

SECTION 1
DEFINITIONS

In this by-law:

ACCESSORY BUILDING means a detached building that is used solely for an accessory use or uses. (99-151)

ACCESSORY USE means a use that is clearly incidental, subordinate and exclusively devoted to a permitted use and carried on within the same lot. (99-151)

ACCESSORY USE OF AMUSEMENT DEVICES The use of one or two amusement devices may constitute a valid accessory use. The use of three (3) or more amusement devices, as defined herein, on or in any land or building or part thereof is not a permitted accessory use even if such use is in fact incidental or subordinate to the permitted use. (By-law 1982-171)

ADDITIONAL DWELLING UNIT means a self contained dwelling unit created within a building used exclusively for residential purposes on January 1, 1992. (99-151)

ADULT ENTERTAINMENT PARLOUR means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

For the purpose of defining adult entertainment parlour as prescribed above, the following definitions are applicable:

- i) "to provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;
- ii) "services" includes activities, facilities, performances, exhibitions, viewings and encounters.
- iii) "services designed to appeal to erotic or sexual appetites or inclinations" includes;
 - a) services of which a principal feature or characteristic is the nudity or partial nudity of any person, or
 - b) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or picture, symbol or representation having like meaning or implication is used in any advertisement.

AGRICULTURE means the cultivation of the soil and animal husbandry, but does not include the slaughter, processing or packing of animals.

ALTER means a structural change to a building such as an addition to the area or height or the removal of a part thereof, or any change thereto such as construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any means of egress or a change to the exterior cladding or trim.

AMUSEMENT DEVICE means any mechanical or electronic machine or device intended for use as a game or source of entertainment or amusement offered for use by the public by any person for profit or gain and shall include a pinball machine, television game, shooting gallery, or other similar machine or device that dispenses as prizes one or more free games but does not include a video lottery terminal, slot machine or gaming table. (98-103)

APARTMENT DWELLING means a building containing four or more dwelling units each of which has access to the common corridors and entrances.

ARTERIAL STREET means an Arterial Street as designated on the Major Streets Plan attached as Schedule "B" to the Official Plan.

ASSEMBLY AREA means that portion of a building or lot capable of being used for the assembly of persons, including, dance floors, arena floors, grandstands, ballrooms, outdoor patios, and other such facilities. (94-158)

ATTIC means the space between the roof and the ceiling of the top storey or between a dwarf wall and sloping roof. (By-law 91-28)

BACHELOR DWELLING UNIT means a dwelling unit containing a bathroom and not more than two habitable rooms.

BAKESHOP shall include the facilities for making baked foods for retail sale on the premises.

BANK, FINANCIAL INSTITUTION OR LOAN COMPANY means an establishment used predominantly for financial transactions, including the borrowing, depositing and exchanging of currency and shall include banks, trust companies, credit unions, savings and loan offices and similar establishments, but does not include insurance companies, mortgage companies or investment dealers. (By-law 16-034)

BASEMENT means that portion of a building below the first storey. (By-law 91-28)

BED AND BREAKFAST ESTABLISHMENT means a Dwelling Unit within which the residing owner or a Person authorized by the owner may provide Bedrooms for Rent for temporary accommodation. None of a Multi-Suite Residence, nursing home, Hospice, Hotel, hostel, Group

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Home, Lodging House, nor an Emergency Shelter shall be considered a Bed and Breakfast Establishment. No more than 46 square metres of the Dwelling Unit may be dedicated for use exclusively by guests of the Bed and Breakfast. (By-law 04-045) (By-law 17-058)

BEDROOM means a room, or area in a Dwelling Unit, or Lodging House, equipped, used or designed with the intended use for sleeping. (By-law 17-058)

BOARDER (deleted by By-law 17-058)

BOARDING, LODGING or ROOMING HOUSE (deleted by By-law 17-058)

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

For the purpose of defining body-rub parlour as prescribed above, the following definition is applicable:

- (a) "body-rub" includes the kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a persons body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario. (By-law 1985-140)

BUILDING means any structure within or upon which a use may be made of land (By-law 99-47).

