

SECTION 2.0 - DEFINITIONS

In this Bylaw:

- 2.1. A**
- 2.1.1.1 **Abattoir**: shall mean a lot and a building or structure, or portion thereof whose primary activity consists of the butchering of animals.
Amended by Bylaw No. 68-2011
- 2.1.1.2 **Accessory Building**: shall mean any building the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the lot on which such building is located; and such accessory building shall be separate from the main building on the lot on which both are located.
Amended by Bylaw No. 68-2011
- 2.1.2. **Accessory Structure**: shall mean any structure the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the main building or to the principal use of the lot on which such building is located; and such accessory structure shall be separate from the main building on the lot on which both are located.
- 2.1.3. **Accessory Use**: shall mean a use of a building, structure, or lot which is normally incidental to, and subordinate to the principal use of the building, structure, or lot.
- 2.1.4. **Act (as a noun)**: shall mean an Act of the Ontario provincial government, as amended or replaced from time to time, and any regulations thereunder.
- 2.1.4.1 **Adult Live Entertainment Parlour**: shall mean a lot and a building or structure, or portion thereof used for a trade, calling, business or occupation, providing a performance, exhibition, or activity designed to appeal to exotic or sexual appetites or inclinations and for the purposes of this definition:
Amended by Bylaw No. 120-94
- .1 "performance, exhibition, or activity designed to appeal to exotic or sexual appetites or inclinations" shall mean a live performance, exhibition, or activity of which a principle feature or characteristic is the nudity or partial nudity of any person.
 - .2 "partial nudity" shall mean less than completely or opaquely covered:
 - .1 human genitals or human pubic region;
 - .2 human buttocks; or
 - .3 the human female breast below the point immediately above the top of the areola.
 - .3 "providing" shall mean furnishing, performing, soliciting, giving or making available.
- 2.1.5. **Agricultural Use**: shall mean the use of land for the purpose of growing field crops, berry crops, or tree crops, flower gardening, market gardening, horticultural nurseries, aviaries, apiaries, or farms for the grazing, breeding, raising, boarding or training of livestock, or the breeding and raising of hogs or poultry, and the use of buildings and structures erected on the land which are

necessary for and essential to the operation of the business, and including the sale of produce, crops, livestock, hogs, or poultry produced on the said premises.

- 2.1.6. **Alteration**: shall mean any change in the use of land, or a building or structure; or any change in the area, height, or cubic content of a building or structure.
- 2.1.6.1
Amended by
Bylaw No.
81-2009 **Alternative Health Care**: shall mean the kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a person's body or part thereof, and which is performed for the sole purpose of medical or therapeutic treatment, and is offered by a person duly trained and qualified to perform such medical or therapeutic treatment. This definition shall not include "Body Rub" uses. Alternative Health Care includes, but is not limited to such uses as reflexology, shiatsu and aromatherapy.
- 2.1.6.2
Amended by
Bylaw No.
81-2009 **Alternative Health Care Practice**: shall mean a lot and a building or structure, or part thereof, where alternative health care is administered, offered or solicited;
in which all of the practitioners are duly trained and qualified to perform alternative health care services practices. This definition shall not include "Body Rub Parlours".
- 2.1.7. **Amenity Space**: shall mean space within a building or outside of a building which provides common active and/or passive recreation areas for residents of a residential use.
- 2.1.8 **Amusement Arcade**: shall mean a lot and a building or structure, or portion thereof where four or more amusement devices are provided and a fee is charged for their use in any manner whatsoever.
- 2.1.9.
Amended by
Bylaw No.
74-98 **Amusement Device**: shall mean any machine, device, or contrivance for playing any game of chance or skill or of mixed chance and skill which is used to afford entertainment or amusement to the player of the device and without limiting the generality of the foregoing, includes what are commonly known as a pinball game, an electronic game, and a video game, but does not include pool tables, billiard tables, bowling alleys, table games, or slot machines.
- 2.1.10. **Art Gallery**: shall mean a lot and a building, or structure, or portion thereof, used for the display and showing of works of art such as paintings, sculpture, pottery, glass, weaving, or plastic art, and may include accessory retail sales.
- 2.1.10.1
Amended by
Bylaw No.
175-96 **Artist's Studio**: shall mean a lot and a building or structure, or portion thereof, which is the workplace of an artisan involved in the creation of works of art such as paintings, sculpture, pottery, glass, weaving, or plastic art; and may include such accessory uses as a dwelling unit occupied by the artisan and retail sales of works of art.
- 2.1.11 **DELETED**
Amended by
Bylaw No.
100-98

- 2.1.11.1
Amended by
Bylaw No.
100-98
- Arterial Road, Major:** shall mean a street designated as a major arterial road right-of-way in the Official Plan of the City of Brantford.
- 2.1.11.2
Amended by
Bylaw No.
100-98
- Arterial Road, Minor:** shall mean a street designated as a minor arterial road right-of-way in the Official Plan of the City of Brantford.
- 2.1.12.
- Assisted Housing:** shall mean dwelling units which are operated under a program by a public agency or non-profit corporation to provide housing.
- 2.1.13.
- Autobody Repair Shop:** shall mean a lot and a building, or structure, or portion thereof, used for the repair of damage to a motor vehicle, and includes the reconstruction of motor vehicles, rebuilding, or reconstruction of automobile engines or parts, and the painting of motor vehicles, but does not include an impounding yard, an automobile service station, an automobile gas bar, or a salvage establishment.
- 2.1.14.
- Automobile Gas Bar:** shall mean a lot and a building, or structure, or portion thereof, from which is offered for sale to the general public, gasoline and other fuels for motor vehicles, and accessories for motor vehicles, and may include a gasoline pump island, gasoline pump canopy, and gasoline pump island kiosk, but does not include an automobile service station, a public garage, or an automobile washing facility.
- 2.1.15.
- Automobile Rental Establishment:** shall mean a lot and a building, or structure, or portion thereof, where motor vehicles and trailers are stored and rented or leased to the public, and may include as an accessory use the repair and service of such vehicles.
- 2.1.16.
- Automobile Sales Establishment:** shall mean a lot and a building, or structure, or portion thereof, where new and/or used motor vehicles are kept for display and sale or hire and may include as an accessory use the repair and service of motor vehicles and the sale of vehicle parts.
- 2.1.17.
- Automobile Service Station:** shall mean a lot and a building, or structure, or portion thereof, from which is offered for sale to the general public, gasoline and other motor vehicle fuels, oil, grease, and accessories for motor vehicles, or where motor vehicles may be oiled or greased, or where minor running repairs essential to the actual operation of motor vehicles are executed or performed, but shall not include an automobile washing facility, or a public garage.
- 2.1.18.
- Automobile Supply Store:** shall mean a lot and a building, or structure, or portion thereof, used for the purpose of retail sale of equipment and parts used to repair, service, or customize motor vehicles, but does not include any installations or repairs, or a salvage establishment.
- 2.1.19.
- Automobile Washing Facility:** shall mean a lot and a building, or structure, or portion thereof, used for the washing or cleaning of motor vehicles.

- 2.2. B**
- 2.2.1 **Bakery**: shall mean a lot and a building, or structure, or portion thereof wherein baked goods are manufactured and sold on a retail basis to the general public for home consumption.
- 2.2.2. **Basement**: shall mean any storey below the first storey.
- 2.2.3. **Bed and Breakfast Establishment**: shall mean a dwelling unit occupied as the principal residence of a person or persons, in which temporary accommodation is made available to members of the travelling public, and in which meals may be served to those persons.
- 2.2.4. **Boarder**: shall mean a person who lives in rented living accommodation which has no individual kitchen facilities.
- 2.2.5. **Boarding House**: Please refer to Lodging House.
Amended by
Bylaw No.
57-2010
- 2.2.6. **Boat & Recreational Vehicle Sales Establishment**: shall mean a lot and a building, or structure, or portion thereof, where new and/or used boats and recreational vehicles such as snowmobiles, travel trailers, motor homes, and motorcycles are kept for display and sale or hire and may include as an accessory use the repair and service of boats and recreational vehicles and the sale of parts but shall not include an automobile sales establishment.
- 2.2.6.1 **Body Rub**: shall mean the kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a person's body or part thereof, and which is expressly performed for sexual purposes and to cater to a person's sexual appetite. This definition shall not include "Alternative Health Care" uses.
Amended by
Bylaw No.
34-93
81-2009
- 2.2.6.2 **Body Rub Parlour**: shall mean a lot and a building or structure, or part thereof, where a body rub is performed, offered or solicited; but does not include body rubs performed for the purpose of "Alternative Health Care".
Amended by
Bylaw No.
34-93
81-2009
- 2.2.7. **Buffer or Buffering**: shall mean a landscaped open space, earth berm, wall, trench, fence, building, structure, or combination thereof.
- 2.2.8. **Building**: shall mean a structure occupying an area greater than 10.0 m² consisting of a wall, roof, and floor.
- 2.2.9. **Building, Converted**: shall mean a building or portion thereof, located on a lot, originally designed to provide one or more dwelling units or other uses which is altered to provide therein one or more day nurseries, private schools, art schools, music schools, dance schools, or art galleries.

- 2.2.10. **Building Height:** shall mean the vertical distance from the finished grade level at the base of the building (as illustrated in Figure 2.1) to:
- .1 In the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the higher.
 - .2 In the case of a mansard roof, to the roof ridge.
 - .3 In the case of any other roof, to the mean height between the eaves, and the ridge.
- 2.2.11. **Building Inspector:** shall mean such person as may be appointed as such by Council from time to time.
- 2.2.12. **Building Line:** shall mean a line within a lot drawn on a horizontal plane parallel to a lot line, establishing the minimum distance between the said lot line and any building or structure permitted to be erected on the lot.
- 2.2.13. **Building Permit:** shall mean a permit lawfully issued by the Chief Building Official under the provisions of the Building Code Act.
- 2.2.14. **Building Supply Centre:** shall mean a lot and a building, or structure, or portion thereof, used for the purpose of retail and/or wholesale sale of building construction materials and related supplies.
- 2.2.15
Amended by
Bylaw No.
46-2004
- Bus:** shall mean a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons.
- 2.2.16
Amended by
Bylaw No.
46-2004
- Bus, School:** shall mean a school bus as defined by the Highway Traffic Act.

- 2.3. C**
- 2.3.1.1 **Call Centre:** shall mean an industry comprised of establishments primarily engaged in receiving and/or making telephone calls. These establishments are engaged in activities such as soliciting or providing information; promoting products or services; taking orders; and raising funds for clients. This industry also includes establishments primarily engaged in answering telephone calls and relaying messages to clients; and establishments primarily engaged in providing mailbox services.
Amended by Bylaw No. 68-2011
- 2.3.1.2 **Canopy:** shall mean any roof-like structure projecting more than 0.3 m from the face of a building, having a rigid frame, and being attached to said building in such manner as not to become an integral part thereof but does not include collapsible or fixed awnings or balconies.
Amended by Bylaw No. 68-2011
- 2.3.2 **Carport:** shall mean an accessory roofed building or structure which is not wholly enclosed, designed to be used for the storage of motor vehicles, wherein storage or servicing of such motor vehicles is not conducted for profit.
- 2.3.3 **Carport, Integral:** shall mean a carport as defined herein, which shall have one or more walls common with the permitted building on the lot, and is not an accessory building or accessory structure as herein defined.
- 2.3.4 **Catering Service:** shall mean a manufacturing use in which food and beverages are prepared for consumption off the premises, and are not served to customers on the premises or to take out, and does not include a fast food restaurant, a take-out restaurant, or a full service restaurant.
- 2.3.4.1 **Catering Vehicle:** shall mean an itinerant food service vehicle in which no food is prepared other than hot beverages, but shall not include a chip hut, refreshment cart, or ice cream vending vehicle.
Amended by Bylaws No. 173-92 & 149-97
- 2.3.5 **Cemetery:** shall mean a cemetery as defined by the Cemeteries Act.
- 2.3.6 **Chief Building Official:** shall mean the person who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the Building Code Act.
- 2.3.6.1 **Chip Hut:** shall mean a lot and a structure having a permanent location, but capable of being towed by a vehicle, and which is exclusively designed to operate as a food premise restricted to the sale of french fried potatoes, and cold and hot beverages to the general public, but shall not include a refreshment cart, ice cream vending vehicle or catering vehicle.
Amended by Bylaw No. 149-97
- 2.3.7 **Church:** shall mean a place of worship, as defined herein.
- 2.3.8 **City:** shall mean the Corporation of the City of Brantford.
- 2.3.9 **Clerk:** shall mean the person who may from time to time be appointed by Council to the position of City Clerk.

