed or intended to be used for sleeping and living accommodation, which:

a) Is designed for the exclusive use of the resident or residents of the unit;

b) Is not normally accessible to persons other than the resident or residents of the unit; and,

c) May contain either a bathroom or full kitchen but does not contain both for the exclusive use of the resident or residents of the unit.

**Long Term Care Act**

Shall mean the Long Term Care Act, 1994, S.O. 1994, c. 26 and any amendments thereto.

**Long-Term Care Facility**

Shall mean an institutional care facility as licensed under the Long Term Care Act.

**Lot**

Shall mean a parcel of land which can be legally conveyed pursuant to the provisions of the Planning Act, except in relation to a Multiple Dwelling Townhouse comprising townhouse units on parcels of tied land, where, in such case, lot shall mean the cumulative parcels of

land comprising the parcels of tied land and common element condominium lands tied thereto.

**Corner Lot** - shall mean,

a) A lot situated at the intersection of two or more streets or a lot abutting on one or more parts of the same street where such intersections have an angle of intersection of 135 degrees or less; or,

b) A lot located on the curve of a street where the angle of intersection of the projected tangents of the street line does not exceed 135 degrees.

**Interior Lot** - shall mean a lot with frontage on a street excluding a corner lot.

**Through Lot** - shall mean an interior lot having frontage on two streets.

(By-law No. 25-075, April 16, 2025)

**Lot Area**

Shall mean the total horizontal area within the lot lines of a lot.

**Lot Coverage**

Shall mean the percentage of the lot covered by all buildings, but shall not include swimming pools and decks.

**Lot Line**

Shall mean the boundary of a lot including the vertical projection thereof.

**Flankage Lot Line** - shall mean a lot line other than a front lot line that abuts a street.

**Front Lot Line** – shall mean any lot line abutting a street, and:

a) With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets, except where both lot lines are of equal length, at the option of the owner, either of the lot lines abutting a

public street may be considered as the front lot line;

b) With reference to a through lot, shall mean, at the option of the owner, either of the lot lines abutting a public street; or,

c) With reference to an interior lot with multiple lot lines abutting a street, shall mean the shorter of the lot lines abutting the street.
(By-law No. 14-238, September 10, 2014)
(By-law No. 18-219, August 17, 2018)

**Rear Lot Line** - shall mean the lot line farthest and opposite to the front lot line and whereas in the case of a triangular shaped lot, the rear lot line will be the intersection point of the side lot lines.

**Side Lot Line** - shall mean any lot line other than a front or rear lot line. The Hypotenuse of a Daylight Triangle shall also be a side lot line.
(By-law No. 10-128, May 26, 2010)

**Lot Width**

Shall mean the horizontal distance between the side lot lines of a lot measured at the required front yard. Provided, however, that in the case of a lot which has a required front yard of less than 6.0 metres, the lot width shall be measured at the 6.0 metre front yard distance.

Provided, however, where a corner lot has a partially curved street line, the lot width shall be measured between the point of the connections of the projections of the street lines a distance of 6.0 metres back from the front lot line along the side lot line.

**Major Recreational Equipment**

Shall mean either a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel, and shall include, for example, motor homes, travel trailers, tent

trailers, boats, boat trailers, motorized snow vehicles or other like or similar equipment, excluding bicycles.

**Major Recreational Equipment Sales, Rental and Service Establishment**

Shall mean the use of land, building or structure, or part thereof, for the display and retail sale of travel trailers, recreational vehicles and boats and which may include but not be limited to 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 Dealership.
(By-law No. 10-128, May 26, 2010)
(By-law No. 22-084, April 13, 2022)
(By-law No. 24-137, July 12, 2024)

**Manufacturing**

Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully-processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Dry Cleaning Plant, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility or Alcohol Production Facility.
(By-law No. 10-128, May 26, 2010)
(By-law No. 18-219, August 17, 2018)
(By-law No. 19-062, March 27, 2019)
(By-law No. 21-189, October 13, 2021)

