

Section 2 Definitions

Explanatory Note

For the purpose of this By-Law, the definitions and interpretations given in this Section shall govern. In this By-Law, the word 'shall' is mandatory and not directory; words in the singular include the plural, words in the plural include the singular; the word 'used' includes 'arranged', 'designed' or 'intended to be used'. The word 'occupied' shall include 'designed to be occupied' and 'arranged to be occupied'.

General

For the purpose of this By-Law, all words shall carry their customary meaning except those defined hereafter:

2.A

Accessory

When used to describe a **use, building, structure** or activity, shall mean a use, building, structure or activity naturally or normally incidental, subordinate and exclusively devoted to a main use, building, structure or activity and located on the same **lot** therewith. *(Examples of accessory buildings or structures are a detached garage, a storage shed, a guest cabin or a swimming pool. Examples of accessory uses are a home based business or a retail outlet within a manufacturing plant.)*

Accessory Building – see **Accessory**

Accessory Dwelling – see **Dwelling - Accessory**

Accessory Structure – see **Accessory**

Accessory Use – see **Accessory**

Adverse Effects

In accordance with the *Environmental Protection Act*, adverse effect shall mean one or more of:

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or plant and animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse affect on the health of any person;
- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of property; and
- (h) interference with normal conduct of business.

Aggregate



Shall mean gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock other than metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Aggregate Pit

Shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of open excavation and includes the processing thereof for commercial purposes including screening, sorting, wading, crushing and other similar operations together with required buildings and structures, but does not include a *wayside pit*.

Agriculture – see Agricultural Use

Agricultural Use

Shall mean the *use* of land, *building(s)* or *structure(s)* for:

- (a) the growing of crops, including all related activities such as soil preparation, manure or fertilizer storage and application, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops;
- (b) animal husbandry including the raising, boarding, and keeping of all forms of livestock and fish (not including domestic animals such as dogs or cats), and all related activities such as breeding, training, feeding, manure storage and grazing;
- (c) the production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage and sale of the products;
- (d) the use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Agricultural use shall not be construed to include commercial activities related to agriculture such as abattoirs, tanneries and retail sales outlets, or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales, but may include the production and incidental sale of maple syrup.

Airport or Aircraft Landing Area

Shall mean the *use* of land, including water, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie-down areas, hangars and other necessary buildings, structures and open spaces.

Aisle

Shall mean the travelled way by which motor *vehicles* enter and depart *parking spaces*.

Alter

- (a) When used in reference to a *building, structure* or part thereof, shall mean:



- (i) to change any one or more of the external dimensions of such building or structure; or
 - (ii) to change the type of construction of the exterior walls or roof of such building or structures; or
 - (iii) to change the use of such building or structure or the number or types of uses or **dwelling units** contained therein.
- (b) When used in reference to a **lot** shall mean:
- (i) to change the boundary of such lot with respect to a **street** or **lane**; or
 - (ii) to change any dimension or area, relating to such lot; or
 - (iii) to change the use of such lot or the number of uses located thereon.
- (c) When used in reference to a **shoreline**, shall mean to change, straighten, divert or interfere in any way with the channel of any **watercourse** or the lands surrounding the high water mark of a **water body**.

Ambulance Facility

Shall mean a **place** where professional paramedics and personnel are stationed and their **vehicles** and equipment are kept.

Animal Hospital

Shall mean a building or part thereof where domestic animals or household pets are given temporary indoor shelter, accommodation and treatment and includes, without limiting the generality of the foregoing, a veterinary facility, but does not include any **kennel** or establishment engaged primarily in the retail sale of animals or in breeding or training animals for gain or profit.

Apartment

Shall mean a **dwelling unit** that occupies only part of a **building**. Apartments may be located in a building with other apartment dwelling units or in a building with other **uses** (e.g. commercial uses).

Apartment Building – see **Dwelling, Apartment Building**

Area of Natural and Scientific Interest (ANSI)

Shall mean areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Arena

Shall mean a **building** or **structure**, or part thereof, owned or operated by a private club, a non-profit or charitable institution, or a public agency, where facilities are provided primarily for athletic or recreational activities, entertainment or events. An outdoor skating rink shall not be classified as an arena.

Art Gallery

Shall mean a **building**, part thereof or area where paintings, sculptures or other works of art are exhibited and/or sold.



Asphalt Plant

Shall mean an industrial facility used for the production of asphalt for immediate use in the paving of **roads** and **driveways** and the damp-proofing of **buildings** or **structures**.

Assembly Hall – see **Place of Assembly**

Attached

Shall mean a **building** or **structure** otherwise complete in itself which is connected to, and which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

Automobile Body Repair Shop

Shall mean a **building** or part thereof with at least one (1) service bay, where repairs or alterations are made to the body or paint work of motor **vehicles**, including cars, trucks, recreational vehicles, **trailers** and water vehicles, for remuneration, but shall not include a salvage yard.

Automobile Rental Establishment

Shall mean a **place** that is engaged in the rental of passenger **vehicles**.

Automobile Repair Garage

Shall mean a **building** or part thereof used for the storage, repair and servicing of **vehicles**, having at least one (1) service bay where repairs essential to the actual operation of a vehicle are performed for remuneration.

Automobile Sales Establishment

Shall mean a **place** where new or used **motor vehicles** are displayed and sold at retail or leased.

Automobile Service Station

Shall mean a **place** or a clearly defined space on a **lot** used primarily for the retail sale of lubricating oils, gasoline, diesel fuel and propane for **vehicles** and may include the sale of automobile accessories, and may include services and repairs essential to the operation of vehicles.

2.B**Back Lot**

Shall mean a **lot** separated from a **water body** or watercourse by a road and/or at least one (1) lot that has direct frontage on a water body or watercourse.

Bakery

Shall mean a **building** or part thereof for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products and may include an **accessory retail store** which sells goods manufactured on the premises.

Bank

Shall mean an establishment in a **building** or part thereof where money is deposited, kept, lent or exchanged.

Barn – see **Livestock Facility**

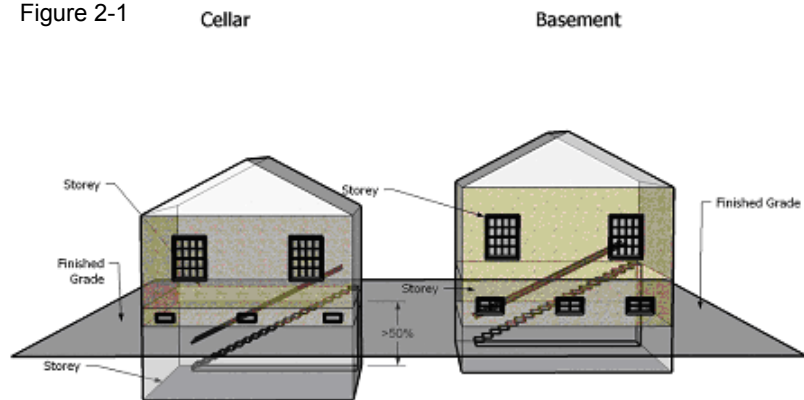


Barrier-Free Parking Space – see Parking Space, Barrier Free

Basement

Shall mean that portion of a **building** which is partly underground, between two (2) floor levels and which is more than 50 percent below the adjacent **established grade** (see Figure 2-1).

Figure 2-1



Bed and Breakfast Establishment

Shall mean an establishment **accessory** to the main **residential use** of a **single detached, semi-detached or duplex dwelling** in which no more than three (3) bedrooms or one (1) less than the total number of bedrooms in the **dwelling unit**, whichever is lesser, are used to provide overnight accommodation, for profit or gain, with or without meals, to the traveling or vacationing public.

Biofuel Plant

Shall mean an industrial facility which produces a solid, liquid or gaseous fuel from biological material.

Bingo Hall

Shall mean a **building** or premise or part thereof used for bingo or a bingo event and is duly registered under the *Gaming Control Act* and is in compliance with municipal by-laws and approvals.

Boarding House, Rooming House or Tourist Home

Shall mean a **building** or portion thereof in which the proprietor supplies to the travelling public, for gain or profit, lodging, meals or both, and where each **guest room** does not contain kitchen or washroom facilities, but may include kitchen and/or washroom facilities within the building. This definition shall not include a **hotel, motel, hospital, home for the young or the aged, group home, crisis housing, institution or bed and breakfast establishment, or a restaurant** accommodating the general public.

Boat House

Shall mean a **structure, accessory** to a main permitted **use**, constructed for the purpose of storing boats and boat accessories but shall not include a **dwelling**.

Boat Launch

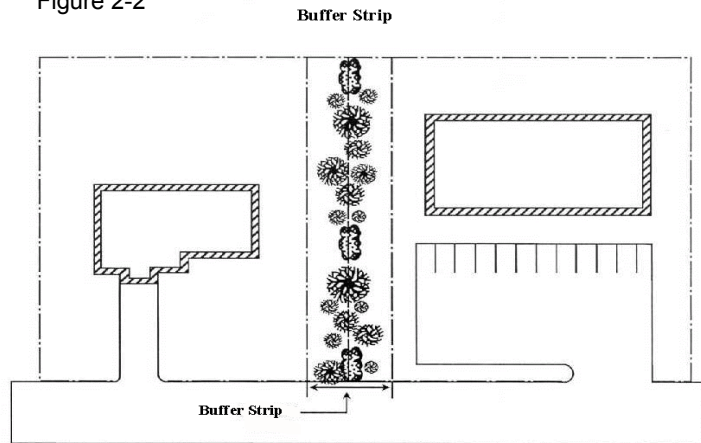
Shall mean an area of land adjacent to a **water body** or watercourse that is used to launch and remove **water vehicles** from the water. Boat launches may be public or private.

Buffer Strip

Shall mean an area of land intended to separate two (2) adjacent land **uses** of properties from one another, and used for no other purpose than for the **erection** of a

Figure 2-2

fence, or the planting and maintaining of a continuous row of natural evergreens or a continuous unpierced hedgerow of natural shrubs, and the remainder of which is to be used for **landscaped open space** (see Figure 2-2).



