

SECTION 2 - DEFINITIONS

For the purpose of this By-law the definitions and interpretations given in this Section shall govern unless a contrary intention appears:

Accessory Building/ Structure	2.1	A <i>BUILDING</i> or <i>STRUCTURE</i> , not used or intended to be used, for human habitation, detached from, but located on the same <i>LOT</i> as, the <i>PRINCIPLE USE</i> , <i>BUILDING</i> or <i>STRUCTURE</i> , the <i>USE</i> of which is incidental, subordinate and exclusively devoted to that of the principal <i>BUILDING</i> or <i>STRUCTURE</i> .
	2.1(a)	<i>ACCESSORY BUILDING</i> in any Non-Residential Zone shall not include any attendant shelter, kiosk or <i>STRUCTURE</i> of a similar nature provided such <i>STRUCTURE</i> has an area of less than 7.5 square metres and a height of less than 3.1 metres.
Accessory Use	2.2	A <i>USE</i> which is incidental, subordinate and exclusively devoted to the <i>PRINCIPAL USES</i> of the <i>LOT</i> upon which, or of the <i>BUILDING</i> or <i>STRUCTURE</i> within which, the <i>ACCESSORY USE</i> is located.
Adult Entertainment Parlour	2.3	Any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to, or designed to appeal to, erotic or sexual appetites or inclinations as licensed in accordance with Regional Municipality of Niagara By-laws.
Arcade	2.4	A <i>BUILDING</i> , or part thereof, in which four (4) or more mechanical, electronic, video or other similar player-operated amusement devices are operated for gain or compensation for their owner or operator.
Artist's Studio	2.5	A <i>BUILDING</i> , or part thereof, used for purposes such as commercial photography, painting, artwork, needlework, tapestry making, pottery making, handweaving, or sculpting and may include an area for displaying or selling goods provided that such area is ancillary to the production process.
Assembly Hall	2.6	A <i>BUILDING</i> , or part thereof, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a banquet hall, but does not include any <i>USE</i> otherwise defined.
Athletic and Recreational Area	2.7	Any place where a <i>PERSON(S)</i> may engage in games, exercises or activities which are not otherwise defined in this By-law.
Athletic/Fitness Club	2.8	A private or public facility which provides indoor services relating to physical fitness and other related activities and may include courts for racquet sports, gymnasiums, weight rooms,

pools and saunas.

Automobile Service Station	2.9	A <i>BUILDING</i> or place where gasoline, other automotive fuels, natural gas, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed but does not include a <i>CAR WASHING ESTABLISHMENT</i> , <i>SALES or RENTAL GARAGE</i> or a <i>PROPANE DISPENSING STATION</i> . (By-law 2003-137)
Automotive Trade Use	2.10	Any automobile related <i>USE</i> such as tire sales and repair, vehicle rental, radiator repairs, transmission or muffler repairs, body shops, automotive glass repairs and similar automotive related sales and services.
Bakery	2.11	A <i>BUILDING</i> , or part thereof, wherein the principal activity is the baking of goods including the preparation, storage, wrapping and packing and other activities associated with the preparation for sale or other distribution.
Bake Shop	2.12	A <i>BUILDING</i> , or part thereof, wherein the principal activity is the retailing of baked goods. It may include baking facilities as an ancillary <i>USE</i> if such <i>USE</i> occupies less than 300m ² of <i>GROSS FLOOR AREA</i> .
Balcony	2.13	An unenclosed cantilevered platform in excess of 2.4 metres above <i>GRADE</i> projecting horizontally from the face of a wall of the main <i>BUILDING</i> not supported by columns or brackets on the ground. (By-law 2000-59)
Basement	2.14	That portion of a <i>BUILDING</i> between two floor levels which is partly underground but which has at least 50% and not more than 80% of its height, from finished floor to finished ceiling, above the adjacent <i>GRADE</i> .
Bed & Breakfast	2.15	A <i>SINGLE-DETACHED DWELLING</i> occupied by the owner(s) and used incidentally for commercial purposes to provide overnight accommodation and meals to the traveling and vacationing public but does not include a <i>BOARDING OR LODGING HOUSE</i> , a <i>HOTEL</i> , a hostel, a <i>GROUP HOME</i> , or other establishment otherwise classified or defined in this By-law.
Block	2.16	All land fronting on one side of a <i>STREET</i> between the nearest <i>STREET</i> intersecting, meeting or crossing the aforesaid <i>STREET</i> .
Body-rub Parlour	2.17	A <i>BUILDING</i> , or portion thereof, where a body-rub is performed, offered, or solicited in pursuance of a trade, calling, business or occupation, but does not include a <i>BUILDING</i> , or part thereof, where the body-rubs performed

are for the purpose of medical or therapeutic treatment and are performed or offered by *PERSONS* otherwise duly qualified, licensed and registered to do so under the laws of the Province of Ontario. For the purposes of the foregoing body-rub shall mean the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a *PERSON'S* body or part thereof but does not include medical or therapeutic treatment given by a *PERSON* otherwise duly qualified, licensed and registered to do so under the laws of the Province of Ontario.

