

SECTION 2

DEFINITIONS

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A

"ABATTOIR" means a building, structure, or lot or part thereof used for the slaughter of livestock or other animals for the purpose of processing or rendering.

"ACCESSORY" shall mean a use or building subordinate, incidental and exclusively devoted to the main use, building, or structure located on the same lot therewith.

"ADULT ENTERTAINMENT ESTABLISHMENT" means any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations, as defined in the Municipal Act 1990, Chap. M. 45, as amended.

"AGGREGATE SALE/STORAGE USE" means the use of land for the storage or sale of sand, gravel and other similar materials.

"AGRICULTURAL IMPLEMENT SALES ESTABLISHMENT" means land, structures or buildings used for the display and sales of new and/or second hand farm implements and includes the servicing, repair, cleaning, polishing, painting and greasing of farm implements, the sale of accessories and related products and the leasing or renting of farm implements.

"AGRICULTURAL PROCESSING ESTABLISHMENT" means the use of land, buildings and structures for the processing and storage of agricultural produce, such as a feed and grain mill.

"AGRICULTURAL SERVICE ESTABLISHMENT" means an establishment other than a motor vehicle use, that provides a non-personal service or craft which supports the agricultural industry, including but not necessarily restricted to: farm drainage and excavation; well drilling; contracting and trades related to farm buildings, structures and equipment; custom spraying; tillage; planting and harvesting services.

"AGRICULTURAL USE" shall be the use of land, buildings and structures for the growing of field crops, berry crops, tree crops, flower gardening, truck gardening, maple syrup production, nurseries, aviaries, apiaries; farms for the grazing, breeding, raising, boarding or training of livestock; the breeding and raising of poultry including the storage and sale of such produce, crops, livestock or poultry on the same lot provided however that no retail store or commercial building is maintained other than a roadside stand or an accessory farm produce outlet having a maximum floor area of **18.5m²**.

"AGRICULTURAL SUPPLY ESTABLISHMENT" means the use of land, buildings or structures for the sale and/or storage of seeds, fertilizers, farm equipment or other goods or materials used in agriculture.

"AGRO-FORESTRY" means the cultivation of trees for commercial purposes.

"AIRPORT" means the use of land licensed by Transport Canada for the landing and take-off of commercial and/or private aircraft and shall include any buildings or structures accessory thereto.

"AISLE" means the area used by motor vehicles for access to and from all off-street parking spaces.

"AMENITY AREA" means an area or areas within the boundaries of a lot or within a building, intended for use for recreational or aesthetic purposes and may include landscaped open space (which may be in a building), terraces and balconies (if provided to all occupants), roof decks, swimming pools and accessory showers and change rooms, saunas, exercise rooms, hobby/workshops and games rooms, communal lounges, meeting rooms, children's play areas, playgrounds, court facilities and any other areas of the lot or building which may be used for recreational or aesthetic purposes, but does not include any driveway, parking area or fire access way.

"AMUSEMENT ARCADE" means a commercial recreation establishment where more than **3** amusement game machines are available to the public.

"ANCILLARY USES" means land uses which are supportive of, subsidiary or supplementary to the principal permitted uses (i.e., restaurant use in an industrial area).

"ANIMAL HOSPITAL" means a building and land where animals are treated by a veterinarian and may include the following facilities: a reception area; an examination room/treatment area; a pharmacy; a laboratory; a library; radiology equipment; supplies for the administering of anaesthesia; surgical preparation area; operating room; and provisions for the confinement and long term treatment of animals. An animal hospital may include facilities for the performance of an autopsy.

"ANIMAL SHELTER" means premises used for the care of lost, abandoned or neglected animals and operated by a public or semi-public authority or by a non-profit private organization.

"ANTENNA" means the use of land, buildings or structures for the purpose of sending or receiving electromagnetic waves.

"APIARIES" means facilities designed for the keeping of bees.

"AQUACULTURE" means the cultivation of freshwater and marine organisms for human consumption or use.

"ART GALLERY" means a building or part thereof where works of art such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing and may include sales of art and/or art supplies.

"ASPHALT OR CONCRETE BATCHING PLANT" means an industrial establishment used for the production of asphalt, or asphalt products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt. **"PORTABLE ASPHALT PLANT"** means a temporary asphalt batching plant established for a public road project.

"ASSEMBLY HALL" (see ["Auditorium"](#))

"ATTACHED" means a building otherwise complete in itself which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings. Buildings connected by a breezeway or similar structure shall be deemed to be attached.

"ATTIC" means that portion of a building situated wholly or partly within the roof of such building and which is not a one-half storey.

"AUCTION ESTABLISHMENT" means a business engaged in the retail sale of articles or goods to the members of the public bidding the highest offer for the articles or goods during the sale proceedings.

"AUDITORIUM" means a building or structure where facilities are provided for athletic, civic, educational, political, religious or social events. This definition may include an arena, community centre, gymnasium, stadium, theatre or similar use and may include an assembly hall.

"AUTOMOBILE REPAIR ESTABLISHMENT" shall mean a building and/or lot used for the servicing, repair, cleaning, polishing and greasing of motor vehicles and may include vehicular body repair and repainting, but shall not include any other automotive use defined in this By-law.

"AUTOMOBILE SALES AND RENTAL ESTABLISHMENT" means a building and/or land used for the display and sale of new and/or second-hand motor vehicles and may include the servicing, repair, cleaning, polishing, painting and greasing of motor vehicles, the sale of auto accessories and related products and the leasing or renting of motor vehicles.

"AUTOMOBILE SERVICE STATION" shall mean a building and/or lot used for the sale of fuels for motor vehicles and may include the servicing, repair, cleaning, polishing and greasing of motor vehicles and the sale of automotive accessories and related products.

"AUTOMOBILE WASHING ESTABLISHMENT" means a building and land used for the washing or cleaning of motor vehicles including self service and may include the sale of fuels to motor vehicles.

"AUTOMOBILE WRECKING ESTABLISHMENT" means a building and/or land used for the wrecking or dismantling of motor vehicles and for the storage and sale of scrap material, salvage and parts obtained therefrom.

B

"BAKERY" means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.

"BAKE SHOP" means a retail store where bakery goods are offered for sale, some or all of which may be prepared on the premises.

"BASEMENT" means that portion of a building partly underground.

(48/2017)

"BED AND BREAKFAST ESTABLISHMENT" means a home occupation within a single detached dwelling in which no more than 3 guest rooms are made available by a resident of the said dwelling for temporary accommodation of travellers. Meals or food are served only to overnight guests. The definition does not include a convention facility, hotel, motel, boarding house or restaurant.

"BINGO HALL" shall mean buildings or structures used for the playing of bingo games which are regulated by the Alcohol and Gaming Control Commission and the Criminal Code of Canada as amended from time to time.

"BOAT HOUSES" shall mean a building or structure near a watercourse that is solely used for the storage of boats and articles related to boating and shall not include any dwelling unit or form of related commercial use.

"BODY MASSAGE PARLOUR" means any premises or part thereof where a body massage is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body massages are performed for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.

"BUILDING" means a structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home, or tent. This definition includes a roof supported by columns or walls.

"BUILDING AREA" means the maximum above-grade projected area of a building measured from the centre line of common walls and from the exterior face of all other walls and includes enclosed porches and verandahs, but excludes steps, terraces, open or uncovered porches or verandahs, cornices and a podium or deck above an underground or below grade parking area provided such podium or deck is designed and used for landscaped open space purposes.

"BUILDING ENVELOPE" means the portion of a lot remaining after the required front, rear and side yards have been provided.

"BUILDING HEIGHT" means the vertical distance between the average finished grade level and the highest point of the building proper, exclusive of any accessory roof structures such as antenna, chimneys, steeples or towers.

"BUILDING, MAIN" means the building or buildings designed and/or intended to accommodate on a lot the principal use(s) permitted by this By-law.

"BUILDING OR CONTRACTING ESTABLISHMENT" means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building new structures, or works, additions or renovations and typically includes the offices of general building contractors, specialized trades and building maintenance services such as window cleaning and extermination services and may include a showroom and/or display area open to the general public. Also included is the prefabrication of building equipment and materials and wrecking and demolition contractors' offices, but does not include salvage yards.

"BUILDING SUPPLY ESTABLISHMENT" means a building or structure in which building or construction and home improvement materials are offered or kept for retail sale and may include the fabrication of certain materials related to home improvement.

"BULK FUEL DEPOT" means the use of land, buildings or structures for the purpose of storing fuels for distribution.

"BULK RETAIL SALES AND RENTAL ESTABLISHMENT" shall mean a commercial establishment that stores large quantities of goods or merchandise, and sells such goods or merchandise as a retail business to the general public from this location. Examples of this type of use include furniture, carpet and home appliance sales establishments.

"BULK SALES ESTABLISHMENT" means the use of land, buildings or structures for the purpose of buying and selling lumber, wood, building materials, feed, fertilizer, and allied commodities, but does not include manufacturing or processing.

"BUS DEPOT" means a facility for the boarding and de-boarding of passengers from inter-city and intra-city buses and may include ancillary commercial facilities, a public washroom, rest area, bus ticket sales area and offices for building supervisory or building maintenance personnel.

C

"CGD- CANADIAN GEODETIC DATUM" means the standardized survey base used in Canada to establish vertical control, and is expressed as elevations above sea level.

