SECTION 3 – Definitions

A

Access Aisle – means the space abutting parking spaces or bicycle parking stalls for pedestrian access to vehicles.

Accessory – means a use or building that is commonly incidental, subordinate, and exclusively devoted to the principal use(s) or primary building(s) situated on the same lot.

Adult Sex Film Theatre – means the use of a building for the making or showing of films classified as adult sex film by the Ontario Film Review Board.

Agriculture – means the use of a premises for the growing of crops including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; vertical farming; and associated on-farm buildings and structures, including livestock facilities, manure storages, and value-retaining facilities. Agriculture can include equestrian establishment.

Agriculture-Related – means the use of a premises for commercial and industrial purposes that are directly related to and support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. Agriculture-related can include storage or processing of food grown in the area, and farm input supplies such as feed, seeds, and fertilizer.

Amusement Park – means the use of a premises where rides, slides, play facilities, and games of chance or skill are provided for public amusement, and can include a water park, go-kart track, paintball facility, and miniature golf facility.

Angled Parking Space – see Parking Space, Angled

Animal Shelter – means the use of a premises where lost, abandoned, or rescued animals are boarded for the purposes of care, claiming, or adoption.

Architectural Features – means decorative features of a building such as window sills, chimney breasts, belt courses, cornices, parapets, and/or eaves.

Artisan’s Establishment – means the use of a premises for the making, study, or instruction of a performing or visual art; or the workplace of an artisan such as a painter, sculptor, photographer, dressmaker, or tailor. Artisan’s establishment shall not include an adult sex film theatre.

Additional Dwelling Unit (Attached) – see Dwelling Unit (Attached), Additional

Additional Dwelling Unit (Detached) – see Dwelling Unit (Detached), Additional

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Attic – means the uninhabitable portion of a building or structure that is immediately below the roof and wholly or partially within the roof framing, having an interior height of 1.8 metres or less. A habitable or finished attic, or an uninhabitable or unfinished attic with an interior height greater than 1.8 metres, is considered to be a storey.

Automotive Detailing and Repair Operation – see Repair Operation, Automotive Detailing and B

Back-to-Back Townhouse Dwelling – see Dwelling, Back-to-Back Townhouse

Base – means the ground floor and immediate floors above the ground floor of a building that form the bottom section or podium of a mid-rise building or tall building.

Bed and Breakfast – means a home occupation that provides overnight accommodation of the traveling public, or temporary living accommodations, and shall not include a hotel, lodging house, or group home.

Below Grade – means any portion of a building where the finished grade meets the exterior wall at an elevation not more than 0.5 metres below the elevation of the underside of an interior ceiling and the maximum slope taken from the closest lot line is not more than 18 degrees (3:1 slope). In the case where a retaining wall has been installed to meet these criteria, that portion of the building shall in no way be considered to be below grade.

Bicycle Locker – means an individual bicycle storage unit that is weather protected, enclosed, and has a controlled access system.

Bicycle Parking Stall – means a Class A bicycle parking stall and a Class B bicycle parking stall.

Bicycle Parking Stall, Class A – means a bicycle locker or an enclosed, secure area with controlled access in which a bicycle may be parked and secured for the long term in a stable position with at least one point of contact with the frame of the bicycle.

Bicycle Parking Stall, Class B – means an area in which a bicycle may be parked and secured for the short term in a stable position with two points of contact with the frame of the bicycle.

Biotechnological Establishment – means the use of a premises for the research, development, application, and production of bio-organisms, which may or may not be used in a manufacturing process, but shall not include the slaughtering, eviscerating, rendering, or cleaning of meat, poultry, fish, or by-products thereof; animal husbandry; or the raising of animals.

Bonus Value – means additional floor space ratio or building floor area that may be provided on a lot in exchange for facilities, services, or matters that benefit the community. ‘Additional’ means floor space ratio or building floor area beyond what is permitted by the maximum base floor space ratio in a zone.

Brewpub – means the use of a building for the small-scale production of beer, wine, cider, and/or spirits in conjunction with a restaurant.

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Building – means a structure occupying an area equal to or greater than 10 square metres and consisting of any combination of walls, roof, and floor, but shall not include a shipping container.

Building, Low-Rise – means a building between 1 and 3 storeys.

Building, Mid-Rise – means a building between 4 and 8 storeys.

Building, Tall – means a building of 9 or more storeys.

Building Floor Area – means the aggregate horizontal floor area measured from the exterior walls of all storeys of a building excluding any floor area located below grade. The midpoint of a common wall shall be considered the face of the exterior in the case of common walls located on a lot line.

Building Height – means the vertical distance between the highest finished grade level at the perimeter of the building and the uppermost point of the building. For all uses except a single detached dwelling with or without a second dwelling unit (attached), at no point shall the vertical distance between the lowest finished grade and the uppermost point of the building exceed 110% of the maximum building height in the applicable zone.

Building Height – means the vertical distance between the highest elevation of the finished ground immediately surrounding the perimeter of the building and the uppermost point of the building. For all uses except a single detached dwelling with or without additional dwelling unit(s) (attached), at no point shall the vertical distance between the lowest elevation of the finished ground immediately surrounding the perimeter of the building and the uppermost point of the building exceed 110% of the maximum building height in the applicable zone.

Building Material and Decorating Supply Establishment – means the use of a premises for third party wholesale distribution of lumber and/or building supplies including roofing, masonry, plumbing, heating, electrical, paint, and similar items. Building material and decorating supply establishment shall not include a home improvement store.

Bulk Fuel and Oil Storage Establishment – means the use of a premises for the bulk storage or third party wholesale distribution of gasoline, oil, petroleum products, or other flammable liquids, but shall not include a gas station.

C

Campground – means the use of a premises for the temporary accommodation of the travelling public in major recreational equipment, or tents for recreational use.

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Canine and Feline Grooming Establishment – means a home occupation for the grooming of dogs and/or cats, including bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming, but shall not include pet boarding, pet services establishment, or veterinary services.