- 2.3.10 **DELETED**
Amended by
Bylaw No.
100-98
- 2.3.10.1 **Collector Road, Major:** shall mean a street designated as a major collector road right-of-way in the Official Plan of the City of Brantford.
Amended by
Bylaw No.
100-98
- 2.3.10.2 **Collector Road, Minor:** shall mean a street designated as a minor collector road right-of-way in the Official Plan of the City of Brantford.
Amended by
Bylaw No.
100-98
- 2.3.11 **Columbarium:** shall mean a columbarium as defined by the Cemeteries Act.
- 2.3.12. **DELETED**
Amended by
Bylaw No.
44-97
- 2.3.13. **Commercial Use:** shall mean a lot and a building or structure, or portion thereof, used primarily for the sale of goods, merchandise or service, and may include as an accessory use the rental, repair, service or storage of such goods, and merchandise, but shall not include an industrial use or residential use.
Amended by
Bylaw No.
25-91
- 2.3.14. **Commercial Vehicle:** shall mean a commercial vehicle, as defined in the Highway Traffic Act, or successor Acts, in excess of 2,250.0 kilograms Gross Vehicle Weight.
Amended by
Bylaws No.
25-91,
57-2010
- 2.3.15. **Common Wall:** shall mean a wall above the finished grade level, of which 80% or more of its length is constructed for the purposes of separating two or more dwelling units within a dwelling.
- 2.3.16. **Conservation Authority:** shall mean a conservation authority having jurisdiction in the City of Brantford, in accordance with the Conservation Authorities Act.
- 2.3.16.1 **Construction Equipment:** shall mean equipment having wheels or tracks, which is used in a business engaged in construction, farming or maintenance activities, including but not limited to:
- a) asphalt spreaders, concrete pavers or finishing machines, motor graders, rollers, tractor-dozers and motor scrapers;
 - b) tracked or wheeled tractors including those equipped with mowers, post hole diggers, weed spraying equipment, snow blowers and plows, front-end loaders, back-hoes, or rock drillers;

- c) power shovels on tracks and drag lines on tracks;
- d) compressors, wood chippers, shredders, tar pots, and trailers.

2.3.17. **Convention Centre:** shall mean a lot and a building, or structure, or portion thereof, used as a place of assembly for specific events such as conferences, rallies, and meetings, and may include a restaurant, theatre, and hotel.

2.3.17.1
Amended by
Bylaw No.
180-2006

Corridor: shall mean a Hallway

2.3.18. **Council:** shall mean the Council of the Corporation of the City of Brantford.

2.3.19. **Crematorium:** shall mean a crematorium as defined by the Cemeteries Act.

2.3.20.
Amended by
Bylaw No.
57-2010
68-2011

Crisis Residence: shall mean a dwelling unit that is licensed and/or approved for funding under provincial or federal statute for the temporary accommodation of three (3) or more persons (exclusive of staff) living under supervision in a single housekeeping unit who, by reason of their emotional, mental, social, or physical condition or legal status, require a group living arrangement on an immediate emergency basis for their well-being, and in which counselling or support services are provided. A crisis residence in this Bylaw shall be deemed not to include:

- . a group home,
- . a mini-group home,
- . a group residence,
- . a group correctional home,
- . a group correctional residence,
- . a medical clinic,
- . a lodging house,
- . a nursing home
- . a home for the aged
- . a retirement home.

2.4. **D**

2.4.1. **Day Nursery:** shall mean a "day nursery" as defined by the Day Nurseries Act.

2.4.2. **Department Store, Junior:** shall mean a lot and a building, or structure, or portion thereof, consisting of a minimum of 3,700.0 m² gross leasable area and a maximum of 8,359.0 m² of gross leasable area used for the retail sale of a wide variety of goods, wares, merchandise, and services displayed or offered on a departmentalized basis and may include, as accessory uses, offices and warehousing.

2.4.3. **Department Store, Major:** shall mean a lot and a building, or structure, or portion thereof, consisting of a minimum of 8,360.0 m² of gross leasable area used for the retail sale of a wide variety of goods, wares, merchandise, and services displayed or offered on a departmentalized basis and may include, as accessory uses, offices and warehousing.

2.4.4. **Drive-Through Service:** shall mean a lot and a building, or structure, or portion thereof, used for the serving of food and beverages to the public where the public is situate within a motor vehicle.

2.4.5. **Driveway:** shall mean that portion of a yard that is used for vehicular access to and from any parking space, traffic aisle, street or loading space.
Amended by
Bylaw No.
25-91

2.4.6. **Dry Cleaning Depot:** shall mean a lot and a building or structure, or portion thereof, used for the collection, storage and return of articles of clothing and fabric which are dry-cleaned, dyed, cleaned or pressed elsewhere and may include as an accessory use the repair or alteration of clothing or fabric.
Amended by
Bylaw No.
25-91

2.4.7. **Dry Cleaning Establishment:** shall mean a lot and a building, or structure, or portion thereof, where dry cleaning, dyeing, cleaning, or pressing of articles of clothing and fabrics is carried on.

2.4.8. **Dwelling:** shall mean a building or structure, or part of a building or structure, used in whole or in part, for one or more dwelling units, but shall not include:
Amended by
Bylaw No.
57-2010

- . a lodging house,
- . a crisis residence,
- . a group correctional home,
- . a group correctional residence,
- . a group home,
- . a group residence,
- . a home for the aged
- . a mini-group home,
- . a hotel or motel,
- . a mobile home dwelling,
- . a monastery,
- . a nursing home,
- . a retirement home

- 2.4.9. **Dwelling, Apartment:** shall mean a building or buildings other than a converted dwelling located on a lot, each containing 5 or more dwelling units and that contains each of the following:
- Amended by
Bylaw No.
180-2006
- .1 at least one dwelling unit is entirely on top of one or more dwelling units,
 - .2 access to the building is obtained through a common entrance or common entrances from street level, and
 - .3 access to each dwelling unit shall be through a common internal hallway or internal stairway.”
- 2.4.10. **Dwelling, Block Townhouse:** shall mean a building or group of buildings on a lot or lots, each containing three or more dwelling units, wherein each dwelling unit does not have frontage on a public street and each dwelling unit is separated from the adjacent dwelling unit by vertical party or common walls, and with each dwelling unit having a private entrance from outside and a driveway, private garage, carport or parking area, and sharing common access to a public street.
- Amended by
Bylaw No.
180-2006
- 2.4.11. **Dwelling, Converted:** shall mean a building located on a lot, which building was originally designed to provide one or more dwelling units, and which is altered to create additional dwelling units.
- Amended by
Bylaws No.
211-91, 34-93
- 2.4.12. **Dwelling, Double Duplex:** shall mean a building other than a converted dwelling, located on a lot or lots, containing two duplex dwellings as herein defined divided vertically by a party or common wall.
- 2.4.13. **Dwelling, Duplex:** shall mean a building other than a converted dwelling, located on a lot, divided horizontally to contain two dwelling units, each of which has a private entrance from outside or a private entrance from a common internal hallway or internal stairway.
- Amended by
Bylaw No.
180-2006
- 2.4.14. **Dwelling, Fourplex:** shall mean a building other than a converted dwelling, located on a lot or lots, containing four dwelling units, each of which has two vertical party or common walls and a private entrance from outside.
- 2.4.15. **Dwelling, Semi-Detached:** shall mean a building other than a converted dwelling, located on a lot or lots, divided vertically by a party or common wall to contain two dwelling units.
- 2.4.16. **Dwelling, Single-Detached:** shall mean a building located on a lot containing only one dwelling unit.
- 2.4.16.1 **Dwelling, Single-Detached Cluster:** shall mean a group of buildings on a lot or lots, each building containing only one dwelling unit, wherein each dwelling unit has its own private entrance from outside and a driveway, private garage, carport or parking space, and sharing common access to a public street.
- Amended by
Bylaws No.
149-93, 180-2006

- 2.4.17. **Dwelling, Street Townhouse:** shall mean a building, containing three or more dwelling units on a lot or lots, each dwelling unit having frontage on a street, and Amended by each separated from the adjacent unit by vertical; common walls, and with each dwelling unit having its own private entrance from outside, driveway from the street, and a private garage, carport or parking area.
Bylaw No. 180-2006
- 2.4.18. **Dwelling, Triplex:** shall mean a building other than a converted dwelling, located on a lot, divided horizontally to contain three dwelling units.
- 2.4.19. **Dwelling Unit:** shall mean a separate set of habitable rooms designed for, or used by, an individual; or group of individuals, which shall include at least one room and a kitchen and a bathroom, and which has a private entrance from outside, or a private entrance from a common internal hallway or internal stairway.
Amended by
Bylaw No. 180-2006

2.5. **E**

2.5.1 **Enlarge**: shall mean any alteration of a building or structure that would increase the area, height, or cubic content of the building or structure.

2.5.2 **Erect**: shall mean to build, construct, reconstruct, locate, relocate, alter, assemble or repair, and shall include any preliminary site preparation, including excavating, filling, grading, or draining of land in connection therewith.

2.5.3 **Established Front Building Line**: shall mean the average front yard depth of existing buildings from the streetline, as determined in accordance with Section 6.26 of this Bylaw.

2.5.4 **Excavate**: shall mean the removal of soil, rock, or fill.

2.5.5 **Existing**: shall mean existing at the date of the passing of this Bylaw.

2.5.6 **DELETED**

Amended by
Bylaw No.
100-98

- 2.6. F
- 2.6.1. **Fill:** shall mean soil, rock, rubble and other material that is used for the purpose of raising or altering the contours of the ground, but shall not include any toxic or waste material.
- 2.6.2. **Financial Institution:** shall mean a lot and a building, or structure, or portion thereof, which is used for financial transactions including the borrowing, depositing, and exchanging of currency or credit, and shall include banks, trust companies, credit unions, and similar establishments.
- 2.6.3. **Finished Grade Level:** shall mean the mean elevation of the finished surface of the ground abutting the external wall of the building or structure nearest to a public street, but shall not include any embankment in lieu of steps.
- 2.6.3.1
Amended by
Bylaw No.
113-93 **Flea Market:** shall mean a lot and a building or structure or portion therein which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for the use of various unrelated individuals to sell directly to the general public, articles, goods, wares, merchandise, food or produce at wholesale or retail from a common sales floor area, but shall not include any other use defined herein.
- 2.6.3.2
Amended by
Bylaws No
16-91, 173-92
113-93, 149-97 **DELETED**
- 2.6.4.
Amended by
Bylaw No.
57-2010
68-2011 **DELETED**
- 2.6.5. **Freeway:** shall mean a street designated as a freeway right-of-way in the Official Plan of the City of Brantford.
- 2.6.6. **Fresh Produce Outlet:** shall mean a retail store wherein primarily fresh fruit and vegetables are offered for sale but shall not include a supermarket, neighbourhood convenience store, specialty retail store, or grocery store.
- 2.6.7. **Funeral Home:** shall mean a lot and a building, or structure, or portion thereof, used for the preparation of the dead for burial or cremation and for the viewing of the body, and may include accessory meeting rooms, chapel, or retail sales of related items.