"CALL CENTRE" means a building or part of a building where telephone calls, emails, faxes or other similar communications are placed or received, in high volume for the purpose of sales, marketing, customer service, telemarketing, technical support or other specialized business activity.

"CAMPGROUND" means land used for the parking of travel trailers, tent-trailers, tents or similar transportable accommodation, but not including a mobile home as defined in this By-law.

"CANOPY" shall mean a roof free of enclosing walls, over an entrance to a building or a gasoline pump island.

"CANTILEVER" means a projecting beam or structure supported at only one end.

"CARPORT" means a detached or attached covered structure used for the storage of passenger motor vehicles wherein neither servicing for profit is conducted nor storage of commercial vehicles in excess of **3,000kg** gross weight occurs. The roof of said structure shall be supported only by piers or columns so that a portion of its wall area is unenclosed.

"CATERERS ESTABLISHMENT" means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, but does not include a restaurant.

"CEMETARY" means land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried. "Cemetary" may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes of human remains that have been cremated or the internment of the dead in sealed crypts or compartments.

"CHARITY CASINO" shall mean buildings or structures managed and operated by the Province of Ontario for games of chance for the benefit of charities and are regulated by the Alcohol and Gaming Control Commission as authorized under the Gaming Control Act, 1992, as amended from time to time and the Criminal Code of Canada as amended from time to time.

"CHURCH" (see [Place of Worship](#))

"COMMERCIAL CASINO" shall mean buildings or structures used for games of chance which are regulated by the Alcohol and Gaming Control Commission as authorized under the Gaming Control Act, 1992, as amended from time to time, and the Criminal Code of Canada as amended from time to time.

"COMMERCIAL FISHERY" shall mean the activities incidental to commercial fishing in Lake Huron by the proprietors and employees and including the repairing, treating, and drying of the proprietor's nets, but not including retail sales.

"COMMERCIAL RECREATION ESTABLISHMENT" means a privately owned sports or recreation facility and used by private members or the general public and includes an amusement arcade, a billiard hall, a health and fitness studio, an arena, racquet courts, a swimming pool, a gymnasium, a bowling alley, a miniature golf course, a golf driving range and other similar facilities but does not include an adult live entertainment parlour or a night club. **(29/2003)**

"COMMERCIAL STORAGE" means the storage, for hire or gain, of goods, merchandise, materials or equipment in an enclosed building other than a temporary building but shall not include a warehouse.

"COMMUNITY CENTRE" means land, buildings or structures used for community activities, including recreational, cultural, educational and institutional uses.

"CONSENT" shall mean the consent of the Committee of Adjustment of the City of Sarnia under Section 53 of the Planning Act, R.S.O. 1990, c.P. 13, as amended from time to time.

"CONSERVATION" means the use of land and/or water for the purpose of planned management of natural resources, including wood lot management, and for the preservation and enhancement of the natural environment.

"CONTRACTORS SUPPLY STORE" (see ["Bulk Sales establishment"](#)).

"CONTRACTORS YARD" means a lot of a construction company or contractor used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used by the business, but does not include the wholesale or retail sale of construction materials or supplies or home improvement supplies.

"CONVENIENCE STORE" means a retail store supplying groceries and other daily household necessities to an immediate surrounding residential area, and may include the rental of videos, the heating of pre-packaged food, an automated banking machine and/or depots for such items as film processing, laundry or dry cleaning.

"CONVENTION FACILITY" means a building or part thereof in which facilities are provided for such purposes as meetings for groups of civic, educational, political, religious or social purposes.

"CORPORATION" means the Corporation of the City of Sarnia.

"COUNCIL" means the Council of the Corporation of the City of Sarnia.

"COUNTY" means the Corporation of the County of Lambton.

"CONVERSION" means the alteration of an existing dwelling or commercial building or combination of the two to create a dwelling unit or one or more additional dwelling units, provided that such alteration shall not increase the total floor area of the dwelling or building.

"CRAFT BREWERY" means a premises for the small-scale and independent production of craft beer intended for sale and consumption on-site and off-site and may include accessory storage, office, tap room, restaurant and retail uses.

"CREMATORIUM" shall mean a crematorium as defined by the Cemeteries Act as amended from time to time.

"CRISIS CARE FACILITY" means a supervised temporary residence or half-way house for persons requiring shelter and assistance for a short period (less than a month) and to which such persons may be referred by a physician, hospital, court or government agency and shall include but not be limited to a detoxification centre.

"CRUSHING PLANT" means an industrial establishment where aggregate is processed through a crushing and sorting operation into various grades of gravel.

D

"DAY-CARE CENTRE" means a dwelling or building or structure in which persons of any age are provided with care for compensation for a portion of the day not exceeding a **24** hour period and may include a Child Care Centre as defined in the Child Care and Early Years Act, S.O., 2014, Chapter 11, Schedule 1. **(75/2015)**

"DAY-LIGHT CORNER" means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being a minimum distance specified in Section 3.6 of this By-law from the point of intersection of the street lines (measured along the street lines). Where the **2** street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

"DECK" means an unenclosed floor structure which may be covered and which may be attached to a main building and has a floor elevation which is greater than **0.3m** above finished grade at any point and includes porches and verandahs and floor structures around a swimming pool but does not include accessory buildings, steps and stoops.

"DEPARTMENT STORE" shall mean a lot and a building or structure, or portion thereof, consisting of a minimum of **7,432m²** of gross leasable area, used for the retail sale of a wide variety of goods, wares, merchandise and services displayed or offered on a departmentalized basis and may include as accessory uses, offices and warehousing.

"DERELICT MOTOR VEHICLE" means a motor vehicle that is unlicensed and/or inoperative and is not in an enclosed building.

"DEVELOPMENT AREA 1" means that development area bounded by Highway 402, Modeland Road, Blackwell Road and the Howard Watson Nature Trail (Former C.N.R. right-of-way).

"DEVELOPMENT AREA 2" means that development area generally bounded by London Line, Modeland Road, Blackwell Sideroad and the C.N.R. right-of-way. The Dow Chemical site does not comprise part of Development Area 2.

"DETACHED" means totally separate and in no way connected.

"DISPLAY SHIP" means decommissioned ships and boats which are docked/moored and are converted to provide services and facilities primarily for tourists and shall include, but not be limited to, specialty retail shops, museums, hotels, restaurants and convention facilities.

"DOCTORS OFFICE" (see ["Medical Centre/Clinic"](#)).

"DRIVEWAY" means a vehicle access provided between a street or land and a parking space, parking area or loading area, or between **2** parking areas and shall be graded, surfaced and maintained with asphalt, concrete, crushed stone or other dustless material approved by the Corporation.

"DRIVE-THROUGH SERVICE FACILITY" shall mean an element of a restaurant use associated with the ordering and serving of food and beverages to patrons where they remain within a motor vehicle, and includes any associated speaker system and order board.

"DRY CLEANING ESTABLISHMENT" means a building, or part thereof, where dry cleaning, dye drying, cleaning, or pressing of articles or goods of fabric is performed, and in which only non-combustible and non-flammable solvents are used, emitting no odours, fumes, noise, or vibration which would cause a nuisance or inconvenience within or outside the premises.

"DUPLICATING SHOP" means a premises engaged in reproducing drawings, plans, maps or other copy, by blueprinting, photocopying or small offset process.

"DWELLING" means a building or part thereof used or intended, adapted or designed to be used, occupied or capable of being occupied, as a home, residence or sleeping place for one or more persons having a right to the exclusive use thereof, but shall not include any travel trailer, hotel, motel, private garage, a home for the aged, nursing home, hospital, or living quarters for a caretaker, watchman or other person or persons using living quarters which are accessory to a non-residential use.

"DWELLING, APARTMENT" means a building exceeding 2 storeys in height and consisting of 3 or more dwelling units.

"DWELLING, BUNGALOW" means a 1 storey single detached dwelling. *(48/2017)*

"DWELLING, CONVERTED" shall mean a building originally designed, intended and used as a one-family dwelling which has been lawfully altered or converted so as to provide 2 or more dwelling units. *(48/2017)*

"DWELLING, DUPLEX" shall mean a dwelling divided horizontally into 2 separate dwelling units, each of which has an independent entrance.

"DWELLING, FARM" means a dwelling which is accessory to an agricultural use.

"DWELLING, LINKED" means 1 of a pair of single detached dwellings which have no apparent structural connections above grade, but which are horizontally coupled at the footing or foundation along not more than 1 side of each dwelling house.

"DWELLING, MULTIPLE" means a building on a lot used or designed as a residence and containing 4 or more dwelling units all of which have access from a common corridor or hallway and/or an independent entrance from the outside. All of the units in a 'multiple dwelling' must be 'dwelling units', as defined in this By-law. It shall not, however, include any other dwelling otherwise defined herein or specifically named elsewhere in this By-law.

"DWELLING, MULTIPLE ATTACHED" means a dwelling consisting of **3** or more dwelling units being divided vertically, in whole or in part, above grade, below grade or both above and below grade with no interior access between such units on a lot or lots **not** having frontage on a public street. **(29/2003)**

"DWELLING, MULTIPLE USE APARTMENT" means a building exceeding **2** storeys in height and consisting of **3** or more dwelling units and may contain on the whole of the first storey or the whole of the storey above it or below it offices, commercial schools, restaurants, personal service shops, art galleries, medical centres/clinics, retail establishments, pharmacies, financial institutions, minor institutions and churches.

"DWELLING, NON-FARM RESIDENTIAL" shall mean a single detached dwelling not accessory to an agricultural operation.

