

Section 2 Definitions

"ABANDONED" means a failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous one year period.

"ABATTOIR" means a building or structure, or portion thereof, where animals are slaughtered for the purposes of processing meat into food for human consumption; and where meat products are produced, processed, handled, stored or sold. (deleted & replaced by Z-1-051390)

"ACCESS DRIVEWAY" means the area between the travelled portion of a road and a parking area used by motor vehicles for access to and from the parking area.

"ACCESSORY BUILDING" means a building or structure which is customarily incidental and subordinate to the main use of the lot. An accessory building must be separate (detached) from the main building. Such items as heat pumps, air exchangers or outdoor air conditioning units are also to be treated as accessory buildings.

"ACCESSORY DWELLING UNIT" - See "DWELLING UNIT, ACCESSORY".

"ACCESSORY or ANCILLARY" means a use, building or structure customarily incidental, subordinate and exclusively devoted to the main use and carried on with such main use, building or structure on the same lot. (Z.-1-051390)

"ACCOMMODATION" means a use which provides lodging including rooms and/or food. (Z.-1-93173)

"ADVANCED MANUFACTURING EDUCATIONAL USE" - means any Advanced Manufacturing Industrial Uses and any research and/or applied research and related training centres of either the University of Western Ontario or Fanshawe College related to such Advanced Manufacturing Industrial Uses, but excludes conventional post-secondary academic program delivery. (Z.-1-101944)

"ADVANCED MANUFACTURING INDUSTRIAL USE" – means any manufacturing, industry and related incubator facility primarily relating to the use or application of advanced manufacturing technologies, systems or processes including advanced materials and structures (metals and composite materials included), precision tooling, equipment and process technologies, medical device, environmental and energy technologies and information technology included. (Z.-1-101944)

"AGGREGATE REPROCESSING" means the process of reusing old concrete, asphalt, or brick, that is stockpiled, crushed, and used again for construction, industrial, or manufacturing purposes, but does not include the recycling of materials such as asphalt shingles, drywall, and wood. (Z.-1-99687)

"AGGREGATE STORAGE AREA" means the use of land for the temporary storage of aggregates for sale or use in the production of cement or asphalt. (Z.-1-93173)

"AGRICULTURAL SERVICE ESTABLISHMENT" means an establishment, other than an automotive use, that is at a small scale, is intended to service the local agricultural community and provides a non-personal service or craft which supports an agricultural use, including, but not necessarily limited to farm drainage and excavation; contracting and trades related to farm buildings and structures; welding; agricultural machinery repairs; vehicle repair; custom spraying, tillage, planting and harvesting services; and water well drilling. (Z.-1-051390) (Z.-1-061491)

"AGRICULTURAL SUPPLY ESTABLISHMENT" means an establishment that sells goods and materials which directly support agricultural uses defined by this By-law. The agricultural use must be of a small scale that is intended to serve the local agricultural community and may include the sale, processing and storage of seed, feed, fertilizer and chemical products, vehicle sales and service establishments and farm fuel suppliers and depots. (Z.-1-051390) (Z.-1-061491)

"AGRICULTURAL USE" shall mean the use of land, buildings or structures for; the tillage of soil, growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers or landscaping materials; the grazing, breeding, raising, boarding or training of all kinds of livestock and poultry including but not limited to cattle, swine, sheep, deer, goats, rabbits, poultry, horses, ponies, donkeys, mules and fur bearing animals; aquaculture; apiaries; the erection and use of greenhouses, vine crops, woodlots and forest tree uses; and the packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture. (Z.-1-051390)

"AGRICULTURAL USE, INTENSIVE" means an agricultural use where animals or birds are kept for grazing, breeding, raising, boarding, or training of livestock of all kinds including, but not so as to limit the generality of the foregoing, cattle, swine, sheep, goats, rabbits, poultry, fish, horses, ponies, donkeys, mules, and fur bearing animals. Agricultural uses for which manure and/or compost are an essential part of the operation, including but not limited to, Compost Facilities, Manure Storage Facilities and Mushroom Farms shall be considered an intensive agricultural use. (Z.-1-172556)

"AGRICULTURAL USE, NON-INTENSIVE" means an area of land with or without accessory buildings or structures which is used primarily for the tillage of soil, growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers or landscaping materials; the erection and use of greenhouses, woodlots and forest tree uses; the packing, treating, storing, and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture excluding "Agricultural Uses, Intensive" as specified herein.

"AGRICULTURALLY RELATED COMMERCIAL USE" means a commercial use directly related to agriculture and requiring proximity to farm operations and includes agricultural service establishments and agricultural supply establishments which may include such uses as animal husbandry services, auction establishment, farm supply and farm equipment sales and service. (Z.-1-051390)

"AGRICULTURALLY RELATED INDUSTRIAL USE" means an industrial use directly related to agriculture and requiring proximity to farm operations and includes such uses as grain handling facility, feed and flour mills, livestock sales and marketing yards, abattoir, sawmill and custom workshop. (Z.-1-051390)

"AIRPORT" shall mean a runway or runways for the take off and landing of aircraft and licensed by Transport Canada. This use shall also include accessory buildings and structures used for the storage of aircraft and for small accessory uses such as offices, restaurants and automobile rental establishments. (Z.-1-051390)

"AISLE" means the area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.

"ALTER" when used in reference to a building, structure or part thereof, means to change any one or more of the internal or external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" means to change the width, depth or area thereof or to change the width, depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words "altered" and "alteration" shall have corresponding meanings.

"AMENITY AREA" means an area or areas intended for use for recreation or aesthetic purposes within the boundaries of a lot and may include landscaped open space areas, patios, balconies, communal lounges, swimming pools, recreation facilities, and any other area which may be used for recreational or aesthetic purposes, but does not include any driveways or parking area.

"AMENITY SPACE" means the total area or areas within a lot provided for the use of the residents of a residential building or a commercial building containing residential

units located on the lot for the purpose of personal recreation space or shared recreation space.

"AMUSEMENT GAME ESTABLISHMENT" means a building or a part thereof within which more than three amusement game machines are available to the public.

"AMUSEMENT GAME MACHINE" means a mechanical, electrical or electronic device activated by the insertion of a coin or token for the play of a game of chance and/or skill that is not contrary to the Criminal Code of Canada.

"AMUSEMENT PARK" means a commercial recreational establishment with or without permanent buildings or structures where rides, games of chance and the sale of food, beverages, toys and souvenirs constitute the main use.

"ANIMAL CLINIC" shall mean a building or part thereof, designed, used or intended for use by a veterinarian and his assistants for the purpose of providing for the care and treatment of pets raised or housed for recreational or hobby purposes, without overnight accommodation, and without limiting the generality of the foregoing, includes dogs, cats and birds but does not include livestock. (Z.-1-051390)

"ANIMAL HOSPITAL" shall mean a building designed, used or intended for use by a veterinarian and his assistants for the purpose of providing for the care and treatment of livestock, may include overnight accommodation, and may include an animal clinic. (Z.-1-051390)

"ANTENNA" shall mean part of a structure used for the purpose of sending or receiving electromagnetic waves. (Z.-1-051390)

"ANTIQUÉ STORE" means a retail store selling any old and authentic objects of personal property which were made, fabricated or manufactured sixty or more years earlier and which have a unique appeal and enhanced value mainly because of its age, and, in addition, may include the sale of any article of personal property which was made, fabricated or manufactured twenty or more years earlier and because of public demand had attained a value in a recognized commercial market which is in excess of its original value. (Z.-1-051390)

"APARTMENT BUILDING" - See "DWELLING APARTMENT BUILDING"

"APARTMENT HOTEL" means a hotel, except that up to 50 percent (50%) of the living accommodation therein, according to floor area, may be dwelling units.

"AQUACULTURE" means land devoted to the hatching, raising, or breeding of fish or other aquatic plants or animals for sale and/or personal use. (Z.-1-051390)

"AREA OF BUILDING" means the maximum horizontal projected area of a building, including enclosed porches, but exclusive of steps, terraces, or cornices.

"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.

"ARTISAN WORKSHOP" means an establishment used for the processing or manufacturing of specialty or craft goods, including food and non-alcoholic beverages, by the use of hand tools or small-scale, light mechanical equipment. (Z.-1-172561)

"ASSEMBLY HALL" means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, charitable, philanthropic, cultural, private, recreational or social activities and may include a banquet hall or private club. This does not include a Place of Worship. (Z.-1-051390) (Z.-1-142287)

"ATTACHED" when used in reference to a building, means a building otherwise complete in itself which depends for structural support or for complete enclosure upon a division wall or division walls shared in common with adjacent building or buildings.

"ATTIC" means that portion of a building between the roof and the ceiling of the top storey.

"AUCTION ESTABLISHMENT" means a building or part thereof used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings and may include the storage of such articles to be sold at auction. (Z.-1-051390)

"AUCTION ESTABLISHMENT, LIVESTOCK" means a building or part thereof used for the retail sale of livestock to members of the public bidding the highest offer for livestock during the sale proceedings. (Z.-1-061506)

"AUDITORIUM" means a building or structure, or part thereof, where facilities are provided for athletic, civic, educational, recreational, political, religious, or social events, including, but not so as to limit the generality of the foregoing, an arena, curling rink, museum, community centre, assembly hall, pool hall, bingo hall, gymnasium, stadium, cinema, theatre, or playhouse.

"AUTOMOBILE BODY SHOP" means an establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include an automobile repair shop, an impounding yard, an automobile service station or a gas bar.

"AUTOMOBILE RENTAL ESTABLISHMENT" means premises where vehicles are stored and rented to the public.

"AUTOMOBILE REPAIR GARAGE" means an establishment for the repair or replacement of parts in a motor vehicle and, without limiting the generality of the foregoing, includes the repair, replacement or reconditioning of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, tires, wheels, windshields, windows and other mechanical or electrical parts of systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement and includes the sale of automobiles ancillary to automobile repair garage functions, but does not include an automobile body shop, an impounding yard, an automobile service station or a gas bar. (Z.-1-93150) For the purpose of this definition, vehicle shall not include motorized construction equipment, farm equipment, truck bodies, truck tractors or tractor trailers. (Z.-1-93173)

"AUTOMOBILE SALES AREA" means an open area used for the display, sale, or rental of automobiles or trailers.

"AUTOMOBILE SALES AND SERVICE ESTABLISHMENT" means premises where new and used vehicles are stored or displayed for the purpose of sale, lease or hire and shall include the storage and sale of automotive accessories together with the repair and service of the vehicles. For the purpose of this definition, vehicle shall not include motorized construction equipment, farm equipment, truck bodies, truck tractors, or tractor trailers.

"AUTOMOBILE SALES BOUTIQUE" means an enclosed retail store where vehicles are displayed in a showroom internal to the premises, for the purpose of sale, hire or lease but shall not include the outside display or storage of vehicles or the repair and service of vehicles. (Z.-1-112010)

"AUTOMOBILE SERVICE STATION" means a building or place where gasoline or other motor fuels are kept for sale and for delivery directly into motor vehicles, and may also include a building or place where minor running repairs, cleaning and maintenance essential to the actual operation of motor vehicles and the sale to the motoring public of goods usual to the trade are performed.

"AUTOMOBILE SUPPLY STORE" means a building or part thereof used for the purpose of retail sale of equipment and parts used to repair, service or customize motor

vehicles. This does not include any installations or repairs.

"AUTOMOTIVE USE" means an automobile service station, a gas bar, an automobile repair garage, a car wash, an automobile supply store, an automobile body shop, or an automobile sales and service establishment as defined herein.

"AUTOMOTIVE USE, RESTRICTED" means an automobile service station, a gas bar, or a car wash.

"BAKERY" means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products and may include an accessory retail store which sells goods manufactured on the premises. (Z.-1-051390)

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

"BASEMENT" means a storey or storeys of a building located below the first storey and having its ceiling 1.8 m (5.9 ft.) or less above grade. (Z.-1-98604)

"BATCHING PLANT, ASPHALT" 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 sales of finished asphalt.

- a) "PORTABLE ASPHALT PLANT" means a temporary asphalt batching plant established for a Provincial or Municipal road project.

"BATCHING PLANT, CONCRETE" means an industrial establishment used for the production of concrete, or concrete 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 sales of finished concrete. (See Figure 3 at the end of this Section)

"BED AND BREAKFAST ESTABLISHMENT" means a single detached dwelling in which no more than three rooms are made available by the residents of the said dwelling for the temporary accommodation of travellers where no assistance is offered by any person not residing in the dwelling and where meals or food are served only to overnight guests. This does not include a hotel, motel, boarding or lodging house, or restaurant as defined herein. (Z.-1-93173) (Z.-1-051390)

"BERM" means a landscaped mound of earth.

"BOARDER" - See "LODGER".

"BOARDING HOUSE" - See "LODGING HOUSE".

"BOARDING UNIT" - See "LODGING UNIT".

"BOAT" means any vessel propelled by oars, sail, an engine or paddles.

"BOUTIQUE" means a small retail shop that specializes in gifts, fashionable clothes, and accessories. (Z.-1-93211)

"BREWING ON PREMISES ESTABLISHMENT" means a commercial establishment where individuals produce beer, wine and/or cider, for personal use and consumption off the premises; and where beer, wine and/or cider ingredients and materials are purchased, equipment and storage area is used for a fee by the same individuals. (Z.-1-95390)

"BUILDER'S YARD" means the yard of a building contractor or company 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, but does not include the wholesale or retail sale of building supplies or home improvement supplies.

"BUILDING" means any temporary or permanent structure consisting of walls and a roof which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, or chattels, and includes accessory buildings and structures such as heat pumps or air exchangers, but does not include any vehicle as defined herein; such as a travel trailer, camping trailer, truck camper or motor home; or a fence or wall. (Z.-1-051390)

"BUILDING DEPTH" – means the horizontal distance between the front and rear building walls but where the front and rear building walls are not parallel, the building depth is the length of a line joining the midpoints of such walls, and excludes stoops, sun decks, porches, verandahs, balconies, exterior steps or architectural adornments. (Z.-1-172575)

"BUILDING FAÇADE" – means the front elevation of a main building including the entire width and height of all building parts within the first 6 metres of building depth; and may include multiple building wall surfaces, and excludes stoops, sun decks, porches, verandahs, balconies, exterior steps or architectural adornments. (Z.-1-172575)

"BUILDING LINE" means a line representing the location of the wall of a building on a lot situated closest to any street line.

"BUILDING, MIXED-USE" means a development project containing more than one land use category (i.e. retail commercial and residential, office and residential, industrial and retail commercial, office and retail commercial) that are conceived and designed as a single structure.

"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, general 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. (Z.-1-93173)
(O.M.B. File #R910387 - Appeal #9006-3, 9009-2, 9009-7 June 4, 1993)

"BUILDING HEIGHT" - See "HEIGHT".

"BUILDING LINE, ESTABLISHED" means the existing street setback of an existing main building on a lot measured between the centreline of the street adjacent to the said lot and the nearest part of such building, excluding stoops, sun decks, porches, verandahs, balconies, exterior steps or architectural adornments.

"BUILDING, OFFICE-APARTMENT" - See "OFFICE-APARTMENT BUILDING".

"BUILDING, RESIDENTIALLY CONVERTED" means a building converted into one or more dwelling units from a building originally constructed or used for non-residential purposes.

"BUILDING, SENIOR CITIZENS APARTMENT" - See "DWELLING, APARTMENT BUILDING, SENIOR CITIZENS".

"BUILDING, SINGLE DETACHED" means a building containing only one dwelling unit.

"BUILDING SUPPLY OUTLET" means an industrial premises used for milling, storage, and wholesale sales of a broad range of building materials and tools and which may include a retail operation. (O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993)

"BULK BEVERAGE STORE" means a retail store devoted to the sale of packaged beverages in quantities, such as, by the case or other large lot, but not by individual unit or portion.

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

"BUSINESS SERVICE ESTABLISHMENT" means an establishment primarily engaged in providing services to business establishments on a fee or contract basis, including advertising and mailing, building maintenance, employment services, protective services, and small equipment rental, leasing and repair.