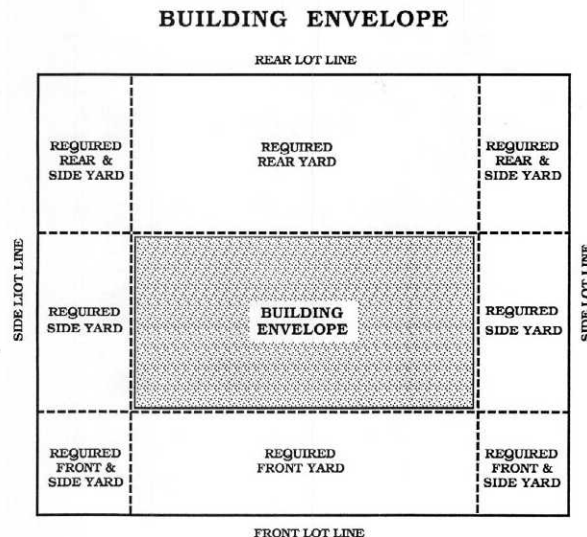
Building

Shall mean a structure, whether temporary or permanent, consisting of a wall, roof and floor or any of them used or intended for sheltering any **use** or occupancy, but shall not include a fence on a boundary wall. The word 'building' shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Ontario Building Code*.

Building Envelope

Shall mean the building area on a **lot**, as defined by all the required **yards** and **setbacks** applying to such lot and/or **building** or **structure**, within which a building or structure can be **erected** (see Figure 2-3).

Figure 2-3



Building, Main

Shall mean the **building** or **structure** in which is conducted the principal **use** for which the **lot** is used.

Building Official – see Chief Building Official

Building Supply Outlet

Shall mean a commercial **place** used for the wholesale or retail sale of building or construction supplies or accessories including lumber, millwork, cement, siding, roofing, plumbing, electrical, heating, cooling or ventilation supplies. This definition shall not include a lumber yard or a salvage yard.

Building, Temporary – see Temporary Building

Built – see Erect

Bulk Sales Establishment

Shall mean the use of land for the purpose of storing, buying and selling coal, fuel, oil, propane, wood, lumber, building materials, ice and allied chemicals but does not include any manufacturing, assembling or processing uses.

2.C

Call Centre



Shall mean a **building** or part thereof where incoming and/or outgoing calls are handled by people, telephones and computers which are related to customer support, credit services, card services, telemarketing, interactive voice response or similar services.

Camp (Hunt Camp, Fishing Camp)

Shall mean a **building** or **structure** intended to provide basic shelter and accommodation on a temporary basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation.

Campground

Shall mean an area used for a range of overnight camping experiences, from tenting to serviced travel trailer sites, including accessory facilities which support the **use**, such as administration offices, laundry facilities, but not including the use of **mobile homes** or trailers on a year-round basis.

Campsite

Shall mean a plot or parcel of land within a **campground** intended for the exclusive temporary occupancy by a **recreational vehicle**, tent or similar transportable accommodation together with all **yards** and open space and may include on-site services such as a fire pit, hydro, water and sewage disposal.

Car Shelter – see Temporary Shelter

Carport

Shall mean a partially enclosed **structure** with at least 40 percent of the total perimeter open and unobstructed which intended or which is used for the sheltering of one (1) or more **vehicles** and that is attached to a **building**.

Car Wash

Shall mean a **building** or **structure**, or part thereof, containing manual or automated facilities for washing or cleaning vehicles, but does not include any other automotive use defined herein. A car wash may be **accessory** to a main permitted automotive-related **commercial use** (e.g. **automotive service station**).

Catering Establishment

Shall mean a commercial establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or for take-out.

Cellar

Shall mean the portion of a **building** between two (2) floors, which is partly underground and which has more than 50 percent above the adjacent **established grade**. (See Figure 2-1)

Cemetery

Shall mean land set aside to be **used** for the interment of human remains and includes a mausoleum, columbarium or other **building** or **structure** intended for the interment of human remains.

C.G.V.D

Shall mean Canadian Geodetic Vertical Datum.



Chief Building Official

Shall mean an officer or employee of the Corporation of the Municipality of Red Lake appointed to enforce the provisions of the *Building Code Act*.

Chip Wagon

Shall mean a **structure** or a converted vehicle located on a **lot** where food products and beverages are prepared and sold to the public.

Cinema – see Theatre**Clinic**

Shall mean a **building** or part thereof that is used or intended for use by physicians, dentists, chiropractors and/or drugless practitioners, or any two (2) or more of them, as well as their staff and patients, for the purpose of consultation, diagnosis and office treatment.

College – see Post-secondary Educational Institution**Commercial Greenhouse**

Shall mean a commercial **place** used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sale. This definition shall not include any premises for the growing of mushrooms.

Commercial Use

Shall mean the **use** of land, **building** or **structure** primarily for the purpose of buying, renting and/or selling commodities or the supplying of services for remuneration, gain or profit directly to the public, and includes but is not limited to retail sales, entertainment services and personal or professional services.

Commercial Zone

Shall mean the Townsite Commercial (C1), Local Commercial (C2), Shopping Centre Commercial (C3), Highway Commercial (C4) and Tourist Commercial (C5) zones.

Communal Services – see Private Communal Sewage Services and Private Communal Water Services**Community Centre**

Shall mean **place** used for community activities, the ownership and/or maintenance of which is vested with the Municipality or other organization for non-commercial purposes. Without limiting the generality of the foregoing, community centres may include **parks** and open space, sports fields, skateboard parks, playgrounds, courts, gymnasiums, **places of assembly**, **swimming pools**, facilities for indoor and outdoor recreational, social or cultural activities.

Condominium

Shall mean a **lot** on which each individual unit is held in separate ownership and all floor space, facilities, outdoor areas and other such areas used in common by all tenants are owned, administered and maintained by a corporation created to the provisions of the *Condominium Act*. A condominium may be for a **residential**, **commercial** or **industrial use**.



Container – see **Storage Container**

Contractor’s Yard

Shall mean a **place** used by a building contractor or company as a depot for storage and maintenance of equipment used by the contractor or company, and, without limiting the generality of the foregoing, may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include activities such as the crushing of virgin or recyclable aggregates or materials and the wholesale or retail sale of building supplies or home improvement supplies.

Convenience Store

Shall mean a commercial establishment in a **building** or part thereof that sells convenience goods and items of day-to-day personal or household use or necessity including food, beverages, on-the-shelf pharmaceutical drugs, limited hardware products, tobacco products, periodicals and other such products.

Corporation

Shall mean the Corporation of the Municipality of Red Lake

Conservation Use

Shall mean the **use** of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

Cottage – see **Dwelling, Seasonal**

Council

Shall mean the Council of the Corporation of the Municipality of Red Lake

Coverage – see **Lot Coverage**

Crisis Housing

Shall mean a residence that is licensed or funded by the Province of Ontario for the provision of short term accommodation (averaging one month or less) of 3 to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.

Cul-de-sac

Shall mean that portion of a **street** or **lane** that ends in a dead-end, and exiting the street or lane by motor **vehicle** is only possible through the entrance which provides access to the cul-de-sac.

2.D

Day Care Centre

Shall mean an establishment governed by the *Day Nurseries Act* that receives six (6) or more children who are not of common parentage, primarily for the purpose of providing



temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four (24) hours, where the children are,

- (a) under eighteen years of age in the case of a day care centre for children with a developmental disability, and
- (b) under ten (10) years of age in all other cases.

Deck

Shall mean a **structure** abutting a **building** which is constructed on piers or a foundation above-grade for use as an outdoor leisure area.

Detached

When used in reference to a **building** or **structure**, shall mean a building or structure which is not dependent on any other building or structure for structural support or enclosure.

Development

Shall mean the creation of a new **lot**, a change in land **use**, or the construction of **buildings** and **structures** requiring approval under the *Planning Act* and shall be taken to include **redevelopment**, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process, works subject to the *Drainage Act*, or underground or surface mining of minerals or advanced exploration on mining lands.

Dock, Floating

Shall mean a **structure** used for the mooring of **water vehicles** and airplanes and the transferring of goods or passengers to or from a water vehicle or airplane and which is designed to float freely on the surface of the **water body** and which may be secured to the **shoreline**.

Dock, Permanent

Shall mean a **structure** used for the mooring of **water vehicles** and airplanes and the transferring of goods or passengers to or from a water vehicle or airplane and which is secured to the **shoreline** and/or the bottom of the **water body** by concrete, metal or wood pillars or such other foundation, the design of which facilitates the construction of a more or less permanent **structure**.

Dormitory

Shall mean a **dwelling** used to provide permanent or temporary lodging accommodation to **employees** of an industrial or resource-based (e.g. forestry, mining) establishment or students attending a **post-secondary educational institution**, and, without limiting the generality of the foregoing, may include such facilities as an administrative office, cafeteria, recreational hall and living units, and where each living unit may contain washroom and kitchen facilities.

Drinking Water System

Shall mean a system of works, excluding plumbing, that is established for the purpose of providing users of the system with drinking water and that includes:

- (a) any thing used for the collection, production, treatment, storage, supply or distribution of water,



- (b) any thing related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the treatment system, and
- (c) a well or intake that serves as the source or entry point of raw water supply for the system

Driveway

Shall mean a vehicular access connected to only one (1) **public street** or **private road** or thoroughfare, which provides ingress to and/or egress from a **lot**, and may include a shared **driveway** but shall not include a **lane** as defined herein.

Drive-through Facility

Shall mean a premises used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in **vehicles** that are in designated queuing space, and may be in combination with other land **uses**.

Dwelling

Shall mean a **building**, or part thereof in the case of a mixed-use building, that is used or designed to be occupied exclusively as a home or residence and where one (1) or more persons may sleep and prepare and serve meals, but shall not include **hotels, motels, boarding houses** or institutional uses. **A dwelling contains one (1) or more dwelling units.**

Dwelling, Accessory

Shall mean a dwelling that is incidental, subordinate and exclusively devoted to a main use and is located on the same lot as the main use, building or structure.