**Marina**

Shall mean a commercial establishment or premises, containing docking or mooring facilities where recreational boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or lease and where facilities for the sale of marine fuels or lubricants, ancillary retail sales, ancillary restaurants and taxi and/or barging service may

also be provided, but shall not include Marine Service.
(By-law No. 06-166, June 14, 2006)
(By-law No. 18-092, April 11, 2018)

**Marine Service**

Shall mean an establishment or premises used for the purpose of commercial marine shipping activities, and shall include, but not limited to, the embarking and disembarking of cruise ship passengers, the towing, piloting and inspecting of marine vessels, marine cargo and freight handling, marine salvage and marine vessel recovery, marine shipping agency, and boat and ship building and repairs, but shall not include a Marina.
(By-law No. 18-092, April 11, 2018)

**Medical Clinic**

Shall mean a building, or part thereof, which is used 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 other similar facilities, and may include overnight accommodation.
(By-law No. 07-043, February 15, 2007)
(By-law No. 11-276, November 16, 2011)
(By-law No. 24-137, July 12, 2024)

**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.
(By-law No. 16-265, October 12, 2016)

**Mineral Aggregate Resources**

Shall mean gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.
(By-law No. 15-173, July 10, 2015)

**Mineral Aggregate Operation**

Shall mean:

a) Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto;

b) For lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator,
to permit the continuation of the operation; and,

c) Associated facilities used in extraction, transport, beneficiation, processing or recycling of Mineral Aggregate Resources, including concrete and asphalt recycling, and shall include a concrete batch plant, but shall not include an asphalt plant or the production of secondary related products.

(By-law No. 15-173, July 10, 2015)

**Mobile Home**

Shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include major recreation equipment such as a travel trailer or tent trailer.

**Model Home**

Shall mean a single detached dwelling, semi-detached dwelling, multiple dwelling, street townhouse dwelling or a block of townhouse dwelling units used in the interim for the sole purpose of an office and/or show room and/or sales centre each of which shall promote the sale of residential units within a draft approved plan of subdivision or a registered plan of subdivision.

(By-law No. 15-286, December 9, 2015)

**Motor Vehicle**

Shall mean an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power.

**Motor Vehicle – Commercial**

Shall mean a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus, a tractor, and a tow truck used for hauling purposes on a highway, but shall not include:

a) a commercial motor vehicle leased for no longer than thirty days by an individual for the transportation of goods kept for that individual's personal use or the gratuitous carriage of passengers,

b) a commercial motor vehicle operated under a permit and number plates that is not transporting passengers or goods,

c) a commercial motor vehicle operated under the authority of an In-Transit permit; and,

d) a bus that is used for personal purposes without compensation.

(By-law No. 11-276, November 16, 2011)
(By-law No. 24-052, April 10, 2024)

**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.

(By-law No. 10-128, May 26, 2010)

**Motor Vehicle Dealership**

Shall mean the use of land, 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
(By-law No. 17-240, November 8, 2017)
(By-law No. 19-062, March 27, 2019)

**Motor Vehicle Gas Bar**

Shall mean a use on a lot, where fuel or lubricants are offered for sale, or where electric vehicles are charged for a fee, 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.
(By-law No. 17-240, November 8, 2017)
(By-law No. 24-052, April 10, 2024)

**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 charging of electric vehicles for a fee, 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 a Motor Vehicle Collision Repair Establishment, Motor Vehicle Sales and Service Establishment, or a Motor Vehicle Wrecking Establishment.
(By-law No. 07-043, February 15, 2007)
(By-law No. 10-128, May 26, 2010)
(By-law No. 11-276, November 16, 2011)
(By-law No. 17-240, November 8, 2017)
(By-law No. 24-052, April 10, 2024)

**Motor Vehicle Stacking Space**

Shall mean an area devoted to the waiting or queuing of motor vehicles accessing a drive through facility, separate from any aisle providing access to and from any parking area. (By-law No.

10-128, May 26, 2010)

**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.
(By-law No. 17-240, November 8, 2017)

**Motor Vehicle Wrecking Establishment**

Shall mean the use of land, building or structure, or part thereof, for the storage, dismantling, crushing or demolition of unlicensed, inoperable or derelict Motor Vehicles or Commercial Motor Vehicles and which may include the storage and sale of salvaged material or parts obtained therefrom, but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Service Station, motor Vehicle Washing Establishment or a Salvage Yard.
(By-law No. 10-128, May 26, 2010)

**Municipal Act**

Shall mean the Municipal Act, 2001, S.O. 2001, c. 25 and any amendments thereto.