"DWELLING, SEMI-DETACHED" means a dwelling, divided vertically in whole or in part above grade, below grade, or both above and below grade into **2** separate dwelling units. This definition includes a link home joined below grade.

"DWELLING, SINGLE DETACHED" means a building on a lot containing only **1** dwelling unit, and may include a modular home. **(92/2008)**

"DWELLING, STREET MULTIPLE ATTACHED" means a dwelling containing **3** or more dwelling units being divided vertically, in whole or in part, above grade, below grade or both above and below grade with no interior access between such units on a lot or lots having frontage on a public street. **(29/2003)**

"DWELLING, TRIPLEX" means the whole of a dwelling divided horizontally into **3** separate dwelling units, each such dwelling unit having an independent entrance from the outside or from a common hallway or stairway inside the building.

"DWELLING UNIT" means a suite of **2** or more habitable rooms, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance, either directly from outside the building or from a common corridor inside the building. This definition shall not include a motor home, a private garage or a travel trailer.

"DWELLING UNIT, SECONDARY" means a dwelling unit that is located within an existing single detached, semi-detached, multiple attached or street multiple attached dwelling unit and is ancillary and subordinate to a primary dwelling unit. **(48/2017)**

E

"EMERGENCY SHELTER" means a supervised temporary residence comprised of beds arranged in a dormitory or traditional dwelling unit arrangement for persons in a housing crisis and in immediate need of emergency short-term shelter until alternative permanent housing accommodations can be obtained. (6/2008)

"ERECT" means to build, construct, reconstruct or relocate and, without limiting the generality of the word, also includes:

- a) any preliminary operation such as excavation, infilling or draining;
- b) altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- c) any work which requires a building permit.

"ESTABLISHED BUILDING LINE" means the minimum setback required for a building on a lot that is between 2 adjacent lots within the same Zone, on which are located existing buildings not more than 100m apart, and shall be calculated using the average of the established setbacks on the said adjacent lots.

"ESTABLISHED GRADE" means the average elevation of the surface of the ground at the base of a building at the front wall exclusive of any embankment in lieu of steps; on streets where a sidewalk is provided by the Corporation of the City of Sarnia it is the elevation of the sidewalk grade as fixed by the Corporation of the City of Sarnia.

"EXISTING" means existing on the date of passing of this By-law.

"EXISTING VACANT LOTS OF RECORD" means a lot as defined by this By-law, which is vacant and which has an area of greater than 0.2ha and less than 19.5ha, which existed prior to November 12th, 1985 and which was then held in distinct and separate ownership from abutting lands.

"EXTRACTIVE USE" means the use of land licensed under the Aggregate Resources Act, R.S.O. 1990, Chap. A.8, as amended, for the removal of gravel, stone, sand, or other similar substance for construction, industrial or manufacturing purposes, and includes accessory uses, buildings or structures. Permitted accessory uses include the blending of recovered materials which are brought to the lot.

E

"FARMERS MARKET" means a building, part of a building, or an open area where agricultural produce is offered or temporarily stored for retail sale on the lot by more than one vendor.

"FARM PRODUCE OUTLET" means a use, accessory to a permitted farm, which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

"FARM PRODUCE PROCESSING ESTABLISHMENT" means the use of land, buildings or structures where agricultural produce, including meat and poultry products, are prepared or packaged and from which such produce and products are shipped or sold directly to a wholesale or retail outlet, or sold directly to the public.

"FINANCIAL INSTITUTION" shall mean an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stock brokers, but not including the internal offices or administrative offices which shall be considered to be offices as defined by this By-law.

"FINISHED GRADE" means the average elevation between the highest and lowest point of the finished surface of the ground measured around the perimeter of the base of a building or structure exclusive of any embankment in lieu of steps.

"FLEA MARKET" means the occasional or periodic market held in an open area or in a building or structure, where groups of individual sellers display and offer goods for sale to the public, but does not include a garage sale.

"FLOAT PLANE" means an airplane equipped with specialized flotation devices which enable the airplane to land on or take off from water.

"FLOOR AREA, NET" in the case of a dwelling, means the sum total area of the floors excluding internal parking areas in the building or buildings on a lot measured from the interior face of exterior walls or from the interior face of common walls separating the buildings provided that where the floor area is within a roofed structure without exterior walls, the gross floor area shall be the area covered by the roof, or in the case of a building other than a dwelling, shall mean the total floor area of all floors of a non-residential building, measured from the inside faces of the interior walls, but exclusive of any part of the building which is used for the following:

- a) storage or parking of automobiles;
- b) storage areas not accessible to the public;
- c) mechanical or electrical equipment rooms providing service to the entire building;

- d) common areas, such as stairways, corridors, elevator shafts, etc.; and
- e) common areas within a shopping centre that is not designed for rental to tenants, groups of tenants, or concessions.

"FLOOR AREA, GROUND" means the area of a building or structure measured from the outside of its exterior walls at grade and exclusive of any attached accessory building, terrace, unenclosed sun room, deck, porch or verandah.

"FOOD BANK" means a building or part of a building where stocks of food, typically basic provisions and nonperishable items, are received and are subsequently handed out, free of charge to people in need. **(26/2016)**

"FORESTRY" means the use of land for the care, cultivation and maintenance of trees for profit or gain.

"FUNERAL CHAPEL" means a building or structure designed or used primarily for funeral services and may provide accessory uses including an office for the provision of funeral-related services and display of associated goods, but does not include goods for retail sale or the facilities intended for the preparation of a dead human body for interment or cremation." **(113/2014)**

"FUNERAL HOME" means a building or structure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation and may include a chapel for funeral purposes.

"FURTHER CONTRAVENE" means the making of an addition to an existing non-complying building or structure, any part of which addition does not comply with the required setbacks or any other regulations of this By-law.

G

"GAMING FACILITY" shall mean land, buildings or structures used for games of chance which are regulated by the Alcohol and Gaming Control Commission as authorized under the Gaming Control Act, 1992, as amended from time to time and the Criminal Code of Canada as amended from time to time, and may include a bingo hall, a commercial casino, a slot machine casino, and a charity casino.

"GARAGE, PRIVATE" shall mean an accessory building other than a carport, either attached to or detached from the main building or structure, used for the storage of passenger motor vehicles wherein neither servicing for profit is conducted nor storage of commercial vehicles in excess of **3,000kg** gross weight is permitted.

"GARAGE SALE" means an occasional sale held by the occupants of a dwelling unit on their own premises, of household goods and not merchandise which was purchased for resale or obtained on consignment.

"GARDEN SUITE" means a 1 unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

"GAS BAR" means one or more fuel pumps for the sale of motor fuels, including propane, and related products for motor vehicles, together with the necessary pump islands, light standards, kiosk, concrete aprons, canopy, storage tanks and related facilities required for the dispensing of fuel.

"GAS COMPRESSOR STATION" means the use of land, buildings or structures for the storage, regulation of flow and distribution of natural gas.

"GOLF COURSE" means a public or private area designed and operated primarily for the purpose of playing golf, and may include a restaurant and the sale of golf equipment.

"GOLF COURSE, MINIATURE" means a use which provides facilities designed and operated primarily for what is commonly known as miniature golf but does not include a golf driving tee or range or a golf course as defined herein.

"GOLF COURSE RESIDENTIAL COMMUNITY" shall mean a parcel of land containing between 2 and 100 golf course residential community lots located within a Plan of Condominium and integrated into a golf course. **(84/2005)**

"GOLF COURSE RESIDENTIAL COMMUNITY LOT" shall mean a parcel of land within a golf course residential community fronting onto a private lane. **(84/2005)**

"GOLF DRIVING TEE OR RANGE" means a use which provides facilities designed and operated primarily for the practicing of golf shots but does not include miniature golf courses or golf courses as defined herein.

"GRAIN ELEVATOR" means a building or structure used for the storage and/or transshipment of grain.

"GREENHOUSE, COMMERCIAL" means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.

"GROUP HOME" shall mean a dwelling unit operated as a single housekeeping unit

accommodating, or having the facilities to accommodate, **5 to 10** residents (exclusive of staff) who, by reason of their emotional, mental, social, or physical condition require a group living arrangement under **24** hour responsible supervision consistent with the requirements of its residents, and the group home is either licensed or funded under Provincial or Federal statute. Any counseling or support services provided in the group home shall be limited to those required by the residents.

H

"HABITABLE BUILDING" means a building designed or occupied as a place of employment or residence.

"HABITABLE ROOM" means a room within a dwelling unit designed to provide living, dining, sleeping, bathroom or kitchen accommodation for persons. This definition shall not include any private garage, carport, unheated porch or verandah, unfinished attic, unfinished basement, or any space used for the service and maintenance of a dwelling or for vertical travel between storeys. *(48/2017)*

"HOLDING PROVISIONS" can be applied to lands to delay their development until specific conditions have been fulfilled. The Planning Act, as amended, enables Council to place these restrictions on the use of land. Holding provisions are depicted by the letter (H) which can be added as a suffix to any Zone symbol. The Council will remove the (H) symbol, once conditions for the proper development of the affected lands are satisfied.

"HOME OCCUPATION (AGRICULTURAL)" shall mean an occupation or business conducted for gain or profit within a permitted building or structure as an accessory use, by any resident of the farm dwelling unit in compliance with the regulations contained in this By-law, such as: a carpenter, electrician, welder, machine shop; as well as small tool, equipment repair or small engine repair shop.