Building	2.18	Any <i>STRUCTURE</i> , whether temporary or permanent, consisting of walls and a roof, <i>USED</i> or intended to be <i>USED</i> for the shelter, accommodation or enclosure of <i>PERSONS</i> , animals or chattels.
Building Height	2.19	The vertical distance between the <i>GRADE</i> of such <i>BUILDING</i> to the highest point of the roof exclusive of any penthouse, tower, cupola, steeple or other roof <i>STRUCTURE</i> which is used only as an ornament or to house the mechanical equipment of any <i>BUILDINGS</i> .
Business Incubator	2.20	A <i>BUILDING</i> , or portion thereof, <i>USED</i> to provide space, training, instruction and administrative services to new small industrial or service <i>USES</i> and their employees. For the purposes of this definition, "new" shall mean less than four (4) years old and "small" shall mean having less than ten (10) employees.
Business Office	2.21	A <i>BUILDING</i> , or part thereof, in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage, a labour or <i>FRATERNAL ORGANIZATION</i> and may include a financial institution, real estate office, insurance agency, chartered accountants, <i>DATA PROCESSING ESTABLISHMENT</i> , a newspaper publisher or a radio or a television broadcasting station and related studios or theatres.
Business Service Establishment	2.22	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.
Call Centre	2.23	A <i>BUILDING</i> , or part thereof, where one or more telephone service representatives, working in accordance with a business plan, dedicates the major portion of their time receiving or placing calls using accessory computer equipment to record the information.
Carport	2.24	A <i>STRUCTURE</i> , attached to a <i>BUILDING USED</i> for the storage of a permitted vehicle and consisting of a roof supported by vertical columns or members. No more than two sides, including the main <i>BUILDING</i> , may be enclosed and there shall not be a door where the vehicle enters.

Car Washing Establishment	2.25	A <i>BUILDING</i> , or part thereof, which contains facilities for washing automobiles by production line methods which may include a conveyor system or similar mechanical devices. This definition also includes a self service car wash. (By-law 2003-137)
Caterer	2.26	A <i>PERSON</i> who operates a business, the main function of which is the preparation of food products and the delivery or serving of same at other than the main place of business.
Cellar	2.27	That portion of a <i>BUILDING</i> between two floor levels which is wholly underground or which has more than one-half of its height, from finished floor to finished ceiling, below the adjacent <i>GRADE</i> .
Clinic	2.28	A <i>BUILDING</i> , or part thereof, other than a hospital, used by physicians, dentists, optometrists, chiropractors and/or drugless practitioners, radiological technicians, registered psychologists and their staff for the purpose of consultation, diagnosis and office treatment of patients. Without limiting the generality of the foregoing, a <i>CLINIC</i> may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, specimen collection centres and dispensaries directly associated with the <i>CLINIC</i> , but shall not include accommodation for in-patient care.
Commercial Greenhouse	2.29	A <i>BUILDING</i> or part thereof, constructed primarily of translucent material in which temperature and humidity can be controlled and which is used for the purpose of growing plants for use on the <i>FARM</i> or for sale.
Commercial School	2.30	A school conducted for hire or gain, other than a private academic, religious or philanthropic school, and includes the studio of a dancing teacher or music teacher, an art school, golf school, school of callisthenics, business or trade school and any other such specialized school conducted for hire or gain.
Commercial Vehicle	2.31	A motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, buses and tractors used for hauling purposes on the highways as defined in the <i>Highway Traffic Act</i> .
Community Centre	2.32	Any tract of land or <i>BUILDING</i> , or part thereof, used for community activities, whether used for commercial purposes or not, the control of which is vested in the municipality, a local board or agent thereof.
Computer Service	2.33	A place where computer facilities are provided on a rental, leasing or time sharing basis, and where programme development and computer consulting services are provided.
Contractors'	2.34	A place, <i>BUILDING</i> or <i>STRUCTURE</i> where construction, mechanical, electrical, plumbing, HVAC, roofing, siding,

Establishment		insulation, refrigeration, painting, grounds maintenance or general contractors or other like contractors conduct their businesses, and may include offices, drafting facilities and display areas of pertinent samples. (By-law 2010-99)
Convenience Store	2.35	A <i>BUILDING</i> , or part thereof, which has a maximum <i>GROSS FLOOR AREA</i> of 222 square metres where a variety of household and grocery items are offered for sale primarily to serve the people's daily needs and may include the rental of videos, an automated banking machine, and/or depots for such items as film, laundry or dry cleaning.
Corporation	2.36	The <i>CORPORATION</i> of the City of Welland.
Council	2.37	The <i>COUNCIL</i> of the <i>CORPORATION</i> of the City of Welland.
Courier Service	2.38	The premises of a courier, mail or parcel delivery service but does not include a <i>TRUCK OPERATION</i> .
Custom Workshop	2.39	A <i>BUILDING</i> where there is carried on individual custom production of drapes and slip covers, venetian blinds, handmade leather goods, millinery, orthopaedic and prosthetic appliances, awnings, metal plating, metal engraving and other non-offensive, non-dangerous custom production of any article or thing but does not include any factory production or any shop or factory otherwise classified or defined in this By-law.
Dairy Operation	2.40	A <i>BUILDING</i> , or part thereof, used for the processing or production of dairy products which may include cheese, butter, milk and milk products, cream, ice cream and includes the packaging and shipping of both the raw and finished products.
Data Processing Centre	2.41	A <i>BUILDING</i> , or part thereof, used for the input, processing and printing of computerized data.
Day Care Facility	2.42	A <i>BUILDING</i> , or part thereof duly licensed for <i>USE</i> as a facility for the daytime care and supervision of persons requiring such services.
Day Lighting Triangle	2.42 (a)	A triangular area within the road allowance abutting a <i>CORNER LOT</i> , the hypotenuse of which forms part of the <i>CORNER LOT</i> . (By-law 2003-137)
Deck	2.43	An uncovered, unenclosed <i>STRUCTURE</i> used as an exterior walking surface with a minimum height above <i>GRADE</i> of 0.25 metres which may incorporate a guard (railing). (By-law 2003-137)
Delicatessen	2.44	A food store having a <i>GROSS LEASABLE AREA</i> of less than 100 square metres wherein the food offered for sale may also be prepared and sold for immediate consumption on or off the premises.
Department Store	2.45	A retail facility, having a minimum <i>GROSS LEASEABLE</i>