Car Wash – means the use of a premises for the cleaning of motor vehicles, but shall not include the cleaning of commercial vehicles. An automatic car wash shall be considered a drive-through facility, and can include stacking lanes.

Catering Service Establishment – means the use of a premises for the preparation of food or beverages on-site, strictly for the consumption of these products off-site.

Cemetery – means the use of a premises for the interment of human remains and includes a mausoleum, columbarium, or other structure intended for the interment of human remains. A cemetery shall not include a crematorium.

City – means the Corporation of the City of Kitchener.

City – means the geographic area comprising Kitchener.

Class A Bicycle Parking Stall – see Bicycle Parking Stall, Class A

Class B Bicycle Parking Stall – see Bicycle Parking Stall, Class B

Cluster Townhouse Dwelling – see Dwelling, Cluster Townhouse

Commercial Driver and Training Establishment – means the use of a premises where teaching or instruction of the operation of commercial vehicles and/or heavy equipment is offered.

Commercial Entertainment – means the use of a building for the entertainment of the public and can include a cinema; performing arts venue; amusement arcade; billiard room; bowling alley; bingo hall; electronic, laser, or virtual reality game; hall; sport simulators; miniature golf facility; paintball facility; go-kart track; climbing facility; and play facility as well as accessory retail thereto. Commercial entertainment shall not include an adult sex film theatre or amusement park.

Commercial Parking Facility – means the use of a premises for the temporary parking of motor vehicles in parking spaces and/or tandem parking spaces. A commercial parking facility shall not include the storage of motor vehicles or any required parking spaces associated with a use.

Commercial School – see School, Commercial

Commercial Vehicle – see Vehicle, Commercial

Commercial Vehicle Wash Facility – means the use of a premises for the cleaning of commercial vehicles.

Commercial Water Taking – means a use of a lot where water is extracted from surface or ground water, and where some or all of such extracted water is transported from the site for sale.

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Community Facility – means the use of a premises for a multi-purpose facility that offers a combination of recreational, cultural, community service and information or instructional programs, and can include a community centre, community space, arena, library, and/or swimming facility.

Computer, Electronic, Data Processing, or Server Establishment – means the use of a building for software development and testing, or for the collection, analysis, processing, storage, or distribution of electronic data.

Conference, Convention, or Exhibition Facility – means the use of a premises as the place of assembly or venue for intermittent events such as conferences, conventions, exhibitions, seminars, banquets, or product and trade fairs.

Continuing Care Community – means the use of a premises that is planned, developed, managed, and operated as a continuum of accommodations and care, and is comprised of a large residential care facility and may contain an independent living facility.

Convenience Retail – see Retail, Convenience

Corner Lot – see Lot, Corner

Corner Visibility Area - means the area formed within a corner lot by two triangles, where the intersecting street lines form the legs of each triangle and the triangles extend from the street line point of intersection.

Corner Visibility Triangle – means a triangular area formed within a corner lot by the intersecting street lines or the projections thereof, and a straight line connecting them from their point of intersection.

Correctional Group Home – see Group Home, Correctional

Craftsperson Shop – means the use of a premises for the creation, finishing, refinishing, or similar production of custom or hand-made commodities.

Creative Products Manufacturing – means the use of a premises that may be made available for community shared use as a maker space to design, proto-type and manufacture products using tools and technological manufacturing equipment such as laser cutters, waterjet cutters, computer numerical control (CNC) routers, 3D printers and 4D systems.

Crematorium – means the use of a building for the purpose of cremating human remains that is approved under the Funeral, Burial and Cremation Services Act.

Cultural Facility – means the use of a premises for the creation, production, and viewing of arts and culture, and can include a museum, art gallery, performing arts venue, auditorium, exhibition facility, and managed historical sites, but shall not include an adult sex film theatre.
Cultural Heritage Resources – means buildings, structures and properties designated under the Ontario Heritage Act or listed on the Municipal Heritage Register; protected by a heritage easement or covenant; properties identified on the Heritage Kitchener Inventory of Historic Buildings; built heritage resources; and cultural heritage landscapes as defined in the Provincial Policy Statement.

Day Care Facility – means the use of a premises licensed under Provincial legislation to operate a facility for the purpose of providing temporary care for children for a continuous period of time not exceeding twenty-four hours.

Day Care, Private Home – means a home occupation that accommodates:

a) five children or less where unlicensed under Provincial legislation; or,

b) six children or less where licensed under Provincial legislation,

at any one time for the purpose of providing temporary care for a continuous period of time not exceeding twenty-four hours.

Discarded Motor Vehicle – see Vehicle, Discarded Motor

Drive Aisle – means an internal vehicle route immediately adjacent to parking spaces and/or loading spaces, which provides direct vehicular access to and from parking spaces and/or loading spaces, but shall not include a driveway.

Drive-Through Facility – means the use of a premises including stacking lanes and an order station with or without voice communication, where products or services are provided through a service window or an automated machine to patrons remaining in their motor vehicle.

Driveway – means a vehicle route that provides access from a street or lane to a drive aisle, parking space, or parking lot.

Driveway Visibility Triangle – means a triangular area formed within a lot by the intersection of an edge of a driveway and a lot line, or the projections thereof, and a straight line connecting them from their point of intersection.

Dwelling – means a building containing one or more dwelling units and can include a single detached dwelling, semi-detached dwelling, street townhouse dwelling, second dwelling unit (attached), second dwelling unit (detached), cluster townhouse dwelling, multiple dwelling, small residential care facility, or large residential care facility.

Dwelling – means a building containing one or more dwelling units and can include a single detached dwelling, semi-detached dwelling, street townhouse dwelling, additional dwelling unit (attached), additional dwelling unit (detached), cluster townhouse dwelling, multiple dwelling, small residential care facility, or large residential care facility.

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Dwelling, Back-to-Back Townhouse – means the use of a building divided vertically into three or more dwelling units by common walls, including a common rear wall, which prevents internal access between dwelling units.