BUILDING AREA means the area of the part of a lot covered by buildings and any horizontal projections therefrom in excess of 0.6 metres from the foundation of the building, but not including a platform, deck or verandah. (02-099)

BUILDING BY-LAW means by-law 1968-150 or the by-laws succeeding by-law 1968-150.

BUILDING COVERAGE means the ratio of the building area to the area of the lot.

BUILDING FLOOR AREA means the total of the horizontal areas of all storeys in a building as calculated by using the exterior dimensions of the building.

BUILDING FLOOR AREA RATIO means the ratio of the building floor area to the area of the lot.

BUILDING HEIGHT means the vertical distance between the lot grade, and

- a) in the case of a flat roof, the highest point of the roof surface or parapet wall;
- b) in the case of a mansard roof, the deck line;
- c) in the case of a gable, hip, gambrel or shed roof, the average level between the eaves and ridge, except that a shed roof having a slope of less than 20 degrees from the horizontal shall be considered a flat roof. (91-28)

BUILDING LINE means a line drawn parallel to a lot line, at the building setback. (97-123)

BUILDING PRODUCTS ESTABLISHMENT means an establishment for the sale of items or products intended to be incorporated as permanent fixtures or components of buildings or property. (96-138)

BUSINESS SERVICE ESTABLISHMENT means an establishment servicing primarily the operational needs of the business community including: employment services, customs services, marketing services, collection and credit services, appraisal services, advertising and graphic services, accounting and bookkeeping services, research and training services, office equipment and computer services, data processing services, courier services, property management services, security services, janitorial services, and studio and communication services. (96-138)

BUILDING SET BACK means the minimum distance from a lot line in which a building may not be located. (97-123)

CAMPING GROUND means land used for transient accommodation of persons in tents or travel trailers but does not include temporary accommodation directly associated with a construction project.

CAR WASH means any land or building or part thereof used only for the washing of motor vehicles.

C.B.D. means the area shown as the Regional Centre/Central Business District (C.B.D.) on Schedule "E". (92-58)

CLINIC means a building or part thereof used by a physician, dentist, chiropractor, osteopath, podiatrist, pharmacist, optometrist, optician, dentist, chiropract, and other medical and drugless practitioner and their associated staff and services, but not by a veterinarian.

COLLECTOR STREET means a Collector Street as designated on the Major Streets Plan attached as Schedule "B" to the Official Plan.

COMMERCIAL DISTRICT means a C.1, C.2, C.3, C.4, C.5, or C.6 District and any other area as may be designated as such.

COMMERCIAL VEHICLE means a motor vehicle having attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, police patrols, motor buses and tractors.

COMMERCIAL DOG KENNEL means a place or premises where a dog or dogs are sold or offered for sale or kept for gain, show or race events. (By-law 1985-171)

COMMUNICATIONS & BROADCASTING ESTABLISHMENT means an establishment for the production, reception, and/or transmission of information by electronic means, and may include related administrative and customer services. (96-138)

CONDOMINIUM means a building or project registered in accordance with *Condominium Act, R.S.O.*, Chapter 84. (By-law 1985-193)

CONSERVATION AREA means an area set aside for the preservation, protection and improvement of the natural environment through the management and maintenance of natural components and features found therein. A conservation area use may include natural based recreation, recreation trails, outdoor education and non-destructive research. (00-114)

CONTAINED ASSEMBLY, PROCESSING OR MANUFACTURING PLANT means an assembly, processing or manufacturing operation carried out wholly within fully enclosed buildings. (96-138)

CONTROLLED ACCESS ARTERIAL STREET means a Controlled Access Arterial Street as designated on the Major Streets Plan attached as Schedule "B" to the Official Plan.

CONVENIENCE RETAIL STORE means a retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and newspapers.

CONVERTED DWELLING means a building originally consisting of one or more dwelling units the interior of which has been altered in accordance with this by-law to provide one or more additional dwelling units.