		<p><i>AREA</i> of 2,600 square metres, which offers a wide selection of merchandise which may include apparel, accessories, housewares, domestic goods, appliances, furniture, toiletries, automotive supplies and associated repair garages, sporting goods, toys, lawn and garden supplies and a range of services.</p>
Distillation Establishment	2.46	A facility, having a maximum <i>GROSS FLOOR AREA</i> of 186 square metres, where water, beer, wine or similar products are processed, usually by the consumer, for personal/human consumption.
Dry Cleaning and Laundry Depot	2.47	A <i>BUILDING</i> , or part thereof, used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry-dyeing, cleaning or pressing elsewhere and for pressing done on-site and distribution of any such articles or goods which have been subjected to any such process.
Dry Cleaning and Laundry Plant	2.48	A <i>BUILDING</i> , or part thereof, where dry-cleaning, dry-dyeing, cleaning or pressing of articles or goods of fabric is carried on but does not include a hand laundry, machine laundry, or a wholesale dyeing plant.
Dwelling	2.49	A <i>BUILDING</i> , or part thereof, containing one or more <i>DWELLING UNITS</i> , but does not include a <i>MOBILE HOME</i> .
Dwelling Unit	a)	Consists of a self-contained set of rooms, used as residential premises, located in a <i>BUILDING</i> which contains kitchen and bathroom facilities which are used only by the occupants of the unit; is used as a single housekeeping unit in which no occupant has exclusive possession of any part of the unit, and which unit has a private entrance from outside the <i>BUILDING</i> or from a common hallway inside.
Apartment Building	b)	The whole of a <i>BUILDING</i> containing five or more separate <i>DWELLING UNITS</i> and which has a single common entrance.
Bachelor Dwelling Unit	c)	A <i>DWELLING UNIT</i> contained within an <i>BUILDING</i> designed to provide living accommodation for one or two <i>PERSONS</i> without a separate sleeping room or bedroom.
Boarding or Lodging House	d)	A <i>DWELLING</i> in which the proprietor supplies, for gain lodging, with or without meals, to more than 3 <i>PERSONS</i> , but does not include a <i>GROUP HOME</i> , <i>HOTEL</i> , hospital, <i>NURSING HOME</i> or other establishment otherwise classified or defined in this By-law.
Duplex	e)	The whole of a 2 storey <i>BUILDING</i> divided horizontally into two separate <i>DWELLING UNITS</i> , each of which has an independent entrance either directly or through a common vestibule. (By-law 2003-137)
Fourplex	f)	The whole of a <i>BUILDING</i> , divided into four separate <i>DWELLING UNITS</i> , each of which has an independent entrance either directly from the outside or through a common

vestibule but does not include a *TOWNHOUSE* or *STREET TOWNHOUSE*.

Link Dwelling	g)	Two <i>DWELLING UNITS</i> which are connected by a permanent wall or <i>STRUCTURE</i> which is entirely below <i>GRADE</i> .
Semi-Detached Dwelling	h)	The whole of a <i>BUILDING</i> divided vertically into two single <i>DWELLING UNITS</i> by a solid common wall extending throughout the entire <i>STRUCTURE</i> , from the base of the foundation to the highest point of the roof line with each unit having an independent entrance directly from the outside. (By-law 1999-178)
Single-Detached Dwelling	i)	A separate residential <i>BUILDING</i> containing only one <i>DWELLING UNIT</i> .
Street Townhouse	j)	A <i>TOWNHOUSE</i> with each <i>DWELLING UNIT</i> on a separate <i>LOT</i> with <i>FRONTAGE</i> on a <i>STREET</i> .
Townhouse	k)	A <i>BUILDING</i> divided vertically into not less than four (4) and not more than eight (8) attached, non-communicating <i>DWELLING UNITS</i> .
Triplex	l)	The whole of a <i>BUILDING</i> , divided into three separate <i>DWELLING UNITS</i> , each of which has an independent entrance either directly from the outside or through a common vestibule.
Freehold Triplex	m)	A <i>TRIPLEX</i> with each <i>DWELLING UNIT</i> on a separate <i>LOT</i> with frontage on a <i>STREET</i> .
Erect	2.50	<p>a) To build, construct, reconstruct, enlarge, remove and relocate any <i>BUILDING</i> or <i>STRUCTURE</i> and without limiting the generality of the foregoing, also includes:</p> <p>b) any preliminary physical operation such as excavation, filling or draining preparatory to any building or construction; or</p> <p>c) altering any existing <i>BUILDING</i> or <i>STRUCTURE</i> by an addition, enlargement, extension or other structural change; or</p> <p>d) any work which required a permit pursuant to the <i>Building Code Act</i>.</p>
Existing	2.51	Lawfully existing as of the date of the passing of this By-law.
Farm	2.52	A parcel of land of not less than 4 hectares in area upon which the predominant activity is <i>FARMING</i> .
Farming	2.53	An enterprise undertaken for the purpose of growing crops utilized in food, fuel or fibre production, the growing of forest and other plant products, or the raising or sale of animals or

animal products for market or for breeding, riding, showing, boarding, or racing; and which may include the *USE* of *BUILDINGS* for tool and farm implement storage, farm produce storage, *GREENHOUSES*, animal breeding, stabling or raising; *VETERINARY CLINIC*.