"CAMPGROUND" means a parcel of land used or maintained as an overnight tenting or camping area, where people are temporarily accommodated in tents, trailers, travel trailers, motor home or similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not include a mobile home or a mobile home park. (Z.-1-051390)

"CANOPY, WEATHER" means a permanent unenclosed roof structure erected for the purpose of sheltering motor vehicle fuel pumps and dispenser islands from the weather.

"CARPORT" means a covered structure used for the storage of vehicles. The roof of the said structure shall be supported by piers or columns so that 60 percent (60%) of its wall area closest to the side lot line is unenclosed.

"CAR WASH" means a building or structure for use by the general public containing facilities for the washing of motor vehicles for a fee either by production line methods employing mechanical devices or by hand. (Z.-1-051390)

"CASINO" means a facility for the purposes of gaming that is authorized by the Province of Ontario. (Z.-1-182697)

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

"CATERER'S 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 food service establishment.

"CELLAR" (repealed by Z.-1-98604)

"CEMETERY" means land that is set apart or used as a place for the interment of the deceased or in which human bodies have been buried and may include a crematorium, mausoleum and a columbarium.

"CENTRELINE, STREET" means the centreline of the original road allowance, as opposed to the centreline of the travelled roadway, or any widened road allowance.

"CHANNEL COMPOSTING FACILITY" means a facility where the composting of organic materials takes place in long rectangular troughs or channels and applied process controls are used to reduce the time required for composting and to ensure product quality. (Z.-1-031144)

"CHRONIC CARE FACILITY" means a rest home, a hospital, or licensed facility where the elderly or chronically ill reside and are cared for.

"CHURCH" (definition deleted by Z-1-142287)

"CINEMA" means a building or part thereof used for the showing or viewing of motion pictures.

"CITY" means The Corporation of the City of London.

"CLINIC" means a building or part thereof, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical, physiotherapeutic or human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, but does not include overnight accommodation or operating rooms and does not include a CLINIC, METHADONE." (Z.-1-051390) (Z.-1-122090)

"CLINIC, METHADONE" means a clinic or medical dental office that wholly, or in part, is used for the prescription of methadone as more than an ancillary activity and may include other support services such as, but not limited to, a methadone pharmacy, the provision of counselling services, and/or laboratories, but does not include a HOSPITAL. For the purposes of this definition, an ancillary activity shall mean prescribing methadone to a maximum of 40 clients per day. (Z.-1-122090)

"CLINIC, OUTPATIENT" means a clinic where day surgery and medical treatment is performed; however, no overnight accommodation shall be provided.

"CLUSTER TOWNHOUSE" - See "DWELLING, CLUSTER TOWNHOUSE".

"COMMERCIAL OUTDOOR RECREATION FACILITY" means an outdoor facility or facilities which may include, but not necessarily be restricted to, a water slide, a commercial outdoor swimming pool, a wave pool, a golf course, miniature golf course, driving range, a baseball batting cage or a paddleboat or bumper-boat pool, but shall not include a go-kart track, a facility for motorized recreational vehicles, an amusement park, a ski club or any other use separately defined or listed herein. (Z-1-051390)

"COMMERCIAL PARKING STRUCTURE" - See "PARKING STRUCTURE, COMMERCIAL".

"COMMERCIAL RECREATION ESTABLISHMENT" means a building, or part thereof, used for the purposes of an arena, assembly hall, billiard or pool room, bingo hall, bowling alley, dance hall, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool, or sports simulation, but not including a place of entertainment, an amusement games establishment, cinema, theatre, drive-in theatre, amusement park or any other place of entertainment or amusement otherwise defined or classified herein. (Deleted and replaced by Z.-1-96458 - O.M.B. File NO. R 980047 - Order Issue Date: June 25, 1998)

"COMMERCIAL SCHOOL" - See "SCHOOL, COMMERCIAL".

"COMMERCIAL STORAGE UNIT" (deleted by Z.-1-99636)

"COMMERCIAL VEHICLE" - See "VEHICLE, COMMERCIAL". (Z.-1-97542)

"COMMON OPEN SPACE" means recreation space provided within or outside a building or buildings for the use of all the residents for recreation or social purposes and is readily accessible by all the residents of such building or buildings.

"COMMUNITY CENTRE" means any tract of land and the buildings and facilities thereon used for recreational, leisure, or institutional community activities and may include a Social Service Establishment, and the control of which is vested in the municipality, a non-profit organization, a local board or agent thereof and shall not include a use for commercial purposes. (Z-1-051390)(Z.-1-152431)

"COMMUNITY COLLEGE" - See "SCHOOL".

"COMMUNITY RECYCLING AND DROP-OFF DEPOT" Facility for the collection of blue box recyclables, yard materials scrap metal, renovation materials and other materials from residential sources. (Z.-1-091842)

"CONDOMINIUM" means a building or buildings in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the *Condominium Act*.

"CONFERENCE FACILITIES" means room(s) used to provide for meetings for consultation or discussion. (Z.-1-93173)

"CONSENT" means the approval to the severance of land pursuant to the provisions of Section 49 of the *Planning Act*, 1983, and as the same may be amended from time to time.

"CONSERVATION AREA" means an area of land owned by the Upper Thames River Conservation Authority and any other environmentally significant area designated by this By-Law as an OS4 and OS5 Zones. (Z.-1-93173)

"CONSERVATION LANDS" means lands used solely for the preservation and enhancement of the natural environment.

"CONSERVATION WORKS" means facilities constructed or works undertaken solely for the purpose of preserving and/or enhancing the natural environment.

"CONSTRUCTION AND DEMOLITION RECYCLING FACILITY" processes non-hazardous materials from construction and demolition projects and other sources including wood, drywall, brick, concrete, asphalt shingles, glass and scrap metals. (Z.-1-031144)

"CONTINUUM-OF-CARE FACILITY" means a facility which may include a Senior Citizens Apartment Building, a Nursing Home and/or a Retirement Lodge and may include facilities associated with, and designed specifically to serve, the Senior Citizens Apartment Building,

Nursing Home and/or Retirement Lodge such as hospitals, clinics, recreation centres, cafeterias and personal service establishments and may also include independent Senior's accommodation in separate structures/living units that share in services, such as meals, medical care services, or recreation that are provided by the facility. (Z.-1-93173) (Z.-1-01915) (Z.-1-051405)

"CONTRACTING OR BUILDING ESTABLISHMENT" - See "BUILDING OR CONTRACTING ESTABLISHMENT".

"CONTRACTOR'S YARD" - See "BUILDER'S YARD".

"CONVENIENCE BUSINESS SERVICE ESTABLISHMENT" means a commercial premise where communications and postal services are provided to both businesses and the public such as printing, photocopying, laminating, binding, fax machines, mail boxes, inter-net links, desktop publishing, and/or package shipping and receiving. (Z.-1-99640)

"CONVENIENCE SERVICE ESTABLISHMENT" means a building or shopping centre or part thereof that may contain a film processing depot, a convenience store, automated banking machine outlets, and video rental establishments.

"CONVENIENCE STORE" means a retail store having a gross floor area of 300 square metres (3,229 square feet) or less, or as determined by the zone standards, where a variety of both household and grocery items are offered for sale primarily to serve the daily needs of people and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning and an area devoted to food preparation for consumption on or off the premises, provided the gross floor area for the sale of prepared food does not exceed 10% of the gross floor area, to a maximum of 30 square metres (323 square feet). (original definition deleted and replace by By-law No. Z.-1-98566 (O.M.B. File No. R 980025 - Order Issue Date: June 18, 1998)

"CONVENTION CENTRE" means a building designed to accommodate large gatherings for specific events such as conferences, meetings, rallies, and may include meeting rooms, assembly halls, restaurants, theatres, and may include a hotel.

"CONVERTED DWELLING" - See "DWELLING".

"CORRECTIONAL AND DETENTION CENTRE" means a building established or continued under the *Ministry of Correctional Services Act*, but does not include a Training School established under the Training School Act, or a lock-up established under the *Municipal Act*.

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

"COVERAGE" means the percentage of a lot covered by the first storey of all buildings and structures on the lot including the principal building or structure, all accessory buildings or structures and all buildings or structures attached to the principal building or structure, excluding balconies, canopies and overhanging eaves which are 2.0 metres (6.6 ft.) or more in height above finished grade. Lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within that zone.

"CRAFT BREWERY" means an establishment used for the processing of specialty or craft beer, cider, wine and/or spirits. (Z.-1-172561)

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

"CUSTOM WORKSHOP" means an establishment where goods are produced for special orders and sold off-site or on the premises, but shall not include an establishment where the manufacture of goods is performed on a mass production or assembly line basis. This may include an artisan workshop. (Z.-1-051390) (Z.-1-172561)

"DATA PROCESSING ESTABLISHMENT" means a building, or part thereof, used for the input, processing and printing of computerized data.

"DAY CARE CENTRE" means a premises that receives more than five persons who are not of common parentage, primarily for the purpose of providing temporary care or guidance, or both temporary care and guidance, for a continuous period not exceeding 24 hours. Care may be provided for children, seniors and/or persons with disabilities. (Z.-1-122119)

"DAY CARE, PRIVATE HOME" - See "PRIVATE HOME DAY CARE".

"DELICATESSEN" means a food store having a gross leasable floor area of less than 200.0 square metres (2,153 sq. ft.), wherein the food offered for sale may also be prepared and sold for immediate consumption on or off the premises.

"DENSITY" means the ratio between the number of dwelling units located or proposed to be located on a lot to one (1) hectare of lot area.

"DEPARTMENT STORE" (deleted by Z.-1-96435)

"DERELICT MOTOR VEHICLE" (deleted by Z.-1-97542)

"DETACHED" means "not attached".

"DEVELOPMENT" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or useability thereof, or the laying out and establishment of a commercial or accessory parking lot. (Z.-1-051390)

"DOG OR DOMESTIC CAT GROOMING – HOME OCCUPATION" means the grooming of a dog or domestic cat as defined in the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4) and includes bathing, cutting of hair,

trimming of nails, and other services generally associated with the act of grooming. (Z.-1-061498)

"DINING ROOM" means that part of a commercial restaurant, refreshment room or other building, other than a dwelling, which is used for the consumption of food or beverages by persons seated at booths, counters, tables or a combination thereof.

"DRIVE-IN THEATRE" means a theatre consisting of a screen or screens and parking area where the public is able to view projected movies from a private automobile or vehicle. (Z.-1-051390)

"DRIVE-THROUGH FACILITY" means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities. (Z.-1-96439)

"DRIVEWAY" means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.

"DRIVING RANGE" means a public or private area operated for the purpose of developing golf techniques, but excluding miniature golf courses and golf courses. (Z.-1-051390)

"DRUG STORE" - See "PHARMACY".

"DRY CLEANING AND LAUNDRY DEPOT" means a building used for the purpose of receiving articles of clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere or on the premises if the processing element is restricted to closed, unvented dry cleaning equipment, and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

"DRY CLEANING AND LAUNDRY PLANT" means a building where dry cleaning, dry dyeing, cleaning or pressing of articles of clothing is carried on.

"DRY USE" means any use which by the nature of its operation, process or fabrication of raw materials or service rendered does not require a water supply other than that available from within the limits of the lot upon which the use is located and/or does not discharge effluent from the limits of the lot upon which the use is located. The discharge effluent being produced shall be from normal sanitary and eating facilities required for the employees such as washrooms and eating facilities, cooling or pressure testing of equipment, the washing of accessory vehicles and similar ancillary uses and not for processing. (Z.-1-97484) (Z.-1-051390)

"DUPLEX DWELLING" (deleted by Z.-1-051390)

"DUPLICATING SHOP" means a premises engaged in reproducing drawings, plans, maps or other copy, by blueprinting, photocopying or small offset process. (Z.-1-93209)

"DWELLING" means a building containing one or more dwelling units.

- a) "APARTMENT BUILDING" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling. (Z.-1-98604) Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within an Apartment Building shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121003, July 22, 2013)

- b) "APARTMENT BUILDING, HANDICAPPED PERSONS" means an apartment building designed for the accommodation and occupancy by physically handicapped persons which is owned and managed by a public housing authority or non-profit organization or a charitable institution, and which may be associated with a place of worship.
- c) "APARTMENT BUILDING, SENIOR CITIZENS" means an apartment building designed for the accommodation of the elderly, which is owned and managed by a public housing authority or non-profit organization or a charitable institution and which may be associated with a place of worship.
- d) "CLUSTER HOUSING" means a group or groups of dwelling units which may be in various forms, and so located on a lot that each dwelling unit may not have legal frontage on a public street or road and more than one dwelling unit may exist on one lot.
- e) "CONVERTED DWELLING" means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Converted Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121003, July 22, 2013)(Z.-1-98604)
- f) "DUPLEX DWELLING" means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling.(Z.-198604) Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Duplex Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121003, July 22, 2013)
- g) "FARM DWELLING" means a single detached dwelling located in a farm cluster which is incidental and exclusively used in conjunction with a farm and is situated on the same lot therewith. (Z.-1-051390)
- h) "FOURPLEX DWELLING" means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling.(Z.-1-93173) (Z.-1-98604) Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Fourplex Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121003, July 22, 2013)
- i) "LINK DWELLING" - See "SEMI-DETACHED DWELLING". (Z.-1-98604)
- j) "MODULAR DWELLING" means a prefabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than 6.0 metres (19.7 ft.) in width.
- k) "MULTIPLE DWELLING" means a dwelling containing more than three dwelling units.
- l) "RAISED RANCH DWELLING" means a dwelling with no more than two levels in which the basement has its ceiling not more than 1.8 m (5.9 ft.) above grade and not less than 1.0 m (3.3 ft.) above grade. For the purpose of this by-law a raised ranch dwelling shall be considered as a one storey dwelling.
- i. (Z.-1-98604) (For Dwelling Illustrations, see Figure 1 at the end of this Section)
- m) "SECONDARY FARM DWELLING" means a single detached dwelling on the farm unit of the farm owner for an immediate family member engaged in full-time employment on the farm, a full-time employee or living quarters for seasonal help. (Z.-1-051390)
- n) "SEMI-DETACHED DWELLING" means a building which contains two single dwellings units which are attached vertically by a common wall.(O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993) (Z.-1-98604) Within Near-

Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Semi-Detached Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121003, July 22, 2013)

- o) "SINGLE DETACHED DWELLING" means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.
- p) "SINGLE DWELLING" means a dwelling containing not more than one dwelling unit as the sole main use thereof, with or without uses accessory thereto.
- q) "SPLIT LEVEL DWELLING" means a dwelling that is designed and constructed to create no more than four different levels, where at least two levels make up the first storey and all other levels are considered to be basement, and the vertically distance between such levels being always less than the full storey, but in no case can the vertical difference be less than 0.6 m (2 ft.). For the purpose of this By-law, a split level dwelling house shall be considered as one-storey dwelling. (Z.-1-98604)
- r) "STACKED TOWNHOUSE" means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Stacked Townhouse shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121003, July 22, 2013)
- s) "STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Street Townhouse shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121003, July 22, 2013)
- t) "TOWNHOUSE" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Townhouse shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121003, July 22, 2013)"
- u) "TRIPLEX DWELLING" means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted dwelling or a townhouse dwelling.(Z.-1-98604) Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Triplex Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121003, July 22, 2013)

"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. A dwelling unit shall contain no more than five bedrooms. (Z.-1-93172)(Z.-1-041300 – OMB Order 0780 – March 15/06)

- a) "ACCESSORY DWELLING UNIT" means a dwelling unit accessory to a permitted non-residential use.

"DWELLING UNIT AREA" - See "FLOOR AREA, GROSS".

"EAT-IN RESTAURANT" - See "RESTAURANT, EAT-IN".

"ECOLOGICAL BUFFER" means a combination of trees, shrubs, grass or other plants identified in the Native Species Planting Guidelines for the City of London, which are intended to provide protection to wetlands, stream corridors and other important natural features or functions. Within the ecological buffer, existing vegetation which is desirable, as identified in an approved environmental study, will be maintained. Horticultural activities and the placement or removal of fill shall not be permitted, except where it has been recommended in an approved environmental study. (Z.-1-00815) (Z.-1-051390)

"ELECTRICAL AND ELECTRONIC PRODUCTS INDUSTRY" means and shall include appliances, lighting products, audio and video recording, receiving, sending and playing products, communications products, business machine products, electrical transformers and switches, energy, wire and cable products, but shall not include electrical generation equipment or battery products.