CONVEYANCE includes a mortgage or lease.

COUNCIL means The Council of The Corporation of the City of Peterborough.

COURT YARD means an open space, enclosed on at least three sides, unoccupied from the ground or intermediate level to the sky, contiguous to the building.

DAY NURSERY means a building or part thereof which receives for temporary custody for a continuous period not exceeding twenty-four hours, more than three children under ten years of age and not of common parentage.

DECK means an uncovered and unenclosed structure (except for a railing/guard) abutting an exterior wall of a dwelling, the surface of which is more than 1.5 metres above grade, not more than 3.0 metres above grade, and not more than 5.0 metres above the grade of any point in a lot line which is to the rear of the dwelling. (02-099)

DEVELOPMENT means the construction, erection or alteration of buildings or structures. (1976-148)

DEVELOPMENT DISTRICT means a D.1 or D.2 District and any other area as may be designated as such.

DOG BOARDING KENNEL means a place or premises where payment is received by the keeper of a dog or dogs thereof for lodging. (By-law 1985-171)

DRY CLEANING DEPOT means a building or part thereof used for the purpose of receiving articles or goods for dry cleaning, dyeing, cleaning or laundering elsewhere, and for the purpose of pressing and distributing such articles or goods.

DRY CLEANING ESTABLISHMENT - CLASS 1 means a building or part thereof used for dry-cleaning, dyeing, cleaning, laundering and pressing of articles or goods and includes a dry-cleaning depot and a self-serve laundry or dry-cleaning establishment. (By-law 1983-22)

DRY CLEANING ESTABLISHMENT - CLASS 2 means an establishment as defined in Section 1.41(1) above and in which only non-flammable solvents are used and such non-flammable solvents may emit no odour or fumes. (By-law 1983-22)

DWELLING means a building containing one or more dwelling units.

DWELLING UNIT is connected space for residential purposes, within a building which includes one or more Bedrooms, sanitary facilities, and cooking facilities, all of which are provided for the exclusive use of the occupants thereof, and has a private entrance from either the outside of the building or through a common area. (By-law 99-98) (By-law 17-058)

EMERGENCY SHELTER means a premises in which short-term emergency accommodation and associated support services are provided and supervised. (By-law 16-057)

ERECT means to build, construct, reconstruct, locate, relocate, assemble or repair and includes any preliminary site preparation excavating, filling, grading, draining, in connection therewith.

ESTABLISHED USE means a use lawfully existing on the day of the passing of this by-law or a lawful intended use in a building or structure the plans for which have, prior to the day of the passing of this by-law, been approved by the Building Inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within 2 years after the day of the passing of this by-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

FIRST STOREY means the storey with its floor closest to lot grade and having its ceiling more than 1.8 metres above lot grade. (By-law 91-28)

FLOOR AREA means the total horizontal area of a building or part thereof as calculated by using interior dimensions and excluding:

- a) Lobbies, corridors, stairways, elevators, and other areas used in common,
- b) building utility and storage areas,
- c) parking and loading areas, and
- d) cellar area in a dwelling.

FUEL STORAGE FACILITY means a facility for the bulk storage of fuels. (96-138)

GAMING ESTABLISHMENT / CASINO means an establishment primarily engaged in the playing of games of chance, or of mixed chance and skill, licensed by the Province of Ontario, such as slot machines, card games, dice games, video lottery terminals and other casino style games, machines, devices, or lottery scheme for money or other items of value, and may also include ancillary uses such as the sale of food and beverages, live music and other performing acts and associated offices, but shall not include a Place of Assembly, Place of Amusement, a Place of Entertainment or a Bingo Hall. (By-law 16-503)

GAMING POSITION means a seat or standing location in which a person participates in a casino gaming activity, such as slots and video machines or table games. (By-law 16-053)

GAS BAR means one or more fuel pumps for the sale of motor fuels and related products for motor vehicles, together with the necessary pump islands, light standards, kiosk, concrete aprons, canopy, storage tanks and related facilities required for the dispensing of fuel. (91-132)