Fast Food Outlet	2.54	A <i>BUILDING</i> , or part thereof, in which food and drink, which requires no further preparation for consumption, are packaged and offered for sale for consumption on or off the premises. If public seating is available for a minimum of 50 patrons, it is considered a <i>RESTAURANT</i> for the calculation of <i>PARKING SPACES</i> only.
Flea Market	2.55	A <i>BUILDING</i> or open area in which stalls or sales areas are reserved and rented or otherwise provided, and which are intended for <i>USE</i> by various unrelated individuals to sell articles that are either home-made, home-grown, hand-crafted, obsolete, old, or antique as well as previously owned or used goods, wares, merchandise or other articles.
Footprint	2.55 (a)	The greatest horizontal area of a <i>BUILDING</i> above <i>GRADE</i> measured to the outside walls or columns of the <i>BUILDING</i> or roofed <i>STRUCTURE</i> including all spaces within the <i>BUILDING</i> , but excluding open air swimming <i>POOLS</i> , <i>DECKS</i> , steps, fire escapes, exterior stairways, ramps and the like. (By-law 2003-137)
Fraternal Organization	2.56	A group or club operated on a non-profit basis, which is engaged primarily in charitable and philanthropic enterprises.
Fuel Storage Tank	2.57	A tank for the bulk storage of petroleum, gasoline, fuel, oil, gas, natural gas, or inflammable liquid; but does not include a container for inflammable liquid legally and properly kept in a retail store, or a tank for storage merely incidental to some other use of the premises where such tank is located.
Funeral Home	2.58	A <i>BUILDING</i> , or part thereof, used for human funeral services and may include facilities for the embalming and preparation of the dead for burial; the storage and sale of caskets, urns and other related funeral supplies; the storage of funeral vehicles; and a funeral chapel.
Golf Course	2.59	A public or private area operated for the purpose of playing golf and may include a <i>RESTAURANT</i> , a clubhouse, a pro shop; driving ranges, miniature golf and similar uses which are normally accessory to the operation of a <i>GOLF COURSE</i> and which are located on the same <i>LOT</i> as the <i>GOLF COURSE</i> .
Grade	2.60	The average level of proposed or finished ground adjoining a <i>BUILDING</i> or <i>STRUCTURE</i> at all exterior walls.
Gross Floor Area	2.61	The total floor area of a <i>BUILDING</i> measured from the exterior faces of the exterior walls, but in a residential <i>DWELLING</i> does not include any floor area in a <i>CELLAR</i> ,

unfinished attic or *BASEMENT*, private garage, breezeway, *PORCH*, veranda, seasonal sunroom. For a non-residential use, *GROSS FLOOR AREA* does not include utility rooms, washrooms, stairwells or elevator shaft. **(By-law 2003-137)**

Gross Leasable Area	2.62	The total floor area designed for tenant occupancy and exclusive use, including <i>BASEMENTS</i> , mezzanines and upper floors, if any, and measured from the centre line of joint partitions and from the exterior face of outside walls.
Ground Floor Area	2.63	The area of that portion of a <i>LOT</i> occupied by a <i>BUILDING</i> or <i>STRUCTURE</i> , exclusive of any <i>PORCH</i> , seasonal sunroom, or private garage.
Gross Weight	2.64	The combined weight of a vehicle and its load, as defined in the <i>Highway Traffic Act</i> .
Group Home	2.65	A <i>DWELLING UNIT</i> in a Residential Zone in which 3 to 6 residents, who require specialized, personal care, live under responsible supervision.
Habitable Room	2.66	Any room within a <i>DWELLING UNIT</i> used, or intended to be used for living, sleeping, eating or food preparation, but does not include a washroom, closet, <i>PORCH</i> , garage, <i>CELLAR</i> , furnace room or any space used for the service and maintenance of such <i>DWELLING</i> .
Half Storey	2.67	That portion of a <i>BUILDING</i> situated within the roof lines.
Hereafter	2.68	After the date of the passing of this By-law.
Herein	2.69	Shall mean in this By-law and shall not be limited to any particular Section of this By-law.
Home Decorating Store	2.70	A <i>BUILDING</i> , or part thereof, used for the retail sale of goods and materials required for decorating the interior of a home or office, including floor, wall and window coverings, lighting fixtures, bathroom and kitchen fixtures and accessories.
Home Improvement Store	2.71	A <i>BUILDING</i> , or part thereof, used for the retail sale of goods or materials required for the construction or alteration of <i>BUILDINGS</i> , 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. <i>OUTDOOR STORAGE</i> may be permitted as an <i>ACCESSORY USE</i> .
Home Occupation	2.72	An occupation or business, located within a <i>DWELLING UNIT</i> , save and except a <i>DWELLING UNIT</i> located within an <i>APARTMENT BUILDING</i> , conducted for gain by any person maintaining primary residence within the <i>DWELLING UNIT</i> .
Hotel (Motel)	2.73	A <i>BUILDING</i> , or part thereof, used mainly for the purpose of furnishing sleeping accommodations to the traveling public

and may include meeting rooms, banquet facilities and public eating areas, but does not include a *ROOMING OR BOARDING HOUSE*.