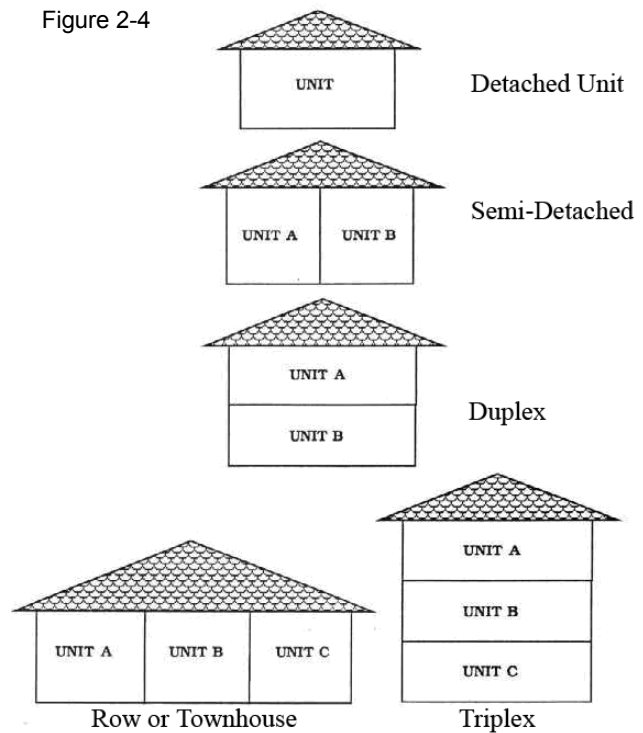
Dwelling, Apartment Building

Shall mean a **building** that contains four (4) or more **apartment dwelling units** and that has one (1) or more common entrances from street level and may be served by common corridors, and the occupants of such apartment building dwelling have the right to use in common, the corridors, stairs, elevators, yards and such similar facilities and equipment. An apartment building dwelling shall not include any other type of **dwelling** defined in this By-Law.

Dwelling, Converted

Shall mean a **dwelling** that is altered to contain not greater than three (3) **dwelling units**. Where a dwelling meets the definition of **semi-detached dwelling, duplex dwelling** or **triplex dwelling**, such dwelling shall be classified as such and shall not be

Figure 2-4



classified as a converted dwelling. The maximum number of dwelling units in a converted dwelling is dictated by the **zone** in which it is located.

Dwelling, Duplex

Shall mean a **building** that is divided horizontally into two (2) **dwelling units**, each of which has an independent principal entrance either directly or through a common vestibule. (See Figure 2-4)

Dwelling, Double Wide Mobile Home

Shall mean any **dwelling** that is designed to be made mobile and constructed or manufactured in two (2) parts to provide a permanent residence for one (1) or more persons, but does not include a travel trailer or trailer otherwise designed. A double wide mobile home has a width of 6 m (19.69) or more and a length of 10 m (32.81 ft) or more.

Dwelling, Single Wide Mobile Home

Shall mean any **dwelling** that is designed to be made mobile and constructed or manufactured to provide a permanent residence for one (1) or more persons, but does not include a travel trailer or trailer otherwise designed. A single wide mobile home has a width not less than 3.6 m (11.81 ft) and not greater than 5.99 m (19.66 ft), and a length not less than 10 m (32.81 ft) and not greater than 21 m (68.9 ft).

Dwelling, Modular

Shall mean a prefabricated **single detached dwelling** that is installed on, in the opinion of the **chief building official**, a permanent foundation being so constructed or assembled that the shortest side of such **dwelling** is ~~greater~~ **less** than 6 m (19.7 ft) in width. This definition shall not include a mobile home which is less than 6 m (19.7 ft) wide on its shortest side.

Dwelling, Double Wide Modular

Shall mean a prefabricated **single detached dwelling** that is installed on, in the opinion of the **chief building official**, a permanent foundation being so constructed or assembled that the shortest side of such **dwelling** is equal to or ~~less~~ **greater** than 6 m (19.7 ft) in width on its shortest side.

Dwelling, Row or Townhouse

Shall mean a **building** consisting of a series of three (3) or more **dwelling units**, but not more than eight (8) units, in a continuous row divided vertically into separate units by common walls above grade, and where each unit has an independent principal entrance. (See Figure 2-4)

Dwelling, Seasonal

Shall mean a one-unit **dwelling** which is used for intermittent residential occupancy for the enjoyment of the surrounding natural environment and such dwelling shall be not used for continuous habitation or as a permanent or principal residence of the owner or occupier thereof.

Dwelling, Semi-detached

Shall mean a **building** on a single foundation that is divided vertically into two (2) separate **dwelling units** that have no direct access between each other, each unit of



which has an independent principal entrance, either directly or through a common vestibule. (See Figure 2-4)

Dwelling, Single Detached

Shall mean a **detached building** containing one (1) **dwelling unit** that is designed, used and intended to be used for occupancy as a single dwelling unit. This definition may include a **modular dwelling** but shall not include a **mobile home** as defined herein. (See Figure 2-4)

Dwelling, Triplex

Shall mean a **building** that is divided horizontally into three (3) separate **dwelling units**, each of which has an independent principal entrance either directly or through a common vestibule. (See Figure 2-4)

Dwelling Unit

Shall mean a **building** or a portion thereof, depending on the type of dwelling, occupied or capable of being occupied as the home or residence of one (1) or more persons, where food preparation and sanitary facilities are provided, but shall not include any part of a boarding house, **hotel, motel**, rental cottage or cabin, or similar commercial use of a private or semi-private institution. Examples of dwelling units include a **single detached dwelling**, an apartment in an **apartment dwelling building**, a unit in a **townhouse dwelling**, and a **dwelling accessory** to a **commercial** or **industrial use**. **Guest cabins, lofts-above-a-garage** and **garden suites** shall not be considered dwelling units.

2.E

Easement – see **Right-of-way**

Employee

Shall mean a **person** who performs work or supplies services to an employer for a fee, salary or wage. Contractors and consultants and other such non-permanent employees shall be considered temporary employees.

Equipment Rental Establishment

Shall mean a **place** wherein the primary **use** is the rental of machinery, equipment, furniture and fixtures and other goods.

Erect

Shall mean to build, construct, reconstruct, **alter** or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, or structurally altering any existing **building** or **structure** by an addition, deletion, enlargement or extension. Erect shall also mean the movement of a building or structure from one location to another.

Established Grade

Shall mean the average elevation of the finished level of the ground adjoining all of the exterior walls of the **building** or **structure** exclusive of any artificial embankments or berms.

Existing

Shall mean existing as of the date of the date of the final passing of this By-Law.



Exterior Side Lot Line – see **Lot Line – Exterior Side**

Exterior Side Yard – see **Yard, Exterior Side**

2.F

Fairground

Shall mean land devoted to entertainment on a seasonal or temporary basis and, without limiting the generality of the foregoing, may include grandstands, barns and other **accessory buildings** and **structures** normally associated with such a **use**.

Farm

Shall mean any **agricultural use** and includes apiaries, aviaries, berry or bush crops, breeding, raising, training or boarding of horses or cattle, farms devoted to the hatching, raising and marketing of chickens, turkeys or other fowl or game birds, animals, fish or frogs, farms for grazing, flower gardening, field crops, goat or cattle dairies, growing, raising, picking, treating and storing of vegetables or fruit produced on the premises, nurseries, orchards, riding stables, the raising of sheep or uses or enterprises as are customarily carried on in the field of general agriculture. Without limiting the generality of the foregoing, a farm may include a **single detached dwelling**, and such principal or **main buildings** and **structures** as a barn or silo, as well as **accessory buildings** and **structures** which are incidental to the operation of the farm.

Farm Produce Outlet

Shall mean a **use accessory** to a **farm** which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

Farmer's Market

Shall mean **place** where the farm products of a local farming community are sold at retail from covered or uncovered areas designed for individual retailers.

Fence

Shall mean any barrier or **structure** constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is **erected** for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

Fill Area

Shall mean the area of a **waste management facility** set aside for landfilling or dumping.

Fire Station

Shall mean a **place** owned by a **public authority** and used for the storage of fire fighting equipment and vehicles and as a base for fire fighters.

Fish Habitat

Shall mean the spawning grounds and nursery, rearing, food supply, and migration areas which fish depend directly or indirectly in order to carry out their life processes.

Fishing Camp – see **Camp (Hunt Camp, Fishing Camp)**



Flood Fringe

Shall mean the outer portion of the **flood plain** between the **floodway** and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway. (See Figure 2-5)

Flood Plain

Shall mean, for river stream and small inland lake systems, the area, usually low lands adjoining a watercourse or **water body**, which has been or may be subject to flooding hazards. (See Figure 2-5)

Flood Proofing

Shall mean a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual **buildings, structures** or properties subject to flooding so as to reduce or eliminate flood damages.

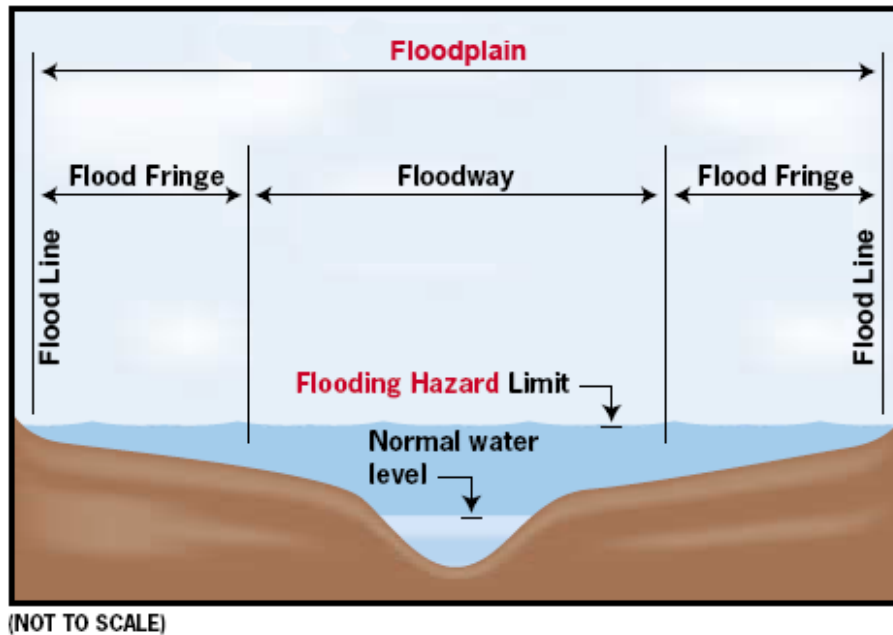
Floodline or Flood Elevation

Shall mean a line established by a one-in-one-hundred year storm as established by flood plain mapping or by the Ministry of Natural Resources.