"HOME OCCUPATION (RESIDENTIAL)" shall mean an occupation or business conducted as a secondary use for gain or profit within a dwelling unit and/or a permitted accessory structure on the same lot by a resident of the dwelling unit or employee or volunteer in compliance with the regulations contained in this By-law. A home occupation may include licensed home day care for 6 children or less, unlicensed home day care for 5 children or less; offices; consulting rooms; workrooms; a studio for a teacher of fine art, or academic subjects; a photographer or commercial artist; or other uses of a similar nature which conform to the provisions and standards found in Section 3.19 of the By-law; or which the Committee of Adjustment of the City of Sarnia, upon application, permits. **"HOME OCCUPATION"** shall not include the following uses as defined in this By-law: a rooming/boarding or lodging house, bed and breakfast establishment, nursing home, day nursery, kennels or animal grooming or the breeding or sale of birds or animals, engine or automobile repair, medical centre/clinic or a retail store except for accessory retail sales or rental as permitted by Subsection 3.19(2) of this By-law. *(75/2015)*

"HOME FOR THE AGED OR REST HOME" means a home for the aged or a rest home established or maintained under the Homes for the Aged and Rest Homes Act, as amended.

"HOSPICE" means a facility designed to accommodate up to **15** beds which will provide a caring environment for attending to the physical and emotional needs of the terminally ill.

(133/2006)

"HOSPITAL" means any institution, building or other premises or place established for the treatment of persons afflicted with or suffering from sickness, disease or injury or for the treatment of convalescent or chronically ill persons which is approved under the Public Hospitals Act, as amended, as a public hospital. This definition shall also include a **"PRIVATE HOSPITAL"**, as defined in the Private Hospitals Act, as amended from time to time.

"HOTEL" means a building in which a minimum of **4** guest rooms are provided for transient lodgers, and may include dining and other public rooms, provided that each guest room may be entered from inside or outside of the building.



"INDUSTRIAL MALL" shall mean a lot and a building or structure, or portion thereof, or group of buildings located in an Industrial Zone designated, developed and managed as a unit in which each building contains **2** or more suites or spaces, each for separate occupancy by a permitted use for which common loading and parking facilities and other common services may be provided.

"INDUSTRIAL EQUIPMENT SALES, RENTAL AND SERVICE ESTABLISHMENT" means lands, structures or buildings used for the display, sale and rental of industrial equipment and includes the servicing, repair, cleaning and painting of industrial equipment.

"INDUSTRIAL USE" means the use of land, structures or buildings for each or any of the following operations:

- a) the carrying on of any process of manufacture whether or not a finished article results therefrom;
- b) the dismantling and separating into parts of any article, machinery or vehicle; *(29/2003)*
- c) the breaking up of any articles, goods or machinery;
- d) the treatment of waste materials of all descriptions;
- e) the recovery and processing of sand, gravel, clay, turf, soil, rock, stone or similar substances;
- f) the repairing and servicing of vehicles, machinery and buildings;
and may include:
 - i) the storage of goods used in connection with or resulting from any of the above operations;
 - ii) the provisions of amenities for persons engaged in such operations;
 - iii) the sale of goods resulting from such operations; and

- iv) any work of administration or accounting in connection with the undertaking. Without limiting the generality of the foregoing, includes any industry particularly defined in this By-law, but does not include a "**Home Occupation**".

"INDUSTRIAL USE, GENERAL" means any manufacturing and processing use and includes light industrial uses and offensive industrial uses.

"INDUSTRIAL USE, LIGHT" means any industrial use in which the building or the structure thereby occupied or employed, the processes carried on, the material used or stored, the machinery employed and the transportation of materials, goods and commodities to and from the premises will not cause injury to or prejudicially affect the amenity of the locality by reason of the appearance of such building, structure or materials or by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste paper, waste products, grit, oil or otherwise.

"INDUSTRIAL USE, OFFENSIVE" means any business or industry which by reason of the process involved or the method of manufacture or the nature of the material or goods used, produced or stored is likely to cause or causes by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration, or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which may be or become hazardous or injurious as regards to health or safety or which prejudices the character of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, building or structure.

"INSTITUTIONAL USE" means the use of any land and/or building or part thereof by a government, educational, charitable or non-profit organization in the carrying out of its function and without limiting the generality of the foregoing, shall include municipal offices, libraries, museums, fire halls, churches, offices, hospitals, schools, community centres, social and service clubs and assembly halls.

"INTERIM USE" means an existing legal use or building which does not comply with the uses permitted by the Official Plan. Lands zoned as "INTERIM USE" are intended to be eventually developed/redeveloped for uses permitted by the Official Plan.

K

"KENNEL" means any premises on which **4** or more domesticated animals over **4 months** of age are kept or boarded.



"LABORATORY" means a building, or part thereof, used for scientific, medical and/or research purposes.

"LANDSCAPED OPEN SPACE" means the open, unobstructed space, on a lot, accessible by walking from the street on which the lot is located and which is maintained and suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, patio, deck or similar area provided that such surfaced walk, patio, deck or similar structure does not occupy more than **40%** of the open space area, but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, or any parking area; nor any open space beneath or within a building or structure.

"LANDSCAPED STRIP" means a strip of land suitably landscaped with shrubs, flowers, grass, trees or similar vegetation and, where required, providing privacy screening, such as opaque fencing or hedging.

"LANE" means a private thoroughfare which affords means of access for vehicular traffic to abutting lots and which is intended for general traffic circulation.

"LAUNDROMAT" means an establishment containing **1** or more washers, and could include drying, ironing, finishing and incidental equipment, provided that only water, soaps and detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises. This definition may include a self-service coin operated laundromat.

"LAWN CARE AND PEST CONTROL OPERATION" shall mean a business engaged in lawn, garden and property maintenance and the elimination or control of pests.

"LIBRARY" means a library, branch library or distribution station to which the provisions of the Public Libraries Act, as amended, apply.

"LIVESTOCK" means farm animals kept for use, for propagation, recreation or intended for profit or gain, and without limiting the generality of the foregoing includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, emus, goats, geese, mink and rabbits.

"LIVESTOCK FACILITIES" means barns, buildings or structures where animals are housed and shall also include beef feed lots and the associated manure storage facilities.

"LOADING SPACE" means an off-street space on the same lot as the building, or contiguous to a group of buildings, for the temporary parking of a commercial motor vehicle while loading or unloading merchandise or materials, and which abuts a street, lane, or other appropriate means of access. The provision of loading spaces shall be in accordance with Section 3.22.

"LONG TERM CARE FACILITY" means a nursing home under the Nursing Homes Act, an approved charitable home for the aged under the Charitable Institutions Act, or a home for the aged or rest home under the Homes for the Aged and Rest Homes Act.

"LOT" means land within a registered plan of subdivision (but not including plans deemed not to be registered pursuant to Section 50(4) of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended) or any land that may be legally conveyed under the exemption provided in clause (b) of Subsection 3 or clause (a) of Subsection 5 of Section 50 of the Planning Act, R.S.O. 1990, Chap. P. 13 as amended, the boundaries of which are recorded in the Registry Office for the Registry Division of the County of Lambton.

"LOT AREA" means the total horizontal area within the lot lines of a lot.

"LOT, CORNER" means a lot, situated at the intersection of and abutting upon 2 streets, provided that the angle of intersection of such streets is not more than **135°**.

"LOT COVERAGE" means that percentage of the lot area covered by the perpendicular projections onto a horizontal plane of the area of all buildings and structures on the lot. Lot coverage shall not include balconies, canopies and overhanging eaves provided none of the foregoing are less than **2.4m** above finished grade. Lot coverage shall not include private decks and private swimming pools.

"LOT DEPTH" means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, lot depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

"LOT FRONTAGE" means the horizontal distance between the side lot lines, measured perpendicularly from a line joining the middle of the front and rear lot lines and at a point thereon, a distance equal to the minimum front yard depth required by this By-law. Where there is no rear lot line, lot frontage means the horizontal distance between the side lot lines, measured perpendicularly from a line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines and at a point thereon, a distance equal to the minimum front yard depth required by this By-law. Lot frontage shall not include the extent to which a lot abuts the end of a street, other than a street which terminates in a cul-de-sac, or an unopened street allowance.

"LOT, INTERIOR" means any lot which has a street access, other than a corner lot (see illustration at the end of this Section).

"LOT, THROUGH" means an interior lot having street access on **2** or more street lines, other than a corner lot.

"LOT LINE" means any boundary of a lot or the vertical projection thereof. There shall be deemed to be **2** lot lines in cases where a lot line changes by a direction which is less than **135°**. There shall be deemed to be **1** continuous lot line in cases where the change in direction is greater than **135°**.

"LOT LINE, EXTERIOR" shall mean a lot line which is parallel to and abutting a street. May also be described as a flankage lot line.

"LOT LINE, FRONT" means in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed the exterior side lot line. In the case of a through lot or a corner lot whose exterior lot lines are the same length, the lot line where the principle access to the lot is provided shall be deemed to be the front lot line.

"LOT LINE, INTERIOR" shall mean a lot line which is not parallel to or does not abut a street.

"LOT LINE, REAR" means in the case of a lot having **4** or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than **4** lot lines, there shall be deemed to be no rear lot line.

"LOT LINE, SIDE" means a lot line other than a front or rear lot line, and shall include interior side lot line and exterior side lot line.