Industrial Mall	2.74	A <i>BUILDING</i> or group of <i>BUILDINGS</i> on a separate <i>LOT</i> held in single ownership or by participants in a condominium corporation or co-operative, and divided into units for separate occupancy by different industrial uses for which common loading and parking facilities and other common services may be provided.
Institution	2.75	A <i>BUILDING</i> , or part thereof, used for non-commercial, non-profit purposes by an organized body, religious group or society such as a public hospital, public library, museum, or a scout house.
Kennel	2.76	A <i>BUILDING</i> , <i>STRUCTURE</i> or fenced compound where domestic household pets are kept, raised and/or boarded for commercial purposes.
Landscaped Open Space	2.77	The open, unobstructed space, at <i>GRADE</i> , which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping which may include fountains, reflecting pools or similar areas, but does not include any access driveway or ramp, <i>PARKING LOT</i> , rooftop area or any open space beneath or within any <i>BUILDING</i> or <i>STRUCTURE</i> .
Lane	2.78	A public thoroughfare or way, not more than 9.2 metres wide and which affords only a secondary means of access to abutting properties and which is not intended for general traffic circulation.
Light Equipment/ Machinery Rental Establishment	2.79	A <i>BUILDING</i> , or part thereof where residential, industrial and commercial machinery and equipment is kept for rental to the general public. Said machinery and equipment includes air compressors and related tools and accessories, augers, automotive tools, cleaning equipment, concrete and masonry tools, hydraulic equipment, lawn and garden tools, moving equipment, painting and decorating equipment, plumbing tools, and power tools.
Lot	2.80	<p>A parcel of land: which fronts on a <i>STREET</i></p> <ul style="list-style-type: none"> (i) which is a whole <i>LOT</i> shown on a registered plan of subdivision passed pursuant to Section 50, Chapter P.13 of the <i>Planning Act</i>, as amended, but a registered plan of subdivision for the purpose of this paragraph does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a By-law passed pursuant to Section 50(4), Chapter P.13, of the <i>Planning Act</i>, R.S.O. 1990 as amended, or (ii) the description of which is the same as in a deed for which consent has been given pursuant to Section

52, Chapter P.13 of the *Planning Act*, R.S.O. 1990 as amended; or

- (iii) is the whole remnant remaining to an owner after conveyance made with consent, pursuant to Section 52, Chapter P.13 of the *Planning Act*, R.S.O. 1990, as amended, but for the purposes of this paragraph, no parcel of land ceases to be a *LOT* by reason only of the fact that a part or parts of it has, or have been, conveyed to, or required by, the City of Welland, The Regional Municipality of Niagara, Her Majesty in the right of Ontario, or Her Majesty in right of Canada; or
- (iv) which is a separate parcel of land without any adjoining lands being owned by the same owner or owners as of October 21, 1958, or
- (v) part of a *LOT* created by Part *LOT* Control Exemption or a Registered *LOT(S)* or part(s) thereof together with adjacent lands held in the same ownership. **(By-law 2003-137)**

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| Corner Lot | a) | <ol style="list-style-type: none"> 1. A <i>LOT</i> located at the intersection of, and adjacent to, two <i>STREETS</i> where the angle of the intersection does not exceed 135 degrees; or 2. A <i>LOT</i> located on the curve of a <i>STREET</i> where the angle of intersection of the projection of the tangents of the <i>STREET</i> line does not exceed 135 degrees and for which the corner of the <i>LOT</i> shall be deemed to be the centre point of that part of the arc of the <i>STREET</i> line upon which the <i>LOT</i> abuts. |
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In the case where a *CORNER LOT* abuts a 0.3 metre (one (1) foot) reserve all provisions of Zoning By-law 2667, as amended concerning *CORNER LOTS* shall apply. **(By-law 2003-137)**

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| Front Lot Line | b) | A <i>LOT LINE</i> which divides the <i>LOT</i> from the <i>STREET</i> . In the case of a <i>CORNER LOT</i> , the shorter <i>LOT LINE</i> which abuts a <i>STREET</i> shall be deemed to be the <i>FRONT LOT LINE</i> and the longer <i>LOT LINE</i> shall be deemed to be the <i>LOT FLANKAGE</i> . For a <i>THROUGH LOT</i> , or a <i>CORNER LOT</i> where the exterior <i>LOT LINES</i> are the same length, the <i>LOT LINE</i> where the principal access to the <i>MAIN BUILDING</i> faces shall be deemed to be the <i>FRONT LOT LINE</i> . In the case of a <i>CORNER LOT</i> the hypotenuse of any <i>DAYLIGHTING TRIANGLE</i> shall not be considered the <i>FRONT LOT LINE</i> . (By-law 2003-17) |
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| Interior Lot | c) | A <i>LOT</i> other than a <i>CORNER LOT</i> . |
| Lot Area | d) | The total horizontal area within the <i>LOT LINES</i> of a <i>LOT</i> . |
| Lot Coverage | e) | The percentage of the <i>LOT AREA</i> covered by all |

BUILDINGS and roofed *STRUCTURES* measured at *GRADE*, but does not include any open air swimming pool or *DECK*.

Lot Depth	f)	The horizontal distance between the midpoints of the <i>FRONT LOT LINE</i> and the furthest <i>REAR LOT LINE</i> or where there is no <i>REAR LOT LINE</i> , the apex of a triangle formed by the <i>SIDE LOT LINES</i> .
Lot Flankage	g)	The exterior <i>LOT LINE</i> of a <i>CORNER LOT</i> or the <i>SIDE LOT LINE</i> adjoining the <i>STREET</i> .
Lot Frontage	h)	The horizontal distance between the <i>SIDE LOT LINES</i> , such distance being measured at a point 7.5 metres back from the <i>FRONT LOT LINE</i> and parallel to it.
Lot Line	i)	Any boundary of a <i>LOT</i> .
Rear Lot Line	j)	The <i>LOT LINE</i> opposite and furthest from the <i>FRONT LOT LINE</i> .
Registered Lot	k)	A <i>LOT</i> described in accordance with and within a registered plan of subdivision.
Side Lot Line	l)	A <i>LOT LINE</i> other than a <i>FRONT LOT LINE</i> or <i>REAR LOT LINE</i> .
Lot Width	m)	The horizontal distance between <i>SIDE LOT LINES</i> , the distance shall be measured perpendicularly from the line joining the centre of the <i>FRONT</i> and <i>REAR LOT LINES</i> at a point 7.5 metres from the <i>FRONT LOT LINE</i> .
Through Lot	n)	A <i>LOT</i> bounded on two (2) opposite sides by <i>STREETS</i> .
Market Garden	2.81	The <i>USE</i> of land for the intensive commercial cultivation of vegetables, mushrooms, fruits and flowers, and may include a horticultural nursery, retail sales limited to products grown on site and a <i>GREENHOUSE(S)</i> .
Mill	2.82	A <i>BUILDING(s)</i> , or part thereof used for the purpose of grinding, cleaning, processing and/or sales of seed, grain, oil seeds or fertilizer for profit or as a co-operative, and the accompanying scales, sales and enclosed storage area.
Mini Warehouse and Public Storage	2.82 (a)	A <i>BUILDING</i> used for the temporary storage of items in separately occupied, secured storage areas or lockers generally accessible by means of individual loading doors and the temporary outdoor storage of seasonal, recreational or commercial vehicles, boats, trailers etc. which may not conveniently or legally be parked or stored elsewhere. (By-law 2003-137)
Mobile Home	2.83	Any <i>STRUCTURE</i> that is designed to be made mobile, and constructed or manufactured to provide a temporary or permanent residence for one or more <i>PERSONS</i>