2.7.

Amended by
Bylaw No.
74-98

G

2.7.1.1

Gaming Establishment: shall mean a lot and a building or structure, or portion thereof, used for the purposes of operating games of chance, or of mixed chance and skill, and shall include slot machines and table games, and may include any casino style game, device or lottery scheme, as approved by the Government of Province of Ontario or such person or authority in the Province as may have been specified by the Lieutenant Governor in Council, and may also include areas devoted to the sale of food and beverages, entertainment and associated offices.

2.7.1.2

Gaming Position: shall mean a physical location in a gaming establishment at which an individual may wager, including a position at a table game, slot machine or lottery scheme.

2.7.1.3

Garage: shall mean a wholly enclosed accessory building or structure, designed to be used for the storage of motor vehicles, wherein storage or servicing of said motor vehicles is not conducted for profit.

2.7.2.

Garage, Integral: shall mean a garage as defined herein, which shall have one or more walls common with the main building on the lot, and is not an accessory building or accessory structure as herein defined.

2.7.3.

Garage, Public: shall mean a lot and a building, or structure, or portion thereof, where motor vehicles are repaired or serviced, but does not include any use otherwise defined herein, and may include as an accessory use the sale of equipment and parts used to repair, service, or customize motor vehicles, but shall not include a salvage establishment, an autobody repair shop, or the sale of motor vehicles or gasoline and other fuels for motor vehicles.

2.7.3.1.

Amended by
accessories;
Bylaw No.
59-91

Garden Supply Centre: shall mean a lot and a building, or structure, or portion thereof wherein a combination of handicrafts; horticultural gardening supplies, including trees, shrubs, flowers, or bulbs; and patio furniture and accessories are warehoused and offered for sale at retail, and shall include associated outdoor display or open storage area that is devoted to retail sales of the stored goods, wares or merchandise but shall not include a nursery garden centre.

2.7.4.

Gasoline Pump Island: shall mean a concrete or masonry pad or podium provided as a base for pumps dispensing gasoline or other fuels for motor vehicles.

2.7.5.

Gasoline Pump Island Canopy: shall mean a pole-supported roof, free of enclosing walls, located over a gasoline pump island.

- 2.7.6. **Gasoline Pump Island Kiosk:** shall mean a building or structure located on a gasoline pump island, used for shelter for the operator of a pump for dispensing gasoline or other fuels for motor vehicles.
- 2.7.7. **Gatehouse:** shall mean a building or structure used solely for the purpose of regulating access and security.
- 2.7.8 **Grocery Store:** shall mean a lot and a building or structure, or portion thereof, having a gross floor area in excess of 225.0m², but not greater than 1,000.0m², in which primarily food produce is stored, offered, and kept for retail sale, and as an accessory use, items or merchandise of day-to-day household necessity may be offered or kept for retail sale, but shall not include a retail warehouse, retail food warehouse, the dispensing of prescription drugs, or the warehousing and retail sale of bulk and volume purchases.
- 2.7.9. **Gross Floor Area (G.F.A.):** shall mean the total area of all floors in a building, measured from the outside faces of the exterior walls, but exclusive of any part of the building which is used for the following:
 Amended by
 Bylaws No.
 44-97, 180-2006
- .1 storage or parking of motor vehicles;
 - .2 communal storage lockers in residential apartment buildings;
 - .3 mechanical or electrical equipment rooms providing service to the entire building;
 - .4 common areas, such as common internal stairways and internal corridors, which serve two or more dwelling units, or two or more units; and
 - .5 a basement within a single-detached, semi-detached, block townhouse, or street townhouse dwelling.
- 2.7.10. **Gross Leasable Area (G.L.A.):** shall mean that total area of all floors in a building or part of a building designated for tenant occupancy and the tenants' exclusive use including basements, mezzanines, upper floor areas and integral storage areas, measured from the centre line of joint partitions and from outside wall faces, but not including public or common areas such as parking spaces and parking areas, walls, internal corridors, internal stairways, elevators or machine or equipment rooms.
 Amended by
 Bylaw No.
 180-2006
- 2.7.11. **Ground Floor Area:** shall mean the total horizontal area of the first floor of a building measured from the outside face of the exterior walls, but excluding any part of the building which is used for steps, terraces, cornices, porches, stoops, verandahs, or breezeways.
- 2.7.12. **Group Correctional Home:** shall mean a dwelling unit used as an open or closed custody residence under the Young Offenders Act or the Child and Family Services Act. A group correctional home shall operate as a single housekeeping unit, accommodating or having the facilities to accommodate 3 to 10 residents (exclusive of staff) in a group living arrangement, under responsible
 Amended by
 Bylaws No.
 25-91
 57-2010

68-2011 supervision, consistent with the requirements of the residents. Any counselling or support services provided shall be limited to those required by the residents. A group correctional home shall be deemed not to include:

- . a mini-group home,
- . a group home,
- . a group residence,
- . a group correctional residence,
- . a lodging house,
- . a crisis residence,
- . a nursing home
- . a home for the aged, or
- . a retirement home.

2.7.13.
Amended by
Bylaw No.
25-91
68-2011

Group Correctional Residence: shall mean a dwelling unit used as an open or closed custody residence under the Young Offenders Act or the Child and Family Services Act. A group correctional residence shall operate as a single housekeeping unit, accommodating or having the facilities to accommodate 11 to 20 residents (exclusive of staff), in a group living arrangement under responsible supervision consistent with the requirements of its residents. Any counselling or support services provided shall be limited to those required by the residents. A group correctional residence shall be deemed not to include:

- . a mini-group home,
- . a group home,
- . a group residence,
- . a crisis residence,
- . a group correctional home,
- . a boarding house,
- . a nursing home,
- . a home for the aged, or
- . a retirement home.

2.7.14.
Amended by
Bylaw No.
57-2010
68-2011

Group Home: shall mean a dwelling unit operated as a single housekeeping unit accommodating, or having the facilities to accommodate, five to ten residents (exclusive of staff) who, by reason of their emotional, mental, social, or physical condition require a group living arrangement under responsible supervision consistent with the requirements of its residents, and the group home is either licensed or funded under Provincial or Federal statute. Any counselling or support services provided in the group home shall be limited to those required by the residents. A group home shall be deemed not to include:

- . a mini-group home,
- . a group residence,
- . a crisis residence,
- . a group correctional home,
- . a group correctional residence,
- . a lodging house,
- . a nursing home,
- . a home for the aged, or
- . a retirement home.

2.7.15.
Amended by
Bylaw No.
57-2010
68-2011

Group Residence: shall mean a dwelling unit operated as a single house-keeping unit accommodating, or having the facilities to accommodate, eleven or more residents (exclusive of staff), who, by reason of their emotional, mental, social or physical condition require a group living arrangement under responsible supervision consistent with the requirements of its residents, and the group residence is either licenced or funded under Provincial or Federal statute. Any counselling or support services provided in the group residence shall be limited to those required by the residents. A group residence shall be deemed not to include:

- . a mini-group home,
- . a group home,
- . a crisis residence,
- . a group correctional home,
- . a group correctional residence,
- . a lodging house,
- . a nursing home,
- . a home for the aged,
- . a retirement home.

- 2.8. H**
- 2.8.1. **Habitable Living Space:** shall mean any room or enclosed floor space used, or intended to be used, for living, sleeping, cooking, or eating.
- 2.8.2. **Habitable Room:** shall mean a room or enclosed floor space used, or intended to be used, for living, sleeping, cooking or eating purposes, but which shall exclude any space in a dwelling or dwelling unit used as a bathroom, pantry, common internal corridor, common internal hallway, closet, common internal stairway, or lobby.
Amended by
Bylaw No.
180-2006
- 2.8.2.1 **Hallway:** shall mean an internal portion of a building or structure providing passage or access to other rooms or units within a building.
Amended by
Bylaw No.
180-2006
- 2.8.3. **Health Club:** shall mean a lot and a building, or structure, or portion thereof, whose principal use is a gymnasium, exercise room, steam room, sauna, racquet facilities, sunroom, swimming pool, massage room, or similar uses, but shall not include a body rub parlour.
Amended by
Bylaws No.
34-93, 166-2005
- 2.8.4. **Height:** shall mean the vertical distance from the finished grade level of the structure to the highest point of the structure and, for the purposes of this definition, a structure shall include a fence and a freestanding wall.
- 2.8.5. **Herein:** shall mean "in this Bylaw" and shall not be limited to any particular section of this Bylaw.
- 2.8.6. **Home for the Aged:** shall mean a home as defined by the Homes for the Aged and Rest Homes Act and may include as an accessory use a retirement home.
- 2.8.7. **Home Furnishing Store:** shall mean a lot and a building, or structure, or portion thereof, engaged in the retail sale of furniture, fixtures, and appliances for household use, and may include the sale of furniture, wall and floor coverings, curtains and draperies, lighting fixtures, electrical appliances, and household decorative items.
- 2.8.8. **Home Occupation:** shall mean any occupation, trade, profession, business or craft, which is carried on as an accessory use in a dwelling unit, provided that the dwelling unit is the principal residence of the person carrying on the occupation, trade, profession, business or craft. A home occupation shall be deemed not to include a retail store or neighbourhood convenience store or fast food restaurant, full service restaurant or take-out restaurant, or a body rub parlour.
Amended by
Bylaw No.
34-93
- 2.8.8.1 **Hospice Centre:** shall mean a lot and a building or buildings, or portion thereof used to provide lodging, palliative care, and other support services to individuals diagnosed with life threatening diseases or disorders, but shall not include any other use defined herein.
Amended by
Bylaw No.
18-2002
- 2.8.9. **Hospital:** shall mean a hospital as defined by the Public Hospitals Act or the Mental Hospitals Act.

2.8.10.
Amended by
Bylaw No.
57-2010
68-2011

Hotel: shall mean a lot and a building, or structure, or portion thereof, or two or more connected or detached buildings, in which rooms are provided for rent as places of abode on a temporary or transient basis, containing a restaurant and convention centre, meeting rooms, public halls, fitness, pool and spa facilities and may include, as an accessory use, retail facilities provided for the convenience of hotel patrons, accessory retail sales open to the public on a temporary basis, but shall not include an apartment dwelling, lodging house, retirement home or crisis residence.

2.9.**I**

2.9.1

Amended by
Bylaws No.
173-92, 149-97

Ice Cream Vending Vehicle: shall mean a vehicle or other itinerant cart from which ice cream products, ice milk products, ice water products or popsicles are offered for sale to the public, but shall not include a chip hut, refreshment cart, or catering vehicle.

2.9.2.

Impounding Yard: shall mean a lot and a building, or structure, or portion thereof, to which motor vehicles or other equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, an automobile gas bar, public garage, or salvage establishment.

2.9.3.

Amended by
Bylaw No.
57-2010

Industrial Mall: shall mean a lot and a building, or structure, or portion thereof, or group of buildings designed, developed and managed as a unit in which each building contains two or more suites or spaces each for separate occupancy by a permitted use for which common loading and parking facilities and other common services may be provided and which is held in single or multiple ownership and where it is held in multiple ownership of more than one lot, the total area of the properties shall be deemed to be a lot for the regulations of this Bylaw.

2.9.4.

