

Section 1.0 Purpose, Title and Operative Clauses

1) Title

This By-law shall be known as the "Zoning By-law" or By-law No. XX-XX of the Town of Norman Wells

2) Purpose and Scope

The purpose of this By-law is to guide the growth of Norman Wells in a systematic and orderly manner for the ultimate benefit of the Community as a whole by ensuring that the various uses made of land, buildings and structures develop in good relationship to one another, and for this purpose, among other things:

- a) to divide the Municipality into zones,
- b) to prescribe and regulate for each zone the purposes for which buildings and land may be used,
- c) to prohibit the use of such land or buildings for any other purpose,
and
- d) is based upon the Community Plan.

The provisions of this By-law shall apply to all lands within the limits of the Town of Norman Wells.

Transport Canada Guidelines and regulations with respect to airports that must be complied with to ensure continuing certification of the airport, may affect land use and activities both on and off airport land. As aeronautical activities are governed solely by federal legislation (Government of Canada) and regulation, it is understood that the town of Norman Wells does not have jurisdiction and no permits are required from the town for aeronautical developments at the airport. Aeronautical structures, on or off the airport, are also exempt in this

regard.

3) Zones and Zoning Map

- a) The zones shall be referred to by the symbols and titles described in Section 5.0
- b) Schedule 1.0 – the Zoning By-law and Future Land Use Map, attached hereto and forming part of this by-law divides the Town into zones and delineates the boundary of each zone. This map also shows proposed Future Land Use in order to aid Council and the Town Planning and Land Use Committee with making current planning decisions.

4) Zoning Boundary Interpretation

- a. Where uncertainty exists as to the boundaries of zones as shown on the Zoning Schedules, the following rules shall apply:
 - i. where a boundary is shown as following a street, right-of-way, lane or stream, it shall be deemed to follow the centerline thereof;
 - ii. where a boundary is shown as approximately following a lot line, it shall be deemed to follow that lot line;
 - iii. where a boundary is shown as approximately following the municipal limits, it shall be deemed to follow the municipal limits; and
 - iv. in circumstances not covered by (i), (ii) or (iii) the location of the zone boundary shall be determined:
 - 1. where the dimensions are set out on the Zoning Schedules, by the dimensions set out, or
 - 2. where no dimensions are set out on the Zoning Schedules with respect to such boundary, by measurement of and use of the scale on the Zoning Schedules.
 - v. Where the application of the above rules does not determine the exact location of the boundary of a zone, the Council either on its own motion or upon

written application being made to it by any person requesting the determination of the exact location of the boundary shall fix, by resolution, the portion of the zone boundary in doubt or dispute.

- vi. After the Council has fixed the boundary pursuant to the provisions of Subsection (v) the portion of the boundary fixed shall not be thereafter altered except by an amendment to the By-law.

5) Violations

Any person convicted of a breach of any of the provisions of this By-law shall be liable to a fine under any applicable territorial legislation. Each day of violation shall constitute an offence.

6) Effective Date

This By-law shall come into effect on the day it is passed by the Council of the Town of Norman Wells.

7) Validity

If any portion of this By-law is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this By-law.

8) Interpretation

- b. The provisions of this By-law shall be held to be the minimum requirements except where the word maximum is used in which case the maximum requirement shall apply.
- c. In this By-law the word 'shall' is mandatory; words in the singular include the plural; words in the plural include the singular; words in the present tense include the future; the masculine includes the feminine.
- d. The word "lot" includes the word "plot" or "parcel". The word

"used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged", "designated to be used" or "occupied."

9) Measurements

Measurements contained in this By-law are in metric units only. Where imperial units appear, such units do not form part of this By-law; they are to be considered as ancillary information only and provided for the convenience of the reader.

10) Definitions

For the purpose of this By-law, the definitions and interpretations given in this Section shall govern.

Accessory: When used to describe a use, building or structure, shall mean a use, building or structure that is customarily incidental and subordinate to the main use and located on the same lot with such main use.

For further details on accessory uses, see Building and Dwelling.

Acquired Rights: Shall mean the rights accruing to a structure by reason of its non-conforming or non-complying status with respect to this By-law.