notwithstanding that such vehicle is jacked up or that its running gear is removed, but does not include a travel trailer, tent trailer, trailer otherwise designed or a recreational vehicle.

Motel	2.84	see <i>HOTEL</i>
Motor Vehicle Repair Shop Class "A"	2.85	A public garage used as a motor vehicle repair shop, exclusive of the painting and repairing of bodies and fenders.
Motor Vehicle Repair Shop Class "B"	2.86	A public garage used as a motor vehicle repair shop including the painting and repairing of bodies and fenders.
Nearest Wall	2.87	That portion of the front, side or rear foundation of the main <i>BUILDING</i> which is closest to the respective <i>LOT LINE</i> .
Non-Complying	2.88	A <i>BUILDING</i> or <i>STRUCTURE</i> which does not comply with the provisions of this By-law for the Zone in which such <i>BUILDING</i> or <i>STRUCTURE</i> is located, as of the date of the passing of this By-law.
Non-Conforming	2.89	An existing <i>USE</i> of any land, <i>BUILDING</i> or <i>STRUCTURE</i> which does not conform with the permitted <i>USES</i> of this By-law for the Zone in which such <i>EXISTING</i> land, <i>BUILDING</i> or <i>STRUCTURE</i> is located, so long as it continues to be <i>USED</i> for that purpose.
Nursing Home	2.90	A <i>DWELLING</i> or other <i>BUILDING</i> 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	2.91	An offensive <i>USE</i> or trade within the meaning of the <i>Public Health Act</i> or any <i>USE</i> which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, liquid, vibration or refuse matter.
Open Space	2.92	An area, open to the sky, which is used for the growth and maintenance of grass, flowers, shrubbery, trees and other landscaping and includes any surfaced walk, patio, swimming pool or similar area but does not include any access driveway or ramp, <i>PARKING LOT</i> or roof-top area.
Outdoor Seasonal Display and Sales Area	2.93	An area set aside out of doors, covered or uncovered, to be used in conjunction with an established legal <i>USE</i> or business located in adjacent permanent premises, on the same <i>LOT</i> , for the display or sale of fresh produce, plants and new goods or merchandise.
Outdoor Patio	2.94	An area set aside out of doors, covered or uncovered, for the <i>USE</i> of patrons as a licensed <i>RESTAURANT</i> in connection with, and in addition to, the operation of an adjacent <i>RESTAURANT</i> located on the same <i>LOT</i> .

Outside Storage	2.95	The stockpiling or storage of goods in an open yard not housed in any permanent <i>BUILDING</i> or <i>STRUCTURE</i> .
Parking Lot	2.96	A <i>LOT</i> or part of a <i>LOT</i> , not within a <i>BUILDING</i> or <i>STRUCTURE</i> , where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.
Parking Space	2.97	An area used for the temporary parking or storage of motor vehicles, exclusive of driveways or aisles, designed in accordance with Schedule B to By-law 2667 being the Geometric Design Standard for Parking.
Pergola	2.97 (a)	An open structural framework supported by posts over an outdoor area. (By-law 2003-137)
Person	2.98	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	2.99	A <i>BUILDING</i> , or part thereof, in which <i>PERSONS</i> are employed in furnishing services and otherwise administering to the individual and personal needs of <i>PERSONS</i> comprising the premises of a barber, hairdresser, beautician, tailor, dressmaker, shoemaker, laundromat, <i>DRY CLEANING AND LAUNDRY DEPOT</i> , suntanning salon, the rental of formal wear.
<i>PET GROOMING ESTABLISHMENT</i>	2.99 (a)	A <i>BUILDING</i> , or part thereof, <i>USED</i> for the grooming of pets, but does not include a <i>VETERINARY CLINIC</i> , a <i>KENNEL</i> or any overnight boarding. (By-law 2010-99)
Pit	2.100	A place where unconsolidated gravel, stone, sand, clay, fill or other material is being, or has been, removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a <i>WAYSIDE PIT</i> .
Place of Entertainment	2.101	A privately owned sports or recreational facility for <i>USE</i> by private members and/or the general public for compensation and may include a theatre or cinema, auditorium, <i>ASSEMBLY HALL</i> , billiard or pool hall, ice/roller rink, bingo hall, dance hall, bowling alley, <i>ARCADE</i> , circus, golf driving tee, archery range, and a miniature golf course.
Place of Worship	2.102	A <i>BUILDING</i> or <i>STRUCTURE</i> dedicated to religious worship and may include a church hall, <i>ASSEMBLY HALL</i> , auditorium, Sunday school, convent, parish hall or manse/rectory if the house/rectory is located on the same <i>LOT</i> as the <i>PLACE OF WORSHIP</i> . (By-law 2010-99)
Planting Strip	2.103	A strip of land, located within a required <i>YARD</i> , devoted solely to the growing of grass, trees and/or ornamental shrubs and composed of planting material suitable to the soil and

climate conditions of the site.