GOLF COURSE means an area of land used for the purpose of playing golf and may include a club house and curling arena as accessory uses. (00-114)

GROSS LEASABLE AREA means any area of a commercial building designated for exclusive occupancy and use by tenants. (94-158)

GROUP HOME means a single housekeeping unit in a dwelling unit in which not more than ten (10) persons, exclusive of supervisory or attendant staff, requiring sheltered, specialized or group care, reside under responsible supervision consistent with the particular needs of its residents. (99-98)

GROUP DWELLING means a building consisting solely of four or more dwelling units, each dwelling unit having at least one private entrance, at grade, from a separate yard.

HABITABLE ROOM means any room in a dwelling unit used or intended to be used for living, sleeping, eating or food preparation and does not include a bathroom.

HOME-BASED BUSINESS means an accessory use of a dwelling unit and any associated accessory buildings to conduct a business activity. (96-77)

HOSPICE means a building or part thereof used to provide a combination of active and compassionate programs and accommodation intended to provide support and enhance the comfort, dignity and quality of life of individuals and their families who are living with or dying from advanced illness or are bereaved. (12-079)

HOSPITAL means:

- a) a "childrens mental health centre" or "centre" as defined in The Childrens Mental Health Centres Act, R.S.O. 1970, Chapter 68, and as amended.
- b) a "hospital" as defined in The Childrens Mental Hospitals Act, R.S.O. 1970, Chapter 69, and as amended.
- c) a "hospital" as defined in The Community Psychiatric Hospitals Act, R.S.O. 1970, Chapter 74, and as amended.
- d) a "house" as established by The Maternity Boarding Houses Act, R.S.O. 1970, Chapter 264, and as amended.
- e) an "institution" as defined in The Mental Hospitals Act, R.S.O. 1970, Chapter 270, and as amended.
- f) an "institution" or "sanitarium" as established by the provisions of The Ontario Mental Health Foundation Act, R.S.O. 1970, Chapter 322, and as amended.
- g) a "private hospital" and "house" as defined in The Private Hospitals Act, R.S.O. 1970, Chapter 361, and as amended.
- h) a "sanitarium" as defined in The Private Sanitaria Act, R.S.O. 1970, Chapter 363, and as amended.
- j) the premises for "full time public health services" as defined in The Public Health Act, R.S.O. 1970, Chapter 377, and as amended.
- k) a "hospital" and a "medical department" as defined in The Public Hospitals Act, R.S.O. 1970, Chapter 378, and as amended.
- l) a "sanatorium" as defined in The Sanatoria for Consumptives Act, R.S.O. 1970, Chapter 422, and as amended.

HOTEL includes a motel and boatel.

INDUSTRIAL DISTRICT means an M1.1, M1.2, M1.3, M2.1, M2.2, M3.1, M3.3 or M3.4 district and any other area as may be designated as such. (96-138)

INDUSTRIAL OFFICE means the offices of a permitted industrial use. (96-138)

LANDSCAPED OPEN SPACE means open unobstructed space at ground level on a lot used only for the cultivation and maintenance of grass, flowers and other growth and landscaping or as surfaced walk, patio, pool, or similar area and not for vehicular traffic or parking.

LANE means a public thoroughfare, other than a street, affording secondary access to abutting lots.

LOCAL STREET means a Local Street as designated on the Major Streets Plan attached as Schedule "B" to the Official Plan.