**Nursery**

Shall mean an Agricultural operation for the growing of plants, shrubs, trees or similar vegetation and may include Accessory retailing of horticultural products grown on site and bulk product such as, but not limited to, soil, mulch and aggregate.
(By-law No. 15-173, July 10, 2015)

**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 but not be limited to an Industrial Administrative Office and a Surveying, Engineering, Planning or Design Business, but shall not include a Medical Clinic.
(By-law No. 10-128, May 26, 2010)
(By-law No. 16-265, October 12, 2016)

**Outdoor Commercial Patio**

Shall mean any outdoor area used in conjunction with any establishment licensed under the Liquor Licence Act, where meals or refreshments are served to the public for

consumption on the premises.

**Parking Lot** — Shall mean an area located on a lot which contains five or more parking spaces.

**Parking Space** — Shall mean an unobstructed space that is designed to be used for the temporary parking of a motor vehicle for other than the purpose of sale or display.

(By-law No. 18-219, August 17, 2018)

**Parking Space, Electric Vehicle** — Shall mean a Parking Space that is either a Parking Space, Electric Vehicle Capable, or a Parking Space, Electric Vehicle Ready.

(By-law No. 24-052, April 10, 2024)
(By-law No. 24-052-OLT-02, June 05, 2026)

**Parking Space, Electric Vehicle Capable** — Shall mean an Electric Vehicle Parking Space with conduit installed to an electrical panel to support future implementation of Level 2 charging or higher.

(By-law No. 24-052-OLT-02, June 05, 2026)

**Parking Space, Electric Vehicle Ready** — Shall mean an Electric Vehicle Parking Space that is equipped with an energized outlet and has the capacity to provide Level 2 charging or higher.

(By-law No. 24-052-OLT-02, June 05, 2026)

**Parking Space, Tandem** — Shall mean one Parking Space located immediately behind another Parking Space, leaving one Parking Space without direct access to an aisle or driveway.

(By-law No. 18-219, August 17, 2018)

**Performing Arts Theatre** — Shall mean a building or structure or part thereof, used for the presentation of musical, theatrical, dance, or other live performances and may include lounges, dressing rooms, workshop rooms, storage areas, but shall not include a cinema.
(By-law No. 17-240, November 8, 2017)

**Personal Service** — Shall mean the provision of services involving

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| | 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, Yoga Studio, or microblading, but shall not include a Dry Cleaning Plant or a Body Rub Parlour.<br>(By- law No. 10-076, April 14, 2010)<br>(By-law No. 18-219, August 17, 2018)<br>(By-law No. 19-062, March 27, 2019)<br>(By-law No. 24-137, July 12, 2024) |
| **Pharmaceutical and Medical Establishment** | Shall mean an establishment or part thereof, where research, investigation, development, manufacturing and/or technical experimentation, related to the medical field, is carried out and shall include but not be limited to clinical testing, prototype production facilities and overnight patient accommodation related to such research, clinical trials, investigation or experimentation.<br>(By-law No. 07-043, February 15, 2007) |
| **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 Commercial Entertainment establishment, Conference or Convention Centre or a Labour Association Hall.<br>(By-law No. 16-265, October 12, 2016) |
| **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, bookstore, out of the cold program, Child Care Centre and educational or recreational uses.<br>(By-law No. 06-324, October 25, 2006)<br>(By-law No. 19-062, March 27, 2019)<br>(By-law No. 25-155, August 06, 2025) |
| **Planned Business Centre** | Shall mean a group of business establishments within an Industrial Zone which is planned, |

developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy, but shall not be considered as a Shopping Centre.
(By-law No. 10-128, May 26, 2010)
(By-law No. 18-219, August 17, 2018)

**Planning Act**

Shall mean the Planning Act, R.S.O. 1990, c. P.13 and any amendments thereto.