"EMERGENCY CARE ESTABLISHMENT" means an institutional use that provides a means of immediate, temporary accommodation and assistance for a short-term period, generally less than six weeks for the majority of the residents. "Emergency care establishments" are distinct from "group homes" in that the former has a shorter length of stay, and that their capacity usually exceeds eight residents (excluding staff or the receiving family).

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

- a) any preliminary operation such as excavation, filling or draining preparatory to any building or construction;
- 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.

"EXISTING" means legally existing on the effective date of this By-Law.

"EXISTING DEFINED INDUSTRIAL USE" means the legally existing use on the effective date of this By-law and any other use included within the same definition as defined in Section 2.0 (Definitions) of this By-law. For example, lands containing an existing printers shop, which is defined as a service trade, would permit any uses that conform to the service trade definition. (Z.-1-94260)

"EXTINCT" means any species that no longer exists anywhere. (Z.-1-051390)

"EXTIRPATED" means any native species no longer existing in the wild in its natural habitat/region, but existing elsewhere in the wild. (Z.-1-051390)

"FACTORY OUTLET" shall mean a building or part thereof accessory to, and clearly secondary to, an industrial use or a service trade, wherein products manufactured, produced, processed or stored on the premises are kept or displayed for wholesale or retail sale, or wherein orders are taken for the delivery of such products. (Z.-1-051390)

"FAIRGROUND" means the use of lands, buildings or structures for the purposes of holding fairs and events which include, but are not limited to, activities that are agricultural, entertainment, commercial and trade, sports, recreational, food and dining, or corporate in nature. (Z.-1-182697)

"FAÇADE OPENINGS" means any window on a building façade which provides clear, unobstructed visibility to goods, exhibits, or the interior spaces of a building through the use of transparent glazing; or any public entrance on a building façade which provides clear access from the outside to the interior spaces of a building, but does not include entrances to any stairwell, boiler room, maintenance room, mechanical or electrical or utility room. (Z.-1-202827)

"FAMILY" means a single and independent housekeeping unit occupying and using only one dwelling unit but does not include a person or group of persons occupying:

- a) a boarding house, rooming house, lodging house, hotel, hostel, club, fraternal association, communal or co-operative housing, or institutional accommodation; or,
- b) a community resource centre, community residential centre or any other type of facility operated by arrangement with the Provincial or Federal government (except a Group Home Type 1) and used for the accommodation, rehabilitation and supervision of adult or youth detainees, inmates, parolees or probationers in a community setting away from a detention or correctional institution.

"FARM" shall mean a lot, or part of a lot, used for agricultural activities such as the growing of crops, forestry, and the raising of livestock or poultry. A farm may include a farm dwelling and other buildings and structures, such as a barn or silo, which are necessary to the operation of the farm and may include a farm market for the sale of seasonal produce but does not include a Farm Food and Products Market. (Z.-1-051390)

"FARM CLUSTER" means the grouping of farm related buildings and farm dwelling(s) in an arrangement which maximizes the agricultural area and potential of the farm lot. (Z.-1-051390)

"FARM EQUIPMENT SALES AND SERVICE" means premises where new and used farm vehicles and equipment are stored or displayed for the purpose of sale, lease or hire and shall include the storage and sale of parts accessory to such vehicles and equipment, together with the repair and service of the farm vehicles and equipment. For the purpose of this definition farm equipment shall not include automobiles, recreational vehicles or passenger trucks. (Z.-1-051390)

"FARM FOOD AND PRODUCTS MARKET" means a retail store located on a farm, where farm food, fruits and vegetables, meat and dairy products, and handicraft products are sold, a portion of which are produced and/or processed on the farm. The market may include the processing of farm food, a portion of which are produced on the farm, into finished food products. An eat-in restaurant, ancillary to the permitted market use may also be permitted to a maximum 15% of the gross floor area on the site. (Z.-1-98573)

"FARM MARKET" means the use of land, buildings or structures for the purpose of selling fruit and vegetables to the general public. The fruit and vegetables sold in a farm market must be grown exclusively by the operator on the property owned by the operator of the said farm market. For the purposes of this definition it does not include a Farm Food and Products Market. (Z.-1-051390)

"FEEDLOT" means a tract of land or structure where livestock are maintained in close quarters for the purpose of fattening such livestock for final shipment to market. (Z.-1-051390)

"FENCE" means any fence, wall (other than the wall of a building), gate or other barrier which separates or purports to separate lands not under common ownership and which is continuous throughout the entire length where required, save and except where access areas and lines of sight are required to be preserved for traffic safety purposes in accordance with the provisions of the City of London Fence By-law. (Z.-1-94236)

"FILL AREA" Fill Area describes the area of a waste disposal site set aside for landfilling. (Z.-1-091842)

"FILM PROCESSING DEPOT" means a building or part thereof, used for the purposes of depositing film for transfer from retail customers to a processing plant and as a repository for film transferred from the processing plant to the retail customers. Retail sales of film, batteries and flashes may be included but not the sale of cameras or photographic equipment.

"FINANCIAL INSTITUTION" means 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 for the purposes of this By-Law.

"FLARING OF LANDFILL GAS" Flaring of landfill gas is the burning of landfill gas in a controlled environment to reduce greenhouse gases, odour and other potential harmful compounds. (Z.-1-091842)

"FLOOR AREA, GROSS" means the sum total of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of the exterior walls or from the centreline of the common wall separating two buildings, and the "floor area, gross" of a building shall include:

- a) basement floor area where the basement ceiling height is 1.8 metres (5.9 ft.) or more, unless otherwise specified;
- b) elevator shafts and stairwells at each floor, floor area used for mechanical equipment, penthouse, attic space having headroom of 2.0 metres (6.6 ft.) or more for at least half the attic floor area, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses; and,
- c) area used for private garage, parking or loading, whether in the main building or in an accessory building, is not included in the "floor area". Service areas are included in the calculation of gross floor area for any Automobile Repair Garage uses. (Z.-1-091844)

"FLOOR AREA, GROSS LEASABLE" means the total area of a building for which tenants pay rent and have exclusive occupancy, measured from the centreline of partition walls and the exterior face of outside walls, and includes all such floor area on a main floor, mezzanine and upper storey and in a basement, but does not include any floor area used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical or utility room, and any automobile parking facilities provided within the building. (Z.-1-98604)

"FLOOR AREA, GROSS RESIDENTIAL" means the aggregate of the area of all floors in a residential building, whether at, above or below grade, measured from the exterior faces of the exterior walls, or from the centre line of the common wall separating two buildings, and including the basement floor area where the basement ceiling height is 1.95 metres (6 ft. 5 in.) and has access to it with a ceiling height of 1.95 metres (6 ft. 5 in.), but excluding any open porch/verandah and unfinished attic, and area used for a private garage, parking and loading. (Z.-1-96413)

"FLOOR AREA RATIO" means the gross floor area, in square metres, divided by the area of the lot, in square metres, and is expressed in a ratio of gross floor area to one square metre of lot area. The floor area ratio in each zone shall be deemed to apply only to that portion of such lot which is located within that zone.

"FLORIST SHOP" means a retail store devoted to the sale of flowers, indoor plants and arrangements thereof.

"FOOD STORE" means a retail store selling food and associated small household items, and having a gross leasable floor area of less than 2000.0 square metres (21,528 sq. ft.) or as determined by the zone standard.

"FOOD, TOBACCO AND BEVERAGE PROCESSING INDUSTRY" means a building or part thereof used for the processing of meat and poultry products; fish products; fruit and vegetable products; dairy products; flour, prepared cereal food and feed products; vegetable oil mills; bakery products; sugar products; soft drink products; tobacco products; and distillery, brewery and winery products.

"FORESTRY USE" shall mean the raising and harvesting of wood, and without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products. (Z.-1-051390)

"FOSTER HOME" means a single housekeeping unit in a dwelling, in which individuals may be placed with Foster Parents to gain a family life experience, the said home being affiliated with a recognized social agency. The number of individuals placed at any one time shall not exceed four persons.

"FRATERNITY HOUSE" - See "LODGING HOUSE".

"FUEL PUMP ISLAND" means that portion of an automobile service station, public garage or portion of a non-residential use for the retail sale of automotive fuels, that includes the fuel pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any building for the repair or service of vehicles.

"FUNERAL HOME" means a building or part thereof wherein a licensed undertaker prepares corpses for interment and may include a chapel for funeral services.

"GARAGE, PRIVATE" means a detached accessory building or a portion of a main building designed or used for parking or storage of motor vehicles of the occupants of the dwelling and in which there are no facilities for repairing or servicing such vehicles for gain or profit. For the purposes of this By-Law, a garage includes a carport.

"GARAGE SALE" - See "HOUSEHOLD SALE/GARAGE SALE".

"GARDEN STORE" shall mean the use of land, buildings or structure for the purpose of buying and selling plants, shrubs and trees and includes the storage and sale of accessory products generally used for landscaping and gardening purposes. (Z.-1-051390)

"GARDEN SUITE" (also known as granny flats) means a small, separate, portable, self-contained dwelling containing one dwelling unit which is ancillary to an existing dwelling. They are designed to be located in the side or rear yard of an existing "host" single detached or farm dwelling and are intended to be occupied by the elderly relative(s) of the host family. When no longer required, these units are intended to be removed and relocated to serve a similar function for another family. (Z.-1-051390)

"GAS BAR" means one or more fuel pumps for the sale of motor fuels 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 and which may include the sale of associated sundry items, tobacco and snack foods, provided the gross floor area devoted to the sale of these items does not exceed 30 square metres (323 square feet). (Deleted and replaced by Zoning By-law Amendment Z.-1-98566 - O.M.B. File No. R 980025 - Order Issue Date: June 18, 1998)

"GIFT SHOP" means a retail store specializing in the sale of ornaments, cards, magazines and confectioneries.

"GOLF COURSE" means a public or private area operated for the purpose of playing golf and includes a Par 3 golf course, and may include a restaurant, the sale of golf equipment and an assembly hall, but does not include recreational golf courses, driving ranges, miniature courses or similar uses operated for commercial purposes.

"GOLF COURSE, RECREATIONAL" means a public or private area operated for the purpose of playing golf and includes driving ranges, miniature courses and similar uses operated for commercial purposes, and may include a restaurant.

"GRADE" means:

- a) when used in reference to a building or structure, the average elevation of the finished surface of the ground where it meets the exterior face of such building or structure, as illustrated by elevation drawings attached to subdivision or

development agreements approved by the City of London, exclusive of any temporary embankments;

- b) when used in reference to a street, road or highway, the elevation of the street, road or highway established by the City of London. (O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993)

"GRAIN ELEVATOR" shall mean a building or structure used for the storage and transshipment of grain. (Z.-1-051390)

"GREENHOUSE" means a building or structure used for the growing of plants, shrubs, trees and similar vegetation in a climatically controlled environment constructed primarily from a translucent building material. A greenhouse of less than 10 square meters is considered an accessory structure in accordance with Section 4.1 of this by-law. (Z.-1-152403)

"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.

"GREENHOUSE FARM" means an agricultural use in which the predominant activity is the growing of crops within a greenhouse. A greenhouse farm may include packing, loading, shipping and any other ancillary facilities required to support the growing and wholesale of the crops grown in the facility. A greenhouse farm may include a SECONDARY FARM DWELLING as an accessory use. A greenhouse farm does not include a COMMERCIAL GREENHOUSE on site or any other retail use. (Z.-1-152403)

"GROCERY STORE" means a retail store selling food and associated small household items and having a gross leasable floor area of less than 3000.0 square metres (32,292 square feet) or as determined by the zone standard.

"GROUP HOME TYPE 1" means a residence licensed, supervised, approved, or funded under federal or provincial statute for the accommodation of three to eight persons, excluding staff, living under responsible supervision in a single housekeeping unit and who, by reason of their intellectual, mental health, social, or physical condition or legal status, require a group living arrangement for their well being. A Group Home Type 1 may include youth on probation under provincial or federal statute, but does not include an Emergency Care Establishment or a Group Home Type 2, as defined by this By-law. (Z.-1-94236) (Z.-1-021050)

"GROUP HOME TYPE 2" means a residence for the accommodation of up to eight persons, excluding staff, that is maintained and operated primarily for: persons who have been placed on probation or released on parole under provincial or federal statute; or youth who have been charged under provincial or federal statute and who have been placed in detention or custody. A Group Home Type 2 may include a Group Home Type 1, a Supervised Residence, and an Emergency Care Establishment for children or youth. (Z.-1-94236) (Z.-1-021050)

"HABITABLE ROOM" means any room within a dwelling unit used or intended to be used for living, sleeping, eating or food preparation, but does not include a washroom, laundry room, closet, sunroom, porch, garage, basement, furnace room, or any space used for the service and maintenance of such dwelling or for vertical travel between storeys. (Z.-1-98604)

"HAIRDRESSING ESTABLISHMENT" means a service commercial establishment providing a personal service to men, women or children by shampooing, cutting, styling, tinting or treatment of hair, by giving manicures, pedicures, facial treatments, massages or by the use of cosmetic products and, without limiting the generality of the foregoing, includes a barber shop and beauty salon.

"HEIGHT" or "BUILDING HEIGHT", when used in reference to a building or structure, means the vertical dimension between the grade of such building or structure and:

- a) in the case of a flat roof, the highest point of the roof surface or parapet

- wall;
- b) in the case of a mansard roof, the deck line;
- c) in the case of a gabled, hip, gambrel or one-slope roof, the average level between eaves and ridge, except that a one-slope roof having a slope of less than 20 degrees from the horizontal shall be considered a flat roof for the purposes of this By-Law;
- d) in the case of a structure not having a roof, the top part of such structure; or
- e) where an exterior wall other than a required fire wall extends above the top of the roof of a building, the topmost part of such exterior wall.
(See Figure 2 at the end of this Section)

"HEREAFTER" means "after the date of the passing of this By-Law".

"HEREIN" means "anywhere in this By-Law".

"HEREOF" and "HERETO" means "of this By-Law" and "to this By-Law", respectively.

"HIKING TRAIL" means the part of a park that has been marked, posted or blazed for the purpose of hiking by the public, is not surfaced and on which the use of in-line skates, bicycles, motor vehicles and motorized snow vehicles is prohibited. (Z.-1-051390)

"HOME AND AUTO SUPPLY STORE" means a retail store devoted to the sale of merchandise for the home and automobile including such goods as paint, hardware, electrical, plumbing, housewares, home appliances, sporting goods, lawn and garden supplies, and automobile supplies, and may include an associated automobile repair garage, gas bar, car wash and/or garden centre." (deleted and replaced by Z.-1-051324)

"HOME APPLIANCE STORE" means a retail store devoted to the sale of household equipment such as major and small appliances, where a small proportion of the gross floor area may be devoted to the sale of home/office electronics, computers or audio/visual equipment. (O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993) (Z.-1-96435)

"HOME DECORATING STORE" means a retail store devoted to the sale of goods and materials required for decorating the interior of a home or office, including floor, wall and window coverings, lighting fixtures, bathroom or kitchen fixtures and accessories. (O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993)

"HOME FOR THE AGED, REST HOME" means a building for the aged established and maintained under the *Homes for the Aged and Rest Homes Act*.

"HOME FURNISHING STORE" means a retail store devoted to the sale of movable contents of a room, home or office where a small proportion of the gross floor area may be devoted to the sale of home/office electronics, computers or audio/visual equipment. Such goods may include furniture, light fixtures, clocks, organs or pianos, carpet or indoor window coverings. (O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993) (Z.-1-96435)

"HOME IMPROVEMENT AND FURNISHING STORE" means a retail store devoted to the sale of goods or materials of a home improvement store, a home decorating store, a home furnishing store or a home appliance store.