Dwelling, Cluster Townhouse – means the use of a building divided vertically into three or more dwelling units by common walls which prevent internal access between dwelling units and extends from the base of the foundation to the roof line. A cluster townhouse dwelling is not a street townhouse dwelling or multiple dwelling.

Dwelling, Multiple – means the use of a building containing three or more dwelling units, and can include a stacked townhouse dwelling and back-to-back townhouse dwelling. A multiple dwelling is not a street townhouse dwelling, mixed use building, cluster townhouse dwelling, single detached dwelling with additional dwelling units (attached) or semi-detached dwelling with additional dwelling units (attached).

Dwelling, Semi-Detached – means the use of a building divided vertically into two semi-detached dwelling units (as the principal use of the building) by a common wall which prevents internal access between dwelling units and extends from the base of the foundation to the roofline. Each semi-detached dwelling unit shall be designed to be located on a separate lot.

Dwelling, Single Detached – means the use of a building containing one dwelling unit as the principal use of the building.

Dwelling, Street Townhouse – means the use of a building divided vertically into three or more dwelling units (as the principal use of the building) by common walls which prevent internal access between dwelling units and extends from the base of the foundation to the roofline. Each street townhouse dwelling unit shall be designed to be on a separate lot. Street townhouse dwelling shall not include a cluster townhouse dwelling or multiple dwelling.

Dwelling Unit – means the use of a building that contains a room or suite of habitable rooms which:

a) is located in a dwelling or mixed use building;

b) is occupied or designed to be occupied by a household as a single, independent and separate housekeeping establishment;

c) contains both a kitchen and bathroom used or designed to be used for the exclusive common use of the occupants thereof; and,

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d) has a private entrance leading directly to the outside of the building or to a common hallway or stairway inside the building.

**Dwelling Unit, Farm-Related** – means the use of a dwelling unit that is accessory to agriculture.

**Dwelling Unit (Attached), Second** – means the use of a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit where a separate self-contained dwelling unit is located within the principal building.

**Dwelling Unit (Detached), Second** – means the use of a building where a separate self-contained dwelling unit located in a detached building on the same lot as an associated single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit. A second dwelling unit (detached) is not an accessory building.

**Dwelling Unit (Attached), Additional** – means the use of a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit where a separate self-contained dwelling unit is located within the principal building.

**Dwelling Unit (Detached), Additional** – means the use of a building where a separate self-contained dwelling unit located in a detached building on the same lot as an associated single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit. An additional dwelling unit (detached) is not an accessory building.

E

**Electrical Transformer Station** – means the use of a premises to manage the transmission and distribution of electrical power that is provided to the public.

**Electric Vehicle Supply Equipment** – means electric vehicle supply equipment as defined in the Ontario Building Code.

**Elementary School** – see School, Elementary

**Equestrian Establishment** – means the use of a premises where horses are boarded, groomed, and/or available for riding and training.

**Established Front Yard** - means

a) In the case of a lot that is not a corner lot:
the average of the front yards of the abutting lots with a low rise residential zone
and where there is a vacant lot abutting the affected lot, the average of the front yards of the next adjacent lot with a low rise residential zone; and

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b) in the case of a corner lot:

the front yard of the abutting lot with a low rise residential zone, in which the principal pedestrian entrance is oriented towards the same street, and where there is a vacant lot abutting the affected lot, the front yard of the next adjacent lot with a low rise residential zone.

Existing – means a currently existing thing that was:

a) lawfully existing immediately prior to the date of passage of this By-law; or,

b) established in accordance with the Transition Provisions of Section 18.

Exterior Side Lot Line – see Lot Line, Exterior Side

Exterior Side Yard – see Yard, Exterior Side

F

Façade – means an exterior building wall or series of exterior building walls excluding architectural features.

Façade, Street Line – means the façade oriented toward the street line.

Façade Opening – means any window or entrance on a façade which provides clear visibility or access from the outside to goods, exhibits, or the interior spaces of a building. Façade openings may include materials such as mullions but shall exclude materials such as spandrel.

Farm-Related Dwelling Unit – see Dwelling Unit, Farm-Related

Fineblanking – means a metal manufacturing process employing a high precision blanking or stamping technique, the finished product of which has smooth or unfractured edges and requires no further machining, and, without limiting the generality of the foregoing, no further grinding, shaving, reaming, or milling.

Financial Establishment – means the use of a building which provides financial services in which money is deposited, kept, lent, or exchanged, and can include a bank, trust company, credit union, or other similar banking service, but shall not include a payday loan establishment.

Fitness Centre – means the use of a premises in which facilities and activities are provided for physical exercise.
Floor Space Ratio – means the figure obtained when the building floor area on a lot is divided by the lot area. In the case of a building or part thereof located above a street or lane, the calculation of the floor space ratio shall include that portion of the building floor area and that portion of the area of the street or lane between the lot line and the centre line of the street or lane.

Food Cart – means a vehicle from which food or drink is offered for sale.

Food Store – means the use of a premises devoted primarily to the retail of food and food products and can include ancillary non-food products such as toiletries, personal care products, and hardware.

Freestanding Retail Outlet – see Retail Outlet, Freestanding

Front Lot Line – see Lot Line, Front

Front Yard – see Yard, Front

Funeral Home – means the use of a building for the preparation of human remains for interment or cremation, for the viewing of the body, and for funeral services. A funeral home shall not include a crematorium.

G

Garage, Private – means an accessory building, a portion of a dwelling, or a carport which is designed and used for the parking of one or more motor vehicles.

Garage Width, Private – means the horizontal distance of a private garage along the street line facade, measured between the exterior walls, or in the case of an attached private garage that does not project beyond the facade of a dwelling unit, measured from the exterior wall abutting a side yard to the midpoint of the opposite interior wall.