Floodway

Shall mean the portion of the **flood plain** where **development** and **site alteration** would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous flood plain. Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or the area where flood depths and/or velocities are considered to be such that they pose a threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe. (See Figure 2-5)

Figure 2-5



Floor Area, Gross

Shall mean the total area of all floors contained within a **building or structure** measured between the exterior faces of the exterior walls of the building or structure, and where there are no walls, the total area of a floor within the outer perimeter of the floor.

Floor Area, Net

Shall mean the usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the **building or structure** but shall not include:

- (a) any **private garage**, porch, veranda, and unfinished **basement, cellar** or attic;
- (b) any part of the building or structure below grade which is used for building services, storage or laundry facilities;
- (c) any part of the building or structure used for the storage or parking of **vehicles**.
- (iv) any part of the building used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical room, and any automobile parking facilities provided within the building.

Forestry Use

Shall mean the general raising, harvesting and storage of wood and wood products and without limiting the generality of the foregoing shall include the raising, harvesting and storage of fuel wood, pulpwood, lumber, Christmas trees and other forest products.

Fractional Ownership

Shall mean a form of tenure where the title or deed of a property is divided into shares and those shares are owned by two (2) or more individuals.

Frontage – see Lot Frontage

Fuel Depot

Shall mean an establishment primarily engaged in the bulk storage or distribution of petroleum, gasoline, propane, diesel fuel, fuel oil, gas or other similar flammable products in fuel storage tanks.

Full Municipal Services – see Sewage and Water Systems

Funeral Home

Shall mean a **building** or part thereof, wherein undertaking services are offered and may include accessory activities including the sale of caskets and facilities for public worship and service, but shall not include facilities for cremation. ~~A funeral home is not a residential use and shall not include any accessory residential uses.~~ A funeral home may include an **accessory residential use**.

2.G

Garage – Private

Shall mean an **accessory building** or portion of a **main building** which is designed or used for parking or storage of one (1) or more **vehicles** of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for profit. A detached garage is a private garage that is not connected to a main building. Where a private garage is attached to a main building, it shall not be considered an accessory building. A semi-detached garage is an **accessory building**



divided vertically into two (2) separate private garages by a common wall where each separate private garage is located on separate, adjoining **lots**.

Garden Suite

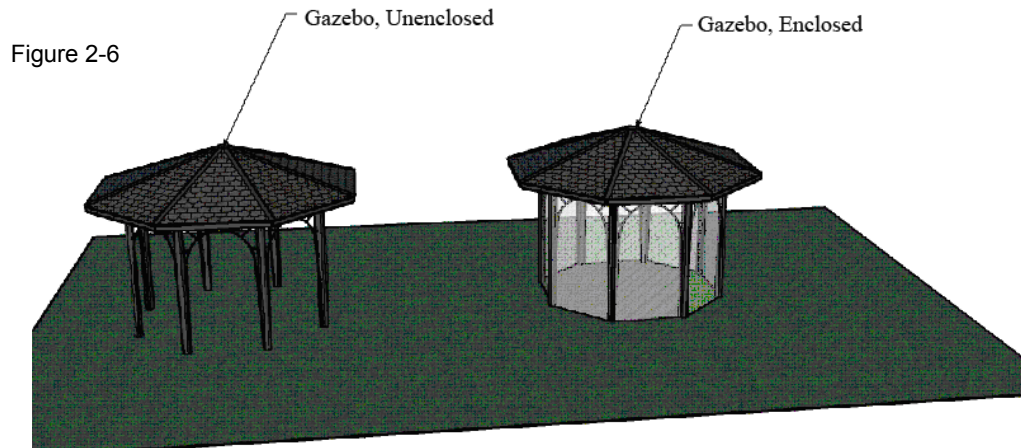
Shall mean a one-unit **detached** residential **structure** containing washroom and kitchen facilities that is ancillary to an existing residential structure, is designed to be **portable**, and is intended to be used by an individual who requires housing close to a family member or caretaker due to their physical, mental or psychological conditions, but are capable of living independently. For the purposes of this By-Law, a garden suite shall not be considered a **dwelling unit**.

Gasoline Bar

Shall mean a **place** for one (1) or more pump islands each consisting of one (1) or more gasoline pumps or motor fuel pumps, and which such premises ~~shall not be used for the~~ **may include the accessory** sale of **convenience items or food** ~~any product other than~~ liquids and small accessories required for the operation of **vehicles**, and which such premises shall not be used for repairs, oil changes or greasing of vehicles.

Gazebo

Shall mean a freestanding, roofed **accessory building** or **structure** which is not enclosed, except for transparent screening (e.g. glass, netting) and which is utilized for the purposes of relaxation in conjunction with a main **use** but shall not include any other use or activity otherwise defined or classified herein (See Figure 2-6).



Golf Course

Shall mean a public or private area operated for the primary purpose of playing the sport of golf but may also include such **buildings** and **structures** as are necessary for the operation and maintenance of the golf course and such club house facilities as **restaurant**, banquet, conference and other uses of a social, recreational and entertainment nature normally associated with a golf course.

Greenhouse

Shall mean a **building** used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same **lot** containing such greenhouse.



Ground Floor

Shall mean the floor that is level with or immediately above grade.

Group Home

Shall mean a single housekeeping unit in a residential **dwelling** in which three (3) to ten (10) residents, excluding staff or the receiving housekeeping unit, live as a housekeeping unit under responsible supervision consistent with the requirements of its residents. The home is to be licensed or approved under provincial statutes and in compliance with municipal by-laws.

Gross Floor Area – see Floor Area, Gross

Gross Leasable Floor Area

Shall mean the total **floor area** of a **building** designed for tenant occupancy and exclusive use, including basements, mezzanines, upper floors and other floors, as measured from the centerline of shared partitions and from the interior face of the exterior walls of the building. Gross leasable floor area does not include common mall areas and other common areas not designed or occupied by tenants or sales areas.

Guest Cabin

Shall mean a **building** that is **accessory** to a main **dwelling** and located on the same **lot** therewith, and used only for the purposes of sleeping accommodation, and does not contain kitchen facilities but may contain washroom facilities.

Guest Room

Shall mean a room or suite, which contains no facilities for cooking and which is used or maintained for remuneration by providing accommodation.

2.H

Hazard Lands

Shall mean those lands having inherent environmental hazards such as flood susceptibility, erosion susceptibility, instability, mine tailings, hazardous sites or any other physical condition which would be severe enough to pose a risk of loss of life and/or cause property damage and social disruption if **development** were to take place upon such lands.

Hazardous Sites

Shall mean property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (karst topography).

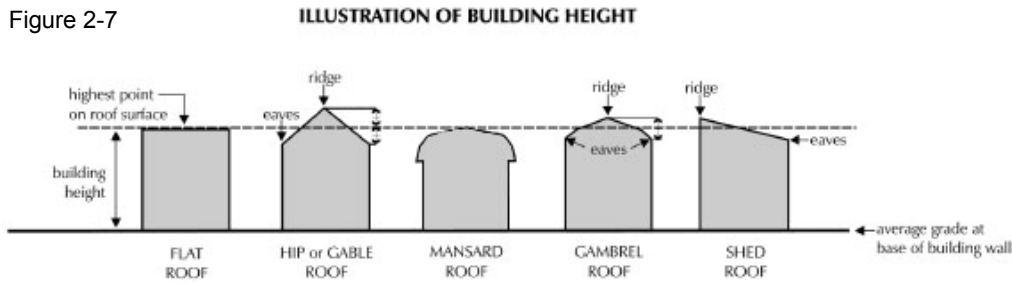
Height, Building

When used with reference to a **building** or **structure**, shall mean the vertical distance between the horizontal plane through the established grade and a horizontal plane through:

- (a) the highest point on the roof surface, including parapet walls, in the case of a building or structure with a flat roof or a mansard roof;
- (b) the mid point between the base of the roof and the highest point of the roof surface in the case of a roof having a slope of greater than 20 degrees;
- (c) the mid point between the eaves and ridges of the roof in the case of a roof type not mentioned in subsections (a) or (b) above.



Figure 2-7



High Water Mark

Shall mean the mark made by the action of water under natural conditions on the shore or bank of a **water body** or watercourse, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark (See also **Shoreline**).

Highway

Shall mean a public highway, **street, lane** or road under the jurisdiction of the Municipality of Red Lake or the Province of Ontario. This definition shall not include a private **right-of-way** or private lane.

Home Based Business

Shall mean a privately operated legal occupation, enterprise or business which is carried out as a **use** clearly **accessory** to a **dwelling unit** for pursuits conducted by the occupant thereof and any employees and is compatible with a domestic household. **Home based businesses** are categorized as **home industries** and **home occupations** for the purposes of this By-Law (see also **home occupation** and **home industry**).

Home Industry

Shall mean a type of **home based business** whose activities are conducted primarily within an **accessory building**.

Home Occupation

Shall mean a type of **home based business** whose activities are conducted entirely within a **dwelling unit**.

Home Profession – see Home Occupation

Hospital

Shall mean any institution, **building** or other premises or place that is established for the purposes of the treatment of patients and that is approved under the *Public Hospitals Act* as a public hospital.

Hotel

Shall mean a **building** designed or **used** for the accommodation of the travelling or vacationing public, containing therein five (5) or more **guest rooms** served by a common building entrance. **Accessory uses** may include, but are not limited to,

accommodation for permanent staff and such facilities as beverage rooms, dining rooms, meeting rooms, **restaurants** or similar uses.