"HOME IMPROVEMENT STORE" means a retail store devoted to the sale of goods or materials required for the construction or alteration of buildings, including such merchandise as wall panelling, wood products, sheet glass products, windows and mirrors, floor, wall and ceiling tiles, paint and wallpaper, bathroom and kitchen cupboards and fixtures, landscaping materials and similar goods. Open storage may be permitted as an accessory use.

"HOME OCCUPATION" means an occupation or business conducted for gain or profit within a dwelling unit by any permanent resident of that dwelling unit. Where the use of the dwelling unit by a permanent resident is for a professional or service office which does not involve external signage, client visitations, and employees such office shall be considered as an accessory use. (Z.-1-97466)

"HOSPITAL" means a hospital as defined by the *Private Hospitals Act*, as amended from time to time, and a sanatorium as defined by the *Private Sanatorial Act*, as amended from time to time, or a hospital as defined by the *Public Hospitals Act*, as amended from time to time.

"HOSTEL" means a dwelling where, for a fee, room, board and personal care, supervision and assistance with daily living activities are provided to persons who are otherwise unable to care fully for themselves by reason of age or mental or physical disability, and, without limiting the generality of the foregoing, includes such facilities as an unlicensed nursing home or rest home, an unlicensed retirement home or retirement lodge, or an unlicensed establishment providing nursing care for chronic invalids or the elderly, but does not include:

- a) any residential facility licensed, approved or supervised under the *Nursing Homes Act*, the *Homes for the Aged and Rest Homes Act*, the *Homes for Retarded Persons Act*, the *Homes for Special Care Act*, the *Private Hospitals Act*, or any other Act or authority;
- b) a rooming house or a boarding house;
- c) a Type 1 or Type 2 Group Home;
- d) an apartment house.

"HOTEL" means a building or group of buildings containing at least three units for accommodation, mainly used for the purpose of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation, and includes a motel or motor hotel but does not include a bed and breakfast establishment. (Z.-1-051390)

"HOUSEHOLD SALE/GARAGE SALE" means the sale by an occupant of a dwelling unit, on his own premises, of household goods belonging to him.

"IMPOUNDING YARD" means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar, or salvage yard.

"INCINERATION" The controlled burning of solid waste for the purpose of waste destruction and/or achieving volume and weight reduction or to change waste characteristics. (Z.-1-091842)

"INDEPENDENT HEALTH FACILITY" means a diagnostic facility that is funded by the Ministry to provide specific classes of diagnostic tests and is an ambulatory facility that provides surgical and therapeutic procedures for which the costs of carrying out the procedure is not included in the OHIP fee paid to physicians and is operated under the authority of a license issued by the Director of Independent Health Facilities in accordance with all Ministry regulation including the *Independent Health Facilities Act* as may be amended, does not include overnight accommodation and requires parking to be provided at the same rate as for a clinic use. (Z.-1-132208)

"INDIVIDUAL SANITARY FACILITIES" means an autonomous, individual on-site wastewater treatment/ sewage disposal system, that is owned, operated and managed by the owner of the property upon which the system is located, which may include tile beds, holding tanks, or any other component of a private sewage disposal system. (Z.-1-97484)

"INDUSTRIAL MALL" means a building or group of buildings held in single ownership or by participants in a condominium corporation or cooperative, and divided into units for separate occupancy by different industrial uses for which common loading and parking facilities and other common services may or may not be provided.

"INSTITUTION" means facilities provided by the municipality or by any other group or organization without profit or gain for such special purposes as a scout house, community meeting rooms, a community centre, a drop-in centre, an archaeological or fine arts museum, a public library, etc., but does not include school facilities provided by the Board of Education for the City of London or the London and Middlesex County Roman Catholic School Board, public or private parks, playgrounds, arenas, stadiums, swimming pools, skating rinks, or commercial recreation establishments. (Z.-1-94236)

"IN-VESSEL COMPOSTING FACILITY" means a facility where the composting process occurs in either fully or partially enclosed vessels with controls on aeration, temperature and the moisture to expedite the decomposition process. (Z.-1-031144)

"KENNEL" means any lot, building or structure, on or within which three or more domesticated animals are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

"LABORATORY" means a building, or part thereof, used for scientific, research and development, medical and/or dental testing, experimentation and/or research. (Z.-1-051390)

"LABORATORY, MEDICAL/DENTAL" means a building, or part thereof, used for medical and/or dental testing, medical and/or dental experimentation and medical and/or dental research. (Z.-1-93173)

"LABORATORY, PATIENT TESTING CENTRE" means a building, or part thereof, used for medical and/or dental testing (i.e. blood tests, x-rays) and specimen depots.

"LABORATORY, SCIENTIFIC OR RESEARCH AND DEVELOPMENT" means a building or part thereof, used for scientific and/or product development testing, experimentation and/or research. (Z.-1-051390)

"LANDFILLING" Landfilling includes the disposal of waste by deposit, under controlled conditions, on land and includes compaction of waste into a cell and covering the waste with cover material at regular intervals. (Z.-1-091842)

"LANDING STRIP" shall mean a strip of ground used or capable of being used for the landing and take-off of aircraft. (Z.-1-051390)

"LANDSCAPE SUPPLY OUTLET" means the use of land, buildings or structures or part thereof where soil and other similar landscape materials are offered for sale on a retail or wholesale basis. (Z.-1-02937)

"LANDSCAPED OPEN SPACE" means the open space which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping and includes any surfaced walk, patio, swimming pool or similar area, but does not include any access driveway or ramp, parking area, bus parking area, roof-top area or any open space beneath or within any building or structure. (Z.-1-97465)

"LANE" means a walkway, emergency access or any other passageway or right-of-way, open from ground to sky, not constituting a street but laid down upon a registered plan and dedicated to public use, as a right-of-way for use in common by adjacent landowners.

"LAUNDROMAT" means a building or part thereof wherein machines and facilities for wet laundering, drying or finishing are available for public use at a charge.

"LEACHATE PRE-TREATMENT / HAULED LIQUID WASTE FACILITY" A leachate pre-treatment / hauled liquid waste facility "pre-treats" leachate from landfill operations and septage brought to the site from area haulers before pumping it through a forcemain to the City's existing sewer system. This facility will better manage leachate levels, provide pre-treatment of landfill leachate and hauled liquid waste to levels consistent with the Waste Discharge By-law and establish a dedicated hauled liquid waste receiving station for residents, businesses and Institutions who are not serviced with sanitary sewers. (Z.-1-091842)

"LEATHER AND FUR PROCESSING INDUSTRY" means a building or part thereof used for the preparation of animal hides for use in the manufacture of products using leather or fur but excluding the tanning of hides or rendering of animal parts. (Z.-1-93173)

"LIBRARY" means a building or part thereof used for the public display and lending of books, magazines, audio visual materials to the public, which is operated by the City of London Library Board. (Z.-1-93173)

"LIQUOR, BEER AND WINE STORE" means a retail store devoted to the sale of liquor, beer and/or wine.

"LIVESTOCK" means farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes; dairy and beef cattle, horses, swine, sheep, laying hens, chicken, turkey broilers, turkeys, goats, geese, mink and rabbits but excluding animals such as pets raised or housed for recreational or hobby purposes. (Z.-1-051390)

"LIVESTOCK FACILITIES" shall mean a barn, building or structure used to house livestock and poultry including any associated manure storage facilities and shall include poultry farms, pig operations, cattle feedlots, dairy farms, deer farm, fur farms, hatcheries, apiaries and any other similar operations. (Z.-1-051390)

"LIVESTOCK HOUSING CAPACITY" means the total maximum number of livestock that can be accommodated in a livestock facility at any one time. (Z.-1-051390)

"LIVESTOCK UNIT" means the equivalent values for various types of animal and poultry based upon manure production and production cycles. (Z.-1-051390)

"LOADING SPACE" means an off-street space or berth for loading or unloading persons, goods, wares or merchandise.

"LODGER" (deleted by Z.-1-93172)

"LODGING HOUSE" (deleted by Z.-1-93172)

"LODGING HOUSE, CLASS 1" means a residential building which is used to provide lodging units for hire or gain directly or indirectly to three or fewer persons with or without meals. A lodging house, class 1, shall not include a nursing home, hotel, motel, hostel, group home, bed and breakfast establishment, emergency care establishment, or a residence of an educational institution. (Z.-1-93172)

"LODGING HOUSE, CLASS 2" means a residential building which is used to provide lodging units for hire or gain directly or indirectly to more than three persons, with or without meals. A lodging house, class 2, shall not include a nursing home, hotel, motel, hostel, group home, bed and breakfast establishment, emergency care establishment, or a residence of an educational institution.(Z.-1-93172)

"LODGING HOUSE KEEPER" (deleted by Z.-1-93172)

"LODGING UNIT" means a room with sleeping facilities, either alone or in conjunction with another room or rooms. (deleted and replaced by Z.-1-93172)

"LOT" means a parcel or tract of land which:

- a) is a whole lot or block as shown on a registered plan of subdivision but a registered plan of subdivision for the purposes of this paragraph does not include a registered plan of subdivision deemed not to be a plan of subdivision under a by-law passed pursuant to Section 49 of the *Planning Act*, as amended from time to time; or
- b) fronts an open street and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as at the date of the passing of this By-Law; or
- c) the description of which is the same as in a Deed which has been given

consent pursuant to Section 52 of the *Planning Act*, as amended from time to time; or

- d) is the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to Section 52 of the *Planning Act*, as amended from time to time.

For the purpose of this definition, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or had been conveyed to or acquired by the City, Her Majesty in Right of Ontario, or Her Majesty in Right of Canada.

"LOT AREA" means the total horizontal area within the lot lines of a lot. Lot area calculation may be altered if affected by General Provision Section 4.14.

"LOT, CORNER" means:

- 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, in which an interior angle of less than 135 degrees is contained, between the front and side lot lines abutted by the said street or streets; or
- b) a lot located on the curve of a street where the angle of intersection of the projection of the tangents of the street line does not exceed 135 degrees and for which the corner of the lot shall be deemed to be the centre point of that part of the arc of the street line upon which the lot abuts.

(See Figure 4 at the end of this Section)

"LOT COVERAGE" - See "COVERAGE".

"LOT DEPTH" means the horizontal distance between the front and rear lot lines but where the front and rear lot lines are not parallel, the lot depth is the length of a line joining the midpoints of such lines. (See Figure 4 at the end of this Section)

"LOT FRONTAGE" means the horizontal distance between the side lot lines measured along the front lot line but where the front lot line is not a straight line, or where the side lot lines are not parallel, the frontage is to be measured by a line 6 m (19.7 ft.) back from and parallel to the chord of the frontage and for the purpose of this paragraph, the chord of the frontage is a straight line joining the two points where the side lot lines intersect the front lot line. (See Figure 4 at the end of this Section) (Z.-1-96396)

"LOT, INTERIOR" means a lot other than a corner lot.

"LOT LINE" means any boundary of a lot.

"LOT LINE, FRONT" means the lot line that abuts the street, but,

- a) in the case of a corner lot or through lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a street shall be deemed to be the side lot line or the rear lot line, as the case may be; but
- b) in the case of a corner lot or through lot with two lot lines of equal length abutting streets, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the streets are of equal width, the lot line which abuts a County Road or Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction and of the same width, the owner of such lot may designate which street line shall be the front lot line; or
- c) where lot frontage on an arterial is required by the By-Law, the lot line which abuts the arterial, as defined in Section 4.21, shall be interpreted as being the front lot line regardless of whether it is the longer lot line.

"LOT LINE, REAR" means the lot line farthest from or opposite to the front lot line; but where the side lot lines intersect, as in the case of a triangular lot, the rear lot line shall be represented by the point of intersection.

(See Figure 4 at the end of this Section)

"LOT LINE, SIDE" means a lot line other than a front or rear lot line.

"LOT, THROUGH" means a lot bounded on opposite sides by streets.

"MAIN", when used to describe a use, a building or a structure, means a use, building or structure which constitutes, or a building in which is conducted, a principal use of the lot on which such use, building or structure is located.

"MANAGED WOODLOT" means a woodlot which is managed using the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and which minimize detriments to forest values including significant ecosystems; important fish and wildlife habitat; soil and water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape. This definition shall also include the cutting and removal of severely damaged, diseased and insect infested trees which must be removed in order to prevent contamination or infestation of other trees, or which no longer contribute to the achievement of forest values. (Z-1-051390)

"MANUFACTURING AND ASSEMBLY INDUSTRY" means a building or part thereof used for a broad range of manufacturing, fabricating and assembly industries, including processing ancillary to the permitted manufacturing and assembly uses and includes household waste recycling depots, but excludes paper and allied products industries, food, tobacco and beverage processing, processed goods industries, raw materials processing industries, primary metals industries, waste treatment industries, armaments, munitions and explosive manufacturing industries, and any obnoxious use.

"MANURE STORAGE FACILITIES" means a steel or concrete containment system, with or without a roof or covering enclosing the surface area of the container, used for the storage of livestock manure, whether it be liquid livestock manure or solid livestock manure, but a manure storage facility shall not include an earthen containment system. (Z.-1-051390)

"MATERIAL RECOVERY FACILITY" means a facility in which solid non-hazardous recyclable material is received collected, sorted, and/or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products. (Z.-1-101905)

"MEDICAL/DENTAL OFFICE" - See "OFFICE, MEDICAL/DENTAL".

"MEETING ROOMS" means rooms or facilities used to accommodate an assembly of people. (Z.-1-93173)

"MINIATURE GOLF COURSE" means an area of land or a building, structure or premises or part thereof, operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a driving range. (Z.-1-051390)

"MINIMUM DISTANCE SEPARATION" shall mean formulae established by the Ontario Ministry of Agriculture and Food (OMAF) in conjunction with the Ministry of the Environment (MOE) used for the purpose of determining, in the case of MDS I, the minimum distance to be maintained between new development and existing livestock facilities and, in the case of MDS II, the minimum distance to be maintained between new or expanding livestock facilities and existing or approved development located on a separate lot. (Z.-1-051390)

"MINOR MOTOR VEHICLE SERVICE AND REPAIR" means the carrying on of minor servicing or repair of a motor vehicle including, but not limited to: battery replacement, incidental small part changes, tire repair, brake servicing, oil changes, lubrication, engine tune-ups, detailing, cleaning and other similar activities. Auto body repair, painting of vehicles, activities that create noise, storage or deposit of derelict vehicles or parts thereof are not permitted. For the purpose of this definition, motor vehicle shall include passenger vehicles such as automobiles, motorcycles, vans, and trucks but does not include commercial vehicles such as but not limited to taxi's, limousines,

motorized construction equipment, farm equipment, truck bodies, truck tractors or tractor trailers. (Z.-1-071653)

"MIXED-USE DEVELOPMENT" means a development project that contains both residential and non-residential land uses planned, developed, owned and managed as a unit, providing common on-site parking, open space, access and other shared facilities and which may be held in single ownership or by participants in a condominium cooperative, and where the predominant use is either residential or offices.

"MOBILE HOME" shall mean a factory built dwelling occupied or designed for occupancy by one family on a permanent basis having a floor area of not less than sixty-five square metres designed to be towed on its own chassis, notwithstanding that its running gear is or may be removed, placed or designed to be placed on permanent foundations, and connected or designed to be connected to public utilities. (Z.-1-051390)

"MODEL HOME" means a dwelling which is not occupied for human habitation but is used for the purpose of display to the public and where a portion of this dwelling may be used as a sales office for the dwelling units to be constructed on lots within a plan of subdivision. (Z.-1-95317)

"MONASTERY" shall mean a dwelling occupied in common by persons under religious vows of seclusion. (Z-1-051390)

"MOTEL", "MOTOR HOTEL" - See "HOTEL".