Industrial Rental Establishment: shall mean a lot and a building, or structure, or portion thereof, where industrial equipment or vehicles normally associated with an industrial use are stored and rented or leased, and may include as an accessory use the repair and service of such equipment or vehicles.

2.9.5.

OMB Order
R920340

Industry or Industrial Use: shall mean a lot and a building, or structure, or portion thereof, used for manufacturing, recycling, research, wholesale, warehouse, or storage of goods, materials or things, or a combination thereof.

2.10.

J

2.11.

K

2.11.1.

Kennel: shall mean a lot and a building, or structure, or portion thereof, where dogs and other animals, other than livestock as defined in the Agricultural Code of Practice, are bred and raised, or kept for sale, or boarded.

- 2.12.** **L**
- 2.12.1. **Landscaped Open Space:** shall mean space which is unoccupied by buildings and structures above ground level and open to the sky and which shall be comprised of lawn, ornamental shrubs, flowers, or trees, and may include paths, sidewalks, courts, patios, fences, free-standing walls, retaining walls, decks 1.2 m or less in height, and outdoor amenity space accessory to the principal use on the lot, but shall not include any parking area, traffic aisles, driveways, ramps, or open storage.
- 2.12.2. **Laundromat:** shall mean a personal service store, wherein machines and facilities for wet laundering or drying are available for public use at a charge.
- 2.12.3. **Library:** shall mean a public library as defined by the Public Libraries Act.
- 2.12.3.1
Amended by
Bylaw No.
46-2004 **Limousine:** shall mean a passenger motor vehicle having a seating capacity of three or more persons in the rear compartment located behind the driver's seat and having a length of more than 6.0 metres.
- 2.12.4. **Liquid Industrial Waste:** shall mean liquid industrial waste as defined and regulated by the Environmental Protection Act.
- 2.12.5. **Liquid Waste Transfer Station:** shall mean a transfer station used for the purpose of transferring liquid industrial waste from one vehicle to another, for transfer to another waste disposal site, and issued a certificate of approval pursuant to the Environmental Protection Act.
- 2.12.6. **Loading Space:** shall mean a portion of a lot and a building, or structure designed or used for the parking of a commercial vehicle while loading or unloading goods, merchandise, or materials used in connection with the use of the lot or any building thereon, and which shall not be used for the retail sale or display of goods, merchandise, or materials.
- 2.12.7. **Local Board:** shall mean a local board as defined in the Municipal Affairs Act, but shall not include a school board.
- 2.12.8.
Amended by
Bylaw No.
100-98 **Local Road:** shall mean all streets other than a freeway, major arterial road, minor arterial road, major collector road or minor collector road.
- 2.12.8.1
Amended by
Bylaw No.
57-2010 **Lodging House:** shall mean a lot and a building, or structure, or portion thereof, licenced by the City wherein the owner or lessee supplies for compensation, with or without meals, lodging to a boarder or boarders as the principle use, and may include an accessory dwelling unit for the owner or caretaker, but shall not include a hotel, motel a bed and breakfast establishment, or any other residential use.

- 2.12.9. **Lot:** shall mean a parcel of land which:
Amended by
Bylaw No.
115-92
- .1 is described on a registered plan of subdivision, excluding a subdivision deemed not to be a plan of subdivision under the Planning Act; or
 - .2 abuts a street and is described as one parcel in the last registered instrument by which legal or equitable title to said land was lawfully and effectively conveyed; or
 - .3 is the whole remnant remaining after a lawful conveyance.
- 2.12.10. **Lot, Corner:** shall mean a lot as defined herein situated at the intersection of, and abutting upon, two or more streets or two parts of the same street, where the adjacent sides of which street or streets contain at least one angle of not more than one hundred and thirty-five (135) degrees.
Amended by
Bylaw No.
57-2010
- 2.12.11. **Lot, Interior:** shall mean a lot other than a corner lot or a through lot (as illustrated in Figure 2.2).
- 2.12.12. **Lot, Through:** shall mean a lot bounded on the front and rear by streets (as illustrated in Figure 2.2).
- 2.12.13. **Lot Area:** shall mean the total horizontal area within the lot lines of a lot.
- 2.12.14. **Lot Coverage:** shall mean that percentage of the total lot area covered by the horizontal projection of all buildings and structures at finished grade level, including accessory buildings and structures, and swimming pools in accordance with Section 6.3.2, but shall not include an unenclosed porch, verandah, deck, unenclosed steps, or a ramp for physically disabled persons.
Amended by
Bylaw No.
34-93
- 2.12.15. **Lot Depth:** shall mean the horizontal distance between the mid-point of the front and rear lot line.
- 2.12.16. **Lot Line:** shall mean the boundary of a lot and may include:
Amended by
Bylaws No.
13-2000,
57-2010
- .1 **Lot Line, Front:** shall mean the lot line dividing the lot from the street, and:
 - .1 In the case of a corner lot bound by two streets, shall mean the shorter of the two lot lines abutting a street, in the case of a corner lot abutting three or more streets, the front lot line shall be one of the lot lines abutting a street as designated by the person administering this Bylaw.
 - .2 In the case of a corner lot where the lot line forms a curve, the front lot line shall be the shorter of the two lot lines determined by projecting the two lot lines on the curve and bisecting the angle created therein (as illustrated in Figure 4.3);

.3 In the case of a through lot, the front lot line shall be only one of the lot lines abutting a street as designated by the person administering this Bylaw;

but in no case shall the designated front lot line abut a freeway or the corridor area shown on Schedule "J".

.2 **Lot Line, Rear:** shall mean the lot line or lines opposite the front lot line.

.3 **Lot Line, Interior Side:** shall mean any lot line other than the exterior side lot line, front lot line, and rear lot line.

.4 **Lot Line, Exterior Side:** shall mean, in a corner lot, the longer of the two lot lines abutting the street or its associated reserve.

Amended by
Bylaw No.
25-91

2.12.17.

Lot Width: shall mean the horizontal distance between the side lot lines, measured in a straight line from the points on the side lot lines at the rear extremity of the minimum front yard required in the Zone in which the lot is situated (as illustrated in Figure 2.3).

2.13. M

2.13.1. **Main Building:** shall mean the building or buildings, located on a lot in which is conducted the principal use of the lot.

2.13.2. **Manufacturing or Manufacturing Use:** shall mean an industry whose primary activity consists of production, compounding, processing, packaging, crating, bottling, packing, or assembling of semi-processed or fully-processed goods and materials.

2.13.3. **Mausoleum:** shall mean a mausoleum as defined by the Cemeteries Act.

2.13.4. **Meat Store:** shall mean a retail store wherein primarily fresh and frozen meats or fish are offered for sale but shall not include a supermarket, neighbourhood convenience store, specialty retail store, or grocery store.

2.13.5. **Medical Clinic:** shall mean a lot and a building, or structure, or portion thereof, in which two or more medical practitioners provide consultation, diagnosis, and/or treatment of patients and which shall include joint usage of facilities such as accessory administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, or other similar functions, but shall not include accommodation for in-patient care, or facilities for surgical procedures which require hospitalization according to criteria approved by the College of Physicians and Surgeons.

2.13.6. **Medical Office:** shall mean a lot and a building, or structure, or portion thereof, in which medical practitioners provide consultation, diagnosis, and/or treatment of patients, but shall not include accommodation for in-patient care, or facilities for surgical procedures which require hospitalization according to criteria approved by the College of Physicians and Surgeons.

2.13.6.1
Amended by
Bylaws No.
115-92, 34-93

Medical Practitioner: shall mean a member of a College of a health profession or group of health professions as defined in the Regulated Health Professions Act, 1991.

2.13.6.2
Amended by
Bylaw No.
173-92

Merchandise Display Cart: shall mean a vehicle or other cart or display stand located on a lot from which goods, wares or merchandise other than food are offered for sale to the public, but shall not include any other use defined herein.

2.13.7. **Mini-Group Home:** shall mean a dwelling unit operated as a single housekeep-
ing unit accommodating, or having the facilities to accommodate, one to four residents (exclusive of staff), who, by reason of their emotional, mental, social, or physical condition require a group living arrangement under responsible supervision consistent with the requirements of its residents, and the mini-group home is either licenced or funded under Provincial or Federal statute. Any counselling or support services provided in the mini-group home shall be limited to those required by the residents. A mini-group home shall be deemed not to include:

Amended by
Bylaw No.
57-2010
68-2011

- . a group home,
 - . a group residence,
 - . a crisis residence,
 - . a group correctional home,
 - . a group correctional residence,
 - . a lodging house,
 - . a nursing home
 - . a home for the aged
 - . a retirement home.
- 2.13.8. **Mobile Home Dwelling:** shall mean a building, comprised of a separate set of habitable rooms intended and capable of being used for year-round habitation, which is constructed with a chassis and frame so as to be capable of transportation by towing by another vehicle, and said building may contain extensions which are collapsed during transportation, or it might comprise of two or more parts towed separately and joined together on a site to form one building, and shall only be located in a Mobile Home Park as herein defined.
- 2.13.9. **Mobile Home Park:** shall mean a parcel of land which is capable of accommodating two or more mobile home dwellings together with communal private internal roads and other services.
- 2.13.9.1 **DELETED**
Amended by
Bylaws No.
173-92, 149-97
- 2.13.9.2 **DELETED**
Amended by
Bylaws No.
173-92, 149-97
- 2.13.10 **Monastery:** shall mean a lot and a building, or structure, or portion thereof, occupied as a common residence for persons of a religious order.
- 2.13.11. **Motel:** shall mean a lot and a building, or structure, or portion thereof, or two or more connected or detached buildings, in which rooms are provided for rent as places of abode on a temporary or transient basis, and may include a restaurant, but shall not include a lodging house, retirement home, an apartment dwelling, meeting rooms, retail facilities, convention centre, or a public hall.
Amended by
Bylaw No.
57-2010
- 2.13.12. **Motor Vehicle:** shall mean a motor vehicle as defined by the Highway Traffic Act.
- 2.13.13. **Museum:** shall mean a lot and a building, or structure, or portion thereof used for the display of works of historical, cultural, or technological significance; and may include an art gallery.

2.14.

N

2.14.1.

Neighbourhood Convenience Store: shall mean a lot and a building, structure, or portion thereof, containing a maximum gross floor area of 225.0 m², wherein groceries, cosmetics, newspapers, magazines, and other sundries may be separately, or in combination offered for sale directly to the general public, and may include a delicatessen.

2.14.2.

Non-Compliant Use: shall mean a lot and a building or structure which does not conform to the development regulations established by this Bylaw.

2.14.3.

Non-Conforming Use: shall mean a lot and a building or structure which does not conform to the uses permitted by this Bylaw.

2.14.4.

Noxious Use: shall mean a use which, from its nature or operation, creates a nuisance, or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material,

2.14.5.

Nursery Garden Centre: shall mean a lot and a building, or structure, or portion thereof, used for growing vegetables, fruit, shrubs, flowers, or bulbs and related items, for sale, for wholesale, or market, and may include the use of commercial greenhouses, potting sheds, boiler rooms, and other accessory buildings and structures.

2.14.6.

Nursing Home: shall mean a nursing home as defined by the Nursing Homes Act, and may include as an accessory use a retirement home.

2.15. Q

2.15.1. **Office, General:** shall mean a lot and a building, or structure, or portion thereof, used as an office or offices for a profession, occupation, craft, non-profit organization, or business, and may include an industrial service office, but shall not include any other use herein defined.

2.15.2. **DELETED**

Amended by
Bylaw No.
175-96

2.15.3. **Office, Industrial Service:** shall mean a general office, or a converted general office, used only by one or more of the following:

- . architect,
- . computer, electronic, or data processing establishment,
- . engineer,
- . data services establishment,
- . industrial designer,
- . interior designer,
- . land surveyor,
- . land use planner,
- . marketing establishment,
- . photocopy shop,
- . real estate appraiser.