M

"MANURE STORAGE AREA" means land, building or structure used for the storage of manure generated by livestock, accessory to an agricultural use.

"MANUFACTURING AND PROCESSING USES" shall mean an industrial use exclusively for the carrying on of a fabricating, assembling, dismantling, or processing activity whether or not a finished article results therefrom.

"MARINA" means an establishment attached to the shore of a body of water which provides docking or mooring space for all types of marine pleasure craft and may include electricity, water and sewer services for these crafts as well as fueling facilities; such an establishment may also include those services and structures related to in-water and dry storage of marine pleasure craft, the sale, service and repair of such craft and commercial functions related to the boating public which are accessory and subordinate to the use of the lot as a boating facility.

"MEDICAL CENTRE/CLINIC" means a building or that part of a building that is used by 1 or more physicians, surgeons, dentists, chiropractors or other medical practitioners together with their nurses, clerical and technical employees in the practice of these professions, but does not include any provision of bed accommodation for patients or any form of retail trade other than the sale of pharmaceutical goods and shall not include an "office". Without limiting the generality of the forgoing, a medical centre/clinic may include administrative offices, waiting rooms, treatment rooms, laboratories and pharmacies.

"MINIMUM DISTANCE SEPARATION FORMULAE" means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities. (For Information on the MDS formulae refer to Appendices "A").

"MINOR INSTITUTION" means the non-residential use of a building or any portion of a building by a group, organization or society whose primary purpose is the promotion of a public project, or a scientific, educational, literary or similar public or social objective and such use shall not be operated for profit.

"MINI STORAGE WAREHOUSE" means a building containing separate self storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials, vehicles, boats, trailers and equipment. **(115/2006)**

"MODULAR HOME" means a prefabricated single detached dwelling built to a Canadian standard for site assembled and factory-built houses as required by the *Ontario Building Code*, constructed off-site in integral parts and designed to be transported once only to a final location, assembled on site and placed on a permanent foundation that is constructed in compliance with Part 9 of the *Ontario Building Code* and constructed so as the shortest side of such dwelling is not less than 6.0 metres in width. The shortest side of such dwelling may be less than 6.0 metres if established in a Private Residential Community Zone. A modular home shall not have, nor have removed, any component of a chassis including a base frame, wheels, axles, tow hitch or any machinery of a vehicle. **(92/2008)**

"MOTEL" means a building, part of a building or group of buildings wherein accommodation without private cooking or housekeeping facilities is provided for transient lodgers, but which may include dining rooms and other public rooms and provided that each guest room or sleeping room may be entered from the exterior of the building. Sanitary facilities shall be included for each guest room or suite.

"MOTOR HOME" means a self-propelled recreational vehicle capable of being used for the temporary sleeping or eating accommodation of persons.

"MOTOR VEHICLE" means an automobile, motorcycle, all-terrain vehicle and any other vehicle propelled or driven otherwise than by muscular power; but does not include other motor vehicles running only upon rails, or a farm tractor, self-propelled implement of husbandry or road-building machine.

"MOTOR VEHICLE, COMMERCIAL" as defined in the Highway Traffic Act R.S.O. 1990, Chap. H.8, as amended, means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, buses and tractors designed for hauling purposes on the highway.

"MUNICIPALITY" means the Corporation of the City of Sarnia.

N

"NIGHT CLUB" means a privately owned establishment used primarily by club patrons for the consumption of alcohol and/or for dancing to live or recorded music and/or being entertained and includes facilities for the preparation and consumption of food and beverages and shall not include a restaurant, an adult entertainment establishment, a commercial recreation establishment and a social or service club as defined in this By-law.

"NOISE EXPOSURE FORECAST (NEF) CONTOURS" means contours produced by Transport Canada to provide a summation of noise from all aircraft types operating at an airport based on actual or forecast aircraft movements by runways and the time of day or night the event occurs.

"NON-COMPLYING" means a permitted use which does not comply with one or more regulations of this By-law for the Zone in which such building or structure is located on the date of passing of this By-law or amendments thereto.

"NON-CONFORMING" means a lawfully existing use, building or structure prohibited by this By-law in the Zone in which it is situate.

"NURSING HOME" as defined in the Nursing Homes Act, R.S.O. 1990, Chap. N.7, as amended, means any premises maintained and operated for persons requiring nursing care or in which such care is provided to 2 or more unrelated persons, but does not include any premises falling under the jurisdiction of the Homes for the Aged and Rest Homes Act, R.S.O. 1990, Chap. H.13, as amended, the Private Hospitals Act, R.S.O. 1990, Chap. P.24, as amended and the Public Hospitals Act, R.S.O. 1990, Chap. P.40, as amended.

"NURSERY OR GARDEN CENTRE" means the use of land, buildings or structures or part thereof where trees, shrubs, sod or plants are grown or stored for the purpose of transplanting, for use as stocks for building or grafting or for the purpose of retail or wholesale, together with the sale of soil, planting materials, fertilizers and similar materials and may include the storage of necessary machinery and vehicles used in connection with such business. Landscaping and gardening supplies may also be kept or be offered for sale or rent.

"NUTRIENT MANAGEMENT PLAN" means the science based process for optimizing the relationship between the land-based application of nutrients, farm management techniques, crop requirements, and land use and is consistent with standards and practices outlined in the Nutrient Management Plan - Best Management Practices published from time to time by the Ontario Ministry of Agriculture, Food and Rural Affairs.

O

"OCCUPANCY" means to reside in as owner or tenant on a permanent or temporary basis.

"OFFENSIVE" when used with reference to any use of any land or building means a hazardous use or a use which from its nature, or from the manner of carrying on the same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odours, noise, vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which is or may become hazardous or injurious to health or safety or which prejudices the character of the neighbourhood or which interferes with or may interfere with the normal enjoyment of any land or building.

"OFFICE" means a building or part thereof designed, intended or used for the practice of a profession, the carrying on of a business, and/or the conduct of public administration, but shall not include a medical centre/clinic or financial institution.

"OPEN STORAGE" shall mean the storage of goods, materials or commodities in a yard used by or produced by a permitted use and shall include the parking of more than one commercial motor vehicle or vehicle trailer (as defined by the Highway Traffic Act, R.S.O. 1970 Ch. 202 as amended) for a period of more than **24** hours on any one lot as defined by this By-law.

"OUTDOOR PATIO" means an uncovered and unenclosed area set aside out of doors to be used as an accessory eating area.

"OUTDOOR SOLID FUEL COMBUSTION APPLIANCE" means a solid fuel burning appliance/furnace used for the space heating of buildings, the heating of water or other such purpose; and which is located in a separate building or on the exterior of the building, which it serves. **(17/2007)**

"OWNER" means the person who holds legal title to a piece of property or has an equitable interest in the same.

P

"PARK" means an area, consisting largely of open space, which may include a recreational area, playground, play field or similar use, but shall not include a mobile home park or camping ground.

- a) **"PUBLIC PARK"** means a park owned or controlled by the Corporation or by any Ministry, Board, Commission or Authority established under any statute of Ontario or Canada.
- b) **"PRIVATE PARK"** means a park other than a public park.

"PARK MODEL HOME" means a manufactured building used or intended to be used as a building of residential occupancy designed and constructed in conformance with CAN/CSA-Z241 Series-M, 'Park Model Trailers'.

"PARKING AREA" means an area or structure provided for the parking of motor vehicles and includes any related aisles, parking spaces or driveways, accessible to or from a street or lane but shall not include any part of a street. A parking area may include a private garage.

"PARKING LOT" means any parking area other than a parking area accessory to a permitted use on the same lot that functions independently as a separate operation such as a commercial or municipal lot.

"PARKING GARAGE/STRUCTURE" shall mean a lot and a building or structure designed to be used for the parking of motor vehicles, and shall include the parking spaces, traffic aisles, ramps and driveways.

"PARKING SPACE" means a portion of a parking area, exclusive of any aisles or driveways, which may be used for the temporary parking or storage of a motor vehicle, accessible from an aisle, street or lane.

"PERMITTED" means permitted by this By-law.

"PERSON" means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representative or a person to whom the context can apply according to law.

"PERSONAL SERVICE ESTABLISHMENT" means a building, or a part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and including premises such as a barber, hairdresser, beautician, tailor, dressmaker, laundromat, dry cleaning and laundry depot, suntanning shop, brewing on premises establishment, pet grooming and a formal rental shop, but shall not include a body massage parlour. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

"PHARMACY" shall mean a retail store in which the main use is the retail sale of drugs, pharmaceutical products, medicines and drug sundries.

"PIT" shall mean a lot where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit as defined by this By-law.

"PLACE OF WORSHIP" means a building, structure or part thereof, which is primarily used by a religious organization for religious worship, services or rites, and may include religious-sponsored accessory community uses such as a day nursery; religious school; a rectory or manse; offices; soup kitchen; food bank; and emergency shelter. **(26/2016)**

"PLANTING STRIP" (see [landscaped strip](#))

"PORCH" means a covered entrance to a building.

"PRINTING ESTABLISHMENT" means a building used for the blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include a duplicating shop and a letter-shop.

"PRIVATE GARAGE" means an accessory building or structure, attached to or detached from a dwelling, which is fully enclosed and used for the sheltering of permitted vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for the repairing or servicing of vehicles for gain or profit. This definition may include a carport or other open shelter.