Porch	2.104	A roofed, unenclosed <i>STRUCTURE</i> attached to, and forming part of the main <i>BUILDING</i> adjacent to a door providing direct access to the <i>BUILDING</i> .
Principal Use	2.105	The primary purpose for which a <i>LOT</i> , <i>BUILDING</i> or <i>STRUCTURE</i> is used, or is intended to be used.
Printing Establishment	2.106	A <i>BUILDING</i> , or part thereof, used for the primary purpose of printing, lithography or publishing of newspapers, periodicals, books, maps and associated materials.
Private Club	2.107	A <i>BUILDING</i> or facility owned or operated, on a profit or non-profit basis, by an association or chartered organization such as a lodge, service club, <i>FRATERNAL ORGANIZATION</i> , union, legion or similar group, the <i>USE</i> of such premises being restricted primarily to members and their guests for social, recreational or athletic purposes.
Private Home Day Care	2.108	The temporary care, for compensation, of no more than five (5) children, under the age of ten (10) years, where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not to exceed twenty-four (24) hours.
Propane Dispensing Station	2.108 (a)	A facility having not more than one propane storage tank, being a <i>STRUCTURE</i> , used for the retail sale and dispensing of propane. Said facility may include a <i>PROPANE EXCHANGE STATION</i> . (By-law 2003-137)
Propane Exchange Station	2.108 (b)	A secured, caged area from which pre-filled propane cylinders are sold. (By-law 2003-137)
Propane Transfer Facility	2.108 (c)	A facility at a fixed location having not more than one propane storage tank, being a <i>STRUCTURE</i> , used to refuel vehicles, appliances or other equipment of the business or establishment located at said location but from which no retail sale of propane fuel to the public is or may be affected. (By-law 2003-137)
Recreational Establishment	2.109	A gathering place, which may include a <i>BUILDING</i> , for recreational purposes and may include facilities for and uses such as bowling alley, curling rink, swimming pool, billiard or pool hall, health club, skating rink, indoor miniature golf course, indoor golf driving tee or range.
Rental Store	2.110	A <i>BUILDING</i> , or part thereof, where goods are kept for the purpose of temporary loan to the public. Payment is made for the use of the good for a set period of time after which the good is returned. This shall not include a <i>SALES</i> or <i>RENTAL GARAGE</i> .
Restaurant	2.111	A <i>BUILDING</i> , or part thereof, in which food and drink are prepared primarily for consumption therein and may include

the serving of alcoholic beverages as per the regulations of the *Liquor License Act*, but shall not include *FAST FOOD OUTLETS*. An *ASSEMBLY HALL* may be permitted in a *RESTAURANT*. **(By-law 2010-99)**

Retail Store	2.112	A <i>BUILDING</i> , or part thereof, where merchandise is offered for sale and where the maximum floor area is less than 2,600 square metres and in the case of a grocery store, less than 500 square metres.
Sales or Rental Garage	2.113	A <i>BUILDING</i> or place where new or used motor vehicles, trailers and/or boats are kept for the purpose of selling, leasing or renting.
Salvage Yard	2.114	A <i>LOT</i> , <i>BUILDING</i> or <i>STRUCTURE</i> used for wrecking, dismantling, storing and/or selling used goods, wares or materials and includes a junk yard, a scrap metal yard and a vehicle wrecking yard.
School	2.115	A <i>BUILDING</i> , or part thereof, and other facilities which provide a curriculum of elementary, secondary or post-secondary academic education, operated by a government authorized agency or by a corporation approved by a Government agency and which is operated on a non-profit basis but does not include a <i>COMMERCIAL SCHOOL</i> .
School Bus	2.116	A <i>COMMERCIAL VEHICLE</i> which is painted chrome yellow and displays, on the front and rear thereof, the words "Do Not Pass When Signals Flashing".
Screening Device	2.116 (a)	A barrier used for the purposes of providing privacy/screening. (By-law 2003-137)
Second Hand Store	2.117	A <i>BUILDING</i> , or part thereof, where previously owned or used goods, wares, merchandise or other articles are purchased or offered for sale, but shall not include the purchase or sale of antiques, works of art, or any other items of a collectible nature such as used books, comics, magazines, cards, stamps, coins, models or records and does not include a <i>SALVAGE YARD</i> .
Service or Repair Shop Class "A"	2.118	A <i>BUILDING</i> , or part thereof, used for the servicing or repairing of electronic appliances, household appliances, musical instruments; sound and public address systems; cameras, toys, jewellery, watches, clocks, safes and locks, bicycles, wheel chairs, orthopaedic and prosthetic appliances; and any other like articles; and for fabric mending; window glazing or repairing; painting and refinishing furniture and other household goods; and includes a key shop, a custom picture framing shop, the business of installing, servicing and watching burglar systems and may be conducted in conjunction with a <i>RETAIL STORE</i> .
Service or Repair Shop Class "B"	2.119	A <i>BUILDING</i> , or part thereof, used for the servicing or repairing tires, including vulcanizing or re-treading; batteries,