Agricultural Use: Shall mean the use of land, buildings or structures for:

- (a) the growing of crops, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting and also including the storage and sale of crops;
- (b) the raising, boarding, keeping and sale of all forms of livestock, except dogs, including all related activities such as breeding, training, feeding and grazing and including the raising of fish;
- (c) the production of animal products including related activities such as the collection, storage

and sale of the products;

- (d) a greenhouse or nursery garden, including storage and sale of the products;
- (e) and also including the use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Agricultural use shall not be construed to include commercial or industrial activities related to agriculture such as abattoirs, tanneries, grain drying and sale outlets, manufacturing or processing activities involving farm crops or animal products.

Alter: In reference to:

- a) a building or part thereof shall mean to change any one or more of the external dimensions of such building or to change the type of construction of the exterior walls or roof thereof;
- b) a lot shall mean to change the area frontage or depth thereof, to change the width, depth or area of any required yard, landscaped open space or parking area, or to change the location of any boundary of such lot in respect to a street or private lane, whether such alteration is made by conveyance, or otherwise; and
- c) Altered and alteration shall have corresponding meanings.

Attic: Shall mean that portion of a building immediately

below the roof and wholly or partly within the roof framing.

Automobile

Service

Station:

Shall mean an establishment intended for the sale of gasoline and other products necessary for the operation of motor vehicles, and includes automobile repairs.

Balcony

Shall mean a platform projecting from the walls of a building surrounded by a balustrade or barrier and which may be covered by a roof and which may be supported by columns.

Bed and

Breakfast:

Shall mean a residential dwelling where sleeping rooms without cooking facilities are offered for short-term paid accommodation and where these sleeping rooms form part of the proprietor's residence. The "proprietor" in this case shall mean the owner of the Bed and Breakfast and the building shall be the principal residence of the owner and his/her family.

The maximum number of rental rooms in a Bed and Breakfast is four (4) with a maximum load occupancy of eight (8) persons over and above the owner and his/her family. Where the total occupant load (including the owner and his/her family) of the premises exceeds ten (10), this is considered to be "commercial" and all the rules pertaining to a commercial occupancy shall apply. This includes but is not limited to fire alarms, complete fire separations between rooms, multiple

exits, commercial cooking equipment, multiple washrooms, etc.

Board: Means the Development Appeal Board, pursuant to Section 22(1) of the Planning Act.

Boarding or Lodging House: Shall mean a dwelling or portion thereof containing not more than fifteen (15) guest or sleeping rooms, used for the accommodation of the public in which the owner or head lessee supplies for compensation, lodging with or without meals but does not include any other establishment otherwise defined herein.

Building: Shall mean a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods:

- (a) Accessory shall mean a building customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.
- (b) Attached shall mean a building or structure otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or structures.
- (c) Main shall mean the building serving the principal or primary uses for which the lot was purchased,

leased or rented.

- (d) Temporary shall mean a building or structure intended for removal or demolition within a prescribed time, as determined from time to time by Council

Building

Contractor's

Shop:

Shall mean a place of business for persons employed in building trades and such place of business may be used for the storage of equipment, materials and vehicles which are used on construction sites and may include such related uses as office space, or maintenance facilities, but shall not include a retail business, sales counter nor a wholesale business.

Building Envelope: Shall mean a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

Building Height: Means the vertical distance measured from the proposed finished grade to the highest point on the roof. In calculating building height, features such as steeples, flagpoles, radio transmitters, cupolas, antennae, chimney and ventilation equipment shall not be included.

Building Inspector: Shall mean the officer or employee of Town of Norman Wells charged with the duty of enforcing the Building Code together with any Regulations made there under.

Building Supply

Outlet: Shall mean an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvements and similar items. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Camp: Means a group of attached or detached buildings containing sleeping units, washroom facilities and cooking facilities designed to be used by temporarily employed workers in the area who are directly employed by the owner or lessee of the said facilities.

Camp, Relocatable

Construction: Means a camp which is operated and erected for a specific project and for a specific time. The sole purpose of a construction camp is to house a temporary workforce engaged in a given construction project. Bona fide construction camps are moved and relocated to new project sites upon completion of each construction project.

Caretakers

Facility: see Tourist Facilities

Carport: Shall mean a covered parking area, attached to a building, which is open on three sides.