Garden Centre, Nursery, and/or Landscaping Supply – means the use of a premises for the retail and display of only plants, trees and shrubs, and gardening and landscaping supplies and equipment.

Gas Station – means the use of a premises for the retail of automotive fuel and other auto-related products, but shall not include automotive detailing and repair operation.

Golf Course – means the use of a premises for playing golf and can include an indoor or outdoor driving range, a putting green, and similar uses, but does not include a miniature golf facility.

Grade – means the elevation of the finished ground or land immediately surrounding such building or structure, and is determined by averaging 6 grade elevations equally spaced apart along the exterior walls of the building.
Gross Floor Area – means the aggregate horizontal area measured from the exterior faces of the exterior walls of all storeys of a building (excluding any portion of a storey devoted exclusively to parking) within all buildings on a lot.

Ground Floor – means the storey with its floor closest to grade and having its ceiling more than 1.8m above grade.

Group Home – means a residential care facility licensed or funded under Federal or Provincial statute for the accommodation of 3 to 10 persons, exclusive of staff, that provides a group living arrangement for their well-being. A group home shall not include a correctional group home.

Group Home, Correctional – means a residential care facility licensed or funded under Federal or Provincial statute for the accommodation of 3 to 10 persons, exclusive of staff, that provides housing and rehabilitation for persons on probation, parole, early or re-release, or any other form of executive, judicial or administrative release from a penal institution. A correctional group home shall not include a group home.

H

Health Clinic – means the use of a premises by health professional(s) for the purpose of consultation, diagnosis, and/or treatment of persons. A health clinic can include medical laboratories, dispensaries, or other similar facilities, but shall not include accommodation for in-patient care, or facilities for major surgical practice.

Health Office – means a home occupation that is used by health professional(s) for the purpose of consultation, diagnosis, and/or treatment of persons.

Health Professional – means a person who practices any of the health disciplines regulated under a Provincial Act.

Heavy Repair Operation – see Repair Operation, Heavy

Home Improvement Store – means the use of a premises for the retailing of housewares and a wide range of materials, merchandise, and equipment for construction, home improvement, and home gardening.

Home Occupation – means the use of a building for a business that is secondary to the principal use of the building as a dwelling.

Hospice – means the use of a building where terminally ill patients receive palliative care treatment in a home-like setting with a maximum of 10 patients at any given time.

Hospital – means the use of a premises for the medical care, observation, supervision, and skilled nursing care of persons afflicted with or suffering from sickness, disease, or injury; or for the convalesce of chronically ill persons, that is approved under the Public Hospitals Act or under the Private Hospitals Act.

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**Hotel** – means the *use* of a *building* for overnight accommodation of the travelling public and includes a motel or motor hotel but does not include a *lodging house, small residential care facility, large residential care facility, or bed and breakfast*.

**Hydro Corridor** – a *utility corridor* used for the transmission and distribution of electricity.

**Industrial Administrative Office** – means the *use* of a *building* for the management or administration of an employment *use*.

**Independent Living Facility** – means a *multiple dwelling* that is part of a *continuing care community*, and where personal support services may be provided.

**Indirect Sales** – means a *home occupation* which conducts the sale of goods via mail order, telephone, fax, or internet, but shall not include direct sales or the storage of inventory on site.

**Indoor Recycling Operation** – see Recycling Operation, Indoor

**Institutional Use** – see Use, Institutional

**Interior Side Lot Line** – see Lot Line, Interior Side

**Interior Side Yard** – see Yard, Interior Side

**Landscaped Area** – means any portion of a *lot* which has no *building*, that is accessible from a *building* or *street* on which the *lot* is located, and is *used* for the purpose of *landscaping* and/or an outdoor swimming pool area.

**Landscaping** – means the *landscaped area* occupied by natural vegetation, surface walkways, rooftop gardens, patios, decks, playgrounds, pathways, and other similar materials, but shall not include areas for the parking of or access to *motor vehicles*.

**Light Rail Transit** – means rail system where electrically powered light rail vehicles operate on a track in a segregated, right of way.

**Lane** – means a public highway or road allowance having a width of less than 12.19 metres.

**Large Merchandise Retail** – see Retail, Large Merchandise

**Light Repair Operation** – see Repair Operation, Light
**Loading Space** – means a designated area located on a *lot* that is *used* or intended to be *used* for the temporary parking of any *commercial vehicle* while loading or unloading goods, merchandise, or materials *used* in connection with the main *use* of the *lot*, and which has unobstructed access to a *street* or *lane*.

**Lodging House** – means a *dwelling unit* where five or more *persons*, not including a resident owner of the property, may rent a *lodging unit* and where the kitchen and other areas of the *dwelling unit* are shared amongst the *persons* occupying the *dwelling unit*. Lodging house can include student residences and conveys but shall not include a *group home*; *hospital*; any *small residential care facility* or *large residential care facility* licensed, approved, or supervised under any general or specific Act; or a *hotel*.

**Lodging Unit** – means a room or set of rooms located in a *lodging house* or other *dwelling* designed or intended to be *used* for sleeping and living accommodation which:

- a) is designed for the exclusive *use* of the resident or residents of the unit;
- b) is not normally accessible to *persons* other than the residents or residents of the unit; and,
- c) does not have both a bathroom and kitchen for the exclusive *use* of the resident or residents of the unit.

**Lot** – means a parcel of land that can be legally conveyed pursuant to Planning Act.

**Lot, Corner** – means a *lot* at the intersection of and abutting two *streets*, or parts of the same *street*, the adjacent sides of which *street* or *streets* (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees. *Corner lots* shall also include a *through corner lot*.

**Lot, Through** – means a *lot* bounded by *streets* on two opposite sides.

**Lot, Through Corner** – means a *lot* with *lot lines* abutting three or more separate *streets*, or a *lot* that is a *corner lot* and a *through lot*.