"MULTI-USE PATHWAYS" means that part of a park that has been improved with a hard surface and intended for a variety of uses including pedestrians, skating and vehicles, excluding motor vehicles, horses and horse drawn conveyances of any sort and motorized snow vehicles. (Z.-1-051390)

"MUNICIPAL DRAIN" means a watercourse or sewer which carries storm surface water and includes a storm sewer but does not include a sanitary sewer. (Z.-1-051390)

"MUNICIPAL SERVICES" means such services as curbs, gutters, sidewalks, pavement and roadworks, sewerage and drainage systems, pumping stations, sewage treatment plants, watermains, service pipes, electrical services or street lights, designed to service or capable of servicing a lot. (O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993)

"MUNICIPAL WASTE DISPOSAL FACILITY" A Municipal Waste Disposal Facility is a facility for final disposal and includes landfills, solid waste incinerator and waste to energy facilities, including the flaring of landfill gas. (Z.-1-091842)

"MUSHROOM FARM" means a building or structure used for the growing of mushrooms in a climatically controlled environment including any associated stockpiles and shall include all parts of the operation designed for waste, manure, fertilizers or compost, either as part of a growing medium, or pre- or post- use in the mushroom growing process. (Z.-1-172556)

"MUTUAL DRIVEWAY" means an ingress or egress that is common to two or more owners of abutting lands as a right-of-way registered against the title of the lands.

"NEIGHBOURHOOD PARKING STATION" means a place, building or depot used for the temporary storage of motor vehicles between trips and designed primarily to accommodate those vehicles which may not conveniently or legally be parked or stored elsewhere.

"NON-CONFORMING" means a use, building, structure or any part thereof which was lawfully occupied and/or existed at the date of passing of this By-Law, which does not conform or comply with the permitted uses and/or regulations of the zone in which it is now located.

"NURSERY" shall mean the use of land, buildings or structures, or part thereof, where trees, shrubs or plants are grown or stored for the purposes of transplanting, for use as stocks, for building or grafting, or for the purpose of retail or wholesale off site. (Z.-1-051390)

"NURSERY AND GARDEN STORE" (deleted by Z.-1-051390)

"NURSING HOME" means a dwelling or other building in which rooms or lodging are provided for hire or pay in conjunction with the provision of meals, personal care, nursing services and medical care and treatment, but does not include a hospital.

"OBNOXIOUS USE" means an offensive trade within the meaning of the *Health Protection and Promotion Act* or any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter. (Z.-1-93236)

"OFFICE" means a building, or part thereof, containing one or more offices including professional or service offices and all other forms of offices except medical/dental offices.

"OFFICE-APARTMENT BUILDING" means a residential apartment building which shall also contain a limited amount of office, medical/dental office, and/or clinic uses and/or accessory uses as specified by the zone.

"OFFICE, BUSINESS" means a building or part thereof in which the administrative functions of agencies, foundations, brokers, labour or fraternal organizations are carried out and includes a service office, but does not include medical/dental offices, professional offices, support offices, financial or general offices, unless specified as permitted within this definition.

"OFFICE, CHARITABLE ORGANIZATION" means a building or part thereof in which the administrative functions of a registered charitable organization are carried out as the primary function, including but not limited to such uses as design, printing, assembly and distribution of information materials related to the use, customer service and data processing related to the use, warehousing/storage of supplies related to the use, and training and conference facilities and public education programs related to the use. (Z.-1-081810)

"OFFICE, MEDICAL/DENTAL" means an office or offices in which the practice of the professions of medicine, psychiatry, dentistry or optometry is carried on or in which the treatment by osteopathy or chiropractic is carried out but does not include a CLINIC, METHADONE."

"OFFICE, PROFESSIONAL" means a building or part thereof in which a legal or other personal professional service is performed or consultation given, includes the offices of a lawyer, a planner, an architect, a surveyor, an engineer or a chartered accountant, but does not include a personal service establishment, a medical/dental office, a clinic, an animal hospital, a body-rub parlour or any adult entertainment parlour as defined in the *Municipal Act*, as amended.(Z.-1-93173 and Z.-1-94236)

"OFFICE, SERVICE" means a building, or part thereof, in which one or more persons is employed in the management, direction or conducting of a travel agency, an insurance agency, or a real estate agency.

"OFFICE, STORE AND BUSINESS ELECTRONIC PRODUCTS INDUSTRY" means a building or part thereof used for manufacturing, fabricating and assembly of office machines such as typewriters, electronic computing equipment, calculating and accounting machines, scales and balances, and components accessory thereto.

"OFFICE SUPPLY OUTLET" - (deleted by Z.-1-96435)

"OFFICE, SUPPORT" means a building or part thereof in which technical or professional consulting services are performed to serve industrial manufacturing, assembly, processing or repair establishments, and includes the offices of an architect,

a surveyor, an engineer, a business machine servicing establishment and an industrial training facility for manufacturing, assembly, processing or repair skills, but does not include a personal service establishment, a lawyer's office, a chartered accountant's office, a clinic, a medical/dental office or an animal hospital. (Z.-1-93141)

"OPEN SPACE, COMMON" means an outdoor space within a development, at grade level or otherwise, which is designed and intended for the common use or enjoyment of the occupants or users of the development, and may include a terrace, tot lot, swimming pool, garden, games area, sitting area, arcade or other similar facility or area, and landscaped open space areas having no dimension less than 3.0 metres (9.8 ft.).

"OPEN SPACE, LANDSCAPED" - See "LANDSCAPED OPEN SPACE".

"OPEN STORAGE" means the storage of raw materials, equipment, vehicles or other materials in an area not enclosed within a building or structure but this shall not include an automobile parking lot, the outside display for sale or lease of goods and materials in conjunction with a permitted commercial or industrial use, resource extraction operations, a transport terminal, a salvage yard, or a storage depot.

"OUTDOOR DISPLAY AND SALES AREA" means an area set aside out of doors, covered or uncovered, to be used in conjunction with an established use or business located in adjacent permanent premises for the display or sale of fresh produce and new goods or merchandise.

"OUTDOOR PATIO" means an area set aside out of doors, covered or uncovered, for the use of patrons as a licensed restaurant in connection with, and in addition to, the operation of an adjacent restaurant.

"OUTPATIENT CLINIC" - See "CLINIC, OUTPATIENT".

"PAPER AND ALLIED PRODUCTS INDUSTRY" means pulp and paper industries; the asphalt roofing industry; the paper box and bag industry; and other converted paper products industries.

"PARK" means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreational buildings, structures or facilities including, but not necessarily restricted to, a recreational playground, a golf course, a driving range, a ski hill, a play area, a bandstand, a skating rink, a horticultural greenhouse, a zoological garden, an historical establishment, a bowling green, a tennis or badminton court, a playfield, a running track, a swimming pool, a spray pad, a wading pool, a boating pond or lake, a watercourse, a refreshment booth, a picnic area, or an auditorium or place of assembly.

- a) "PRIVATE PARK" means a park, other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but does not include an amusement park.
- b) "PUBLIC PARK" means a park owned or controlled by a public authority (Z.-1-152431)

"PARKING AREA" means an area or areas of land or a building or structure or part thereof which is provided and maintained for the purpose of temporary parking or storing of motor vehicles accessory to a permitted use. For the purposes of this By-law, for residential uses the calculation of Parking Area Coverage will include all the areas used for Access Driveways, Aisles, Driveways, and Parking Spaces but shall exclude Private Garages. (Z.-1-122125, OMB Order PL121003, July 22, 2013)(Z.-1-132232)

"PARKING AREA, BUS" means an area or areas of land or a building or structure or part thereof, which is provided and maintained for the purpose of temporary standing or parking, exclusively for bus(es) operated by or for the public transit service, accessory to a permitted use. (Z.-1-97465)

"PARKING LOT, ACCESSORY" means a parking lot which is an open area, other than a street, used for the temporary parking of two or more vehicles which is customarily

incidental, subordinate and exclusively devoted to the main use and carried on with such main use on the same lot. (Z.-1-99698)

"PARKING LOT, COMMERCIAL" means a non-accessory parking area which is an open area, other than a street, used for the temporary parking of two or more vehicles for profit or gain.

"PARKING SPACE" means a space, exclusive of driveways, ramps or columns, to park one vehicle for purposes other than the display or offering for sale of commodities.

"PARKING STRUCTURE, COMMERCIAL" means a structure designed for the temporary parking of vehicles for profit or gain.

"PASSIVE RECREATIONAL USE" means enjoyment of the natural environment through non-intensive activities that are passive in nature and cause minimal impact on the natural features and functions of an area. Passive recreational uses include access trails, nature study, birdwatching, outdoor education and associated facilities, but do not include recreational buildings, sports fields or golf courses. (Z.-1-00773) (Z.-1-051390)

"PATIENT TESTING CENTRE LABORATORY" - See "LABORATORY, PATIENT TESTING CENTRE".

"PERIPHERAL AREA" Peripheral Area describes the area controlled by a landfill operator between the boundary of a waste disposal site and the fill area. Together the peripheral area and the fill area make up the waste disposal site. (Z.-1-091842)

"PERSON" means an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law.

"PERSONAL SERVICE ESTABLISHMENT" means a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, comprising the premises of a barber, hairdresser, beautician, tailor, dressmaker and/or shoemaker, as well as a laundromat, dry cleaning and laundry depot, suntanning shop and a formal rentals shop. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

"PET SHOP" means a shop or place where animals, fish or birds for use as pets are sold, kept for sale or groomed, and where accessory products are sold, but does not include a shop or place for the breeding or overnight boarding of pets. (Z.-1-95371)

"PHARMACEUTICAL AND MEDICAL PRODUCTS INDUSTRY" means a building or part thereof used for the manufacture, fabrication and processing of drugs in pharmaceutical preparations for human or veterinary use, and the manufacture of orthopaedic, prosthetic and surgical appliances and supplies.

"PHARMACY" means a retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items but does not include a PHARMACY, METHADONE." (Z.-1-122090)

"PHARMACY, METHADONE" means a pharmacy which wholly, or in part, is used for the dispensing of methadone as more than an ancillary activity, but does not include a HOSPITAL. For the purposes of this definition, an ancillary activity shall mean dispensing methadone to a maximum of 40 clients per day. (Z.-1-122090)

"PIT" shall mean any opening, quarrying or excavation in the ground for the purpose of removing soil, rock, sand, gravel, earth, clay or limestone, and may include the processing thereof such as screening, sorting, washing, crushing, and other similar operations including required buildings and structures. A pit, however, does not include an asphalt plant, a concrete batching plant, a water well, oil well, natural gas well or wayside pit. (Z.-1-051390)

"PLACE OF ENTERTAINMENT" means a building, or part thereof, used for the general purpose of providing entertainment and includes cinemas, theatres, art galleries, commercial recreation establishments, auditoriums and all other places of amusement, but excludes amusement game establishments. (Deleted and replaced by Z.-1-96458 - O.M.B. File No. R 980047 - Order Issue Date: June 25, 1998)

"PLACE OF WORSHIP" means a building, including but not limited to places of worship, synagogues, mosques, gurdwaras, mandirs, longhouses and temples, owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a hall, auditorium, convent, monastery, office of a faith leader, cemetery, school, day care or a dwelling unit for the faith leader as uses accessory thereto. (Z.-1-142287)

"PLAZA, PEDESTRIAN" means a common open space at, or within 1.0 metre (3.3 feet) of, grade and opening directly onto a street line or onto a front or exterior side yard.

"POINT OF INTERSECTION" means the point at which street lines abutting a corner lot intersect, or, if the street lines do not intersect at a point, then the point of intersection shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.

"POOL MECHANICAL EQUIPMENT" means the mechanical/operational components of a swimming pool which includes but shall not be limited to the pump, heater/furnace and filter. (Z.-1-98622)

"POOL SUPPLY OUTLET" means the use of land, buildings or structures or part thereof for the sale of pool equipment and chemicals, outdoor furniture, outdoor recreation equipment and other similar items, in association with a swimming pool construction or maintenance business. (Z.-1-071669)

"PORCH" shall mean a roofed open gallery or unenclosed portico attached to the exterior of a building. (Z.-1-051390)

"POST CLOSURE" refers to the stage of a closed landfill site and actions taken for the care, maintenance and monitoring of a site after closing. (Z.-1-091842)

"PRIMARY METALS INDUSTRY" means a building or part thereof used by the primary steel industries; steel pipe and tube industries; iron foundries; non-ferrous metal smelting and refining industries; aluminum rolling, casting and extruding industries; copper and copper alloy, rolling, casting and extruding industries; and other rolled, casting and extruding non-ferrous metal products industries.

"PRIMARY TRANSIT AREA" – means the area generally bounded by the following streets: Fanshawe Park Road to the north; Wonderland Road to the west; Southdale Road (west of White Oak Road) and Bradley Avenue (east of White Oak Road) to the south; Highbury Avenue to the east; Properties on both sides of each boundary street are included within this Primary Transit Area.(Z.-1-172575)

"PRINTING ESTABLISHMENT" means a building, or part thereof, used for the primary purpose of printing, lithographing or publishing. It may include some of the same uses permitted in a duplicating shop, but must include at least one of the above-listed primary functions.

"PRINTING, REPRODUCTION AND DATA PROCESSING INDUSTRY" means a building or part thereof used by printing industries; reproduction industries such as tape, film and records; data processing industries; binding and related industries with similar impacts.

"PRIVATE CLUB" means a building or part of a building used as a meeting place by an association of persons who are bona fide members paying dues, which owns, hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, recreational or athletic purposes.

"PRIVATE HOME DAY CARE" means the temporary care and custody for reward or

compensation of not more than six persons in a provincially licensed home day care outside a flood plain, or not more than five persons within a flood plain or in an unlicensed home day care in a private residence other than the home of a parent or guardian of any such person for a continuous period not exceeding 24 hours. Care may be provided for children, seniors and/or persons with disabilities.(Z.-1-122119)(replaced by Z.-1-162500)

"PRIVATE OUTDOOR RECREATION CLUB" means a premises used as a meeting place by an association of persons who are bona fide members paying dues, which owns, hires or leases the premises or part thereof, the use of such premises being restricted to members and their guests for outdoor social, recreational or athletic purposes. (Z.-1-93209)

"PRIVATE ZOO" (added by Z.-1-051390)(deleted by Z.-111995)

"PROCESSED GOODS INDUSTRY" means a building or part thereof used by textiles, leather and rubber industries; plastics and synthetic resins industries; paper and wood products industries; metal products industries; oil and coal by-products industries; chemical products industries; and non-metallic products industries. Processed goods industries exclude pulp and paper industries and primary metal industries.

"PROPANE TRANSFER FACILITY" means a facility at a fixed location having not more than one storage container and such container shall not have an aggregate propane storage capacity in excess of 50 000 litres (10,994 gallons) and from which no retail sale of propane fuel to the public is or may be effected.

"PUBLIC DROP-OFF AND RECYCLING DEPOT" means a municipally owned or controlled drop-off centre open to the public for the collection and transfer of household garbage and recyclable materials, including household, construction, and yard materials; but does not include a residential and other source recycling facility, construction and demolition recycling facility, specialized recycling facility, or waste transfer station as defined herein. (Z.-1-071609)

PUBLIC DROP-OFF FOR MUNICIPAL HAZARDOUS OR SPECIAL WASTE" A facility for the collection of Municipal Hazardous or Special Waste from residential sources and small quantity industrial, institutional and commercial generators. (Z.-1-091842)

"PUBLIC USE", when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public. Public agencies comprise: (O.M.B. File #R 910387 - Appeal #9006-2 June 4, 1993)

- a) the Government of Canada, the Government of Ontario, or a municipal corporation;
- b) any ministry, department, commission, authority, board or agency established by the Government of Canada or the Government of Ontario; or
- c) any public utility. (Z.-1-051390)

"PUBLIC UTILITY" means water, artificial or natural gas, electrical power or energy, steam or hot water, and telecommunication networks, and includes the works, structures, buildings and appurtenances necessarily incidental to the supplying of such services by a Board, Commission, Corporation or person.

"QUARRY" (deleted by Z.-1-051390)

"RACE TRACK OPERATION" means a facility for the purposes of racing horses for entertainment, gaming or gambling that is authorized by the Province of Ontario. (Z.-1-182697)

"RAILWAY LINES" means an area of land, a portion of which is covered by a system of tracks, that provides for the movement and making up of trains and includes ancillary structures such as stations, offices, wheel houses, towers, repair and storage buildings. (Z.-1-051390)

"RAW MATERIALS PROCESSING INDUSTRY" means a building or part thereof used by natural fibres, rubber and pelt processing industries; rock, stone and non-metallic processing industries; clay and fine aggregates processing industries; ore processing industries; chemical processing industries; and miscellaneous processing industries which have similar impacts, such as secondary processing of scrap metal to its base form. The raw material processing industries exclude oil, natural gas and coal processing and refining industries.