Hunt Camp – see **Camp**

2.1

Industrial Uses, Light – Class I Industry

Shall mean a place of business for a small scale, self contained plant or **building** which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions (e.g. noise, odour, dust and vibration). Such industries operate in the daytime only with infrequent movement of products and/or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply. 'Light Industrial Uses' or 'Class I Industry' is a classification and other uses defined in this By-Law may be classified as such.

Industrial Uses, Medium – Class II Industry

Shall mean a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions (e.g. noise, odour, dust and/or vibration). Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. 'Medium Industrial Uses' or 'Class II Industry' is a classification and other uses defined in this By-Law may be classified as such.

Industrial Uses, Heavy – Class III

Shall mean a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Without limiting the generality of the foregoing, such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other **sensitive land uses** in order to limit any potential **adverse effects** on the environment or the surrounding areas and public health. 'Heavy Industrial Uses' or 'Class III Industry' is a classification and other uses defined in this By-Law may be classified as such.

Industry Storage

Shall mean a **place** for the storage of **motor** and **water vehicles**, trailers, farm or construction machinery and equipment, and such other similar equipment.

Influence Area

Shall mean the area or areas at, above or below grade, associated with a facility that is subject to one or more **adverse effects** which may be of varying duration, frequency and distance of dispersal. This is an actual influence area. A potential influence area identifies where adverse effects are generally expected to occur. An influence area or potential influence area acts as a potential constraint for sensitive land use, or conversely, on the establishment of a facility, unless evidence is provided that adverse effects are not a problem, or can be satisfactorily mitigated to the level of trivial impact.

Interior Lot – see **Lot, Interior**

2.K



Kennel

Shall mean a **building, structure** or premises or portion of any of the foregoing, used for the raising, housing, breeding or training of four (4) or more domesticated animals over the age of four (4) months. This definition shall not include an **animal hospital** or veterinary clinic.

2.L

Landscaped Open Space

Shall mean any uncovered or unenclosed area of land including grass, trees, flowers, shrubs together with decorative stonework or other landscape architectural elements located in any yard, or in any inner or outer court, and includes paths, patios, play areas, **decks**, fields, walkways or ramps for the disabled, but shall not include any **parking spaces**, parking lots, driveway or ramps for **motor vehicles**.

Lane

- (a) a subsidiary thoroughfare providing access from within a **lot**, principally from parking or **loading spaces** or from a lot to a **public street**, or
- (b) a subsidiary public thoroughfare for the sole use of pedestrians and for connecting **streets, open spaces** or **buildings**.

Laundromat

Shall mean a **building** or part thereof where coin-operated laundry machines are made available to the public for the purpose of laundry cleaning.

Library

Shall mean a **building** or part thereof where educational material (e.g. books, films, music, audio-visual, magazines) are made available for public display and are lent to the public.

Livestock Facility

Shall mean one (1) or more barns or permanent **structures** with livestock-occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or material storage and anaerobic digesters.

Loading Space

Shall mean a space or bay located on a lot or within a **building** which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials in connection with the use of the **lot** or any building thereon, and which has unobstructed access to a **street**.

Loft-Above-a-Garage

Shall mean the one (1) storey portion of an **accessory building** located above the garage portion of the **building** and is used only for the purposes of sleeping accommodation, and does not contain kitchen facilities but may contain washroom facilities.

Lot

Shall mean a parcel or tract of land, which is capable of being legally conveyed in accordance with the *Planning Act* as amended.

Lot Area



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

Lot, Corner

Shall mean a **lot** situated at the intersection of, or abutting upon, two (2) or more **streets**, provided that the angle of intersection of such streets is not more than 115 degrees and each of which is at least 10 m (32.8 ft) wide. Where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the **street lines**, drawn through the extremities of the **interior side lot lines**.

Lot Coverage

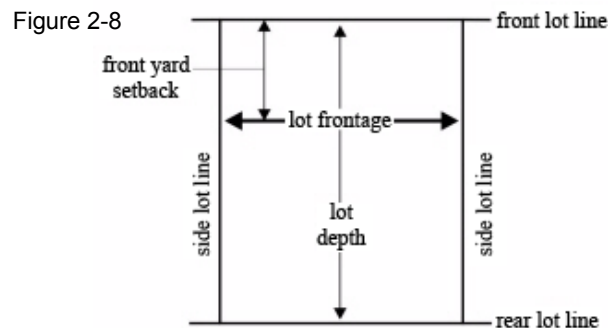
Shall mean the percentage of the **lot area** covered by the ground **floor area** of all **buildings** and **structures** located on the **lot**, including all porches and verandahs, open or covered, but not including steps, cornices, eaves, bay windows and similar projections, outdoor swimming pools, open unenclosed terraces and patios at grade, and open parking areas.

Lot Depth

Shall mean the horizontal distance between the midpoints of the **front** and **rear lot lines**. Where there is no rear lot line, lot depth shall mean the horizontal distance between the midpoint of the front lot line and the apex of the triangle formed by the **side lot lines** (See Figure 2-8 and 2-12).

Lot Frontage

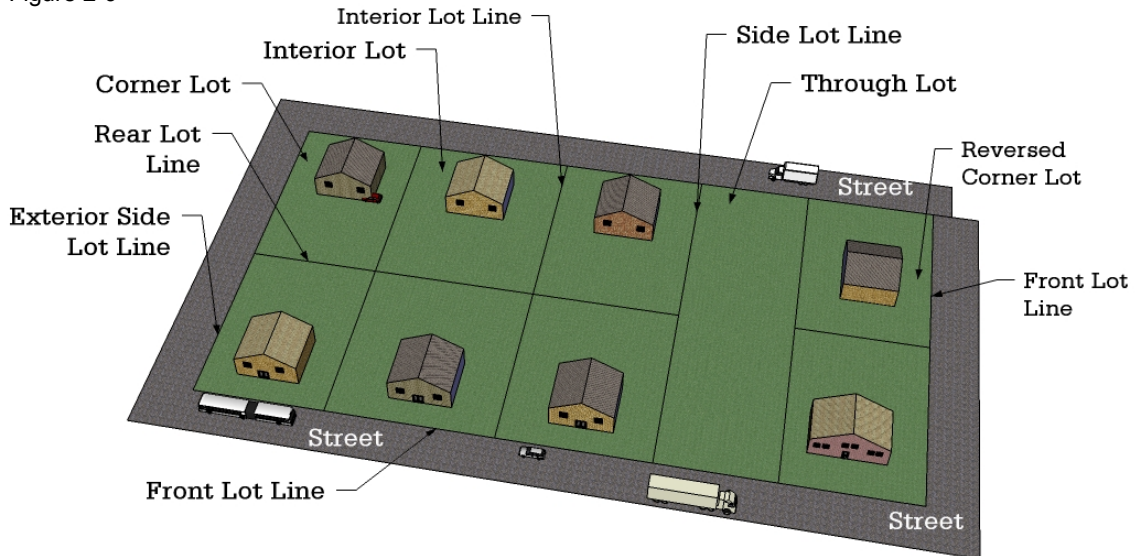
Shall mean the horizontal distance between the **side lot lines** of a **lot** measured at right angles along the **front lot line**. Where such side **lot lines** are not parallel, lot frontage shall be the width of a **lot** measured between the intersections of the side lot lines with a line back from and parallel or concentric to the **front lot line** equal to the minimum **front yard setback** of the **zone** in which the lands are located (See Figure 2-8 and 2-12).



Lot, Interior

Shall mean a **lot**, other than a **corner lot**, which is situated between adjacent lots and has access to only one (1) **street**.

Figure 2-9



Lot Line

Shall mean a boundary line of a *lot*.

Lot Line, Exterior Side

Shall mean a *lot line* located between the *front* and *rear lot lines* and dividing the *lot* from a *street* (See Figure 2-9).

Lot Line, Front

Shall mean:

- (a) in the case of an *interior lot*, the *lot line* dividing the lot from the *street*;
- (b) in the case of a *corner lot*, the shorter lot line abutting the street unless each lot line is of equal length, in which case the front lot line shall be the lot line where the principal access to the lot is provided;
- (c) in the case of a *through lot*, the front lot line shall be the lot line where the principal access to the lot is provided; or
- (d) in the case of a lot fronting on a navigable waterway or a shoreline road allowance, whether or not access is gained to the lot from a street or road, the front lot line shall be the lot line closest to or adjacent to the navigable waterway. Such line shall be determined by joining the points of intersection of the *side lot lines* and the *high water mark* or original shoreline reserve, whichever is closer to the interior of the lot (See Figures ~~2-8 and~~ 2-9).

Lot Line, Rear

Shall mean the *lot line* furthest from, and opposite to, the *front lot line*. (See Figures ~~2-8 and~~ 2-9)

Lot Line, Interior Side

Shall mean a *lot line* other than a *front*, *rear* or *side exterior lot line* (See Figure 2-9).

Lot, Through

Shall mean a *lot* bounded on two (2) sides by *streets* each of which is at least 10 m (32.8 ft) wide, provided, however, that if any lot qualifies as being both a *corner lot* and a through lot, such lot shall be conclusively deemed to be a corner lot. (See Figure 2-9)



Lot, Waterfront

Shall mean a **lot** that abuts a navigable waterway or body of water.

Lumber Yard

Shall mean a **place** where the primary **use** is the storage of construction grade wood and building supplies for sale at retail or wholesale.

2.M

Main Building – see **Building, Main**

Manure or Material Storage

Shall mean permanent storage, which may or may not be associated with a **livestock facility** containing liquid manure (<18% dry matter), solid manure (\geq 18% dry matter), or digestate (< 18% dry matter). Permanent storages may come in a variety of locations, materials, coverings, elevations, configurations and shapes.

Marina

Shall mean a **place** consisting of docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

Mine Hazard

Shall mean any feature on a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated.

Mineral Mining Operation

Shall mean a mining operation and associated facilities, or, a past producing mine with remaining mineral development potential that has not been permanently rehabilitated to another **use**.

Miniature Golf Course

Shall mean a **place** operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range or **golf course**.