**Lot Area** – means the total horizontal area of a *lot*.

**Lot Coverage** – means that percentage of the *lot area* covered by all *buildings*.

**Lot Line** – means a line formed by the boundary of a *lot*.

**Lot Line, Exterior Side** – means the *lot line* abutting a *street* that is not the *front lot line* or the *rear lot line*.

**Lot Line, Front** – means the *lot line* abutting a *street* with the following exceptions:

- a) in the case of a *corner lot*, the shorter *lot line* abutting a *street*, not including the *lot line* forming part of a *corner visibility triangle*, shall be the *front lot line*. Where such *lot lines*
are of equal length, the City may deem any of the lot lines abutting a street as the front lot line;

b) in the case of a through lot, the City may deem one of the lot lines abutting a street to be the front lot line and the other lot line abutting a street to be the rear lot line; or,

c) in the case of a through corner lot, the City may deem any of the lot lines abutting a street as the front lot line.

Lot Line, Interior Side – means a lot line other than the front lot line, rear lot line, or exterior side lot line.

Lot Line, Rear – means the lot line farthest from and opposite to the front lot line, or in the case of a triangular lot, shall be that point formed by the intersection of the side lot lines.

Lot Line, Side – means an exterior side lot line and an interior side lot line.

Lot Width – means the horizontal distance between the side lot lines of a lot measured at the required minimum front yard setback.

Lot Width – means the horizontal distance between the side lot lines of a lot measured at the required minimum front yard setback. For multiple dwellings or cluster townhouse dwellings with more than one street line on the same street, the lot width at each street line may be summed to determine the total lot width.

Low-Density Residential Use – see Use, Low-Density Residential

Low-Rise Building – see Building, Low-Rise

Low-Rise Residential Zone – see Zone, Low-Rise Residential

M

Major Equipment Supply and Service – means the use of a premises for the service, repair, and sale of farm, construction, and large business machines; and commercial vehicles.

Major Recreational Equipment – means either a portable structure designed and built to be carried or pulled by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel and can include motor homes, travel trailers, tent trailers, boats, boat trailers, personal watercraft, or other similar equipment.

Major Recreational Equipment – means either a portable structure designed and built to be carried or pulled by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel and can include motor homes, travel trailers, tent trailers, boats, boat trailers, personal watercraft, or other similar equipment.

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wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel and can include motor homes, travel trailers, tent trailers, boats, boat trailers, personal watercraft, all-terrain vehicle or other similar equipment.

Manufacturing – means the use of a premises for the production, compounding, processing, packaging, crating, bottling, packing, finishing, treating, ornamenting, altering, fabricating, or assembly of raw, semi-processed, or fully-processed goods or materials. Manufacturing can also include the use of a premises for research, investigation, testing, or experimentation including laboratories; pilot plants; and prototype production facilities. Manufacturing shall include creative products manufacturing but shall not include commercial water taking.

Mid-Rise Building – see Building, Mid-Rise

Mixed Use Building – means a building with at least one dwelling unit and a non-residential use.

Mixed Use Development – means a lot with two or more buildings where at least one building contains a dwelling unit and at least one building contains a non-residential use.

Model Home – means an uninhabited single detached dwelling, semi-detached dwelling, or street townhouse dwelling unit for the purpose of display and sale of the dwelling units.

Motor Vehicle – see Vehicle, Motor

Multiple Dwelling – see Dwelling, Multiple

Multi-Unit Building – means a building containing two or more non-residential uses within two or more separated spaces for lease or occupancy. A multi-unit building shall be managed and operated as one unit with shared on-site parking. A multi-unit building shall not include a mixed use building.

Multi-Unit Development – means two or more buildings containing one or more non-residential use(s) which are planned, developed, managed and operated as one unit with shared on-site parking. A multi-unit development shall not include a mixed use development.

Multi-Unit Parking Rate – means an aggregated parking space and bicycle parking stall requirement for uses within a multi-unit building and/or multi-unit development, or for non-residential uses within a mixed-use building and/or mixed-use development.
N

**Natural Heritage Conservation** – means the use of land, water, and/or structures for the protection, management, and conservation of the natural heritage system. *Natural heritage conservation* may include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment, and may include forest, fish, and wildlife management.

**New** – means a thing which is not *existing*.

**Nightclub** – means the use of a building with a dance floor and pre-recorded or live music for entertainment, and can include a *restaurant*.

**Noxious Use** – see *Use, Noxious*

O

**Office** – means the use of a building in which clerical, administrative, consulting, advisory, or training services are performed, but shall not include a *health clinic*, *commercial school*, or *industrial administrative office*.

**On-Farm Diversified** – means the use of a premises that includes *home occupation*, agri-tourism uses, uses that produce value-added agricultural products, and *retail* of goods produced or manufactured primarily on the premises. *On-farm diversified* can include the processing or packaging of agricultural products, *food store*, *pet boarding*, *pet services establishment*, *restaurant*, and *veterinary services*.

**Outdoor Active Recreation** – see *Recreation, Outdoor Active*

**Outdoor Passive Recreation** – see *Recreation, Outdoor Passive*

**Outdoor Recycling Operation** – see *Recycling Operation, Outdoor*

**Outdoor Storage** – means the placement of goods, equipment, or materials on a *lot* not within a building.

P

**Parallel Parking Space** – see *Parking Space, Parallel*

**Parcels of Tied Land** – means any parcel of land legally bound and tied to a common element condominium.

**Parking Lot** – means an area located on a *lot* which contains four or more *parking spaces*. 
Parking Space – means an area on which a motor vehicle may be parked in accordance with this By-law and which has access directly or by way of a drive aisle or driveway, to a street or lane.

Parking Space, Angled – means the orientation of a parking space in such a manner that the side of a motor vehicle, when parked, is at an angle other than parallel to the drive aisle, driveway, lane, or street which gives direct access to such parking space.

Parking Space, Barrier-Free Accessible – means a parking space provided for the use of persons with disabilities pursuant to the Accessibility for Ontarians with Disabilities Act.

Parking Space, Electric Vehicle – means a parking space with electric vehicle supply equipment.