		brakes or radiators; automotive ignition or electric systems; furnaces; water coolers; domestic water heaters; water softening equipment; plumbing fixtures and equipment; restaurant equipment; and any other like articles; includes the regular place of business of a master electrician or plumber and may be conducted in conjunction with a <i>RETAIL STORE</i> .
Service Use	2.120	The use of land, a <i>BUILDING</i> or <i>STRUCTURE</i> , or part thereof, where the purpose of such enterprise is to provide a maintenance, caretaking, cleaning, security or similar service to industry and the public where such service is primarily conducted and/or provided off-site at the location in need of such service.
Shopping Centre	2.121	A group of Commercial establishments, containing at least three (3) individual business establishments, developed owned and managed as a unit providing common open spaces, on-site parking areas, loading areas, driveways and other shared facilities, where the predominant <i>USE</i> is retail stores.
Storey	2.122	That portion of a <i>BUILDING</i> or <i>STRUCTURE</i> , other than a <i>BASEMENT</i> or <i>CELLAR</i> , between the surface of any floor and the surface of the floor, roof deck or ridge next above it, or if there is no floor above it, that portion between the surface of the floor and the ceiling above it.
Street	2.123	A highway, as defined under the <i>Municipal Act</i> as amended from time to time, which has been assumed for public <i>USE</i> ; has been improved; and which affords a principal means of access to abutting <i>LOTS</i> .
Structure	2.124	Anything that is <i>ERECTED</i> , built or constructed of parts joined together the result of which is fixed to, supported by or incorporated within the soil and/or any other <i>STRUCTURE</i> , and without limiting the generality shall include a satellite dish, air conditioner, a swimming pool, hot tub, outdoor uncovered, unenclosed <i>DECK</i> raised above <i>GRADE</i> , a <i>BUILDING</i> , but shall not include pavement, curbs, walkways, clothes line pole, trellis, arbour, flag pole, kiddie pool, play structure, basketball pole/net or such like objects or a fence. (By-law 2003-137)
Supermarket	2.125	A <i>BUILDING</i> , or part thereof, devoted primarily to the selling of food and household supplies where the minimum <i>GROSS FLOOR AREA</i> is 500 square metres.
Tavern	2.126	A <i>BUILDING</i> , or part thereof, which offers, as its primary function, the sale of alcoholic beverages to the public and which is licensed by the L.L.B.O.
Testing/ Research Laboratory	2.127	A <i>BUILDING</i> , or part thereof, equipped with necessary appliances and apparatus to permit the critical examination, observation, evaluation or investigation of substances and investigation and experimentation aimed at the discovery or

interpretation of facts.

Truck Operation	2.128	A <i>BUILDING</i> , <i>STRUCTURE</i> or land used for the storage, (un)loading of trucks and trailers and the associated servicing of the trucks and trailers used in said operation.
Use	2.129	When used as a noun, means the purpose for which a <i>LOT</i> , <i>BUILDING</i> or <i>STRUCTURE</i> , or any combination thereof, is designed, arranged, intended occupied or maintained and “ <i>USES</i> ” shall have a corresponding meaning. <i>USE</i> , when used as a verb, or “to <i>USE</i> ”, shall have a corresponding meaning.
Veterinary Clinic	2.130	A <i>BUILDING</i> , or part thereof, used by veterinarians and their staff for the purpose of the consultation, diagnosis, office treatment and the provision of care of animals, birds and pets and may include the temporary boarding of such animals, birds and pets during their recuperation and may also include the dispensing and sale of associated medical products, but does not include a <i>KENNEL</i> .
Vocational Training Centre	2.131	A place, <i>BUILDING</i> or <i>STRUCTURE</i> where employment counselling, training and retraining seminars are provided but does not include an employment agency or similar facility.
Warehouse	2.132	A <i>BUILDING</i> , or part thereof, which is used primarily for the housing, storage, adapting for sale, package or wholesale distribution of goods, wares, merchandise, food stuff substances, articles and the like, but does not include a <i>FUEL STORAGE TANK</i> .
Wayside Pit	2.133	A temporary <i>PIT</i> or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction, but it shall not be located within the road allowance.
Yard	2.134	An open, uncovered space on a <i>LOT</i> appurtenant to a <i>BUILDING</i> or <i>STRUCTURE</i> and unoccupied by any <i>BUILDING</i> or <i>STRUCTURE</i> except as specifically permitted elsewhere in this By-law.
Exterior Side Yard	a)	A <i>SIDE YARD</i> immediately adjacent to a road allowance, whether opened or not.
Front Yard	b)	That part of a <i>LOT</i> which extends along the full width of the <i>LOT</i> between the <i>FRONT LOT LINE</i> and the <i>NEAREST WALL</i> of any <i>BUILDING</i> or <i>STRUCTURE</i> . In the case of a <i>CORNER LOT</i> where a property line is shared with a <i>DAYLIGHTING TRIANGLE</i> the <i>FRONT YARD</i> setback shall be measured as shown on Schedule ‘E2’. (By-law 2003-137)
Interior Side Yard	c)	A <i>SIDE YARD</i> other than an <i>EXTERIOR SIDE YARD</i> .
Rear Yard	d)	That part of a <i>LOT</i> which extends across the full width of the

LOT between the *REAR LOT LINE* and the *NEAREST WALL* of any principal *BUILDING* or *STRUCTURE*.

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| Required Yard | e) | The minimum <i>YARD</i> required by the provisions of this By-law, or any variances approved by the Committee of Adjustment. |
| Side Yard | f) | That part of a <i>LOT</i> which extends from the <i>FRONT YARD</i> to the <i>REAR YARD</i> between the <i>SIDE LOT LINE</i> and the <i>NEAREST WALL</i> of any principal <i>BUILDING</i> or <i>STRUCTURE</i> . |