LODGER is a Tenant who rents a Bedroom in a Lodging House. (By-law 17-058)

LODGING HOUSE is a type of Dwelling Unit containing five or more Bedrooms offered for rent. A Lodging House shall be the sole use of a building. None of a Multi-Suite Residence, nursing home, Hospice, Hotel, hostel, Group Home, Bed and Breakfast Establishment nor an Emergency Shelter shall be considered a Lodging House. (By-law 17-058)

LOT means a separately owned parcel of land. (97-123)

LOT DEPTH means the horizontal straight line distance perpendicular to the street line, between any point in the street line and any point in any other lot line. (97-123)

LOT GRADE means the average elevation of the finished surface of the ground, excluding window wells;

- a) at the exterior walls, for residential buildings containing a maximum of 4 dwelling units; or
- b) on a line drawn parallel with the exterior walls of a building and located the lessor of 2.4 metres from such walls, or the distance between the wall and the lot line, for all other buildings. (By-law 91-28)

LOT LINE means any boundary of a lot.

LOT WIDTH means the horizontal straight-line distance measured along the building line between the side lot lines at the minimum building setback from the street line unless the lot has two or more intersecting streetlines. (97-123)

MOBILE HOME means a travel trailer established on a foundation, in a mobile home park, connected to municipal utility services and used for residential purposes.

MULTI-SUITE RESIDENCE means a building containing 4 or more residential rooms with or without a bath, having common dining, amenity and other related services. (97-80)

NURSERY means a place where trees, shrubs and plants are propagated and sold.

OFFICIAL PLAN means the Official Plan of the City of Peterborough Planning Area.

OWNER includes a Person who, alone or with others, owns premises or would receive instalments of the purchase price of the premises if they were sold. (By-law 17-058)

PARK means an area of open space, generally characterized by its natural, historic or landscape features, which is used for passive or active recreation purposes, and may include facilities and buildings that would be ancillary, incidental and support the pursuit of outdoor recreation activity as the primary use of the property. (00-114)

PERSON means an individual, sole proprietorship, partnership, unincorporated association, organization, including a charitable organization, or a corporation. (By-law 17-058)

PERSONAL SERVICE USE means any building or part thereof used for the furnishing of personal services to individual persons, including a barber, hairdresser, beautician, tailor, dressmaker, shoemaker, self-service laundry, self-service dry cleaning establishment, dry cleaning depot - Class 2 or tanning shop, but specifically excluding a use as a body massage parlour or an adult entertainment parlour. (91-132)

PLACE OF AMUSEMENT means any land, building or part of land, building or structure, but not including a Gaming Establishment / Casino, open for use to the public, containing therein three (3) or more amusement devices even though such devices may not be operational. (By-law 98-103) (By-law 16-053)

PLACE OF ASSEMBLY means a building or part thereof used for gatherings of persons for civic, educational, political, religious, recreational, cultural, social, or other purposes, but does not include a cinema, theatre concert hall or a Gaming Establishment / Casino. (By-law 98-103) (By-law 16-053)

PLACE OF ENTERTAINMENT means and includes a theatre, auditorium, dance hall, cinema, billiard or pool hall, bowling alley, ice or roller skating rink, curling rink, or arena but does not include a Gaming Establishment / Casino. (By-law 98-103) (By-law 16-053)

PLATFORM means an uncovered and unenclosed structure (except for a railing/guard not exceeding 1 metre in height), abutting an exterior wall of a dwelling, the surface of which is more than 0.15 metres above grade and not more than 1.5 metres above grade. (02-099)

PROFESSIONAL OFFICE means a building or structure used for the purpose of providing accommodation for the offices of a Barrister, Solicitor, Accountant, Engineer, Architect, Ontario Land Surveyor, Insurance Broker, Mortgage Broker, and for any purpose incidental thereto. (1988-283)

PUBLIC GARAGE means any land, building or part thereof used as a motor vehicle repair shop.

REAR LOT LINE means a lot line other than a street line or side lot line. (97-123)

REDEVELOPMENT means the removal of buildings or structures from land and the construction or erection of other buildings or structures. (1976-148)

REGIONAL SCALE OFFICE FACILITY means an office with a minimum floor area of 1,500 square metres. (96-138)

RENT includes the remuneration or the provision of services, or both, paid or required to be paid by a Tenant or Lodger. (By-law 17-058)

RESIDENTIAL DISTRICT means an R.1, R.2, R.3, R.4, R.5 or R.6 District and any other areas as may be designated as such.