2.15.4. **Open Storage:** shall mean the leaving, placing, or parking of goods, materials, machinery, equipment, or motor vehicles on a lot and not covered by a structure for a period of more than 72 hours in one calendar month.

2.15.5. **Owner:** shall include all persons shown by the records in the Registry Office for the Registry Division of Brant Number 2, to be the owner in fee simple of the lot, and shall include the person for the time being managing or receiving the rent for the lot in connection with which the word is used, whether on his own account or as agent or trustee of any other persons, or who would so receive the rent if the lot were let, and shall include all persons shown as the owner in the latest Assessment Roll returned to the City of Brantford.

- 2.16. P**
- 2.16.1. **Park:** shall mean an area of land consisting of open space and used primarily for active or passive recreational purposes or as a conservation area, which may include recreational buildings, structures, or facilities including recreation areas, playgrounds, play fields, rinks, walkways, seating areas, picnic areas, community centres, special areas of historic, natural, or architectural significance, public halls, racquet facilities, ski facilities, pools, and other similar uses, but shall not include an amusement arcade.
- 2.16.2. **Park, Private:** shall mean a park, other than a public park.
- 2.16.3. **Park, Public:** shall mean a park under the jurisdiction of a public agency.
- 2.16.4. **Parking Area:** shall mean that portion of a lot or building designed to be used for the parking of three or more motor vehicles, and shall include the parking spaces, traffic aisles and driveways.
- 2.16.5. **Parking Space:** shall mean a portion of a building or lot designed and used for the parking of a motor vehicle.
Amended by
Bylaw No.
180-2003
- 2.16.6 **Parking Space, Tandem:** shall mean two parking spaces, one behind the other, which are accessed by the same driveway or traffic aisle.
- 2.16.7. **Parking Structure:** shall mean a lot and a building or structure designed to be used for the parking of motor vehicles, and shall include the parking spaces, traffic aisles, ramps and driveways.
- 2.16.7.1 **Pawnbroker Shop:** shall mean a pawnbroker shop as defined by the Pawnbrokers Act.
Amended by
Bylaw No.
6-98
- 2.16.8. **Permitted Capacity:** shall mean the maximum number of persons permitted to occupy a lot, building, or structure, or portion thereof by the application of the Building Code which would govern such capacity.
- 2.16.9. **Person:** shall include an individual, an association, a chartered organization, a firm, a partnership, or a corporation.
- 2.16.10. **Personal Service Store:** shall mean a lot and a building or structure, or portion thereof, whose principal use is a hairstylist, barber shop, dry cleaning depot, laundromat, tailor, shoe repair shop, beauty salon, beauty spas, tanning salon, or alternative health care practice, but shall not include any retail store, neighbourhood convenience store or body rub parlour as herein defined.
Amended by
Bylaw No.
13-2000
81-2009
- 2.16.11. **Pharmacy:** shall mean a retail store which dispenses prescription drugs and which sells non-prescription medicine, health, and beauty products and associated sundry products.

- 2.16.12. **Photocopy Shop**: shall mean a lot and a building, or structure, or portion thereof, used for the purpose of reprography, consisting of the reproduction and duplication of documents, hand-written materials, drawings, micro-filming, etc.
- 2.16.13. **Photographer's Studio**: shall mean a lot and a building, or structure, or portion thereof, used for the purpose of providing photographic services and may include an arts school.
- 2.16.14. **Pit**: shall mean a pit as defined by the Aggregate Resources Act.
Amended by
Bylaw No.
25-91
- 2.16.15. **Place of Assembly**: shall mean a lot and a building, or structure, or portion thereof, used for the gathering, congregation, or meeting of persons at any one time, but shall not include a place of worship.
- 2.16.16. **Place of Entertainment/Recreation**: shall mean a lot and a building, or structure, or portion thereof, used for a theatre, billiard or pool room, bowling alley, dance hall, tavern, indoor mini golf or indoor glow in the dark mini golf, indoor driving range, indoor rock climbing, indoor laser tag arena, indoor paintball arena, indoor batting cages, technology based interactive games as an accessory use to a commercial operation, outdoor mini golf, outdoor batting cages, or outdoor rock climbing as outdoor accessory uses to a commercial use or a bingo hall that may include electronic devices or lottery schemes as approved by the Government of the Province of Ontario or such person or authority in the Province as may be specified by the Lieutenant Governor in Council, but shall not include an adult live entertainment parlour, an amusement arcade or health club.
Amended by
Bylaw No.
120-94
68-2011
- 2.16.17. **Place of Worship**: shall mean a lot and a building, or structure, or portion thereof, used or intended to be used by any religious organization for public worship, and may include as an accessory use offices, a rectory or manse, hall or public hall, rooms for the holding of meetings or classes for religious instruction, but shall not include a private school, day nursery, or monastery, unless otherwise permitted by this Bylaw.
- 2.16.18. **Planting Strip**: shall mean a continuous strip of landscaped open space abutting a lot line which may be interrupted by driveways required for vehicular ingress and egress.
- 2.16.19. **Principal Use**: shall mean the primary purpose for which a lot, building, or structure is used, or is designed to be used.
- 2.16.20. **Printing Establishment**: shall mean a lot and a building, or structure, or portion thereof, used for the purposes of printing, lithographing, publishing, duplicating, photocopying, or blueprinting, and may include a photocopy shop.
- 2.16.21. **Private Club**: shall mean a lot and a building, or structure, or portion thereof, used as a place of assembly for an organization and shall include a lodge, a service club, a fraternity or sorority house, or a labour union hall.

- 2.16.22. **Propane Filling Plant:** shall mean a lot and a building, or structure, or portion thereof, where the transfer of propane liquid from one container to another is effected.
- 2.16.23. **Public Agency** shall mean:
Amended by
Bylaw No.
115-92
- .1 the Government of Canada,
 - .2 the Government of Ontario,
 - .3 the Corporation of the City of Brantford, or a local board thereof,
 - .4 the Corporation of the County of Brant, or a local board thereof; or
 - .5 any company providing a public utility;
 - .6 any railway company authorized by the Railway Act; or
 - .7 Grand River Conservation Authority.
- 2.16.24. **Public Hall:** shall mean a lot and a building, or structure, or portion thereof, including a portable building or tent with a seating capacity for over 100 persons that is offered for use or used as a place of public assembly, but shall not include a theatre within the meaning of the Theatres Act, or a building, except a tent, used solely for religious purposes. Such hall may include facilities for the on-site preparation and consumption of foods and beverages.
- 2.16.25. **Public Service:** shall mean any buildings, structures, roadworks, utility service equipment, water supply, sanitary sewer, storm sewer, natural gas, electrical power or energy, pipeline, telephone, television, sidewalk, street light, or telecommunications network or other similar services provided by a public agency, but shall not include an office building, a works yard, public transit facility or bus garage, postal station, or sanitary landfill site.
Amended by
Bylaw No.
6-98
- 2.16.26. **Public Transit Facility:** shall mean a lot, building, or structure, or portion thereof, used for the provision of a service to transport people by bus or train, and may include as an accessory use the transportation of goods within such bus or train.
- 2.16.27. **Public Utility:** shall mean a public utility as defined by the Public Utilities Corporation Act.

2.17.

Q

2.17.1.
Amended by
Bylaw No.
25-91

Quarry: shall mean a quarry as defined by the Aggregate Resources Act.

2.18.

R

2.18.1.
OMB Order
R910193

Rail Line, Main: shall mean a rail line owned and operated by a rail company, as identified on Schedule G as a main rail line.

2.18.2.
OMB Order
R910193

Rail Line, Branch: shall mean a rail line owned and operated by a rail company, as identified on Schedule G as a branch rail line.

2.18.2.1.
OMB Order
R920340

Recycling or Recycling Use: shall mean an industry which uses, treats, converts, recovers, or recycles wastes as a primary component of its operation, but shall not include a salvage establishment.

2.18.2.2
Amended by
Bylaw No.
149-97
68-2011

Refreshment Cart: shall mean a mobile cart used to sell refreshments including hot dogs, sausages, baked potatoes, roasted nuts, candied apples, candy floss, ice cream and beverages to the general public, but shall not include a chip hut or catering vehicle.

2.18.3.

Required: shall mean the minimum or maximum regulations, provisions, or standards required by this Bylaw.

2.18.4.

Research or Research Use: shall mean a lot and a building, or structure, or portion thereof, used for systematic research, data collection and manipulation, and/or technical development of information, devices or products.

2.18.5.
Amended by
Bylaw No.
57-2010
68-2011

Residence or Residential Use: shall mean a lot and a building, or structure, or portion thereof, used for the purpose of a dwelling, a lodging house, a mobile home dwelling, group home, mini-group home, group correctional home, group correctional residence, group residence, crisis residence, nursing home, home for the aged, retirement home or monastery.

2.18.6.

Residential Character: shall mean the design and maintenance of buildings so that no evidence is apparent from the exterior that any use not of a residential nature is being conducted therein. This definition shall not be construed to exclude the erection of signs as allowed by the Sign Bylaw.

2.18.7.

Restaurant, Fast Food: shall mean a lot and a building, or structure, or portion thereof, used for the purpose of the preparation and serving of food and beverages for consumption by the public either on the lot by customers who are seated inside or outside the building, in a motor vehicle, or off the lot, but shall not include a full service restaurant or a take-out restaurant, and may include a catering service as an accessory use.

2.18.8.

Restaurant, Full Service: shall mean a lot and a building, or structure, or portion thereof, used for the preparation and serving of food and beverages by a restaurant employee for consumption by the public on the lot by customers who are seated either inside or outside the building, and may include a catering service and a take-out service of food and beverages for off-site consumption as an accessory use.

- 2.18.9. **Restaurant, Take-Out:** shall mean a lot and a building, or structure, or portion thereof, used for the preparation of food and beverages for delivery to, or pick-up by the public for consumption off the lot, and may include a catering service, but shall not include the consumption of the food and beverages on the lot.
- 2.18.10. **Retail Food Warehouse:** shall mean a lot and a building, or structure, or portion thereof, in which food products are warehoused and offered for retail sale in single, bulk, and volume purchases and, without limiting the foregoing, which may include the sale of fresh meat, dairy, and produce products, and may also include as an accessory use the sale of dry goods, drugs, alcoholic beverages and similar items provided that the total floor area of all such accessory uses does not exceed 10% of the gross floor area of the retail food warehouse.
- 2.18.11. **Retail Store:** shall mean a lot and a building, or structure, or portion thereof, wherein goods, wares, or merchandise are offered for sale or rent, but shall not include an industrial rental establishment, or any other use defined herein, except as an accessory use.
- 2.18.12. **Retail Warehouse:** shall mean a lot and a building or structure or portion thereof where goods, wares or merchandise are warehoused and offered for retail sale in single, bulk and volume purchase but shall include any other retail uses defined herein.
Amended by
Bylaw No.
139-2006
- 2.18.13. **Retirement Home:** shall mean a lodging house which shall include one or more
accessory common uses such as dining, lounging, kitchen, recreational or medical facilities.
Amended by
Bylaw No.
57-2010

2.19.