"RECREATION OR COMMUNITY CENTRE" – deleted by Z.-1-152431

"RECREATION VEHICLE" - See "VEHICLE, RECREATIONAL" (Z.-1-97542)

"RECREATIONAL BUILDING (Indoor Sports)" means a building designed and intended to accommodate various forms of indoor sports and recreation and may include an arena, tennis, squash, handball and badminton courts, roller rinks, and swimming pools. Playing areas in tennis, squash, handball and badminton courts are to be excluded for the purpose of calculating parking requirements. (Z.-1-152431)

"REDEVELOPMENT" means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.

"REFRESHMENT ROOM" means a building or part thereof in which alcoholic or non-alcoholic beverages, with or without related snacks or refreshments other than full meals, are offered or kept for retail sale to the public for immediate consumption therein, and does not include mobile fast food outlets.

"RELATED POOL EQUIPMENT" means related structures associated with a swimming pool and shall include such items as diving boards and slides, but shall not include pool mechanical equipment or fences. (Z.-1-98622)

"RENOVATION" means the restoration or reconstruction of buildings, structures or parts thereof to modern building standards without the removal of the building or structures from the lot. (O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993)

"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 televisions; refrigeration and air conditioning; appliances; watches, clocks and jewellery; and reupholstery 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. (Z.-1-93173)

"REQUIRED" means "required by this By-Law".

"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 AND OTHER SOURCE RECYCLING FACILITY" means any building, portion of building or area in which solid non-hazardous recyclable material is collected, sorted, and/or processed, including paper, newsprint, telephone books, paper egg cartons and boxes, magazines, catalogues and books, corrugated cardboard boxes, paper board, box board, glass bottles and jars, aluminum foil, aluminum and steel cans, plastic bottles, jugs and tubs, polycoat milk and juice containers, Styrofoam, and textiles(clothing) for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products. (Z.-1-031144)

"RESIDENTIAL GARAGE WIDTH" means the width of an attached private garage at the widest measure between the interior faces of the walls of the attached private garage for the portion of the attached private garage located between the front lot line and the nearest main wall of the dwelling. (Z.-1-00759)

"RESOURCE EXCAVATION" means a place where unrefined aggregate resources are being or have been removed by means of an open excavation, but does not include

washing, crushing, screening, or any other form of processing or stockpiling. Resource excavation does not include a resource extraction operation or a wayside pit. (Z.-1-99687)

"RESOURCE EXTRACTION OPERATION" means a place where gravel, rock, 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, and includes a pit or wayside pit as the main uses and may include an aggregate storage area, asphalt batching plant, portable asphalt plant, concrete batching plant or crushing plant, if specifically permitted in the zone. (Z.-1-051390)

"REST HOME" - See "HOME FOR THE AGED, REST HOME".

"RESTAURANT" means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, including a licensed dining lounge, but excluding a tavern as defined herein.

"RESTAURANT, EAT-IN" means a restaurant where food is sold primarily for immediate consumption on the premises.

"RESTAURANT, FAST FOOD" means a restaurant where food is prepared and packaged or pre-packaged and offered for sale or sold for consumption on or off the premises of the establishment.

"RESTAURANT, TAKE-OUT" means a restaurant where food is prepared, packaged and offered for sale or sold primarily for consumption off of the premises of the establishment, and may include delivery of the food to the public, and also may include a small area (less than 25 percent [25%] of the permitted gross floor area) for food consumption on the premises.

"RETAIL LUMBER AND BUILDING SUPPLY YARD" means a lot, building or structure or part thereof, the primary use of which is the storage and retail sale of timber which has been sawn or split for use, with or without related building materials and supplies.

"RETAIL STORE" means a building or structure, or part thereof, in which goods, wares, merchandise, substances, foodstuffs, farm produce, articles or things are stored, offered or kept for retail sale to the public, and includes the business premises of an auctioneer, where such premises are used for the sale of merchandise by auction, but does not include supermarkets, or automobile or vehicle sales. (Z.-1-96435)

"RETIREMENT LODGE" or "RETIREMENT HOME" means a residence providing accommodation primarily for persons or couples over 60 years of age 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 STABLE" means an establishment which offers horses for hire or instruction in horsemanship.

"ROAD, PRIVATE" means a private right-of-way over private property that is a commonly owned and/or shared access to abutting lots that is privately maintained and is not a public highway as defined by the *Municipal Act*. (Z.-1-96446)

"ROOMING HOUSE" - See "LODGING HOUSE".

"SALE OF SEASONAL PRODUCE" means the sale of produce, harvested or capable of being harvested within the County of Middlesex during the season at which it is offered for sale, and which shall include evergreen trees. (O.M.B. File #R910387 - Appeal #4002 June 4, 1993)

"SALVAGE YARD" means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper,

machinery, building materials and vehicles and parts thereof.

"SANITARY SEWER" means an adequate system of underground conduits operated by the City of London, which carries sewage to an adequate place of treatment. (Z-1-051390)

"SATELLITE DISH" means a parabolic or spherical antenna which receives television or microwave transmissions or other signals from orbiting satellites or other devices.

"SCHOOL" means an institution for education or instruction as defined in the *Education Act* or the *Ministry of Colleges and Universities Act*, normally under the jurisdiction of a Board.

- a) "ADULT SECONDARY SCHOOL" means a Secondary School identified as a centre for learning for persons who are mature students (not of compulsory school age), attending to complete some or all of their secondary education.
- b) "COMMERCIAL SCHOOL" means a school operated by one or more persons for gain or profit.
- c) "COMMUNITY COLLEGE SCHOOL" means a college of applied arts and technology established under the *Ministry of Colleges and Universities Act*.
- d) "ELEMENTARY SCHOOL" means a school under the jurisdiction of the Board of Education for the City of London or the London and Middlesex Roman Catholic School Board, used primarily for the instruction of students receiving primary education, with or without a day care use as a use accessory thereto. (Z.-1-94236) (Z-1-132222)
- e) "PRIVATE SCHOOL" means a school, other than an elementary school, secondary school, adult secondary school, community college school, university school or a commercial school, under the jurisdiction of a private board of directors, trustees or governors, a religious organization or a charitable institution, used primarily for the instruction of students receiving primary and/or secondary education. (Z.-1-01892)
- f) "SECONDARY SCHOOL" means a school under the jurisdiction of the Board of Education for the City of London or the London and Middlesex County Roman Catholic School Board, used primarily for the instruction of students receiving secondary education, with or without a day care use as a use accessory thereto. (Z.-1-94236) (Z-1-132222)
- g) "UNIVERSITY SCHOOL" means a university designated by the *Ministry of Colleges and Universities Act*.

"SEASONAL PRODUCE" (deleted by Z.-1-05-1390)

"SECONDARY DWELLING UNIT means a dwelling unit ancillary and subordinate to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof." (Z.-1-172595)

"SECONDARY FARM OCCUPATION" shall mean an occupation secondary to the main agricultural use, conducted on a farm lot for profit or gain within a building other than a dwelling, by one person residing in the farm dwelling and immediate family members plus not more than two additional employees, at any given time, who may not be residents of the said dwelling and may include welding and machinery repairs, service and repair establishment, vehicle repair garage, building and contracting establishments and service trades, custom workshop, day care centre, personal service establishment, bed and breakfast establishment, business office, farm market and other support services for the agricultural community. (Z.-1-051390)

"SELF-STORAGE ESTABLISHMENT" means a building or buildings consisting of individual storage units accessible by the user, used for the storage of goods, wares, merchandise, foodstuffs, substances, articles or things, but does not include a fuel storage tank except as an accessory use. (Z.-1-99636)

"SEMI-DETACHED DWELLING" - See "DWELLING, SEMI-DETACHED".

"SENIOR CITIZENS APARTMENT BUILDING" - See "DWELLING, APARTMENT BUILDING, SENIOR CITIZENS".

"SERVICE AND REPAIR ESTABLISHMENT" means a premises engaged in maintaining, repairing and installing machinery and equipment for household and personal use, such as air conditioners, appliances, watches, clocks, jewellery, re-upholstery and furniture repair. (Z.-1-93209)

"SERVICE COMMERCIAL CENTRE" means a building or buildings, within any service commercial zone, containing two or more different permitted commercial uses, which is designed and which functions as a unit in relation to its siting, vehicular access and off-street parking, but not having more than 30 percent (30%) of its gross floor area devoted to all restaurant uses.

"SERVICE TRADE" means an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a merchandise service shop, a furrier's shop, an upholsterer's shop, a bakery, a catering establishment, a machine shop, or a monument engraving shop.

"SETBACK" means the shortest horizontal distance between a point, line or structure specified by a provision or regulation of this By-Law and the nearest part or any specified part of any building, structure, excavation or open storage on a lot.

"SHIPPING CONTAINER" means a pre-manufactured (primarily of metal) box that is designed to facilitate the transportation of goods by one or more means of transportation and includes (but is not limited to) intermodal shipping containers and transport box trailers. (Z.-1-172583)

"SHOPPING CENTRE" means a group of commercial establishments, containing at least four individual business establishments, planned, developed, owned, and managed as a unit providing common open spaces, on-site parking areas, loading areas, driveways, and other shared facilities, and which may be held in single ownership or by participants in a condominium corporation or commercial cooperative and where the predominant use is retail stores.

"SHOPPING CENTRE BUILDING" means a building, in a shopping centre, containing four or more individual business establishments.

"SHOPPING CENTRE BUILDING, ENCLOSED" means a shopping centre building having a common interior pedestrian mall providing access to a majority of the business establishments in the building.

"SHOWROOM" means part of a building, used as a building or contracting or wholesale establishment, which is integral to the permitted main use, used for the purpose of displaying wares and goods. (O.M.B. File #R910387 - Appeal #9006-3, 9009-2, 9009-7 June 4, 1993)

"SIGHT DISTANCE" means a length of distance measured along a street line from the point of intersection of two street lines.

"SIGHT TRIANGLE" means a triangular space, free of buildings, structures and obstruction other than those expressly permitted by this By-Law, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines.

"SINGLE DETACHED DWELLING" - See "DWELLING, SINGLE DETACHED DWELLING".

"SMALL WIND ENERGY CONVERSION SYSTEM (SWECS) "means not more than one unit consisting of one wind turbine and blades, one supporting tower and associated control or conversion electronics, that is used for the production of electrical power

where wind is the energy source and should be designed, erected and maintained under appropriate qualified supervision with a nameplate capacity not exceeding 50 kilowatts (kW). (Z.-1-071621)

"SNACK FOODS" means prepackaged food such as potato chips, candy bars and soft drinks, but does not include food preparation. (Z.-1-98566 - O.M.B. File No. R 980025 - Order Issue Date: June 18, 1998)

"SORORITY HOUSE" - See "LODGING HOUSE".

"SOCIAL SERVICE ESTABLISHMENT" shall mean a building or part thereof in which services intended to promote and improve the independence, economic self-sufficiency, social and health development of citizens are provided by a municipality, a non-profit organization, a local board or agent thereof; and shall include but not be limited to clerical, administrative, consulting, counselling, training, distribution and storage of food, clothing or household items, preparing or serving of food for immediate consumption either on or off the premises, drop-in services and recreational functions. (Z.-1-152370)(Z.-1-152431)

"SPECIALIZED RECYCLING FACILITY" means a recycling facility which, in addition to any activity permitted in a Residential and Other Source Recycling Facility, engages in the processing of non-hazardous recyclable materials such as textiles, leather, plastic, household appliances, and tires, but excluding construction and demolition waste materials. (Z.-1-031144)

"SPECIES, ENDANGERED" means any native species that, on the basis of the best available scientific evidence, is at risk of extinction or extirpation throughout all or a significant portion of its (Ontario) range. (Z.-1-051390)

"SPECIES, THREATENED" means any native species that, on the basis of the best available scientific evidence, is at risk of becoming endangered throughout all of a significant portion of its (Ontario) range. (Z.-1-051390)

"SPECIES, VULNERABLE OR SPECIES AT RISK" means any native species that, on the basis of the best available scientific evidence, is a species of special concern (in Ontario), but is not a threatened or endangered species. (Z.-1-051390)

"SPORTS SIMULATION FACILITY" means a building, or part thereof used for technology based interactive training, including simulation of a sport or activity, catering to the individual needs of persons, but does not include commercial recreation establishments, amusement game establishment, studios or places of entertainment. The sale of merchandise shall be permitted only as an accessory use to the interactive training provided. (Z.-1-152371)

"STACKED PARKING" means a parking space that is positioned above or below another parking space and is accessed by means of an elevating device. (Z.-1-132179)

"STACKING LANE" shall mean an on-site queuing lane for vehicles which is separated from other vehicular traffic and pedestrian traffic by barriers, curbing or markings and is often associated with a drive-through facility. (Z.-1-081795)

"STAND-ALONE", when used in the context of commercial buildings, means a building containing between one and three commercial uses.

"STOCKPILING" means the use of land for the storage of processed aggregates or other raw materials for future sale. (Z-1-93173)

"STORAGE DEPOT" means an area including reservoir, silo and tank storage; hangers; open air parking; and open air storage. Storage depots exclude salvage yards, resource extraction operations, and wayside pits.

"STOREY" means that portion of a building which is situated between the surface of any floor and the surface of the floor next above it and, if there is no floor above it, that portion between the surface of any floor and the ceiling above it, and which is more than

50 percent (50%) above the average finished grade and which has a height of more than 2.1 metres (6.9 ft.), and shall include an attic having more than 2.1 metres (6.9 ft.) clear headroom for at least 50 percent (50%) of the attic floor area.

"STOREY, FIRST" means the storey with its floor closest to grade and having the entire ceiling more than 1.8 m (5.9 ft.) above grade. (Z.-1-98604)

"STREET, IMPROVED" means a highway as defined under the *Municipal Act*, and which has been assumed for public use. (Z.-1-94236)

"STREET LINE" means the limit of the road or street allowance.

"STREET, PRIVATE" (deleted by Z.-1-96446)

"STRUCTURE" means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by or incorporated within the soil and/or any other structure, but which does not include a fence as defined in this By-law or a sign, a basketball standard or a flagpole, and, without limiting the generality of the foregoing, a heat pump, air exchanger, air conditioner or a swimming pool either above or below ground are structures. (Z.-1-94173 and Z.-1-93177)

"STUDIO" means a building or part thereof used as the workplace of a photographer, craftsman or artist or for the instruction of art, music, dancing, languages or similar disciplines. The sale of any artifacts produced therein shall be permitted only as an accessory use.

"SUPERMARKET" means a retail store devoted to the sale of food and associated small household items.

"SUPERVISED RESIDENCE" means a Group Home Type 1 with more than eight residents, excluding staff or the receiving family.

"SUPERVISED CONSUMPTION FACILITY" means a facility that has received an exemption from the Controlled Drugs and Substances Act, where people can bring their illicit drugs to consume in a sterile and safe environment. These facilities have equipment and trained staff present to oversee a person's drug consumption and assist in the event of an overdose or other health risk. These facilities shall offer additional health and counselling related support services. These facilities are intended to provide such services on an ongoing, rather than temporary, basis. (Z.-1-182671)

"TAVERN" means a licensed drinking establishment, including a tavern, lounge, beverage room, public house and entertainment lounge as defined by the *Liquor License Act*, where liquor, beer and/or wine are served, with or without food.

"TAXI ESTABLISHMENT" means a property, site or building used as a dispatch office or an area, site or location intended for the parking of taxis and/or limousines when not engaged in transporting persons or goods.