**Planting Strip**

Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, and sidewalks unless a walkway or sidewalk traverses the planting strip to provide access to the site.
(By-law No. 07-043, February 15, 2007)
(By-law No. 11-276, November 16, 2011)
(By-law No. 19-062, March 27, 2019)
(By-law No. 22-084, April 13, 2022)
(By-law No. 24-052, April 10, 2024)

**Privacy Area**

Shall mean an open area:

a) Located on the same lot and accessory to a particular dwelling unit, access to which area is directly provided through a doorway to the habitable portion of the unit; and,

b) That is separate from and not included with walkways, play areas or any other communal or common area.

**Private Club or Lodge**

Shall mean the use of land, building or structure, or part thereof, for social, literary, cultural, political, educational or recreational purposes which is operated for the exclusive use of members and their guests and not open to the general public on an equal basis, but shall not include a fitness club, retail or a Labour Association Hall.

(By-law No. 06-324, October 25, 2006)
(By-law No. 10-128, May 26, 2010)
(By-law No. 11-276, November 16, 2011)

**Private Energy Storage System**

Shall mean a system or facility not owned or operated by a utility company, that operates as the principal use of the property for capturing energy produced at one time for use at a later time, and shall include, for example, but not limited to flywheels, pumped hydro storage, hydrogen storage, fuels storage, compressed air storage, or battery storage.

(By-law No. 26-111, June 24, 2026)

**Private Power Generation Facility**

Shall mean the use of land, building or structure, or part thereof, for the generation and transmission of heat, steam or electricity, and which may include the sale of electricity back into the grid but shall not include a Waste Management Facility or Private Energy Storage System.

(By-law No. 10-128, May 26, 2010)
(By-law No. 26-111, June 24, 2026)

**Privately Owned Public Space**

Shall mean an area intended for use by the public for recreational, cultural or other purposes, including outdoor seating areas, walkways, or landscaped areas, which is secured through a legal agreement, financial arrangement or other means to the satisfaction of the City.
(By-law No. 25-155, August 06, 2025)

**Production Studio**

Shall mean the use of land, building or structure or part thereof,

a) used for the creation and production of motion pictures or audio or video recordings and the associated warehousing, prop and set design and storage.

b) Digital media uses such as animation studio, and associated software development and processing.

But shall not include the mass reproduction of

film.
(By-law No. 17-220, October 25, 2017)

**Provincial Offences Act** — Shall mean the Provincial Offences Act, R.S.O. 1990, c. P.33 and any amendments thereto.

**Recreation** — Shall mean the use of lands for leisure, passive and/or athletic activities, and shall include Recreation, Passive.
(By-law No. 06-166, June 14, 2006)

**Recreation, Passive** — Shall mean activities that involve relatively unorganized recreational pursuits, generally in the outdoors, such as walking, sitting and picnicking.
(By-law No. 06-166, June 14, 2006)

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

**Research and Development Establishment** — Shall mean the use of land, building or structure, or part thereof, for the purpose of conducting pure and applied research, analysis and experimentation in any field of science, medicine, technology and manufacturing and shall include but not be limited to facilities such as lecture rooms, administrative offices, laboratories, training facilities such as lecture rooms, administrative offices, laboratories, training facilities, display rooms, pilot plants, prototypical manufacturing, simulating equipment and the like, and service and machine shops to serve the Research and Development Establishment. A Research and Development Establishment shall also include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Laboratory, Pharmaceutical and Medical Establishment, and/or a Science and Technology Establishment.
(By-law No. 10-128, May 26, 2010)

**Residential Care Facility** — Shall mean a group living arrangement within a

fully detached residential building for supervised residents where supports and/or services are provided on site, and may:

a) House residents referred to the facility by a hospital, court, or government agency; and,

b) Be a facility licensed, funded, and approved by a contract or agreement with the Federal, Provincial or Municipal Governments.