Minimum Distance Separation Formulae I and II

Shall mean formulae developed by the Province to separate **uses** so as to reduce incompatibility concerns about odour from **livestock facilities**.

Mixed Use Building

Shall mean a **building** containing two (2) or more **uses** that are permitted in the **zone** in which the mixed use building is located. For the purposes of this By-law, the definition of mixed use building shall not include a **shopping centre**.

Mobile Home – See **Dwelling, Double Wide Mobile Home** and **Dwelling, Single Wide Mobile Home**

Mobile Home Park

Shall mean a lot or part of a lot under ownership of one (1) mobile home park operator which is designed, used or intended to be used for the placement of **mobile homes**,



and which consists of ten (10) or more **mobile home sites** which are connected to full municipal sewer and water services.

Mobile Home Site

Shall mean a designated parcel of land within a **mobile home park** which is serviced and intended for the placement of one (1) **mobile home**.

Mobile Home Subdivision

Shall mean a parcel of land which has been planned and approved in accordance with the *Planning Act* for the placement of **mobile homes**, and which consists of individually serviced **lots**.

Motel

Shall mean a **building** or **buildings** designed or used for the accommodation of the travelling or vacationing public, containing therein five (5) or more **guest rooms**, each guest room having a separate entrance directly from outside and may include an **accessory** eating establishment.

Motor Vehicle – see Vehicle

Municipal Drinking Water System

Shall mean a **drinking water system** or part of a drinking water system that is owned by the Municipality of Red Lake.

Municipal Sewage Services – see Sewage Disposal and Water Systems

Municipal Water Services – see Sewage Disposal and Water Systems

Municipality

Shall mean the Corporation of the Municipality of Red Lake.

Museum

Shall mean an institutional **place** that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of scientific, natural, artistic, or historical interest, or other interests.

2.N

Negative Impacts

Shall mean:

- (a) in regard to **fish habitat**, the harmful alteration, disruption or destruction of fish **habitat**, except where it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity.
- (b) in regard to water, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive **development** or site alteration activities; and
- (c) in regard to other **natural heritage features and areas**, degradation that threatens the health and integrity of the natural features or ecological functions



for which an area is identified due to single, multiple or successive **development** or site alteration activities.

Net Floor Area – see **Floor Area, Net**

Non-complying

Shall mean an existing **use** that is permitted in the **zone** in which it is located that does not meet or comply with the regulations of this By-Law.

Non-conforming

Shall mean a **use, lot, building** or **structure** which is existing but does not conform to one (1) or more requirements of this By-Law.

Non-municipal Drinking Water System

Shall mean a drinking water system that is not a **municipal drinking water system**.

Nursery

Shall mean **place** for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale.

Nursing Home

Shall mean a **building** maintained and operated for persons requiring nursing care or in which such care is provided to two (2) or more unrelated persons.

2.0

Occupancy Permit

Shall mean a permit issued under the authority of the *Planning Act* by the **Chief Building Official** which indicates that the proposed **use** of land or any **building** or **structure** on any such land is in conformity with this By-Law.

Office

Shall mean a **building, structure** or part thereof **used** for the purpose of providing accommodation for the performance and transaction of business including administrative, clerical and professional activities (e.g. lawyer, doctor, dentist, architect, consultant, insurance, real estate, etc), but shall not include the manufacturing of any product.

Official Plan

Shall mean the Official Plan of the Municipality of Red Lake planning area or parts thereof and amendments thereto that may take from place time-to-time.

Open Space

Shall mean the open, unobstructed space on a **lot** including landscaped areas, pedestrian walkways, patios, **pools** or similar areas but not including any **driveway**, ramp, **parking spaces** or **aisles, loading spaces** or maneuvering areas and similar areas.

Open Storage

Shall mean the storage of goods, merchandise, unlicensed motor **vehicles** or equipment in the open and in unenclosed portions of **buildings** or **structures**, which are open to the air on one (1) or more sides.



Outdoor Furnace

Shall mean an **accessory structure** that uses renewable energy sources such as wood and corn to provide heat and hot water to **buildings**.

2.P

Park

Shall mean any **open space**, facility or recreation area that is owned operated or maintained in whole or in part by any **public authority** for public use with or without charge, and, without limiting the generality of the foregoing, may include neighbourhood, community, regional and special parks or areas such as Provincial Parks and National Parks with or without campground facilities. Parks may include such equipment and facilities as playgrounds, fields, skateboard parks, rinks and courts. A park may be part of a **community centre** or other uses defined herein.

Park, Private

Shall mean any open space or recreational area, other than a public **park**, owned and operated or maintained in whole or in part for profit by a private club, organization or corporation, operated on a commercial and/or private member basis, and may include therein swimming, wading and boat facilities, picnic area, ski area, gardens, refreshment rooms or other areas for recreational activities. Such park may also include **buildings** and **structures** necessary for the use and operation of the park..

Parking Area

Shall mean an area designated for the temporary parking of **vehicles** and may include **aisles**, **parking spaces** and related entrance and exit **lanes**, but shall not include any part of a **street**.

Parking Lot – see **Parking Area**

Parking Space

Shall mean a rectangular area designated and used for the temporary parking of one (1) motor **vehicle**, exclusive of any **aisles** or **driveways**.

Parking Space, Barrier-free

Shall mean a rectangular area designated and used for the temporary parking of one (1) motor **vehicle** used by a handicapped or disabled person, exclusive of any **aisles** or **driveways**.

Partial Services - see **Sewage Disposal and Water Systems**

Person

Shall mean any human being, any association, partnership, corporation, municipal corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

Personal Service Establishment

Shall mean a **place** wherein a personal service is performed. This definition may include, but is not limited to, businesses or services such as a barber shop, hair styling salon, shoe repair shop, tattoo and piercing parlour, spa, tanning salon, dry cleaning



outlet, tailor shop, dressmaker shop, massage therapy service, photofinishing, picture framing, publishing and photocopying, but excludes any manufacturing or fabrication of goods for sale.

Pharmacy – see **Retail Store**

Pit – see **Aggregate Pit**

Place

Shall mean lands, **buildings** and/or **structures**.

Place of Amusement

Shall mean **place** operated for commercial gain or profit wherein amusement facilities are provided such as a video arcade or arcade, billiard or pool room, pinball machines, video games and bowling alley, but does not include an adult entertainment establishment, casino or **bingo hall**.

Place of Assembly

Shall mean a **place** where facilities are provided for such purposes as meetings for civic, educational, political or social purposes, and without limiting the generality of the foregoing, may include such facilities as a banquet hall or private club, but shall not include a **place of worship** or **community centre**.

Place of Worship

Shall mean a **place** or an open area dedicated to religious worship and may include a manse or rectory located on the same **lot** therewith, but does not include a manse or rectory that is established on a separate lot.

Police Station

Shall mean a **place** owned by a **public authority** used by a police department that includes administration offices, storage of vehicles and equipment and jail cells.

Pool – see **Swimming Pool**

Portable

When used to describe a **building** or **structure**, shall mean a building or structure that is so designed and/or constructed to be easily dismantled and removed.

Portable Asphalt Plant

Shall mean a facility with equipment designed to heat and dry **aggregate** and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, and which is not permanent construction, but is designed to be dismantled and moved to another location, as required.

Portable Concrete Plant

Shall mean a building or structure:

- (a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process, and



- (b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Portable Storage Building

Shall mean a commercially prefabricated **building** or **structure** that is **designed, erected and used** to provide storage or warehouse space for ~~commercial~~, industrial or agricultural purposes. The definition of Portable Storage Buildings shall not include types of **modular homes** or **mobile homes**.

Post Office

Shall mean a **place** owned and operated by a **public authority** used for the posting, receipt, sorting, handling, transmission or delivery of mail.

Post-secondary Educational Institution

Shall mean a:

- (a) university which is a place of higher education, which has a body of teachers and students on the premises, and that offers instruction at the undergraduate level, post-graduate level, or both, and which is empowered by law to grant a degree upon the successful completion of a prescribed course of study;
- (b) college which is a college of applied arts and technology or other similar place of post secondary education which has a body of teachers and students on the premises, and the provides instruction in business, a trade or a craft; and that is empowered by law to grant diplomas, licenses or certificates that permit the holders to represent themselves as qualified to work in a particular trade or occupation; or
- (c) any **residential use** ancillary to and located on the same **lot** as a university or college.

Private Club – see **Place of Assembly**

Private Communal Sewage Services – see **Sewage Disposal and Water Systems**

Private Communal Water Services – see **Sewage Disposal and Water Systems**

Private Park – see **Park, Private**

Private Road

Shall mean a private **right-of-way** over private property which affords vehicular access to at least two (2) abutting **lots** and which is not maintained by a **public authority**.

Provincially Significant Wetland – see **Significant Wetland**

Public Authority

Shall mean a Federal or Provincial agency, school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning board or other board or commission or committee or local authority established or exercising any power or authority under any general or special statute of Ontario or Canada with respect to any of the affairs or purposes of the **Municipality** or any portion thereof and includes any committee or local authority established by By-Law of the Municipality of Red Lake.



Public Services

Shall mean the lands, **buildings**, **structures** and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, telephone services, telecommunication services, sewage collection and treatment facilities and other services provided by a **public authority**.

Public Utility

Shall mean an agency, corporation, board of commission, or any department of the **Municipality** providing electricity, gas, steam, hot water, telephone, telegraph, television, transportation or drainage or sewage to the general public.

2.Q

Quarry

Shall mean a place where unconsolidated rock has been or is being removed by means of an open excavation and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing and other similar operations, required buildings and structures, but does not include a **wayside quarry**.

2.R

Recreational Commercial Establishment

Shall mean **place** where any recreational **uses** are operated commercially for profit on lands in private ownership, such as health clubs, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts or gymnasias and other similar uses but does not include a bowling alley, casino or **bingo hall**.

Recreational Vehicle Sales Establishment

Shall mean a **place** where boats, **travel trailers**, campers and other recreational vehicles or equipment (e.g. snowmobiles, off-road vehicles, golf carts) are displayed and rented and/or sold.

Recycling Depot or Transfer Station

Shall mean a special **waste management facility** which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.