Churches and/or

religious meeting

places: Shall mean a building dedicated to religious worship. Accessory uses may include a church hall, church auditorium, a parish hall and an ecclesiastic residence on the same lot.

Clinic: Shall mean one or more buildings or part of a building used solely for the purposes of consultation, diagnosis and treatment of patients. It may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club, Commercial: Shall mean a building or premises used as an athletic, recreational or social club operated for gain or profit.

Club, Social: Shall mean a building or premises used as an athletic, recreational or social club not operated for gain or profit. This definition may include a social service club, a hostel, a labour union hall or similar use.

Communications

Facility: Shall mean an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower or similar facility, and any building related thereto.

Council: Shall mean the Council of the Town of Norman Wells.

Coverage: Means the combined area of all buildings or structures on the lot as a percentage of the site area, measured at the level of the lowest storey above grade; including all porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves and similar projections.

Day Care Centre or Nursery: Shall mean a residence that receives not more than five (5) children, for temporary care and guidance, for a continuous period which does not exceed 24 hours.

Development: Means the carrying out of construction, excavation, or other operations in, on, over or under land, or the making of any change in the use or intensity of use of any land, building or premises and for the avoidance of doubt and without restricting the generality of the foregoing includes:

- a) in a building or on a parcel used for other than dwelling purposes, any alterations or additions which increase the capacity of the building or parcel or which provide for an increase in the intensity of use of the building or parcel;
- b) the erection of installation of signage on the exterior of any building or on any land;
- c) the deposit of debris, waste material from any building or mining operations or other refuse or unsightly material on any land including land

already being used for that purpose if the superficial area or height of any existing deposit is thereby extended;

- d) the recommencement of the use to which land or buildings have been previously put if that use has been discontinued for a period of more than six months;
- e) the continuation of the use of land or of a building for any purpose of which it is being used unlawfully at the time this By-law comes into effect;
- f) the use or more intensive of use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed on foundations or affirmed to the land in any way; and
- g) the moving of any structure of greater than 20 square metres in size within, into or out of the municipality.

Development

Officer:

Means the municipal employee appointed by Section 2.2.0 of this By-law.

Development

Permit:

Means a document authorizing a development issued pursuant to the Zoning By-law (refer to Schedule 2).

Discretionary Use: Means those uses identified in a particular land

use zone for which a Development Permit may be issued subject to the merits of each individual application as interpreted by the Council.

Dwelling:

Shall mean a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on. This definition shall not include any vehicle as defined herein.

- (a) Accessory shall mean a single dwelling which is accessory to a permitted non-residential use, located on the same lot therewith and is occupied either by the family of the owner of such non-residential use or by the family of a person employed on the lot where such dwelling is located.
- (b) Apartment shall mean a building consisting of three or more independent dwelling units other than a rowhouse dwelling.
- (c) Duplex shall mean a building that is divided horizontally into two dwelling units.
- (d) Modular means transportable dwelling unit constructed under the A277 Construction Code and intended to be permanently attached to a foundation and services:
 - a) Single Wide means a modular unit design specifically to be towed in a single load.
 - b) Double Wide means a modular home unit consisting of two or more sections

separately towable, designed to be jointed together into one integral unit.

- (e) Mobile Home: Means a dwelling unit constructed under the C.S.A. Z240 code and which is designed to be transported on its own wheels/skids and chassis to the mobile home lot and may be supported on wooden blocking, concrete piers or a permanent foundation and is designed to be connected to service utilities so as to be suitable for year-round, long-term occupancy.
- (f) Rowhouse (Terrace) shall mean a building that is divided vertically into three or more dwelling units.
- (g) Semi-Detached shall mean a building that is divided vertically into two dwelling units.
- (h) Single shall mean a detached building containing only one dwelling unit. This definition shall include a modular home as defined herein.

Dwelling Unit: Shall mean one or more rooms designed as a housekeeping unit, used or intended to be used as a domicile by one or more persons and in which separate cooking, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building but does not include a motel, hotel, rooming house or trailer.

Easement: A right of way giving individuals other than the owner permission to this a property for a specific purpose.

Erect: Shall mean build, construct, reconstruct, remove or relocate and shall include any preliminary physical operations such as cutting, grading, excavating, filling or draining, or any altering of an existing building by an addition, extension or other structural change, or any work which requires a construction permit. Erected and Erection shall have corresponding meanings.