A residential care facility shall not include an emergency shelter, lodging house, corrections residence, or correctional facility.
(By-law No. 22-197, August 12, 2022)

**Residential Zone**

Shall mean:

i) The residential districts in Hamilton Zoning By-law No. 6593;

ii) The residential zones in Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, and City of Stoney Creek Zoning By-law No. 3692-92; and,

iii) The residential zones in Hamilton Zoning By-law No. 05-200.
(By-law No. 17-240, November 8, 2017)
(By-law No. 23-079, May 10, 2023)

**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 Licence Act. A Restaurant may also include a night club, tavern and bar.
(By-law No. 19-062, March 27, 2019)

**Retail**

Shall mean the sale or rental of goods or materials to the ultimate consumer which shall include but not be limited to Building or Contracting Supply Establishment, Building and Lumber Supply Establishment, Home Furnishing Retail Establishment, Home Improvement Supply Establishment, 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.
(By-law No. 17-240, November 8, 2017)

**Retirement Home**

Shall mean a multiple dwelling where all 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.
(By-law No. 06-324, October 25, 2006)

**Salt Storage Facility**

Shall mean the use of land, building or structure for the storage of road salt or salt/sand mixture which is transported to the site in bulk.
(By-law No. 15-173, July 10, 2015)

**Salvage Yard**

Shall mean the use of land, building or structure, or part thereof, for storing, wrecking, dismantling, processing, recycling and selling used goods, wares, materials and which may include, but not be limited to household items, clothing, furniture, paper, bottles, building materials, scrap metal, machinery, heavy equipment or parts thereof, and shall include but not be limited to a Motor Vehicle Wrecking Establishment. A Salvage Yard shall not include a Waste Management Facility.
(By-law No. 10-128, May 26, 2010)

**Science and Technology**

Shall mean the use of land, building or

**Establishment**

structure, or part thereof, where scientific and technological research, investigation, development, manufacturing or technical experimentation is carried out and shall include but not be limited to facilities such as laboratories, pilot plants and prototype manufacturing.
(By-law No. 07-043, February 15, 2007)
(By-law No. 10-128, May 26, 2010)

**Seasonal Campground**

Shall mean the use of land, building or structure for seasonal recreational tenting and camping facilities for recreational or vacation purposes and may include Accessory uses such as washrooms, laundry facilities, a convenience store, administrative offices, utility buildings and sports fields.
(By-law No. 15-173, July 10, 2015)

**Secondary**

Shall mean, when used to describe a use of land, building or structure, a use which is secondary to the principal use of the property.
(By-law No. 15-173, July 10, 2015)

**Self Storage Facility**

Shall mean the use of a building or part thereof, for the storage of goods in individual storage units, for a fee.
(By-law No. 26-016, January 21, 2026)

**Setback**

Shall mean the distance between a lot line and the nearest part of any building or specified structure exclusive of any permitted yard projections on the lot.
(By-law No. 18-219, August 17, 2018)

**Shopping Centre**

Shall mean one or more buildings, or part thereof, containing a group of four or more separate commercial establishments, catering to the broader shopping customer, comprehensively planned and maintained as a single cohesive and integrated site.
(By-law No. 17-240, November 8, 2017)

**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

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| | 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. |
| **Soft Landscaping** | Shall mean landscaping consisting of trees, plants and other vegetation, and may include features intended to increase stormwater infiltration into the ground such as bioswales, rain gardens, and tree pits, but shall not consist of hard-surfaced material such as concrete, decorative stonework, or retaining walls. Artificial grass shall not be considered soft landscaping.<br><br>(By-law No. 25-189, October 8, 2025) |
| **Storey** | Shall mean that portion of a building or structure, other than a cellar, included between the surface of any floor and the surface of the floor, roof deck or ridge next above it, except an attic storey. |
| **Storey - Attic** | Shall mean that unfinished portion of a building between the roof and the ceiling of the top storey. |
| **Street** | Shall mean a public highway or road allowance having a minimum width of 12.0 metres which has been opened, improved, regularly maintained and assumed for public use.<br>(By-law No. 25-155, August 06, 2025) |
| **Street Line** | Shall mean any lot line that divides a lot from a street. |
| **Structure** | Shall mean anything constructed or erected, the use of which requires location in or on the ground or attachment to something having location on the ground. |
| **Surveying, Engineering, Planning or Design Business** | Shall mean the use of land, building or structure, or part thereof in which professionals in the field of surveying, engineering, planning or design provide technical consultation, analysis, advisory or administrative services. |