Renovation

Shall mean the repair, strengthening or restoration of a **building** to a safe condition but does not include its replacement.

Residence – see **Dwelling Unit**

Residential Use

Shall mean the use of land, **building(s)** or **structures(s)** for human habitation.

Residential Zone

Shall mean the Townsite Residential Density 1 (R1), Townsite Residential Density 2 (R2), Mobile Home Residential (R3), Rural Residential (R4) and Recreational Residential (R5) zones.



Restaurant

Shall mean a **building** or **structure** or part thereof where food is prepared and offered for sale to the public for consumption within or outside the building or structure or off the premises. The definition of restaurant shall not include a **catering establishment** or a **chip wagon**.

Retail Food Store

Shall mean an establishment where primarily food, as well as other personal, convenience and household items and services, is provided for sale directly to the public, and includes, but is not limited to, a supermarket, butcher's shop, bakery shop, produce outlet, delicatessen or farmer's market.

Retail Store

Shall mean an establishment where goods, wares, merchandise, commodities, substances or articles of any kind are displayed and/or offered for sale or rent to the general public, but does not include flea markets or auctions centres or any other **use** defined herein.

Retirement Home

Shall mean a **building** providing residential accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private washroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and medical care facilities may also be provided. Such a facility shall be for adults who are capable of living independently without nursing care and shall not include a **nursing home**.

Rifle Club – see **Shooting Range**

Right-of-Way

Shall mean any right, liberty or privilege in, over, along or under land which a person, the public or a corporation or another entity may have with respect to any land in the **Municipality**.

Road – see **Street**

Rooming House – see **Boarding House, Rooming House or Tourist Home**

2.S**Salvage Yard**

Shall mean a **place** where used goods, wares, merchandise, articles, **vehicles**, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a junk yard, a scrap metal yard, and an automobile wrecking yard on the premises.

Satellite Dish

Shall mean a **structure** designed and used for the reception of telecommunication signals related back to earth from a communications satellite.

Sawmill or Planing Mill

Shall mean a **place** where timber is cut or sawed, either to finished lumber or as an intermediary step.

Sauna

Shall mean an **accessory building** or **structure** not exceeding 10 m² (107.6 ft²), or an area within a building or structure, wherein facilities are provided for the purpose of inducing perspiration.

Seaplane Base

Shall mean a **place** for the purposes of docking, storing or repairing seaplanes and for the supplying of associated services.

School

Shall mean an institutional **place** for the education or instruction of a body pupils by a body of teachers, and shall include an elementary or secondary school, adult education and English or French as a second language programs, but shall not include a **studio, museum, post-secondary educational institution, any type of home based business, or any other use** defined herein.

Self Storage Facility

Shall mean a commercial **building** or part of a building wherein items are stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Sensitive Land Use

Shall mean a **building**, amenity area or outdoor space where routine or normal activities occurring at reasonably expected times would experience one (1) or more **adverse effect(s)** from contaminant discharges generated by a nearby facility. A sensitive land use may be part of the natural or built environment. Examples of sensitive land uses include **residential uses, nursing homes, retirement homes, hospitals, campgrounds, day care centres, places of worship, community centres, schools, bird and wildlife habitats and certain recreational uses** deemed by the **Municipality** or other level of government to be sensitive (e.g. picnic area).

Setback

Shall mean

- (a) the least horizontal distance between a **lot line** and the nearest part of any **building** or **structure**, or
- (b) with reference to a **street**, the least horizontal distance between the **street line** and the nearest part of any building or structure,
- (c) with reference to a **water body** or **watercourse**, the least horizontal distance between the **high water mark** of the water body or watercourse and the nearest part of any building or structure.

Sewage Disposal and Water Services

(a) **Full Municipal Services**

Shall mean the combination of **municipal sewage services** and **municipal water services**.

(b) **Individual On-Site Services**



Shall mean individual autonomous water supply and sewage disposal systems that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five (5) residential units/lots.

(c) Partial Services

Shall mean

- (i) ***municipal sewage services*** or ***private communal sewage services*** and ***individual on-site water services***; or
- (ii) ***municipal water services*** or ***private communal water services*** and ***individual on-site sewage services***.

(d) Municipal Sewage Services

Shall mean a ***sewage works*** within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by the Municipality of Red Lake.

(e) Municipal Water Services

Shall mean a ***municipal drinking-water system*** within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

(f) Private Communal Sewage Services

Shall mean a ***sewage works*** that serves six (6) or more ***lots*** or private ***residences*** and is not owned by the Municipality of Red Lake.

(g) Private Communal Water Services

Shall mean a ***non-municipal drinking water system*** that services six (6) or more ***lots*** or private ***residences***.

Sewage Lagoon

Shall mean an area of land used for the discharge and disposal of sewage waste and that has a standing Certificate of Approval issued by the Ministry of the Environment.

Sewage Treatment Facility

Shall mean a ***place*** where sewage is collected, transmitted and treated and has a standing Certificate of Approval issued by the Ministry of the Environment.

Sewage Works

Shall mean any works for the collection, transmission, treatment and disposal of sewage or any part of such works, but does not include plumbing to which the *Building Code Act* applies.

Shooting Range

Shall mean a ***place*** where members practice using firearms and/or archery arrows in outdoor or indoor areas designed to facilitate such activities and may include, but are not limited to, targets, administration offices and clubhouse facilities.

Shopping Centre

Shall mean a commercial ***place*** planned, designed and developed or managed as a unit, **having a minimum gross leasable floor area of 2,000 m² (21,527.8 ft²)**, having off-street parking provided on the same ***lot***, and which ***building*** or buildings contain two (2)



or more **retail stores**, services, **personal service establishments**, **restaurants** and **offices**.

Shoreline

Shall mean a **lot line** or portion thereof which abuts the **high water mark** of a **water body** or watercourse (See also **High Water Mark**).

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

Side Exterior Yard – see **Yard, Side Exterior**

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

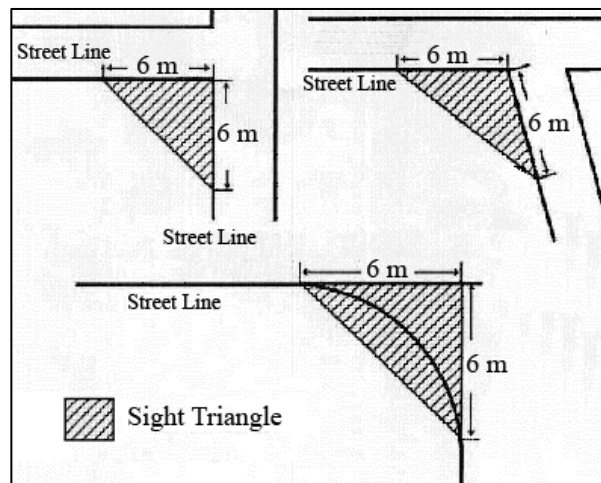
Side Interior Yard – see **Yard, Side Interior**

Side Yard – see **Yard, Side**

Sight Triangle

Shall mean a triangular space—formed by the **street lines** abutting a **corner lot** and a third line drawn from a point on a street line to another point on a street line, each such point being 6 m (19.69 ft) from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines. (See Figure 2-10)

Figure 2-10



Sign

Shall mean any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which is used to advertise, inform, announce, claim, give publicity or attract attention.

Significant Habitat of Endangered and Threatened Species

Shall mean the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of **endangered species** or **threatened species**, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

Significant Wetland

Shall mean a **wetland** area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

Significant Wildlife Habitat



Shall mean a **wildlife habitat** that is ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system.

Solar Collector

Shall mean a device consisting of photovoltaic panels that collect solar power from the sun. A solar collector may be attached to a **building** or **structure** or erected on a post(s).

Stable

Shall mean an area, **building** and/or **structure** used for the boarding, riding and training of horses. A stable shall be considered a type **livestock facility** as defined in this By-Law.

Storage Container

Shall mean the trailer portion of a tractor-trailer unit or transport truck, or a rail or seaway container, which is traditionally used for the shipping and transportation of goods and materials.

Storey

Shall mean that portion of a **building**:

- (a) which is situated between the surface of any floor and the surface of the floor next above it and if there is no floor above it, then that portion between the surface of any floor and the ceiling above it, and
- (b) which is more than 50 percent above the **established grade**, and
- (c) which has a height of not less than 2 m (6.56 ft) and includes an attic not having less than 2 m headroom for at least 50 percent of the attic floor area.

Street

Shall mean a public highway or public road under the jurisdiction of either the Municipality of Red Lake or the Province of Ontario. This definition shall not include a **lane** or a private **right-of-way** or **private road**.

Street Line

Shall mean the boundary between a **street**, road or **highway** and a **lot** (see Figure 40 2-12).

Structure

Shall mean anything constructed or **erected**, the use of which requires location on the ground or attached to something having location on the ground. The definition of structure shall include, without limiting the generality of the foregoing, a **travel trailer**, a recreational vehicle, a **temporary shelter**, and a **sewage disposal system**, but does not include a terrace, patio, **sign**, boundary wall, light standard, **fence** or **deck**.

Studio

Shall mean a **building** or part thereof used,

- (a) as the workplace of a cabinetmaker, ornamental welder, photographer, artist, or artisan or any similar artist or craftsman, where unique articles are made or fabricated and offered for sale.
- (b) for the instruction of art, music, languages or similar disciplines.



Swimming Pool

Shall mean an open or covered pool used for swimming, wading, diving or recreational bathing which is at least 50 cm (19.6 inches) in depth, and may include a hot tub, inflatable pool or whirlpool. The definition of a swimming pool does not include **accessory building** or **structures** associated with a swimming pool such as change rooms, storage buildings or pump houses. An open swimming pool is a pool that is located outdoors and is not enclosed by a building or structure. A covered pool is a pool that is enclosed within a building or structure.

Syrup Processing Establishment

Shall mean a **place** for the collection of sap and the manufacture and storage of syrup products produced on the property.

2.T

Tavern

Shall mean a **building** or part thereof where alcohol beverages are served for consumption on the premises, with or without food, and is licensed or is liable to be licensed under the *Liquor License Act*.