RETAIL means the sale of goods directly to the consumer.

ROW DWELLING means a building consisting solely of three (3) or more dwelling units separated by vertical party walls, each dwelling unit having two private entrances at grade from separate yards.

SALVAGE YARD includes a scrap yard, a motor vehicle wrecking yard and a waste reclamation plant.

SCHOOL means an elementary or secondary school.

SERVICE STATION means any land, building, or part thereof used as a retail outlet for the sale of gasoline and oil and, if in conjunction therewith,

- a) as a retail store for the sale of new motor vehicle parts and accessories, or
- b) for servicing of motor vehicles and making minor running repairs thereto.

SHOPPING CENTRE means two or more commercial establishments, planned, designed, developed and managed as a unit.

SIDE LOT LINE means a lot line which intersects a street line. (97-123)

SINGLE UNIT DWELLING means a building consisting solely of one dwelling unit.

SPECIFIC INDUSTRIAL USE means an establishment for the processing of chemicals, cement, plaster, lime, asphalt petroleum, gasoline, glue, explosives, fireworks or ammunition; a slaughter or meat packing house; an incinerator; or a salvage yard. (96-138)

STOREY means that portion of a building, other than a basement, situated between the surface of any floor and the surface of the floor next above it, and if there is no floor above it, that portion between the surface of any floor and the ceiling above it, and includes an attic having a height of at least 2.1 metres over at least 50% of the ceiling of the portion of the building which is located immediately beneath the attic. Any part of a storey in excess of 4.3 metres in height shall be deemed to be an additional storey for each 4.3 metres of such excess or fraction thereof. (91-28)

STREET means a dedicated public highway.

STREET LINE means a lot line separating a lot from a street, or a 0.3 metre reserve which abuts a street. (97-123)

TANDEM PARKING SPACE means an arrangement of two parking spaces in which one parking space is located directly in front of the other and accessible only through such other parking space. (92-58)

TEMPORARY BUILDING means a building which is not permanently affixed to land, or for the placement of which on land a building permit is not required, but does not include a trailer less than 2.5 metres in length. (99-47)

TENANT means a person who rents and occupies space within a building or land. (By-law 17-058)

THREE-UNIT DWELLING means a building consisting solely of three (3) dwelling units.

TRADE SCHOOL includes a business college.

TRAVEL TRAILER means a vehicle capable of being used for the living, sleeping, or eating accommodation of persons and either self-propelled or designed to be mounted on or towed by a motor vehicle.

TWO UNIT DWELLING means a building consisting solely of two dwelling units.

UTILITY SERVICE INSTALLATION means any facility established for the production, generation, transmission or provision of utilities or services, including electricity, water, gas, oil, sanitary sewer and waste collection and disposal, but excluding an incinerator. (96-138)

VERANDAH means a structure abutting an exterior wall of a dwelling and having a roof and open sides (except for a railing/guard), the surface of which is not more than 1.5 metres abovegrade, which has no habitable living space above or below, and is located between the dwelling and the street line. (02-099)

VIDEO RENTAL ESTABLISHMENT means a building or part thereof used for the rental of video tapes and equipment. Accessory uses may include the sale of video tapes and equipment or convenience foods, restricted to an area not to exceed 10 square metres. (91-132)

WAREHOUSE means an establishment where goods, excluding fuel, are stored. (96-138)

WAREHOUSE MEMBERSHIP CLUB means a building or part thereof, having a minimum building floor area of 7,500 square metres, in which goods, wares and merchandise, including food, are displayed, stored and sold in the same area, and may include accessory retail and personal services, and automotive repair uses, but does not include a department store, building supply store, or a home improvement centre use. (01-007)

WHOLESALE ESTABLISHMENT means an establishment for the sale of commodities to manufacturers, retailers or contractors for the purpose of carrying on any trade or business. (96-138)

WOODWORKING SHOP means an establishment for the processing of lumber or wood products into a finished product. (96-138)