(By-law No. 10-128, May 26, 2010)

**Swale**

Shall mean a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
(By-law No. 21-071, May 12, 2021)

**Theatre**

A place of assembly for the purpose of providing entertainment including but not limited to cinemas, performing arts theatres and cultural events, but shall not include amusement arcade, casino, adult entertainment parlour, dance hall or bingo hall.
(By-law No. 15-188, August 14, 2015)

**Thermal Treatment**

Shall mean the processing of Waste into a waste-based fuel and/or the disposal of Waste under controlled conditions by heating or combusting the materials and shall include refuse derived fuel manufacturing and energy from waste activities.
(By-law No. 10-128, May 26, 2010)

**Towing Establishment**

Shall mean the use of land, building or structure, or part thereof, for the keeping of tow trucks, and to which disabled or impounded motor vehicles or mobile equipment are taken or towed and stored temporarily until reclaimed, but shall not include a Motor Vehicle Wrecking Establishment or a Salvage Yard.
(By-law No. 10-128, May 26, 2010)

**Trade School**

Shall mean the use of land, building or structure, or part thereof, in which specialized instruction in a skilled trade is provided and which may include but not be limited to construction, industrial and motive power trades and Commercial Motor Vehicle training and which is operated on a financial profit basis.
(By-law No. 10-128, May 26, 2010)
(By-law No. 11-276, November 16, 2011)

**Tradesperson's Shop**

Shall mean the use of land, building or structure, or part thereof, 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 or other shops that provide an installation service.
(By-law No. 10-128, May 26, 2010)

**Trailer**

Shall mean a vehicle that is at any time drawn upon a highway by a motor vehicle, except:

a) an implement used for agricultural purposes;

b) a mobile home;

c) another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway; and,

d) a side car attached to a motorcycle,

but shall not include major recreational equipment and a commercial motor vehicle.
(By-law No. 24-052, April 10, 2024)

**Transport Terminal**

Shall mean the use of land, building or structure, or part thereof, where Commercial Motor Vehicles, trucks, trailers, cargo ships, rail cars or containers are loaded, unloaded, temporarily stored, dispatched or parked for remuneration and may include freight handling facilities related to the trans-shipment of goods, materials or products.
(By-law No. 10-128, May 26, 2010)
(By-law No. 18-092, April 11, 2018)

**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.
(By-law No. 10-128, May 26, 2010)
(By-law No. 11-276, November 16, 2011)

**Travel Plaza**

Shall mean the use of land, building, structure or part thereof, catering to the goods movement industry and the traveling public. In addition to the sale of fuels for motor vehicles, recreational

vehicles, commercial motor vehicles and heavy motor vehicles and propane dispensing, a Travel Plaza may include a retail store, a restaurant, drivers lounge and personal service uses accessory and subordinate to the Travel Plaza function. Travel Plaza component uses may include, among other things, motor vehicle and heavy motor vehicle parking, a weigh scale, a garage – Industrial, and a recreational vehicle, commercial motor vehicle and heavy motor vehicle washing establishment.
(By-law No. 10-128, May 26, 2010)

**Unit Width**

Shall mean the horizontal distance between the common side wall of a building unit measured to the common side wall or exterior side wall opposite.
(By-law No. 25-075, April 16, 2025)

**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 cannabis 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.
(By-law No. 14-273, September 24, 2014)
(By-law No. 18-266, September 12, 2018)