"PRIVATE HORSE PARK" shall mean an area of land used for active or passive recreational purposes for such activities as harness racing, equestrian training and demonstration, horse farming all with related building, structures or facilities which may include, but are not necessarily limited to, a grandstand, barns, a track, an infield, pond or lake, restaurant and lounge and an auditorium.

"PRIVATE RESIDENTIAL COMMUNITY" shall mean a parcel of land containing 2 or more retirement community lots and which is under single management or ownership.

"PRIVATE RESIDENTIAL COMMUNITY LOT" shall mean a parcel of land within a private retirement community fronting on a private street which is intended for occupancy by either 1 park model trailer, 1 mobile home (permanent) or 1 single detached dwelling.

"PUBLIC HALL" means a labour union hall or other building or part thereof where members of the public gather together for the purpose of any meeting or entertainment and, except for labour union halls, at which an admission fee is charged, or where, after admission, a charge is made or a fee collected, or where such building or part thereof is rented or leased by any person or organization for any such function. May include cloak rooms, washrooms, kitchens and other service rooms used in connection therewith but does not include a theatre, school, church, or lodge when used for lodge purposes only; and for the purposes of this definition, "entertainment" means any dance, exhibition, concert, show, variety program, motion picture showing, public luncheon or dinner, game or sporting contest.

"PUBLIC RECREATIONAL USE" means the use of land, water and/or buildings for the purpose of passive and active recreation, as defined in this By-law, owned or controlled by the Corporation or by any Ministry, Board, Commission or Authority established under any Statute of Ontario or Canada.

"PUBLIC USE, NON-RECREATIONAL" means a building, structure or lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, a Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada.

"PUBLIC UTILITY" as defined in the Public Utilities Corporations Act, R.S.O. 1990, Chap. P.53, as amended, means any water works, gas works, electric heat, light or power works, telegraph or telephone lines and works for the transmission of gas, oil, water or electrical power or energy or any similar works supplying the general public with necessities or conveniences.

Q

"QUARRY" means the use of land licensed under the Aggregate Resources Act, R.S.O. 1990, Chap. P.12 as amended, where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit or quarry.

R

"RADIO AND TELEVISION TRANSMISSION ESTABLISHMENT" shall mean a commercial establishment which has its primary function the broadcast or reception of television or radio signals.

"RAIL OR WATER TRANSPORTATION TERMINAL" means a rail or shipping facility designed and managed for the transshipment of goods, materials, products or passengers.

"RECREATIONAL VEHICLE, TRAILER AND MARINE SALES AND SERVICE ESTABLISHMENT" means land and/or buildings used for the display for sale of travel trailers, recreational vehicles, boats and includes the servicing, repairing, 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 does not include a motor vehicle sales establishment as defined in this By-law.

"RECYCLING DEPOT" means a permanent or temporary facility where used or scrap materials are separated into recoverable resources for reuse, but shall not include an automobile wrecking establishment. **(139/2002)**

"RELIGIOUS ORGANIZATION" means an association of persons:

- (a) that is charitable according to the law of Ontario;
- (b) that is organized for the advancement of religion and for the conduct of religious worship, services or rites; and
- (c) that is permanently established both as to the continuity of its existence and as to its religious beliefs, rituals and practices, and includes an association of persons that is charitable according to the law of Ontario and that is organized for the advancement of and for the conduct of worship, services or rites of the Buddhist, Christian, Hindu, Islamic, Jewish, Baha'i, Longhouse Indian, Sikh, Unitarian or Zoroastrian faith, or a subdivision or denomination thereof. **(26/2016)**

"RENOVATION" means the repair and restoration of a building or structure to a good condition but shall not include its replacement.

"REPAIR AND RENTAL ESTABLISHMENT" means a business engaged in maintaining, repairing, installing and renting articles and equipment for household, personal, construction and industrial use such as: radios and television, refrigeration and air conditioning, appliances, watches, clocks and jewellery, upholstery and furniture repair, power tools, mobile construction equipment and moving equipment. This does not include any other use specifically referred to or defined in this By-law.

"REPLACEMENT" when used in reference to a building or structure or part thereof, means the removal and rebuilding, repairing or restoring of more than **25%** of the total building or structure.

"RESEARCH AND DEVELOPMENT ESTABLISHMENT" means a building or part thereof used by raw material development and testing firms; processed products development and testing firms; and chemical and biological products development and testing firms.

"RESIDENTIAL CARE FACILITY" means a family home, group care facility, or similar facility for **24** hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

"RESOURCE EXTRACTION" means the use of land for the drilling, production from the ground, and storage of, natural gas, brine or salt but excluding the refining of said products.

"RESTAURANT" means a building or part of a building where food and beverages are prepared and offered for sale to the public for consumption either on or off the premises and as an accessory use thereto, may provide patrons with entertainment. Restaurants include such uses as a cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, donut shop, coffee shop, snack bar or refreshment room or stand.

"RETAIL" shall mean the sale of goods, wares, merchandise, substances and articles to the final consumer or end user.

"RETAIL ESTABLISHMENT" means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public.

"RETIREMENT HOME" means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.

"RIDING SCHOOL" means the commercial use of land and buildings for the instruction of persons in the manner of riding horses and may include the boarding or stabling of horses.

"ROOMING OR BOARDING HOUSE" means a dwelling where **3** or more persons are accommodated for gain without separate cooking and washroom facilities, for not less than a week, but shall not include a hotel, motel, hospital, group home, or crisis care facility.

"ROAD" means a street as defined in this By-law.

S

"SALVAGE YARD" means a lot, building or structure used for wrecking, dismantling, storing or selling second hand goods, wares or materials including, but not so as to limit the generality of the foregoing includes: rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials and vehicles and parts thereof.

"SCHOOL" means a school under the jurisdiction of a Board of Education, under the Education Act, a school operated on a non-profit basis and under charter granted by the Province of Ontario, or a private school and shall include a day-care centre, or part of a day-care centre, that is located within. **(75/2015)**

"SCHOOL, COMMERCIAL" means a school other than an academic school where instruction is given for hire or gain and includes the studio of a dance teacher, or music teacher, an art school, vocational, business or trade school.

"SERVICE ESTABLISHMENT" means an establishment other than an automotive use, that provides a non-personal service and craft to the public, including, but not necessarily restricted to: a bakery, a blacksmith's shop, a carpenter's shop, a catering establishment, a dairy, an egg grading station, electrician's shop, a furrier's shop, lawn care establishments, a machine shop or a monument engraving shop, a merchandise service shop, a painter's shop, a plumber's shop, a printer's shop, a tinsmith's shop, an upholsterer's shop, a welding shop and a well driller's establishment.

"SETBACK" means the minimum horizontal distance between a lot line and the nearest part of the foundation of any building or structure on the lot or the nearest open storage use on the lot.

"SHIPPING CONTAINER" means a pre-fabricated metal container or *structure* having a floor, ceiling or roof, walls, and door(s) that is specifically designed for storage of goods and materials while under transport by ship, rail or truck. For the purpose of this definition, a shipping container does not include a motor vehicle or transport trailer. Shipping containers which are modified to other uses defined by this By-law (such as a dwelling or restaurant) are no longer shipping containers.

"SHIPPING CONTAINER, MODIFIED" means a shipping container altered from its original state and appearance to be used a main building or part thereof, and shall include foundations, windows and doors, and external painting or cladding, as well as all provisions required under the *Ontario Building Code* and *Fire Code* for the building's intended use. **(47/2017)**

"SHOPPING CENTRE" shall mean a lot and a building or structure, or portion thereof, or group of buildings, located in a Commercial Zone, containing at least **3** individual commercial uses designed, developed and managed as a comprehensive development for which common loading spaces, parking areas, landscaping areas and other common facilities may be provided.

"SHORELINE MANAGEMENT AREAS" means areas identified by the St. Clair Region Conservation Authority to define the hazard limits adjacent to the Lake Huron shoreline. These areas are based on the characteristics of the shoreline related to bluff height and each

development. Development is either prohibited or restricted within these areas.

"SLEEP DISORDER CLINIC" is a licensed Independent Health Facility (IHF) dedicated to improving health and promoting wellness by providing accommodation for overnight observation of a person sleeping and in which continuous monitoring and tests are done in a private specialized Sleep Laboratory by qualified Sleep (Polysomnography) Technologists. The IHF also engages the support of vendors registered with the Ontario Ministry of Health, ADP (Assistive Devices Program) for the provision of assisted device which may include accessory home care vendor sales associated with the treatment of sleep related and respiratory related disorders only.

"SLOT MACHINE CASINO" shall mean buildings or structures used for the playing of slot machines as defined by the Criminal Code of Canada and which are regulated by the Alcohol and Gaming Control Commission as authorized under the Gaming Control Act, 1992, and the Criminal Code of Canada as amended from time to time.

"SOCIAL OR SERVICE CLUB" means a social, recreational, cultural or country club located on privately owned lands which provides social and recreational facilities for the use of club members and includes the premises of a fraternal organization, but does not include a public hall or a commercial recreation establishment.

"SOLAR ELECTRIC POWER" means the use of land, buildings and structures to capture energy from the sun and convert it to electricity and sell it to a power authority." (174/2007)

"SOUP KITCHEN" means a building or part of a building where free meals are served by a non-profit or charitable organization to those who are in need, homeless or destitute. (26/2016)

"STOREY" shall mean that portion of a building other than a cellar or attic storey which is included between one floor level and the next higher floor level or the ceiling and which is not less than **2.25m** nor more than **4.25m** in height.