"TEMPORARY OVERDOSE PREVENTION SITE" means a temporary facility that has received an exemption from the Controlled Drugs and Substances Act under a declared public health emergency, where people can bring their illicit drugs to consume in a sterile and safe environment but does not include a Supervised Consumption Facility. These sites have equipment and trained staff present to oversee a person's drug consumption and assist in the event of an overdose or other health risk and may include additional health and counselling related support services. (Z.-1-182671)

"TEMPORARY USE" means a use that is authorized under the provisions of Section 38 of the *Planning Act*, R.S.O. 1990, c. P.1 (Z.-1-94236)

"TERMINAL CENTRE" means an area of land, a building or a structure or part thereof used by rail and transit terminals; airport terminals; broadcasting and communication terminals; power transmission and control centres; pipeline, pumping and control stations; transport terminals; toxic dispatch centres; and other similar uses.

"TEXTILE PROCESSING INDUSTRY" include man-made fibre and filament yard industries; spun yard and woven cloth industries; knitted fabric industries; carpet, map and rug industries; natural fibres processing industries; and clothing industries.

"THEATRE" means a building, or part thereof, used for the presentation of the performing arts.

"THEATRE, DRIVE-IN" means an outdoor cinema where viewing occurs from vehicles in a parking lot.

"TILLABLE HECTARES" means the total area of land including pasture that can be worked or cultivated. (Z-1-051390)

"TOPSOIL DEPOT" means the use of land for the purpose of storing, mixing and distributing topsoil. (Z.-1-051390)

"TOWNHOUSE DWELLING" - See "DWELLING, TOWNHOUSE".

"TRAILER" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle. (Z.-1-97542)

"TRAILER, PORTABLE" means a structure constructed in such a manner to form a transportable room or rooms to provide temporary shelter as a classroom or office.

"TRAILER, RECREATIONAL" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear has been removed. (Z.-1-97542)

"TRANSPORT TERMINAL" means a premises used for the transfer of goods primarily involving loading and unloading of freight-carrying trucks, and secondarily, involving the storing, parking, servicing and dispatching of freight-carrying trucks. (Z.-1-93209)

"TRAVEL PLAZA/TRUCK STOP" is an establishment designed to serve the needs of professional drivers and the travelling public, including automobile and vehicle fuel and repair services and restaurants, and may include related and ancillary services such as communication and delivery services, financial services, personal services, lodging for professional drivers, convenience and retail stores and amusement games establishments, but does not include hotels and motels. The components of a travel plaza/truck stop may be free-standing or combined in one building. (Z.-1-99660)

"TRIPLEX DWELLING" - See "DWELLING, TRIPLEX DWELLING".

"TRUCK SALES AND SERVICE ESTABLISHMENT" means premises where new and used vehicles are stored and displayed for the purpose of sale, lease or hire and shall include the storage and sale of parts accessory to such vehicles, together with the repair and service of the vehicle. For the purpose of this definition, trucks shall be restricted to motorized construction equipment, truck bodies, truck tractors, tractor trailers, trains, buses, commercial vehicles, recreational vehicles and farm equipment, and shall not include automobiles, motorcycles or passenger trucks. (Z.-1-051390)

"TRUCK STOP" means any building, premises or land in which or 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 also may include overnight accommodation and restaurant facilities solely for the use of truck crews. (Z.-1-051390)

"UNIT IN A VACANT LAND CONDOMINIUM" means a parcel of land within a vacant land condominium for the purpose of constructing one dwelling. (Z.-1-142295) (Z.-1-101921)

“URBAN AGRICULTURE” means the use of lands, buildings or structures for the purposes of growing, sharing, and distributing food or beverage and may include the processing of food or beverage by the use of hand tools or small-scale, light mechanical equipment. It can involve a range of different activities operating either together or individually, including the cultivation of plants, together with accessory uses including retail sales, composting plants grown onsite, outdoor storage, and buildings and structures ancillary to the operation of the site and for the extension of the growing season, but does not include the growing, processing, distribution or retail sales of cannabis. (Z.-1-182697)

"USE", when used as a noun, means the purpose for which any land, building, structure or premises, or part or combination thereof, is arranged, designed or intended to be used and "uses" shall have a corresponding meaning. "Use", when used as a verb, or "to use" shall have a corresponding meaning.

"VEHICLE" means an automobile, truck or other motor vehicle, including motorized construction equipment or farm equipment, a motor home, a motorcycle, a snowmobile, a boat, recreational vehicles, and also including a trailer or farm implement or any other device which is capable of being driven, propelled or drawn by any kind of power, but does not include a bicycle or any other device powered solely by means of human effort.

"VEHICLE, COMMERCIAL" means a motor vehicle having permanently attached thereto a truck, or delivery body and includes ambulances, hearses, casket wagons, fire trucks, buses and tractors used for hauling purposes on the highways. (Z.-1-97542)

"VEHICLE, RECREATIONAL" means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles and shall include a recreational trailer as defined herein. (Z.-1-97542)

"VIDEO RENTAL ESTABLISHMENT" means a building or part of a building used for the rental of video tapes and equipment. Accessory uses may include the sale of video tapes and equipment or convenience foods, restricted to an area not to exceed 10.0 square metres (107.6 sq. ft.).

"WAREHOUSE ESTABLISHMENT" means a building or part thereof used for the storage of goods for remuneration or the storage of goods which will be sold elsewhere or, subsequently, transported to another location for sale or consumption. This does not include Self-storage Establishments.”(Z.-1-132230) (Z.-1-93173) (Z.-1-99636)

"WAREHOUSING" (definition deleted May 30, 1994 by Zoning By-law No. Z.-1-94236).

“WASTE MANAGEMENT / RESOURCE RECOVERY FACILITY” A Waste Management / Resource Recovery Facility includes all facilities, equipment and operation for the complete management of waste including the collection, landfilling, handling, transportation, storage, processing, recovery and disposal thereof. (Z.-1-091842)

"WASTE TRANSFER STATION" means a site and facilities used in the management and processing of liquid and hazardous wastes, wastes and recyclable materials which has a Provisional Certificate of Approval for such purposes under the *Environmental Protection Act*. (Z.-1-93157 and Z.-1-94236)

"WASTE TREATMENT FACILITY" means a building or part thereof, or lands used by waste processing plants; water pollution control plants; sanitary landfill sites; and hazardous substance treatment plants. (Z.-1-93173)

"WAYSIDE PIT" means a temporary pit 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. (Z.-1-051390)

"WELLNESS CENTRE" means a building, or part thereof, used by professional therapists, chiropractors, drugless practitioners, professional trainers, and nutritionists trained in a range of disciplines such as massage therapy, physiotherapy, naturopathic medicine, chiropractics, acupuncture, orthotics, health counseling, and personal training and may include accessory uses at an accessory scale, such as administrative offices, physical fitness rooms and waiting rooms, directly associated with the facility, but excludes commercial recreation establishments.

"WHOLESALE ESTABLISHMENT" means a building or part thereof used for the selling of goods for delivery from the premises to an industrial, commercial or institutional establishment or organization and may include a showroom and/or display area open to the general public which does not exceed 25% of the premises. (O.M.B. File #R910387 - Appeal #9006-3, 9009-2, 9009-7 June 4, 1993)

"WINDROW COMPOSTING FACILITY" means a facility where organic materials such as leaves and yard waste, shredded woody material and vegetable waste are placed in windrows where they are turned and watered occasionally to facilitate their decomposition. (Z.-1-031144)

"WOODLOT MANAGEMENT" (deleted by Z.-1-05390)

"YARD" means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures, except as may be expressly permitted in this By-Law and, in determining yard measurements, the minimum horizontal distance from the respective lot lines is to be used.

"YARD, EXTERIOR SIDE" means a side yard immediately adjacent to a street. (See Figure 5 at the end of this Section)

"YARD, FRONT" means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot. Where the front yard depth required by a zone varies by street classification, such classification shall be as set out in Subsection 4.21. (See Figure 5 at the end of this Section)

"YARD, INTERIOR SIDE" means any side yard other than an exterior side yard. (See Figure 5 at the end of this Section)

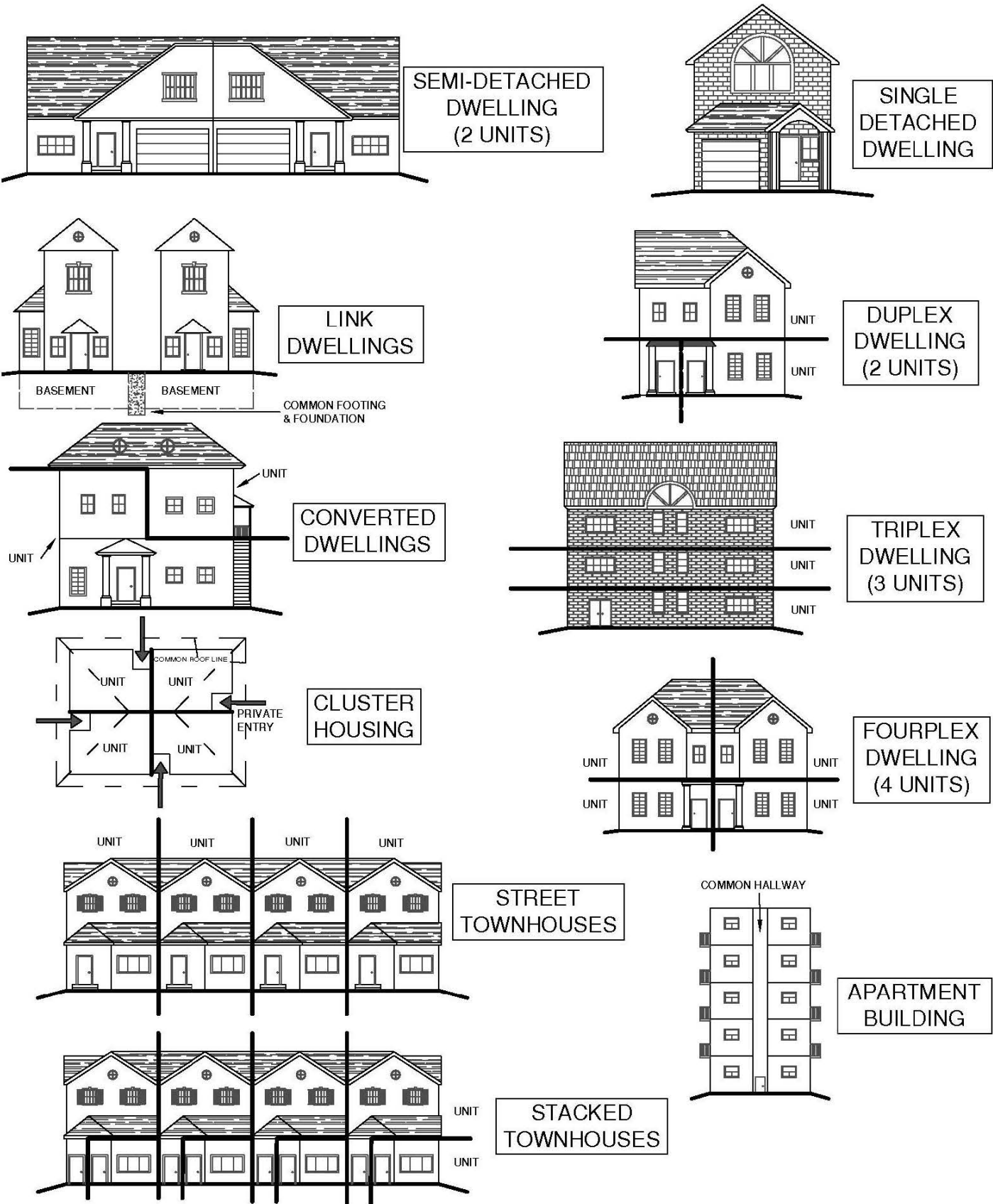
"YARD, REAR" means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of any main building or structure on the lot. (See Figure 5 at the end of this Section)

"YARD, SIDE" means a yard extending from the front yard to the rear yard of a lot and between a side lot line and the nearest main wall of any building or structure on the lot. (See Figure 5 at the end of this Section)

"YARD WASTE COMPOSTING FACILITY" A facility for the composting of yard materials in windrows. Yard materials includes garden trimmings, grass, brush and leaves but does not include food waste. (Z.-1-091842)

FIGURE 1

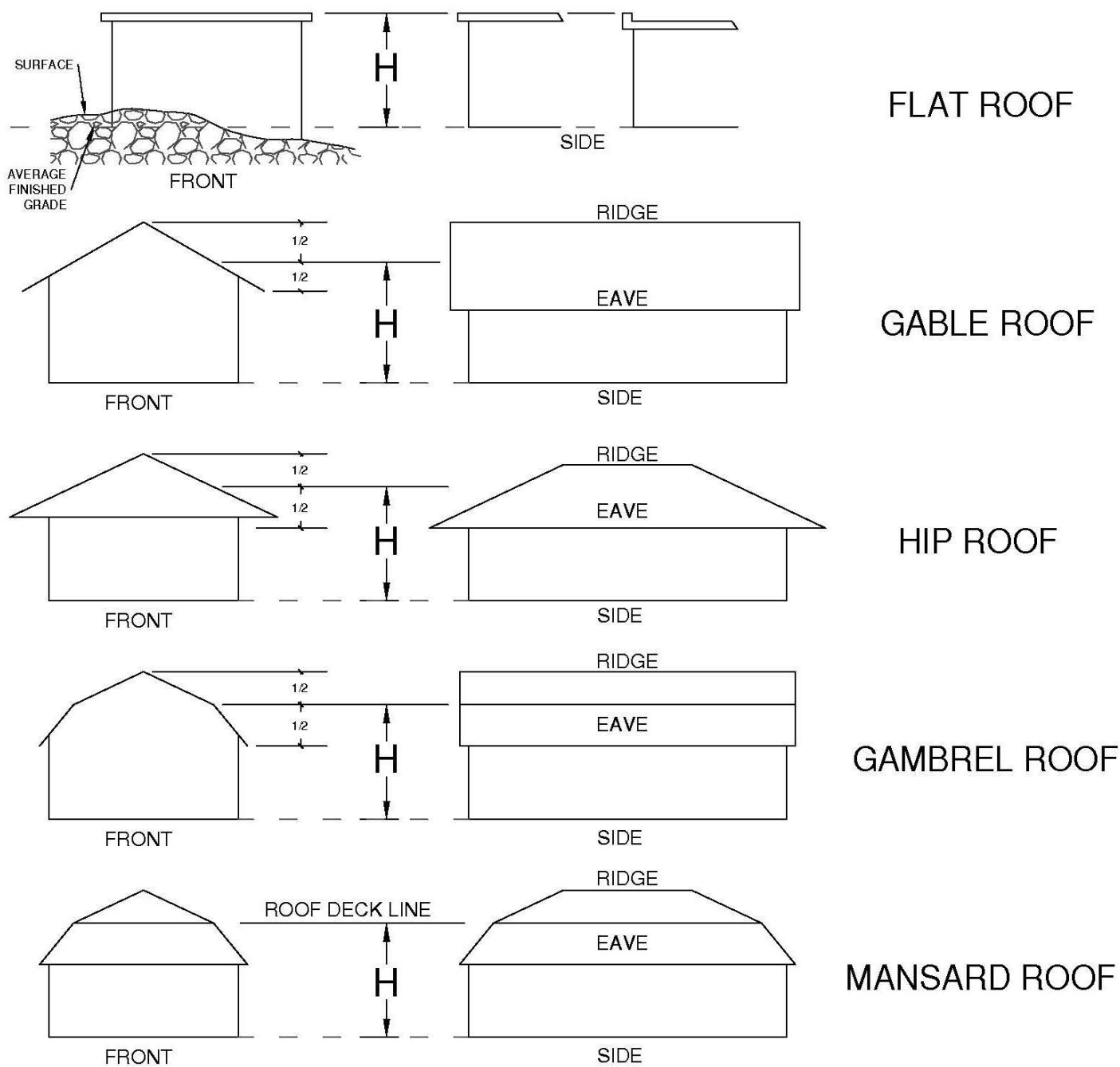
ILLUSTRATION OF DWELLING TYPES



NOTE:
THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW.
PLEASE ALSO REFER TO THE DEFINITIONS AND THE GENERAL PROVISIONS OF THIS BY-LAW.