S

- 2.19.1. **Salvage Establishment:** shall mean a lot and a building, or structure, or portion thereof, used for the storage yard of a dealer in obsolete, discarded, or salvaged materials, including motor vehicles, building supplies, and industrial equipment, and the sale thereof, and may include facilities for the administration and management of the business and for the storage and maintenance of equipment used in the business.
- 2.19.2. **School, Arts:** shall mean a lot and a building or structure, of portion thereof, used as a school or studio for the purpose of teaching music, dance, photography, painting, sculpture, pottery, glassworking, weaving or plastic art.
Amended by
Bylaw No.
25-91
- 2.19.2.1 **School Commercial:** shall mean a lot and a building or structure, or portion thereof, providing instruction for profit or gain to pupils in subjects such as business, secretarial skills, driving, language or modelling and other similar subjects, and may include an arts school, but shall not include a public school or private school.
Amended by
Bylaw No.
44-97
- 2.19.3. **School, Elementary:** shall mean an elementary school or any permanent improvements both as defined by the Education Act.
- 2.19.4. **School, Post-Secondary:** shall mean a University or a College of Applied Arts and Technology established pursuant to the Ministry of Colleges and Universities Act.
- 2.19.5. **School, Private:** shall mean a private school or any permanent improvements both as defined by the Education Act.
- 2.19.6. **School, Public:** shall mean a school under the jurisdiction of the Brant County Board of Education.
- 2.19.7. **School, Secondary:** shall mean a secondary school or any permanent improvements both as defined by the Education Act.
- 2.19.8. **School, Separate:** shall mean a school under the jurisdiction of the Brant County Roman Catholic Separate School Board.
- 2.19.9. **Separation Distance:** as it applies to the required separation between group homes, group residences, crisis residences, mini-group homes, group correctional homes, and group correctional residences shall mean the distance measured in metres from the lot lines of the subject property to the limits of any property used for the purposes specified herein.
- 2.19.10. **Service Industry:** shall mean a lot and a building, or structure, or portion thereof, other than an automotive use, associated with the provision of a service or trade, including a plumber's shop, a painter's shop, a courier service, a carpenter's shop, a contractor's yard, an electrician's shop, a machine shop, a taxi service, telecommunications services, or other similar or like uses.

- 2.19.11. **Service or Repair Shop:** shall mean a lot and a building, or structure, or portion thereof, used for a business which provides installation, repair, or service of goods, commodities, articles, equipment, or materials, and may include an accessory retail store, but shall not include the manufacture of such goods, commodities, articles, equipment, or materials, and shall not include a personal service store, autobody repair shop, or an automobile service station.
- 2.19.12. **Shopping Centre:** shall mean a lot or lots, and a building or buildings containing at least three individual commercial uses (wherein no more than 30% of the gross leaseable area is devoted to general offices, medical clinics, or medical offices), designed, developed, and managed as a comprehensive development for which common loading spaces, parking areas, landscaping areas, and other common facilities may be provided, and which is held in single or multiple ownership and where it is held in multiple ownership of more than one lot, the total area of the properties shall be deemed to be a lot for the regulations of this Bylaw.
- 2.19.13. **Sign:** as defined in the City Sign Bylaw.
- 2.19.13.1
Amended by
Bylaw No.
74-98
- Slot Machine:** shall mean any automatic machine or slot machine that is used or intended to be used for the purpose of vending merchandise or services, if:
- .1 the result of one of any number of operations of the machine is a matter of chance or uncertainty to the operator, or
 - .2 as a result of a given number of successive operations by the operator, the machine produces different results, or
 - .3 on any operation of the machine, it discharges or emits a slug or token,
- but does not include an automatic machine or slot machine that dispenses as prizes only one or more free games on that machine, nor does it include an amusement device, or table game.
- 2.19.14. **Specialty Drug/Food Warehouse:** shall mean a lot and a building, or structure, or portion thereof, having a maximum gross floor area of 2900.0 m², which contains a pharmacy and food items which are warehoused and offered for retail sale in single, bulk and volume purchases and, without limiting the foregoing, shall include the sale of prepared, prepackaged, canned and frozen foods and fresh dairy products, but shall exclude the sale of fresh meat, poultry and fish, and the sale of fresh fruits and vegetables, and shall also exclude a restaurant, bakery, and a catering service.
- 2.19.15.
Amended by
Bylaw No.
180-2003
- Specialty Retail Store:** shall mean a retail store which offers for sale and/or rent one merchandise line or a limited number of closely related merchandise lines such as a bookstore, record store, beer store, liquor store, video store, pet grooming business, or florist shop, but shall not include a major department store, junior department store, retail warehouse, or supermarket.

- 2.19.16. **Storey**: shall mean that portion of a building situated between the top of any floor and the top of the floor next above it or, if there is no floor above it, that portion between the top of the floor and the ceiling above it, and shall not exceed 3.5 m.
- 2.19.17. **Storey, First**: shall mean the storey with its floor closest to the finished grade level and having its ceiling more than 1.8 m above the finished grade level.
- 2.19.18. **Storey, Half**: shall mean that portion of a building located wholly or partly within a sloping roof, having a floor area not less than one-third (1/3) or more than two-thirds (2/3) of the floor area of the storey next below.
- 2.19.19. **Street**: shall mean the right-of-way of a public highway as defined in the Highway Traffic Act R.S.O. 1980.
- 2.19.20. **Structure**: shall mean anything that is erected, built or constructed of parts joined together and requiring a foundation to hold it erect and shall include swimming pools, satellite dishes, decks, garbage enclosures, and air-supported structures, but shall not include free-standing walls, fences, hedges, motor vehicles, lighting poles and standards, flag poles, and television antennae or towers.
- 2.19.21. **Structure, Air Supported**: shall mean a structure consisting of a pliable membrane which achieves and maintains its shape and support by internal air pressure.
- 2.19.22. **Supermarket**: shall mean a lot and a building, or structure, or portion thereof, having a gross floor area in excess of 1,000.0 m² in which primarily food produce is stored, offered, and kept for retail sale and as an accessory use, items or merchandise of day-to-day household necessity may be stored, offered, or kept for retail sale but shall not include a retail warehouse, a retail food warehouse, or the warehousing and retail sale of bulk and volume purchases.
- Amended by
Bylaw No.
141-94

- 2.20. I**
- 2.20.1. **Tailor Shop:** shall mean a lot and a building, or structure, or portion thereof, used for the repair or the making and sale of garments.
- 2.20.1.1
Amended by
Bylaw No.
74-98 **Table Game:** shall mean a game of chance or of mixed chance and skill played at a gaming establishment and may include blackjack, roulette, baccarat, poker and any other such games approved by the Government of Province of Ontario or such person or authority in the Province as may have been specified by the Lieutenant Governor in Council, but shall not include an amusement device or slot machine.
- 2.20.2. **Taxi Establishment:** shall mean a lot and a building, or structure, or portion thereof, used for the dispatching and parking of taxis when not in service.
- 2.20.3. **Telecommunication Centre:** shall mean a lot and a building, or structure, or portion thereof, used for a museum, art gallery, commercial school, and research uses pertaining to the field of electronic, radio, telephone, satellite, wire, media or television communications, and retail, general office and restaurant facilities.
- 2.20.4.
Amended by
Bylaw No.
185-2001 **Telecommunication Services:** shall mean a service industry other than a public service for the provision of telephone and other telecommunication services to the public and may include satellite communication services, telephone communication services, telephoto services, teletype services, tickertape services, broadband services, radio stations or studios, television stations or studios, and similar communication services.
- 2.20.5. **Theatre:** shall mean a lot and a building, or structure, or portion thereof, used for the presentation of musical, theatrical, or film performances and shall include accessory uses such as lounges, dressing rooms, workshops, and storage areas but shall not include a drive-in theatre.
- 2.20.6. **Trade School:** shall mean a public school, private school, or commercial school where the courses of instruction relate primarily to industrial arts and vocational and technical subjects, with or without the accessory retailing or wholesaling of articles manufactured on the premises or the supplying of non-personal services or crafts to the public in the manner of a service trade or a repair shop, provided such articles, services, or crafts are directly related to a course of instruction conducted by the school.
- 2.20.7. **Traffic Aisle:** shall mean that portion of a parking area used to manoeuvre vehicular traffic between the required driveway and the parking spaces.
- 2.20.8. **Transfer Station:** shall mean a transfer station as defined and regulated by the Environmental Protection Act.
- 2.20.9. **Transportation Terminal:** shall mean a lot and a building, or structure, or portion thereof, where railcars, trucks, trailers, or containers are loaded and unloaded, kept for hire, stored or parked, dispatched, or where goods are stored temporarily for further shipment, and includes a moving and storage operation.

2.21. U

2.21.1. **Unit**: shall mean a dwelling unit as defined herein.

2.21.2. **Use (as a verb)**: shall mean the doing or permitting of anything with respect to any land, building or structure or any part thereof by the owner or occupant of said land, building or structure or part thereof, or by or through any trustee, tenant, agent or servant of such owner or occupant.

2.21.3. **Use (as a noun)**: shall mean the purpose for which, or manner in which, land, building, structure or any combination thereof, is designed, arranged, occupied or maintained.

2.21.4. **Utility Service Equipment**: shall mean any pump, generator, transformer, gas regulator, switching equipment or any other similar equipment, or structures, excepting ground level or elevated water storage reservoirs which are located on a lot.

2.22.

V

2.22.1.
Amended by
Bylaw No.
115-92

Veterinary Clinic: shall mean a lot and a building, or structure, or portion thereof, wherein a licensed veterinarian practices veterinary medicine, and may supply ancillary services such as boarding, grooming and sale of foods, supplies and other goods and services used by or with animals, but shall not include outdoor facilities for the boarding or keeping of animals.

2.22.2.

Video Store: shall mean a retail store used for the sale or rental of video tapes and equipment.

2.23.

W

2.23.1.

Warehouse or Warehouse Use: shall mean an industry whose primary activity consists of the storage and distribution or wholesaling of goods or materials.

2.23.1.1

Amended by
Bylaw No.
115-92

Warehouse, Public Storage: shall mean a lot and a building or buildings, portions of which are owned or leased by the public for the purpose of storing goods and materials.

2.23.2.

Amended by
Bylaw No.
25-91

Wayside Pit: shall mean a pit which requires or has obtained a wayside permit pursuant to the Aggregate Resources Act.

2.23.3.

Amended by
Bylaw No.
25-91

Wayside Quarry: shall mean a quarry which requires or has obtained a wayside permit pursuant to the Aggregate Resources Act.

2.23.4.

Wholesale or Wholesale Use: shall mean an industry whose primary activity consists of the storage of quantities of goods and materials intended for sale to industrial and commercial users and does not include retail use.

2.24.