"STOREY-HALF" shall mean that portion of a building situated within the roof or having its floor level not lower than **1.25m** below the line where the roof and interior enclosing walls meet, and having a roof not steeper than **45°** above the horizontal.

"STORMWATER MANAGEMENT FACILITY" means a facility approved by the Ministry of the Environment which provides quality and/or quantity control for stormwater generated by a development area.

"STREET" means a public thoroughfare intended for vehicular traffic and which is under the jurisdiction of either the Corporation, the County or the Province of Ontario. This definition shall not include any lane or private right-of-way.

"STREET ACCESS" means, when referring to a lot, that such lot has a lot line or portion thereof which is also a street line.

"STREET ALLOWANCE" shall have a corresponding meaning to a **"Street"**.

"STREET LINE" means the limit of the street allowance and is the dividing line between a lot and a street.

"STUDENT RESIDENCE" means a building which provides living accommodations exclusively for persons (and their families) who are enrolled as students at a University or College, and other supervisory and maintenance personnel associated with the operation of the building.

"STUDIO" means a building or part thereof used as the workplace of a photographer, crafts person or artist, or for the instruction of art, music, dancing, languages or similar disciplines. The sale of any products produced on the premises may be permitted only as an accessory use.

I

"TAXI STAND" means a lot or building used as a dispatch office and the parking of taxis and/or limousines when not engaged in transporting persons or goods.

"TEMPORARY BUILDINGS AND STRUCTURES" means the use of land or a building for a sales office, construction office or tool shed, or for the storage of scaffolds, equipment and material which is incidental to and necessary for construction work in progress for so long as the same are necessary for construction which has neither been finished nor abandoned; and in all Zones "temporary use" shall include the continued use of an existing building on a lot during the construction of a building intended to replace such building provided that: **(29/2003)**

- (i) In no case may such existing building remain undemolished on the lot for longer than **60** days after the building intended to replace such existing building is ready in whole or in part for occupancy, or **2** years after the date of issue of the building permit for the building intended to replace such existing building, whichever comes first;
- (ii) Safety and emergency access are provided and maintained to the satisfaction of the Chief Building Official of the City of Sarnia and the Chief of the Fire Department of the City of Sarnia; and
- (iii) The minimum parking requirements for use of the existing building on the lot continue to be provided on the lot until the existing building is vacated.

"TEMPORARY USE" means a use permitted for a temporary period by By-law passed under Section 39 of the Planning Act.

"TERMINAL GRAIN ELEVATOR" means an establishment for the storing, receiving, shipping of grain and similar agricultural products, and includes associated offices, weigh scales, and accessory uses.

"THEATRE" means a building or part of a building which is used for the presentation of musical, theatrical, or film performance and shall include accessory uses such as lounges, dressing rooms, workshops, and storage areas.

"TOP-OF-BANK" means a line delineated at a point where the oblique plane of the slope associated with a water course or lake, meets the horizontal plane.

"TOURIST CENTRE" means any land, buildings or structures used for the purpose of providing tourist information and activities to the travelling public.

"TRANSITIONAL HOUSING FACILITY" means a supervised temporary residence comprised of beds in apartment style units with a maximum of 5 beds per unit with each unit containing a private bedroom and common areas such as washroom, kitchen and living room for persons in a housing crisis in need of longer term housing accommodation with associated support programming to assist in the development and enhancement of necessary life skills for the purposes of retaining permanent sustainable independent housing. (6/2008)

"TRAVEL TRAILER" means a vehicle designed, intended and used exclusively for travel, recreation and vacation and which is either capable of being drawn by a passenger vehicle and shall include tent trailers, and similar transportable accommodation excepting a single or double wide mobile home.

"TRUCK STOP" means the use of any land, buildings or structures upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodation, laundry and shower facilities for the use of truck crews, and restaurant facilities.

"TRUCK TRANSPORT TERMINAL" means a building, structure, or lot used for the parking, storage, repairing, or dispatching of commercial motor vehicles or trailers as defined by the Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended.

U

"UNDERGROUND PARKING AREA" means an accessory building or a portion of a building for the parking of passenger motor vehicles which has no part thereof other than the

entrance or exit above ground at any point.

"USE" where it appears as a noun, means the purpose for which a lot, building or structure, or any combination thereof is designed, arranged, occupied or maintained.

"UTILITY SERVICE BUILDING" means a building used in connection with the supplying of Public Utilities including a water and sewage pumping station, a water storage reservoir, a gas regulator building, an electric sub-station, a telephone exchange building or similar buildings.

W

"WAREHOUSE" means a building or structure or part thereof used or intended to be used for the storage and display of goods, merchandise or materials, and may include the carrying out of commercial transactions involving the sale of such goods, merchandise and materials solely by wholesale.

"WASTE TRANSFER STATION" means a building or lot used for the temporary storage and collection of waste into bulk containers for further transport to a landfill site, recycling depot or other waste disposal facility as approved under the Environmental Protection Act. **(41/2004)**

"WAYSIDE PIT" OR "WAYSIDE QUARRY" means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

"WHEELCHAIR RAMP" means a sloping way, such as a sloping floor or a walk leading from one level to another, and is intended to be used by all disabled persons in wheelchairs and by people with other limitations who prefer not to use stairs; it does not include a loading ramp designed and intended for loading or unloading goods or materials; a wheelchair ramp shall not exceed **1.5m** in width.

"WHOLESALE ESTABLISHMENT" means any establishment which sells merchandise to others for resale and/or to industrial or commercial users.

Y

"YARD" means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere

in this By-law.

"YARD, FRONT" means a yard extending across the full width of the lot between the front lot line of the lot and the foundation of any main building on the lot.

"YARD, FRONT DEPTH" means the least horizontal dimension between the front lot line of the lot and the foundation of any building or structure on the lot, or the nearest open storage use on the lot.

"YARD, REAR" means a yard extending across the full width of the lot between the rear lot line of the lot and the foundation of any main building on the lot. If there is no rear lot line, there shall be deemed to be no rear yard.

"YARD, REAR DEPTH" means the least horizontal dimension between the rear lot line of the lot and the foundation of any building or structure on the lot, or the nearest open storage use on the lot.

"YARD, REQUIRED" means a yard with the minimum front yard depth, rear yard depth, or side yard width required by the provisions of this By-law.

"YARD, SIDE" means a yard extending from the front yard to the rear yard and from the side lot line of the lot to the foundation of any main building on the lot. In the case of a lot, which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard. **"SIDE YARD WIDTH"** means the least horizontal dimension between the side lot line of the lot and the foundation of any building or structure on the lot, or the nearest open storage use on the lot.

"YARD, EXTERIOR SIDE" means a side yard immediately adjoining a street, extending from the front yard to the rear lot line. May be referred to as a flankage side yard.

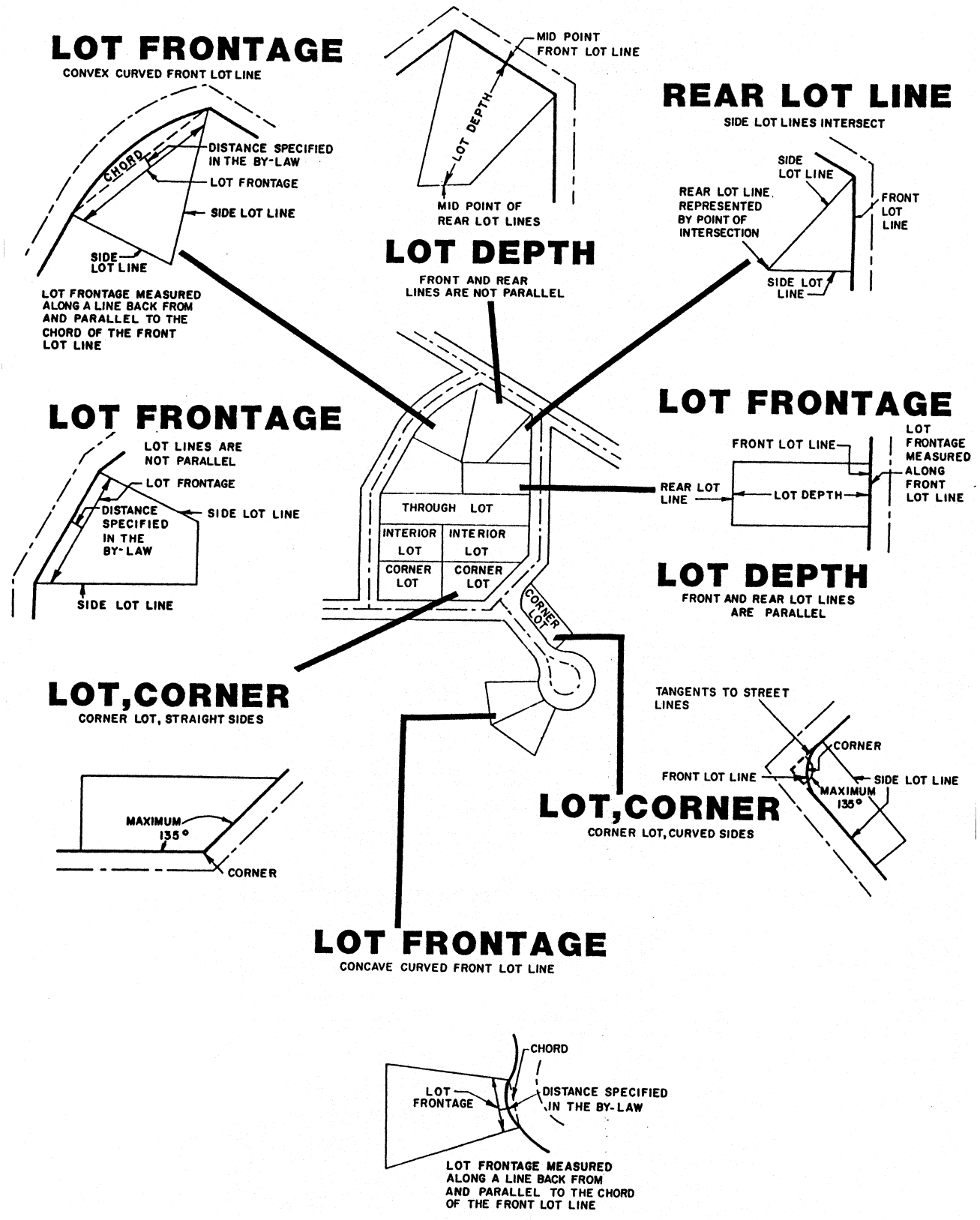
"YARD, INTERIOR SIDE" means a side yard other than an exterior side yard.