FIGURE 2

ILLUSTRATION
OF
BUILDING HEIGHT DEFINITIONS



H= HEIGHT OF BUILDING IN METRES

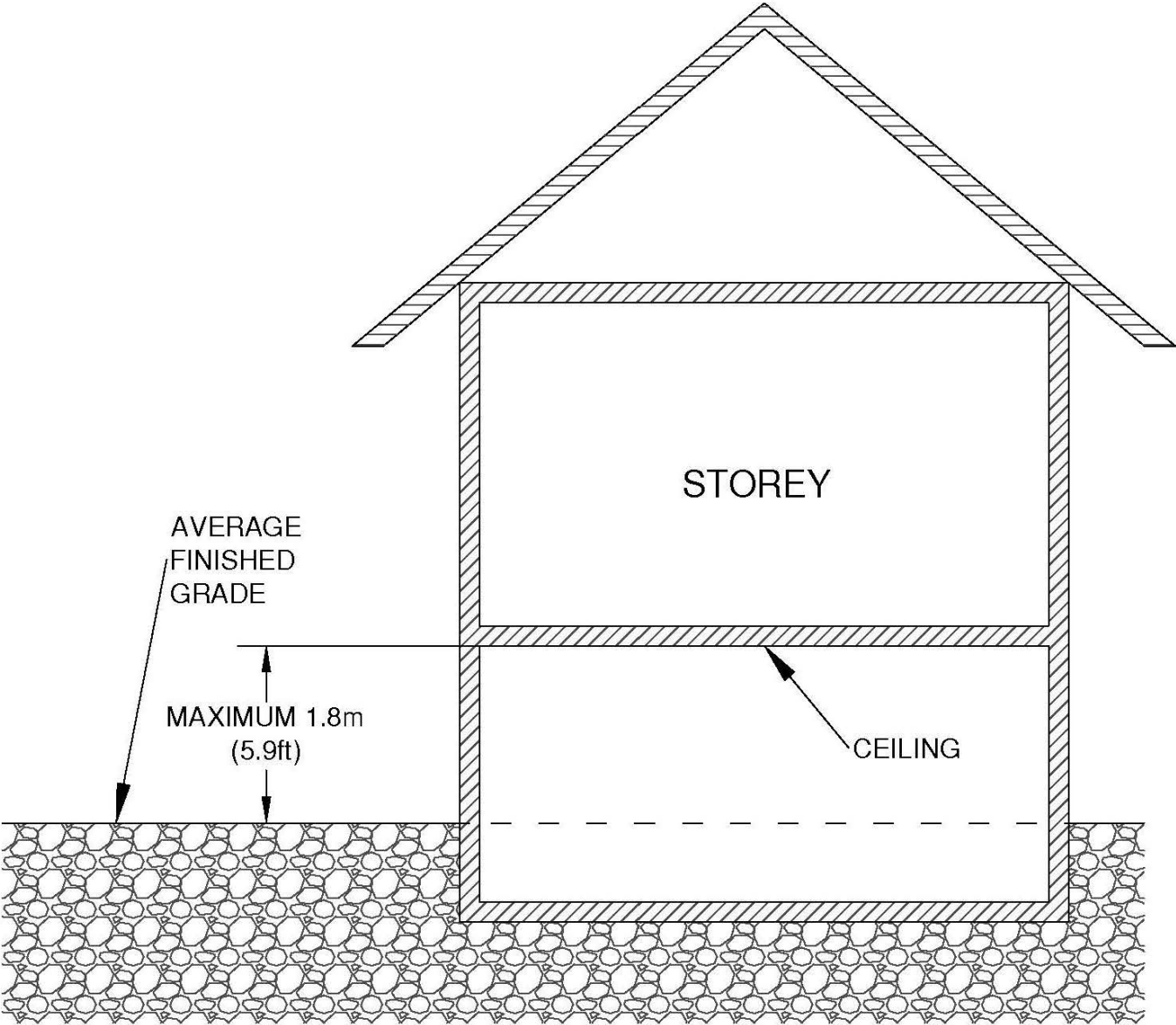
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THESE REGULATIONS DO NOT APPLY TO ACCESSORY BUILDINGS.

FIGURE 3

ILLUSTRATION OF BASEMENT DEFINITION

"BASEMENT means a storey or storeys of a building located below the first storey and having its ceiling 1.8m (5.9 ft.) or less above grade. (Z.-1-98604)"

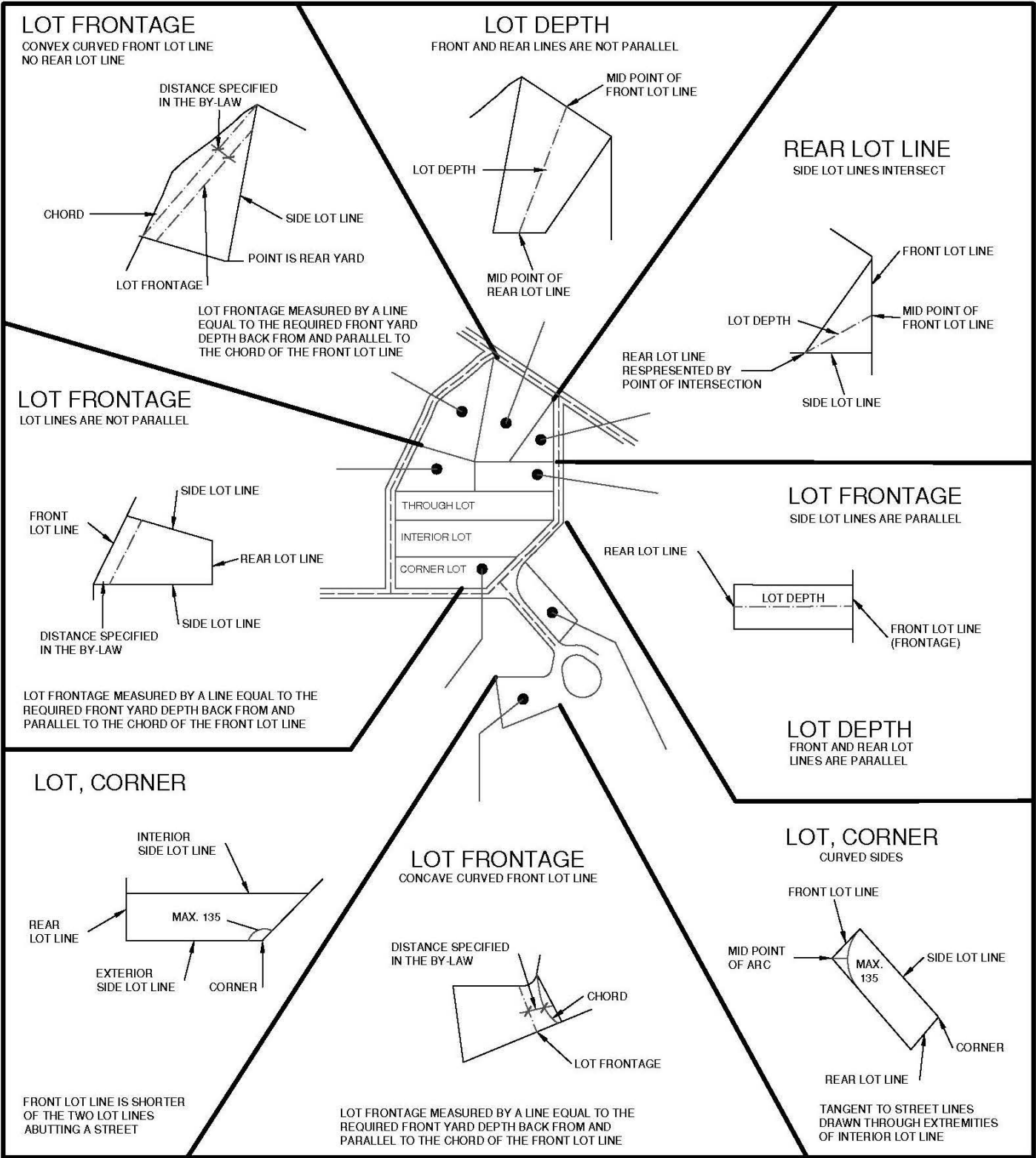


A BASEMENT

NOTE:
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FIGURE 4

ILLUSTRATION OF LOT DEFINITIONS



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ILLUSTRATION OF YARD DEFINITIONS

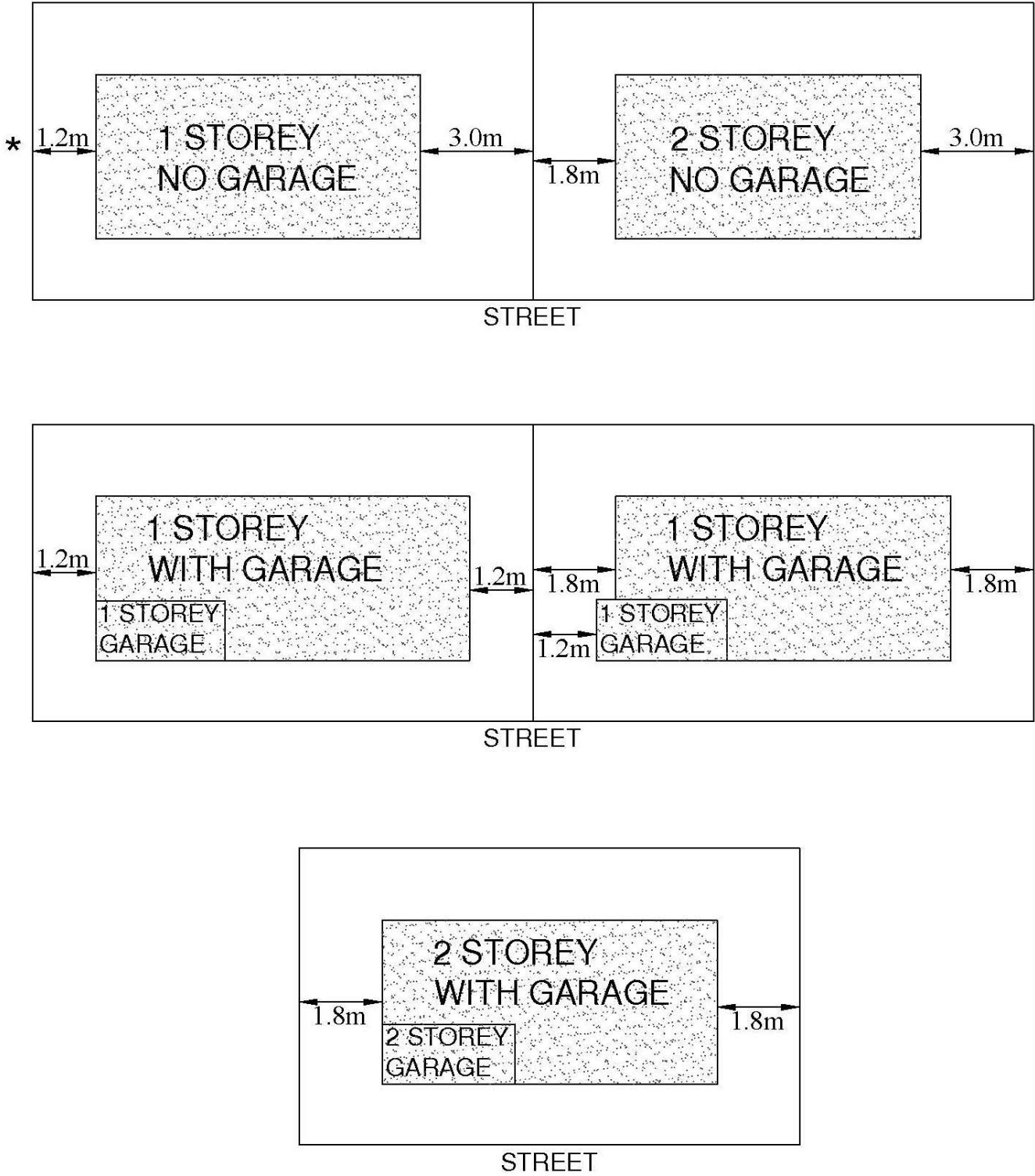


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FIGURE 6

ILLUSTRATION OF INTERIOR SIDE YARD

SINGLE DETACHED DWELLING IN R1-4 to R1-11 ZONES [SECTION 5.3.4]



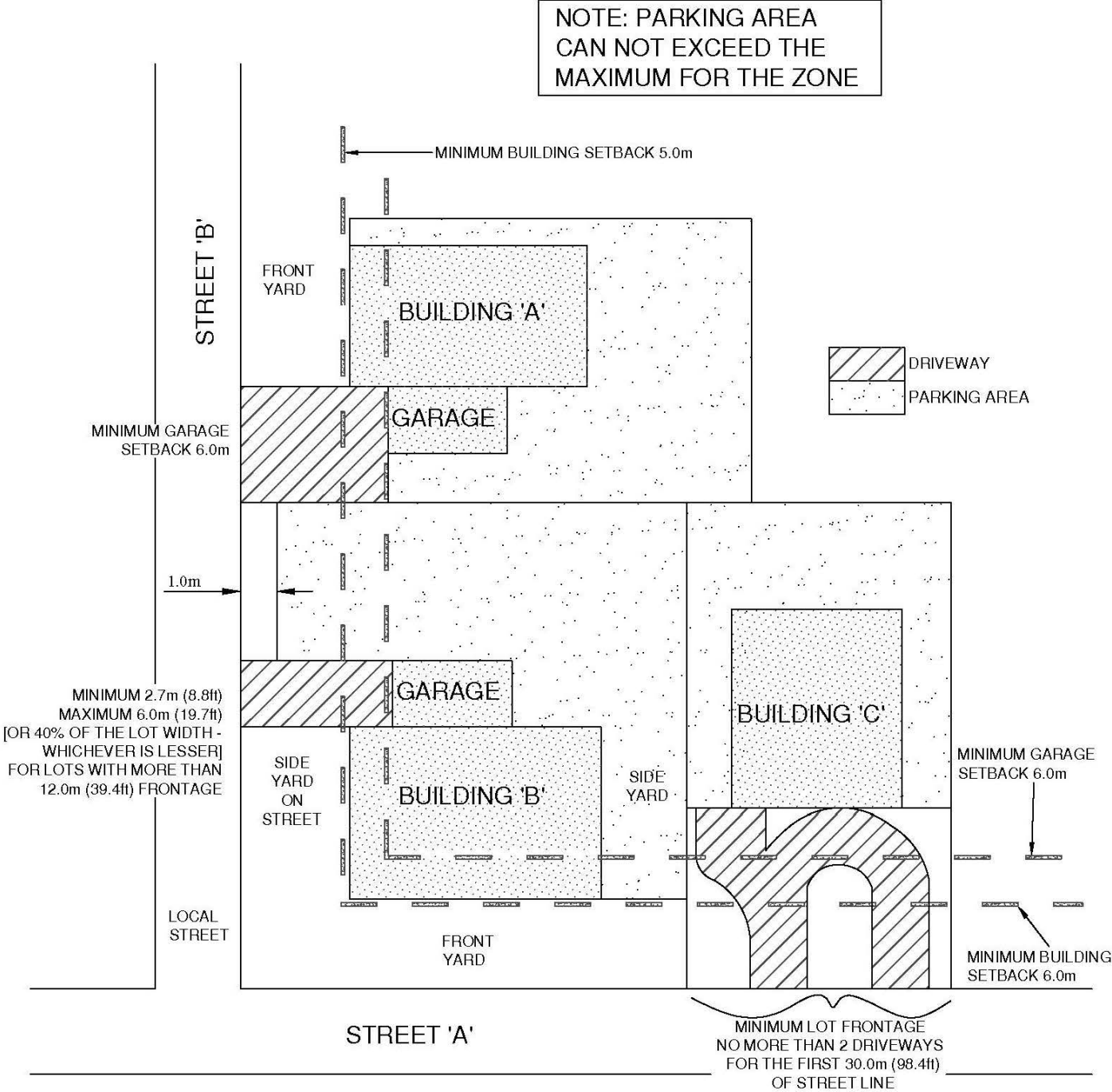
* INTERIOR SIDE YARD MEASUREMENTS

NOTE:
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FIGURE 7

ILLUSTRATION OF PARKING REGULATION

EXAMPLE - R1-6 ZONE ON A LOCAL STREET



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