Temporary Building

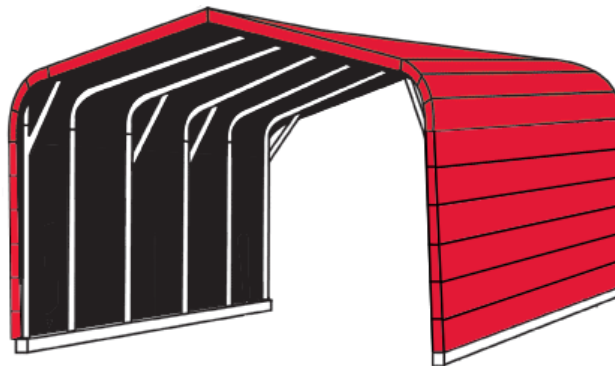
Shall mean a **building** or **structure** intended for removal or demolition within a prescribed time as set out in a building permit. (see also **Portable Storage Structures**)

Temporary Employee – see **Employee**

Temporary Shelter

Shall mean a non-permanent commercially prefabricated **accessory structure** that is **designed, erected and used** to provide shelter to a **vehicle** during winter months, is **less than 25 m² (269.1 ft²) in gross floor area**, and is designed to be easily dismantled or removed (See Figure 2-11). ~~The definition of 'winter months' may be defined by other municipal by-laws.~~

Figure 2-11



Theatre

Shall mean a **building** or part thereof used for the presentation of motion pictures or staged entertainment. The definition of theatre shall not include drive-in theatres.

Through Lot – see **Lot, Through**

Timeshare

Shall mean a form of ownership or right to use property where multiple parties hold rights to use the property and each party is allotted a period of time in which they may use the property

Top-of-Bank

Shall mean a boundary where a majority of normal discharges and channel forming activities takes place. The top-of-bank boundary will contain the active stream channel, active **floodplain**, and their associated banks.

Tourist Cabin Establishment

Shall mean a **place** providing sleeping accommodation in rental cabins for the travelling or vacationing public. A tourist cabin establishment provides a minimum of four (4) cabin units for rent per **lot**, and may include accessory facilities which support the **use** such as, without limiting the generality of the foregoing, administration offices but shall not include a **restaurant** that serves the general public.

Tourist Commercial Establishment

Shall mean any premises operated to provide sleeping accommodation for the travelling or vacationing public or the public engaging in recreational activities, and may include facilities for serving meals and/or facilities licensed under the *Liquor License Act*.

Tourist Outfitters Establishment

Shall mean an establishment which operates through all or part of a year which may or may not furnish accommodation and facilities for serving meals and alcohol beverages and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

Tourist Commercial Outfitter's Base

Shall mean a commercial establishment which operates on a seasonal basis and which acts as a base for the reception, equipping, supplying and transport by float plane of persons destined for recreational sites elsewhere. This definition does not include facilities for the repair of aircraft and is not a **seaplane base**.

Tourist Home – see Boarding House, Rooming House or Tourist Home

Transportation Depot

Shall mean a **place** where commercial **vehicles** are kept for hire, rental and/or lease, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers.

Travel Trailer

Shall mean any **vehicle** so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for living, sleeping, eating or accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. For the purposes of this definition, a travel trailer shall be considered a **structure** for the purposes of establishing setbacks only. A travel trailer shall not be deemed to include a **mobile home** or a manufactured home.

2.U

University – see Post-secondary Educational Institution



Use

Shall mean the purpose for which any land, **building** or **structure**, or combination thereof is designed, arranged, occupied or maintained.

2.V

Vehicle

Shall mean any carriage, conveyance or other device capable of being propelled, driven or drawn by any kind of power, including motor power or wind power, and includes, without limiting the generality of the foregoing, a passenger motor vehicle, truck, trailer, boat, aircraft, tractor, farm implement, mobile crane or shovel, snowmobile, motorcycle, but does not include a pedal bicycle, canoe, kayak or any other device powered solely by means of human effort, or a **mobile home**.

Veterinary Facility – see **Animal Hospital**

Video Rental Establishment – see **Retail Store**

2.W

Warehouse

Shall mean a **building** or part thereof used primarily for the operation of general merchandise warehousing, cold storage or other storage facilities and includes a centre for distribution of wholesale goods and commodities for resale to retailers, to industrial, commercial, institutional or professional users, and/or to other wholesalers.

Waste Disposal Site

Shall mean a site which is licensed or approved by the Ministry of the Environment and/or its designate where garbage, refuse, domestic or industrial waste is disposed of or dumped.

Water Access Lot

Shall mean a **lot** that is provided access by a navigable **water body** or **watercourse**.

Water Body

Shall mean any bay, lake, river, natural watercourse, wetland or canal but excluding a drainage or irrigation channel.

Water Frontage

Shall mean the strip of land comprising part of a **lot** that directly abuts a **water body** or watercourse. When used as an adjective, shall mean a lot or lands that has frontage on a **water body** or watercourse.

Water Treatment Plant

Shall mean a **place** where water is collected, produced, treated, stored, supplied and/or distributed from and that has a standing Certificate of Approval issued by the Ministry of the Environment.

Water Vehicle

Shall mean any vehicle drawn, propelled or driven by any kind of power, including muscular power, on water. The definition of water vehicle shall not include a



snowmobile or any other vehicle that is capable of being propelled or driven on both land and water.

Watercourse

Shall mean the natural channel for a perennial or intermittent creek, stream or river.

Waterfront Structure

Shall mean a **boat house**, a **sauna** or steam bath or wharf, a **gazebo**, a utility or storage shed, a **viewing deck**, or other accessory building or structure which is typically found near the shoreline of **water bodies** and **watercourses** or which is actually located within 30 m (98.4 ft) of the **high water mark** of a water body or watercourse.

Wayside Pit or Quarry

Shall mean a pit or quarry opened for the exclusive purpose of supplying granular materials for road, street or highway projects owned by a public authority such as the **Municipality** or the Province of Ontario and is closed and rehabilitated at the completion of the project.

Welding Shop

Shall mean a **place** where metal products are joined, repaired or shaped by welding but no mass productions shall be involved.

Wetland

Shall mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Lands being used for agricultural purposes, that are periodically "soaked" or "wet", or which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wind Turbine, Small

Shall mean a wind energy conversion **structure** consisting of a wind turbine with rotating blades, a tower and associated control or conversion electronics, which has a rated capacity of not more than 300 kilowatts, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale. The definition of small wind turbine also includes vertical axis wind turbines which consist of blades rotating around a vertical motor shaft. For the purposes of this By-Law, a small wind turbine shall be considered an **accessory structure**.

Workshop

Shall mean a **building, structure or part thereof** where manufacturing is performed by a tradesman, requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar uses.

2.Y

Yard

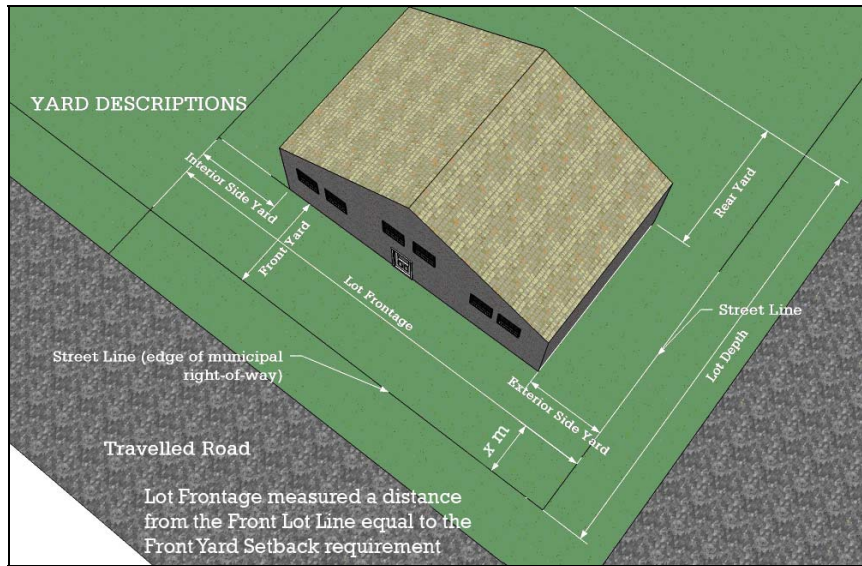


Shall mean the **open space** on a **lot** between a **main building** and all **lots lines** that is unoccupied and unobstructed from the ground to the sky, except for permitted projections and **accessory buildings, structures** and **uses** permitted by this By-Law.

Yard, Exterior Side

Shall mean a **yard** of a **corner lot** extending from the **front yard** to the **rear yard** between an **exterior side lot line** and the nearest point of any **main building or structure** on the **lot**. (See Figures 2-12)

Figure 2-12



Yard, Front

Shall mean a **yard** extending across the full width of the **lot** between the **front lot line** and the nearest point of the **main building or structure** on the **lot**. (See Figures 2-12)

Yard, Interior Side

Shall mean a **yard** extending from the **front yard** to the **rear yard** between a **side interior lot line** and the nearest point of any **main building or structure** on the **lot**. (See Figures 2-12)

Yard, Rear

Shall mean a **yard** extending across the full width of a **lot** between the **rear lot line** and the **main building or structure** on the **lot**. Where there is no rear lot line, the **rear yard** shall be measured from the intersection of the **side lot lines** to the closest point of the main building or structure. (See Figures 2-12)

Yard, Required

Shall mean the yard that created by the Yard Setbacks requirements of the respective zones (see Figure 2-3). (For example, the required rear yard is equal to the open space on a lot extending across the full width of the lot between the rear lot line the required minimum rear yard setback.)

Yard, Side

Shall mean a **yard** extending from the **front yard** to the **rear yard** between a **side lot line** and the nearest point of any **main building or structure** on the **lot**.

2.Z

Zone

Shall mean an area of land of the Municipality of Red Lake demarcated on the Schedules attached hereto within which certain provisions and requirements of this By-Law apply or do not apply as the case may be, such as Permitted Uses, Minimum Lot Area and Maximum Lot Coverage.