Parking Space, Parallel – means the orientation of a parking space in such a manner that the side of a motor vehicle, when parked, is parallel to the drive aisle, driveway, lane, or street which gives direct access to such parking space.

Parking Space, Tandem – means the arrangement of two parking spaces such that it is necessary to traverse one parking space to gain access to the other from a lane, drive aisle, driveway, or street.

Parking Space, Tandem – means a parking space where the arrangement of two or more parking spaces is such that it is necessary to traverse one or more parking spaces to gain access to the tandem parking space from a lane, drive aisle, driveway, or street.

Parking Space, Visitor – means a parking space for the exclusive use of visitors to a premises.

Pawn Establishment – means the use of a building where a loan may be obtained on personal property held on-site as collateral, which may be reclaimed upon receipt of payment for the loan or sold to the general public and which is regulated under the Pawn Brokers Act.

Payday Loan Establishment – means the use of a building in which personal loans are provided to consumers and which is regulated under the Payday Loans Act, and shall not include a financial establishment.

Pet Boarding – means the use of a premises for the overnight accommodation of domestic animals. Pet boarding can include pet services establishment but shall not include veterinary services or animal shelter.

Pet Services Establishment – means the use of a building for the grooming, training, care and supervision of domestic animals during the day. Pet services establishment shall not include pet boarding, veterinary services, or animal shelter.
**Person** – means any human being, association, firm partnership, incorporated company, corporation, agent, or trustee; and heirs, executors or other legal representatives of a person to whom the context can apply according to law.

**Personal Services** – means the use of a building in which services involving the health, beauty, or grooming of a person; or the maintenance or cleaning of apparel, but shall not include a pharmacy.

**Place of Worship** – means the use of a premises by any religious organization for faith based spiritual purposes, and faith based teaching. *Place of worship* can include dwelling unit(s) as an accessory use.

**Pool** – means a structure that is designed and capable of holding a minimum depth of 0.91 metres or more of water, permanently or temporarily located outdoors either above or below the ground, or partly thereabove or therebelow, that is, or is designed to be, used or maintained for the purpose of swimming, wading, diving or bathing.

**Post-Secondary School** – see School, Post-Secondary

**Premises** – means the whole or part of lots, buildings, or structures, or any combination of these.

**Principal** – means, when used to describe a use, the primary use carried out on the lot or within a building or structure, and, when used to describe a building or structure, means the building or structure in which the primary use is conducted, or intended to be conducted.

**Printing or Publishing Establishment** – means the use of a premises in which books, newspapers, periodicals, flyers, or other printed materials are produced.

**Print Shop** – means the use of a building for photocopying, blueprinting, or binding.

**Private Garage** – see Garage, Private

**Private Garage Width** – see Garage Width, Private

**Private Home Day Care** – see Day Care, Private Home

**Propane Facility** – means the use of a premises for the handling of propane and shall include a filling plant, cardlock/keylock, private outlet, vehicle conversion centre, or propane retail outlet.

**Propane Retail Outlet** – means the use of a premises where propane is sold in refillable cylinders, and/or is put into the fuel tanks of motor vehicles, or into portable containers with a capacity exceeding 0.5 kg but not greater than 20 kg.

**Province** – means the Province of Ontario or one or more of its ministries or other agencies that exercise delegated authority on behalf of one or more ministries.

**Public Use** – see Use, Public

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Public Works Yard – means the use of a premises operated by or on behalf of the Federal or Provincial governments, the Region, the Grand River Conservation Authority, or the City, for the storage and maintenance of materials and equipment related to public infrastructure.

Q

R

Rear Lot Line – see Lot Line, Rear

Rear Yard – see Yard, Rear

Recreation, Outdoor Active – means the use of land, water, buildings and/or structures for outdoor leisure and athletic activities and can include sport fields, tracks, parks and playgrounds, climbing facilities, outdoor racquet facilities and outdoor swimming facilities but shall not include golf courses, stadiums, amusement parks, or campgrounds.

Recreation, Outdoor Passive – means the use of land and/or water for non-intensive leisure activities such as trails, boardwalks, and footbridges, but shall not include campgrounds, active outdoor recreation, or golf courses.

Recycling Operation, Indoor – means the use of a building for the processing of non-hazardous, non-toxic, or un-contaminated waste into re-usable materials.

Recycling Operation, Outdoor – means the use of a premises for the processing of non-hazardous, non-toxic, or un-contaminated waste into re-usable materials.

Region – means the Corporation of the Regional Municipality of Waterloo.

Repair Operation, Light – means the use of a building for the servicing or repairing of household articles and appliances, but shall not include heavy repair operation, major equipment supply and service, or automotive detailing and repair operation.

Repair Operation, Heavy – means the use of a premises for the servicing or repairing of mechanical equipment including furnace or oil burners; water and air coolers; domestic water heaters; fixtures and equipment and any other like articles; heavy and light construction equipment; industrial and agricultural equipment; and lawn care equipment. Heavy repair operation shall not include a light repair operation, major equipment supply and service, or automotive detailing and repair operation.

Repair Operation, Automotive Detailing and – means the use of a premises for the servicing, repair, or detailing of motor vehicles, but shall not include the retail of motor vehicles.

Research and Development Establishment – means the use of a premises for research, investigation, testing, or experimentation including laboratories; pilot plants; prototype production facilities; software development and/or engineering services; and scientific, technological, or communications establishments.
Residential Use – see Use, Residential

Residential Care Facility, Large – means the use of a building that is occupied by 9 or more persons, exclusive of staff, who are provided personal support services on a temporary or permanent basis in a supervised group setting and can include one or more amenity areas such as common dining, lounge, kitchen, and recreational area. A large residential care facility can include a correctional group home, group home, and retirement home.

Residential Care Facility, Small – means the use of a building that is occupied by 3 to 8 persons, exclusive of staff, who are provided personal support services on a temporary or permanent basis in a supervised group setting and can include one or more amenity areas such as common dining, lounge, kitchen, and recreational area. A small residential care facility can include a correctional group home, group home, and retirement home.