**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.
(By-law No. 15-107, April 22, 2015)

**Urban Square**

Shall mean an unobstructed, publicly accessible and predominantly hardscaped

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| | open space located between non-residential ground floor façade and the street line exclusive of any driveway, aisle, or parking. An Urban Square shall not be considered as any required landscape area and/or amenity area. (By-law No. 18-114, May 9, 2018) |
| **Use** | Shall mean the purpose for which the land, building or part thereof is used, occupied or intended to be used or designed to be used or occupied. |
| **Value-added Local Agricultural Products** | Shall mean raw local agricultural products that have been grown or produced as part of farm operations in the City of Hamilton or Ontario farms which have been transformed into another product. (By-law No. 15-107, April 22, 2015) |
| **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. |
| **Veterinary Service – Farm Animal** | Shall mean an establishment where a veterinarian administers care for the cure, prevention and treatment of disease and injury to farm animals and that may also contain an animal enclosure for farm animals during the treatment period. (By-law No. 15-173, July 10, 2015) |
| **Visibility Triangle** | Shall mean a triangular area formed at the intersection of an access driveway and the lot line abutting a street. (By-law No. 14-238, September 10, 2014) |
| **Warehouse** | Shall mean the use of building or structure, or part thereof, for the bulk storage 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 may include a Mini |

Storage Facility but shall not include a Waste Management Facility, Salvage Yard or Towing Establishment.
(By-law No. 10-128, May 26, 2010)
(By-law No. 14-238, September 10, 2014)
(By-law No. 18-219, August 17, 2018)

**Waste Disposal Facility**

Shall mean the use of land for the placement or final disposal of Waste under controlled conditions in order to protect environmental and human health and for which a Environmental Compliance Approval for such purpose under Part V of the Environmental Protection Act is required, and shall include but not be limited to: sanitary landfills, Industrial, Commercial and Institutional (ICI) landfills; and, Demolition and Construction (DC) landfills. A waste disposal facility may also include accessory uses including, but not limited to energy from waste activities.
(By-law No. 10-128, May 26, 2010)
(By-law No. 14-238, September 10, 2014)

**Waste Management Facility**

Shall mean the use of land, building or structure, or part thereof, for the storage, processing or disposition of Waste or Hazardous Waste and for which a Environmental Compliance Approval for such purpose under Part V of the Environmental Protection Act is required. Waste Management Facilities shall include the following uses: Waste Processing Facilities; Waste Transfer Facilities; Hazardous Waste Management Facilities; and Waste Disposal Facilities.
(By-law No. 10-128, May 26, 2010)
(By-law No. 14-238, September 10, 2014)

**Waste Processing Facility**

Shall mean the use of land, building or structure, or part thereof, for the sorting and processing of waste and recyclable materials an for which a Environmental Compliance Approval for such purpose under Part V of the Environmental Protection Act is required. Waste Processing Facilities shall include but not be limited to: thermal treatment, blue box recyclable recovery facilities, open-air or in-vessel organics processing, wood waste

recycling and/or a co-generation energy facility, but shall not include a Motor Vehicle Wrecking Establishment or a Salvage Yard.
(By-law No. 10-128, May 26, 2010)
(By-law No. 14-238, September 10, 2014)

**Waste Transfer Facility**

Shall mean the use of land, building or structure or part thereof, for the temporary storage and collection waste and for which a Environmental Compliance Approval for such purpose under Part V of the Environmental Protection Act is required. A waste Transfer Facility may also include limited sorting of such waste prior to its transport.
(By-law No. 10-128, May 26, 2010)
(By-law No. 14-238, September 10, 2014)

**Waste**

Shall mean materials that are defined as Waste under Part V of the Environmental Protection Act.
(By-law No. 10-128, May 26, 2010)

**Window**

Shall mean an opening which is framed and spanned with glass, and may be mounted as to permit opening and closing to light or ventilate an enclosed space.

**Yard**

Shall mean a space between a building on a lot and the lot lines of the lot which shall be open, uncovered and unoccupied by buildings except for such buildings as are specifically permitted in this By-law. Any yard requirements shall be the minimum horizontal linear distance from the lot line to the nearest
part of any building on the lot as measured perpendicular to such lot line but shall not be measured to a building required for security within any Industrial Zone.
(By-law No. 12-132, June 13, 2012)

**Flankage Yard** - shall mean a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on the lot.

**Front Yard** - shall mean a yard extending across the full width of a lot measured between

the front lot line and the nearest part of a building on the lot.

**Rear Yard** - shall mean a yard extending across the full width of a lot measured between the rear lot line and the nearest part of a building on the lot.

**Side Yard** - shall mean a yard extending from the front yard to the rear yard measured between the side lot line and the nearest part of a building on the lot.