Existing: Shall mean existing as of the date of final passing of this By-law by Council.

Facade: Means the face or faces of a building having frontage on a public road.

Fence: Means a vertical physical barrier constructed to provide visual screening, or controlled authorized access and egress.

Financial Office: Shall mean the premises of a bank, trust company, finance company, mortgage company or investment company.

Finished Grade: Shall mean:

- (a) when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building;
- (b) when used with reference to a structure, shall mean the average elevation surrounding such structure;

- (c) when used with reference to a street, road or highway, means the elevation of the street, road or highway established by the Town or other designated authority.

Floor Area Gross: Shall mean:

- (a) for a dwelling or dwelling unit, the total area of the storeys contained within the outside walls of the dwelling or dwelling unit exclusive of garage, carport, sunroom, veranda, porch, unfinished attic, unfinished basement, or unfinished cellar;
- (b) for a building other than a dwelling, the total area of all the floors contained within the outside walls of the building.

In all cases, only that floor area having a clear height to the ceiling of at least 2.1 metres shall be calculated for floor area purposes, as per the National Building Code of Canada.

Garage,

Commercial:

Shall mean a building, structure or lot where all activities of an automobile service station may take place, where major repairs of motor vehicles may be performed and where commercial motor vehicles may be stored. Such repairs may include all mechanical repairs as well as body work but shall not include the dismantling of motor vehicles for scrap or the storage of motor

vehicles awaiting scrapping.

Garage, Private: Shall mean an accessory building or part of a residential building which is fully enclosed and used for the storage of motor vehicles and household equipment incidental to the residential occupancy.

Golf Course: Shall mean a public or private area operated for the purpose of playing golf and shall include a driving range, and may also include facilities such as changing rooms, meeting rooms, banquet facilities, the retail sales of golf-related equipment, and a restaurant.

Greenhouse: Shall mean a structure having a wooden or metal frame covered in a translucent or transparent material and which is intended for growing plant, fruit or vegetables which are destined for personal consumption or sale.

Habitable Room: Shall mean a room commonly used for cooking, living, dining or sleeping purposes, and shall include an enclosed sunroom but shall not include any garage, carport, veranda, unfinished attic, unfinished basement or unfinished cellar or basement.

Height: Shall mean the vertical distance of a building measured between finished grade and:

- (a) the highest point of the roof surface of a flat roof;
or
- (b) the average level between eaves and ridge of any

other type of roof.

Highway: Shall mean a public thoroughfare intended for vehicular use by the general public.

Home Occupation: Shall mean an occupation, trade, business, profession or craft carried on as an accessory use to the use of a residential dwelling.

Domicile: Shall mean a person's permanent home or principal establishment to which that person intends to return after every absence.

Hostel: Shall mean:

- a) An institution for a temporary care of transient or homeless persons.
- b) A building intended for use or used as a temporary place for lodging individuals and containing communal cooking facilities or provision for cooking facilities or provision for cooking in any individual room or apartment, but does not include a hotel or motel.

Hotel/Motel: Shall mean a building, or part of a building, or two or more disconnected or detached buildings, designed to be used for the purpose of catering to the needs of the transient public by furnishing sleeping accommodation with or without kitchens, with or without supplying food, and may include meeting rooms, banquet halls, public dining rooms, and any premises licensed for serving alcohol, but shall not include boarding, rooming or lodging houses, taverns and apartment dwellings, but shall include motel and motor inns.

Industrial: Stall mean an establishment primarily engaged in the storage transshipment, fabrication, processing, finishing, refinishing, assembling, or similar production of various articles and commodities and includes custom workshops, factories, mills, industrial shops and similar production facilities.

Institutional: Shall mean a building, structure or lot used by an organized body, religious group or society for a non-profit, non-commercial purpose. This definition may include a library, primary or secondary school, trade school, public college, or similar use.

Kennel: Shall mean a building or structure where animals are raised, boarded or trained, given medical treatment or housed for similar purposes for which compensation is paid and shall include a Humane Society, animal shelter or pound.

Kiosk-Counter: Shall mean a structure made up of shelves and counters, whether sheltered or not, and used on an intermittent basis for the sale or demonstration of various products.