X

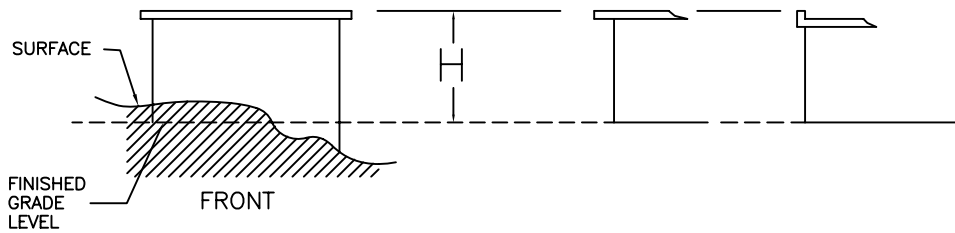
2.25. Y

- 2.25.1. **Yard:** shall mean the space on a lot, uncovered by buildings and structures, open from the ground to the sky.
- 2.25.2. **Yard, Exterior Side:** shall mean a yard extending from the minimum front yard to the rear lot line between the exterior side lot line and the nearest part of any wall of the main building on a corner lot (as illustrated in Figures 2.4 and 2.5.).
- 2.25.3. **Yard, Front:** shall mean the yard extending across the full width of a lot between the front lot line and the nearest part of any wall of the main building on the lot (as illustrated in Figures 2.4 and 2.5.).
Amended by
Bylaw No.
141-94
- 2.25.4. **Yard, Interior Side:** shall mean a yard extending from the required front yard to the minimum rear yard between the interior side lot line and the nearest part of any wall of the main building on the lot (as illustrated in Figure 2.5.).
Amended by
Bylaw No.
118-2000
- 2.25.5. **Yard, Rear:** shall mean a yard extending across the full width of a lot between the rear lot line and the nearest part of any wall of the main building on the lot, and on a corner lot, shall mean a yard extending from the interior side lot line to the minimum exterior side yard, between the rear lot line and the nearest part of any wall of the main building on the lot (as illustrated in Figure 2.5.).
Amended by
Bylaw No.
118-2000

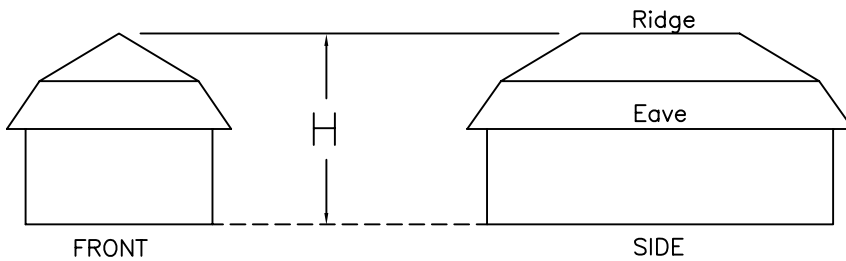
2.26. Z

2.26.1. **Zone**: shall mean any area of land for which specific uses and development standards are prescribed by this Bylaw, and "zoned" shall be construed accordingly.

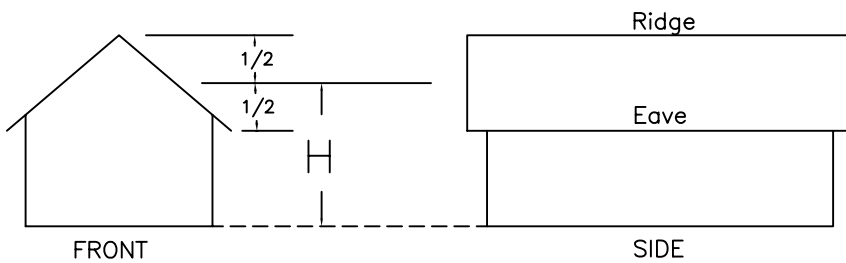
2.26.2. **Zone Boundary**: shall mean a line dividing two or more different Zones as herein defined.



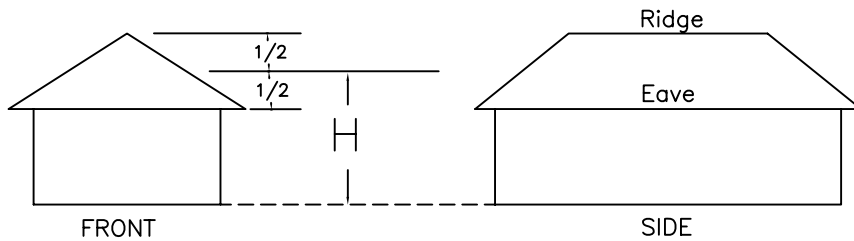
FLAT ROOF



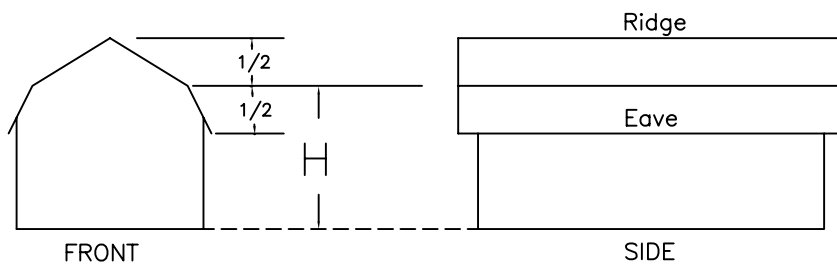
MANSARD ROOF



GABLE ROOF



HIP ROOF



GAMBREL ROOF

H - HEIGHT OF BUILDING

Figure 2.1
Illustration of
BUILDING HEIGHT DEFINITIONS

City of Brantford
Zoning By-Law

NOTE: THE ABOVE FIGURE IS FOR CLARIFICATION AND CONVENIENCE ONLY AND DOES NOT FORM PART OF THIS BY-LAW.

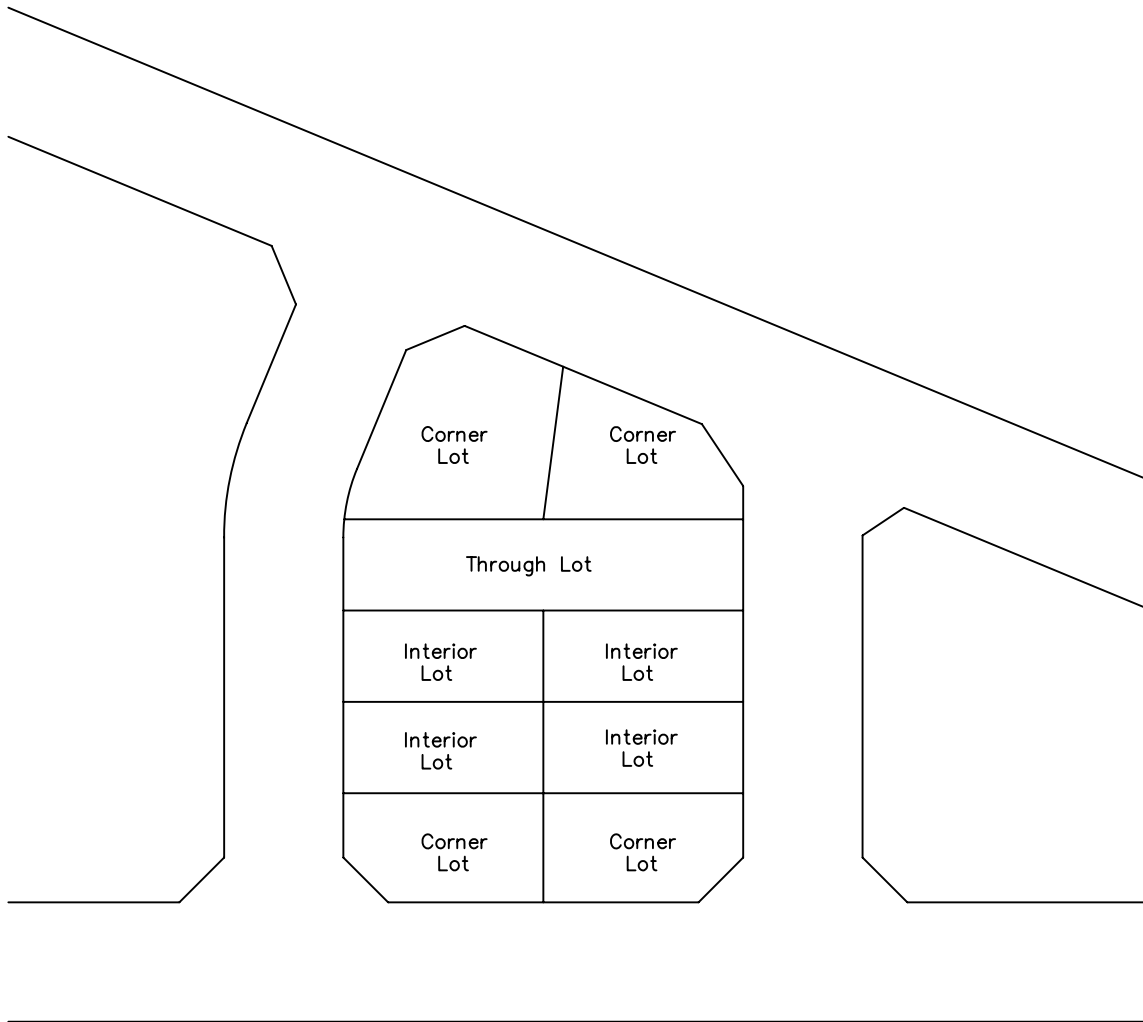
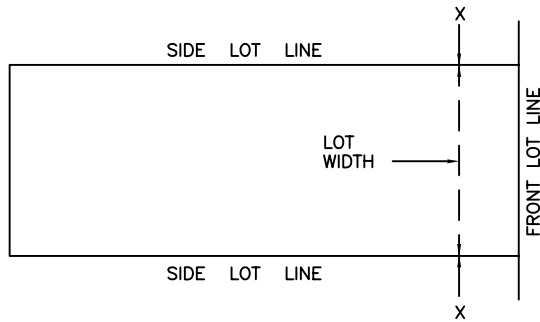


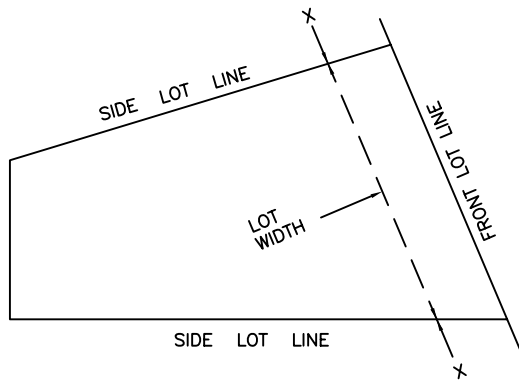
Figure 2.2
 Illustration of
 LOT DEFINITIONS

City of Brantford
 Zoning By-Law

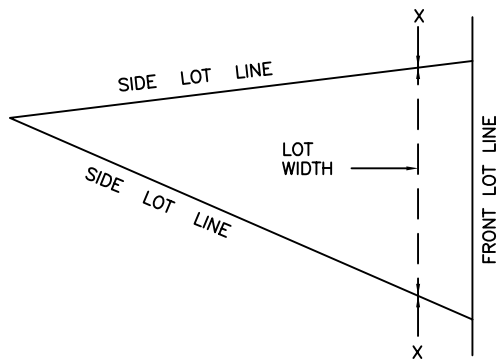
NOTE: THE ABOVE FIGURE IS
 FOR CLARIFICATION AND
 CONVENIENCE ONLY AND
 DOES NOT FORM PART
 OF THIS BY-LAW.