Z

"ZONE" means a designated area of land use shown on Schedule **A** of this By-law.

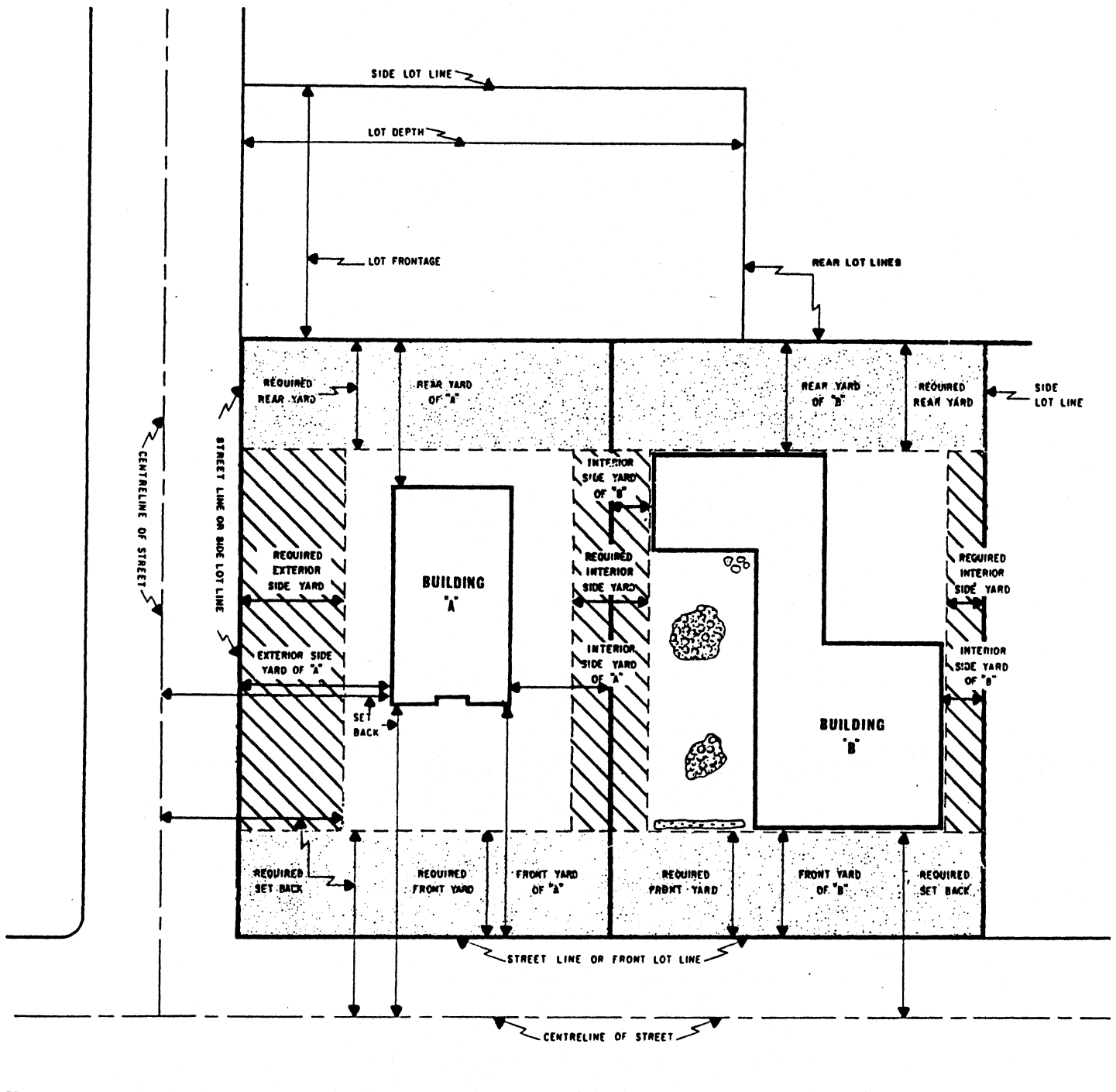
"ZONE BOUNDARY" shall mean a line dividing two or more different Zones as herein defined.

ILLUSTRATION OF LOT DEFINITIONS



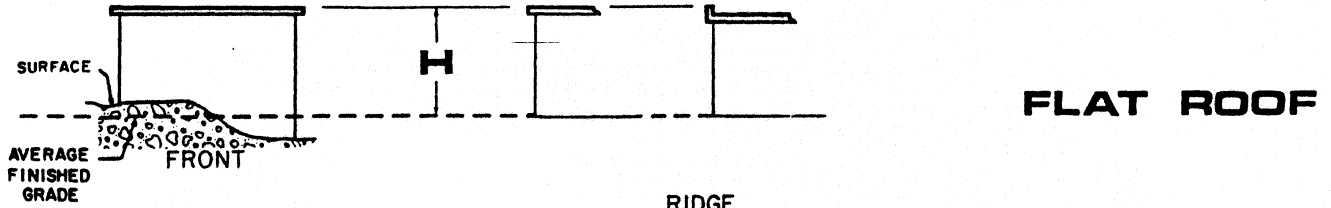
NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE AND DO NOT FORM PART OF THIS BY-LAW.

ILLUSTRATION OF YARD DEFINITIONS

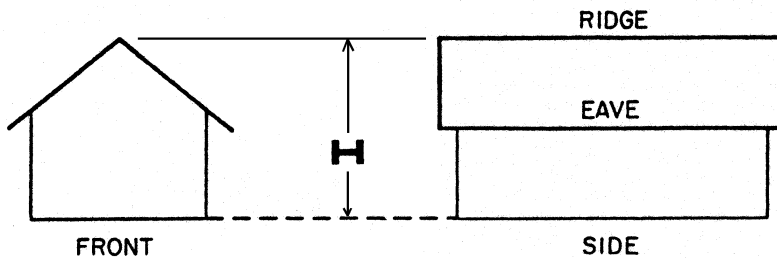


NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE AND DO NOT FORM PART OF THIS BY-LAW.

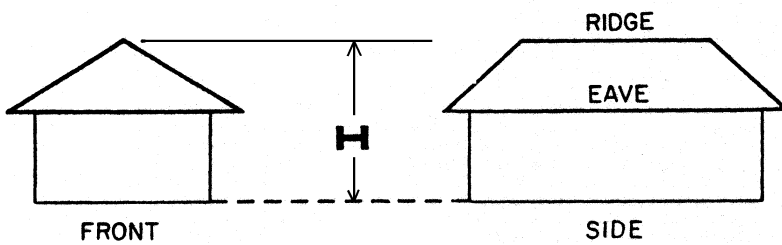
ILLUSTRATION OF BUILDING HEIGHT DEFINITIONS



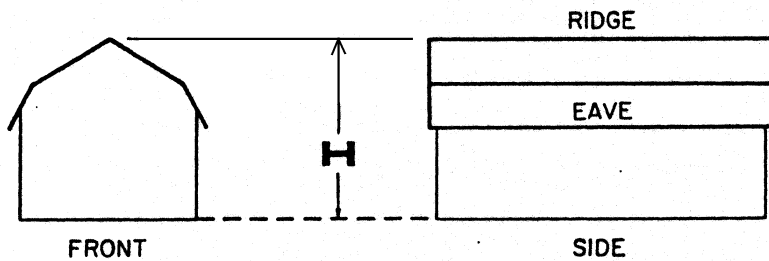
FLAT ROOF



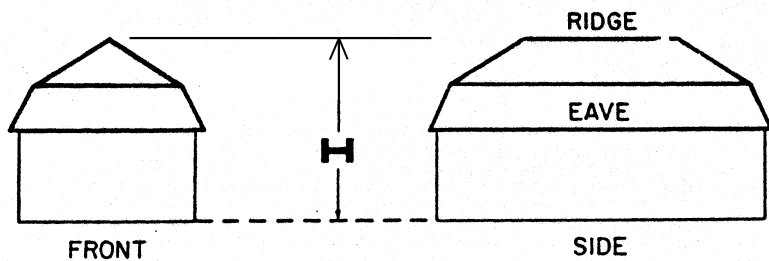
GABLE ROOF



HIP ROOF



GAMBREL ROOF



MANSARD ROOF

H - HEIGHT OF BUILDING

NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE AND DO NOT FORM PART OF THIS BY-LAW.