Residential Zone – see Zone, Residential

Restoration, Janitorial, or Security Services – means the use of a premises where maintenance, restoration, cleaning, security, or similar services are housed and/or where such services are primarily conducted and/or provided off-site.

Restaurant – means the use of a premises where food and/or drink is prepared and sold for immediate consumption on or off-site.

Retail – means the use of a premises where goods and/or materials are displayed, rented, or sold. Retail can include a pharmacy, food store, home improvement store, and convenience retail, but does not include large merchandise retail; building material and decorating supply establishment; garden centre, nursery, and/or landscaping supply; or retail of motor vehicles and major recreation equipment.

Retail, Convenience – means the use of a premises where a variety of grocery, household items and other convenience goods are sold for consumer’s daily or occasional needs.

Retail, Large Merchandise – means the use of a premises where primarily large or bulky goods are displayed, rented, or sold. Large merchandise retail can include building material and decorating supply establishment; garden centre, nursery, and/or landscaping supply; home improvement store; and major equipment supply and service, but does not include convenience retail, retail, or retail of motor vehicles and major recreation equipment.

Retail of Motor Vehicles and Major Recreational Equipment – means the use of a premises where motor vehicles and major recreation equipment, and parts and accessories thereto, are displayed, stored, sold, rented, and/or leased and can include an associated automotive detailing and repair operation, and associated repair of major recreational equipment.

Retail Outlet, Freestanding – means a building containing one retail store.

S
**Salvage or Scrap Yard** – means the use of a premises for the handling, storage, baling, packing, disassembly, buying, or sale of scrap material such as discarded motor vehicles, machinery, or building materials.

**School, Adult Education** – means the use of a premises for a publicly funded institution for academic instruction which offers courses such as language, literacy and basic skills programming, credit courses for adults, continuing education programs, general interest courses, or Canadian citizenship preparation programs, but does not does include post-secondary school or commercial school.

**School, Commercial** – means the use of a premises where teaching or instruction is offered for academics, arts, crafts, motor vehicle driving, language, modelling, hairdressing, gymnastics, beauty, culture, dancing, music, golf, yoga, martial arts, photography, business or trade, or other similar subjects, but shall not include an adult education school, elementary school, secondary school or post-secondary school.

**School, Elementary** – means the use of a premises for a provincially approved institution for academic instruction typically offered from kindergarten to grade eight including a public, private, or separate school, but does not include a commercial school.

**School, Post-Secondary** – means the use of premises for educational purposes by a degree, diploma, or certificate granting college or university under Provincial legislation, but does not include a Commercial School.

**School, Secondary** – means the use of premises for a provincially approved institution for academic instruction typically offered from grade nine to grade twelve including a public, private, or separate school, but does not include a commercial school.

**Second Dwelling Unit (Attached)** – see Dwelling Unit (Attached), Second

**Second Dwelling Unit (Detached)** – see Dwelling Unit (Detached), Second

**Semi-Detached Dwelling** – see Dwelling, Semi-Detached

**Setback** – means the minimum regulated distance measured at right angles between a lot line and the nearest part of any above grade building or structure.

**Shipping Container** – means a vessel commonly or specifically designed for transportation of freight goods or commodities and shall include cargo containers and truck trailers.

**Shower and Change Facility** – means a portion of a building containing shower rooms and change rooms or locker rooms, or other similar facilities.

**Side Lot Line** – see Lot Line, Side

**Side Yard** – see Yard, Side

**Single Detached Dwelling** – see Dwelling, Single Detached

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**Snow Disposal Site** – means only those lands on which snow is placed after being brought to the *lot* from another *lot, street, or lane*, and shall not include areas to which snow is moved to one portion of a *lot* after being cleared from the rest of the *lot*.

**Social Service Establishment** – means the *use* of a *premises* by a non-profit organization or a registered charity to provide goods or services on-site for the betterment of the community. A *social service establishment* shall not include facilities for overnight accommodation.

**Stacking Lane** – means a continuous on-site queuing lane that includes *stacking spaces* for *motor vehicles* which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs.

**Stacking Space** – means a rectangular space that may be provided in succession and is designed to be *used* for the temporary queuing of a *motor vehicle* in a *stacking lane*.

**Stepback** – means the horizontal distance the portion of the *building* above the *base* is recessed from the *façade* of the *base*.

**Stepback, Street line** – means the horizontal distance the portion of the *building* above the *base* is recessed from the *street line façade* of the *base*.

**Stormwater Management Facility** – means the use of a *premises* where *structures* control and manage the quantity and quality of stormwater runoff.

**Storey** – means the portion of a *building or structure* that is situated between the top of any floor and the top of the floor next above it; or if there is no floor above it, that portion between the top of the floor and the ceiling above it. A habitable or finished *attic*, or an uninhabitable or unfinished *attic* with an interior height greater than 1.8 metres, is a *storey*.

**Street** – means a public highway greater than 12.19 metres in width, as defined under the Highway Traffic Act or the Municipal Act, which provides access to an abutting *lot*; and which is dedicated, assumed, and/or maintained by and under the jurisdiction of the *City, Region* or *Province*. For the purposes of this By-law, a *street* does not include a *lane* or any private street.

**Street Line** – means the *lot line* abutting a *street*.

**Street Line Façade** – see *Façade, Street Line*

**Street Line Stepback** – see *Stepback, Street Line*

**Street Townhouse Dwelling** – see *Dwelling, Street Townhouse*

**Structure** – means anything constructed or erected, the *use* of which requires location on or in the ground, or attached to something having location on or in the ground, but excluding an underground servicing facility.
Tall Building – see Building, Tall

Tandem Parking Space – see Parking Space, Tandem

Temporary Sales Centre – means a building or structure that is used for the temporary sale of dwelling units in a proposed development.