Ⓐ SIDE LOT LINES ARE PARALLEL;
STREET IS STRAIGHT



Ⓑ FRONT AND REAR LOT LINES
ARE NOT PARALLEL



Ⓒ NO REAR LOT LINE

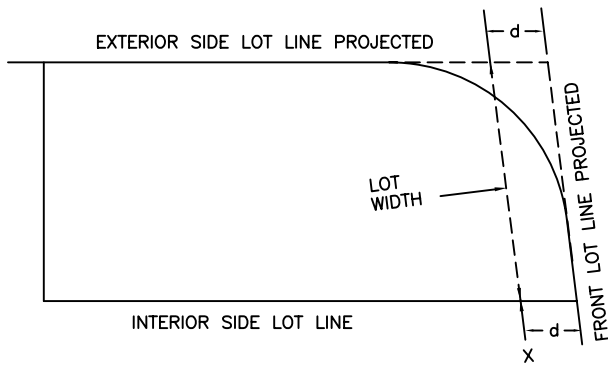
LEGEND

X = POINT OF INTERSECTION OF MINIMUM FRONT YARD
WITH INTERIOR SIDE LOT LINE(S)

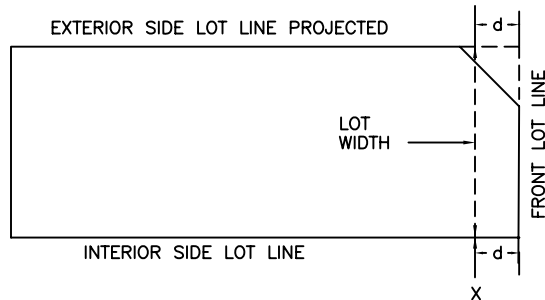
Figure 2.3a
Illustration of
LOT WIDTH

City of Brantford
Zoning By-Law

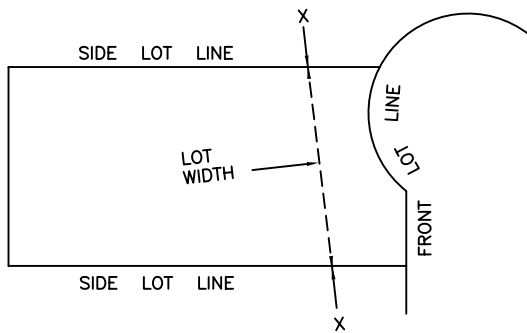
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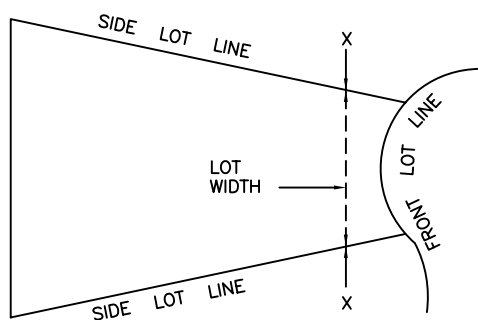
Ⓓ CORNER LOT WITH A CURVE



Ⓔ CORNER LOT WITH A DAYLIGHT TRIANGLE



Ⓕ LOT ON A CORNER EYEBROW



Ⓖ LOT ON A CUL-DE-SAC

LEGEND

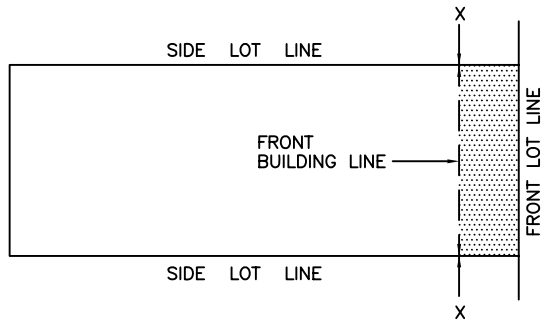
d = DISTANCE BETWEEN FRONT LOT LINE AND INTERSECTION OF MINIMUM FRONT YARD WITH INTERIOR SIDE LOT LINE

X = POINT OF INTERSECTION OF MINIMUM FRONT YARD WITH INTERIOR SIDE LOT LINE(S)

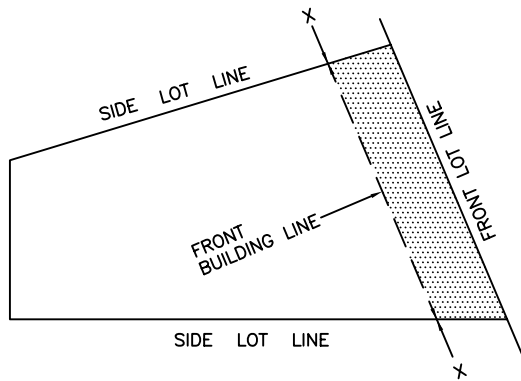
Figure 2.3b
Illustration of
LOT WIDTH

City of Brantford
Zoning By-Law

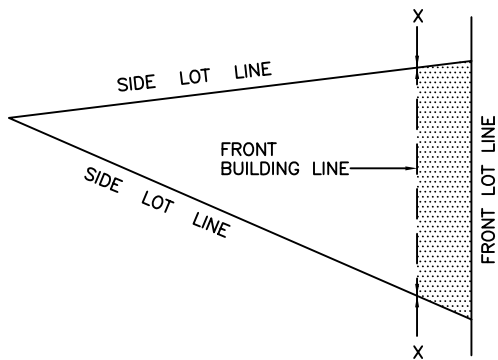
NOTE: THE ABOVE FIGURE IS FOR CLARIFICATION AND CONVENIENCE ONLY AND DOES NOT FORM PART OF THIS BY-LAW.



Ⓐ SIDE LOT LINES ARE PARALLEL;
STREET IS STRAIGHT



Ⓑ FRONT AND REAR LOT LINES
ARE NOT PARALLEL



Ⓒ NO REAR LOT LINE

LEGEND

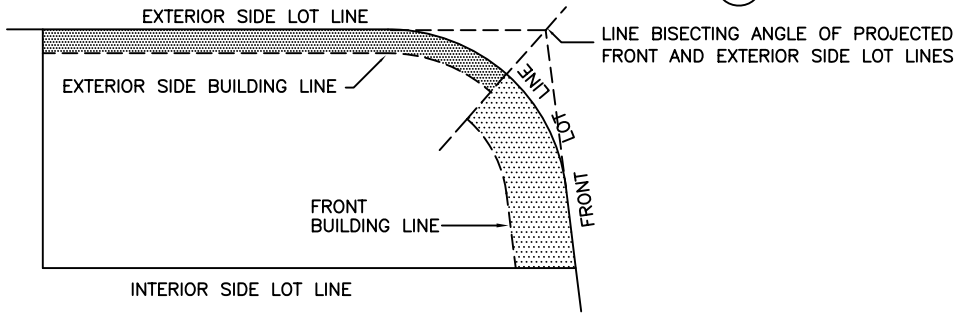


MINIMUM FRONT YARD

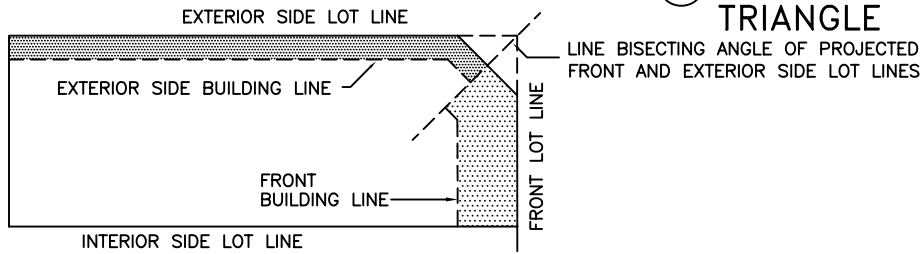
Figure 2.4a
Illustration of
MINIMUM FRONT YARD and
MINIMUM EXTERIOR SIDE YARD
City of Brantford
Zoning By-Law

NOTE: THE ABOVE FIGURE IS
FOR CLARIFICATION AND
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OF THIS BY-LAW.

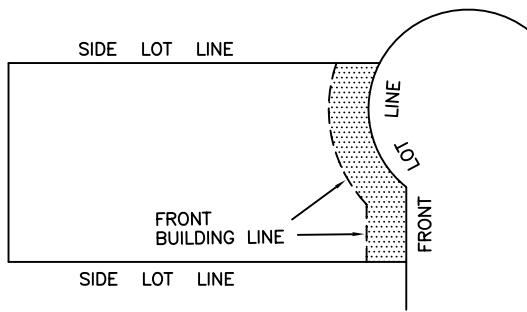
Ⓓ CORNER LOT WITH A CURVE



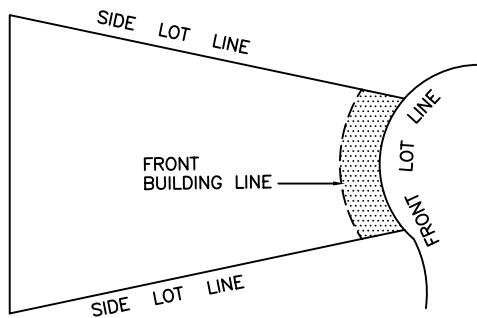
Ⓔ CORNER LOT WITH A DAYLIGHT TRIANGLE



Ⓕ LOT ON A CORNER EYEBROW



Ⓖ LOT ON A CUL-DE-SAC



LEGEND



MINIMUM FRONT YARD



MINIMUM EXTERIOR SIDE YARD

Figure 2.4b
 Illustration of
 MINIMUM FRONT YARD and
 MINIMUM EXTERIOR SIDE YARD
 City of Brantford
 Zoning By-Law

NOTE: THE ABOVE FIGURE IS FOR CLARIFICATION AND CONVENIENCE ONLY AND DOES NOT FORM PART OF THIS BY-LAW.

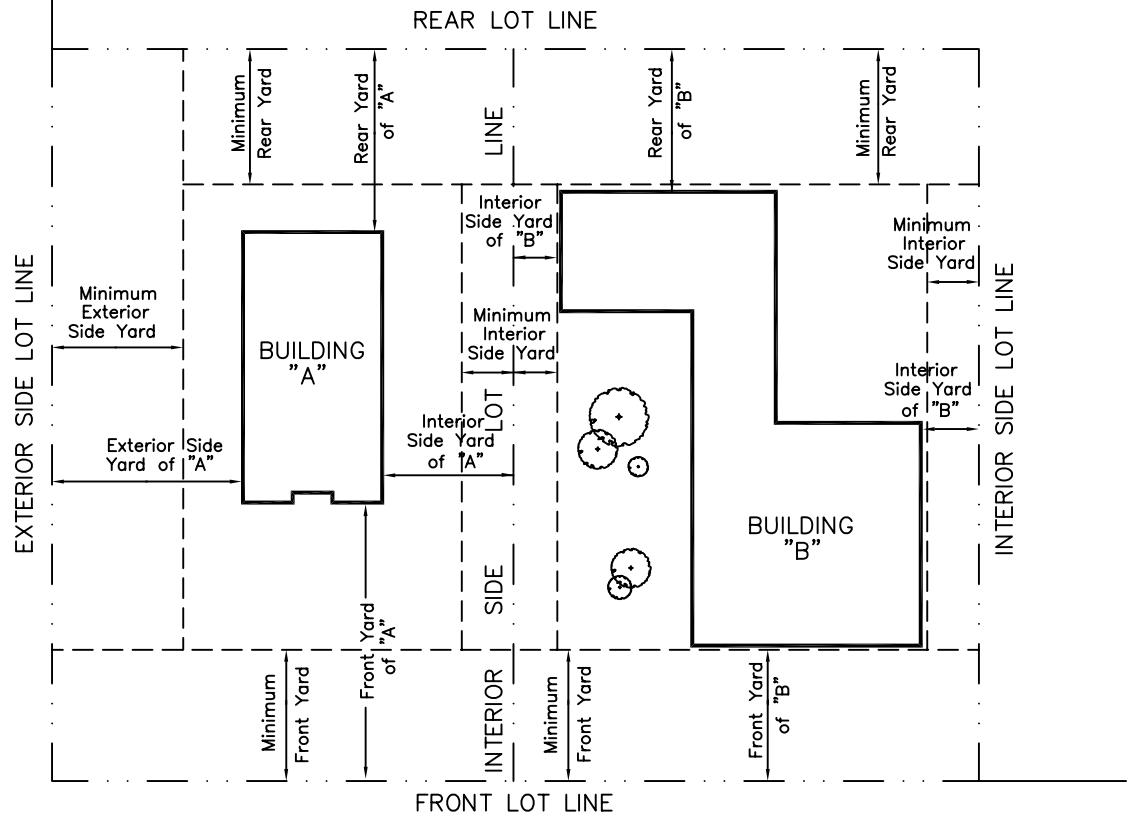


Figure 2.5
 Illustration of
 YARD DEFINITIONS

City of Brantford
 Zoning By-Law

NOTE: THE ABOVE FIGURE IS FOR CLARIFICATION AND CONVENIENCE ONLY AND DOES NOT FORM PART OF THIS BY-LAW.