Through Corner Lot – see Lot, Through Corner

Through Lot – see Lot, Through

Towing Compound – means the use of a lot for the temporary storage of motor vehicles and can include the temporary storage of discarded motor vehicles.

Tradesperson or Contractor’s Establishment – means the use of a premises where manual or mechanical skills are housed to design, build, install, maintain, or repair goods, equipment, or real property and where such services are conducted on or off-site.

Transportation Depot – means the use of a premises for the dispatching of commercial vehicles and motor vehicles transporting goods or passengers, and the parking and servicing of such commercial vehicles and motor vehicles when not in service.

Transportation Facility – means the use of a premises for the maintenance and storage of commercial vehicles for public transportation, and related equipment, and can include a transportation depot.

Truck Transport Terminal – means the use of a premises for the storage of commercial vehicles for the purpose of dispatching as common carriers, or where goods and materials are temporarily stored in bulk quantities at a transfer point for further shipment, and shall include the rental or leasing of trucks, and a courier distribution facility.

Use – means:

a) as a noun, the purpose for which any premises is arranged, designed, or intended to be used, occupied, or maintained.

b) as a verb, anything done or permitted by the owner or occupant, of any land, building, or structure directly or indirectly or by or through any trustee, tenant, servant, or agent of such owner or occupant, for the purpose of making use of the said land, building, or structure.

Use, Institutional – for the purposes of Section 18.2, means uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.
Use, Low Density Residential means a lot zoned to permit any of the following: single detached dwelling, semi-detached dwelling, street townhouse dwelling, second dwelling unit (attached), second dwelling unit (detached), cluster townhouse dwelling, multiple dwelling that is a low-rise building, small residential care facility, large residential care facility, and/or lodging house.

Use, Noxious – means the use of a premises which from its nature, or from the manner of carrying on same, causes or is liable to cause a condition which may become hazardous or injurious with regard to the health or safety of any person, including but not limited to the escape of any destructive gas or fumes, dust, objectionable odour or noise, or a contaminant (as defined by the Environmental Protection Act). A noxious use shall include, but not be limited to beverage distillation; phosphate and/or sulphur products; primary production of chemicals, synthetic rubber, plastic, asphalt, cement, and/or concrete; processing or refining of petroleum and/or coal; slaughtering, eviscerating, rendering, and/or cleaning of meat, poultry fish, and/or by-products thereof; smelting, refining, rolling, forging, and/or extruding of ore, and/or metal; stamping, blanking (excluding fineblanking), and/or punch-pressing of metal; tanning and/or chemical processing of pelts and/or leather; vulcanizing of rubber and/or rubber products; soil remediation facility; warehousing of hazardous, toxic and/or contaminated materials; and a truck transport terminal containing hazardous, toxic, and/or contaminated materials.

Use, Public – means the use of any land, building, or structure by or on behalf of the Federal or Provincial governments, the Region, the Grand River Conservation Authority, or the City.

Use, Residential – means a premises with at least one dwelling unit.

Utilities – means an essential commodity or service such as water, sewer, electricity, gas, oil, television, or communications/telecommunications that is provided to the public by a regulated company or government agency.

Utility-trailer - A small non-motorized vehicle which is generally pulled by a motorized vehicle and features a rear cargo area (bed) and is used for the hauling of light loads.

Utility Corridor – means linear strips of land that secure access between two points for the purpose of transmitting and distributing utilities and includes a hydro corridor.

V

Vehicle, Commercial – means any motor vehicle having permanently or temporarily attached thereto a truck box, or any other form of delivery body, and shall include tow trucks; tilt/n/load trucks; buses exceeding 7 metres in length and/or 4,000 kilograms in gross vehicle weight; tractor trailers or semi-trailers and any component thereof; or other like or similar vehicle, but shall not include major recreational equipment, or industrial equipment.
Vehicle, Discarded Motor – means a motor vehicle which is unlicensed, is in disrepair, and/or has missing parts including tires, damaged or missing glass, or deteriorated or removed metal adjunctions, which make its normal use impossible.

Vehicle, Electric – means a motor vehicle that is powered partially or exclusively on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purposes. An electric vehicle shall include a battery electric vehicle or plug-in hybrid electric vehicle.

Vehicle, Motor – means any equipment self-propelled by an engine or motor mounted on the vehicle, but shall not include major recreational equipment.

Veterinary Services – means the use of a premises for consultation, diagnosis, and treatment of animals, and related boarding and grooming.

W

Warehouse – means the use of a building for the storage and/or distribution of goods and can include self-storage warehouses, and facilities for wholesaling of goods otherwise stored or manufactured within the building, but shall not include a truck transport terminal.

Waste Management Facility – means the use of a premises for the collection, sorting, and processing of waste material for long term disposal on-site or for transfer to another site and shall include a landfill, recycling facility, incinerator, composting facility, waste transfer station, or other similar uses, but shall not include a salvage or scrap yard.

Water and Wastewater Treatment Facility – means the use of a premises for the collection, treatment, storage, and distribution of water or wastewater.

X

Y

Yard – means any open area of a lot abutting a building.

Yard, Front – means a yard that extends across the full width of a lot between the front lot line and the nearest point of the principal building.

Yard, Rear – means a yard that extends across the full width of a lot between the rear lot line and the nearest point of the principal building.

Yard, Interior Side – means a yard that extends from the front yard to the rear yard between the interior side lot line and the nearest point of the principal building.

Yard, Exterior Side – means a yard abutting a street that extends from the front yard to the rear yard from the exterior side lot line to the nearest point of the principal building.

Yard, Side – means an exterior side yard and an interior side yard.

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Zone – means a designated area of land shown on the Zoning Grid Schedules contained in Appendix A of this By-law.

Zone, Low-Rise Residential – means a RES-1 through RES-5 zone, or any R-1 through R-6 residential zone in Zoning By-law 85-1.

Zone, Residential – means a RES zone herein, or any residential zone in Zoning By-law 85-1.