Landscaped Open Space: Shall mean open space comprised of lawn, natural or ornamental shrubs, flowers and trees and may include space occupied by paths, walks, courtyards, patios and pools, but shall not include parking areas, loading spaces, traffic aisles, driveways or ramps for vehicles, or any open space beneath or within a building or structure.

Land: Shall mean any ground, soil or earth whatsoever regarded as the subject of ownership and everything annexed to it whether by nature (such as trees, water) or by humans (such as buildings, fences).

Lane: Shall mean a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

Loading Space: Shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the use of the lot or any building thereon.

Lot: Shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act.

(a) Corner shall mean a lot situated at the intersection or junction of two or more streets.

(b) Interior shall mean a lot situated between adjacent lots and having access to one street.

(c) Through shall mean a lot having street frontage on two parallel or approximately parallel streets.

Lot Area: Shall mean the total horizontal area within the lot lines of a lot.

Lot Coverage: Shall mean the percentage of lot area covered by the ground floor area of all buildings located thereon.

Lot Frontage: Means the horizontal distance between the side lot lines. Where the side lot lines are not parallel it shall be the width of a lot measured between the intersections of the side lot lines with a line 6 metres back from the front lot line.

Lot Line: Shall mean any boundary of a lot or the vertical projection thereof.

- (a) Front shall mean, in the case of an interior lot, the lot line that divides a lot from the street. In the case of a lot fronting onto two or more streets, the shorter lot line that abuts a street shall be deemed to be the front lot line and in the case of a corner lot or through lot having lot lines of equal length abutting both streets, either line may be deemed to be the front lot line.
- (b) Rear shall mean, in the case of a lot having four (4) or more lot lines, the lot line furthest from and opposite the front lot line. If the lot has less than four (4) lot lines, there shall be deemed to be no rear lot line.
- (c) Side shall mean any lot lines other than the front lot line and the rear lot line.

Medical/Dental

Office: Shall mean a building or part of a building wherein health services are provided to the public in the

form of a medical, paramedical, dental, surgical, physiotherapeutic, or other human health services including associated technician and laboratory facilities, which may also include an incidental pharmaceutical outlet for the sale of prescription and therapeutic drugs and medication and other drug store products normally sold in a pharmaceutical outlet, and optical equipment.

Medical

Practitioner: Shall mean a doctor, dentist, chiropractor, chiropodist, optometrist, oculist but shall not include a veterinarian.

Mobile Home

Subdivision: Means an area subdivided by registered plan, containing lots for freehold or leasehold tenure and used for mobile homes.

Municipality: Shall mean the Town of Norman Wells.

Net Leasable Floor

Area: Shall mean the total floor area of a building designed for tenant occupancy and exclusive use, including basements, mezzanines, upper floors and other floors, as measured from the centreline of shared partitions and from the interior face of the exterior walls of the building. Excluded are common areas and other common areas not designed or occupied by tenants or sales areas.

Non-Complying: Shall mean a lot, building or structure which, on the date of the final passing of this By-law, did not

comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.

Non-Conforming: Shall mean a use, building or structure which, on the date of the final passing of this By-law, was not a permitted use in the zone where such use, building or structure is located.

Noxious Use: Shall mean a use which generates or may generate offensive impacts.

Nursery: Shall mean a building, structure or lot used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale.

Nursing Home: Shall mean an establishment wherein food lodging and care are provided, with or without charge, not related to the operator of the facility who because of their age, physical or mental state, or other circumstance require care, medical or otherwise.

Occupancy Permit: Shall mean a permit issued by the Town Development Officer or his/her appointee which indicates that the proposed use of land or any building or structure on any such land is in conformity with this By-law.

Offensive or Objectionable: When used with reference to any use of any land, building or structure, means a use which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason of noise, vibration, smoke, dust or other particulate matter,

odour, toxic or noxious matter, radiation hazards, fire or explosive hazards, heat, humidity or glare, or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other materials, as a condition which, in the opinion of the Development Officer and/or Council (as the case may be), may be or become hazardous or injurious or which affects the amenities of the neighbourhood or may interfere with the normal enjoyment of any land, building or structure.

Office: Shall mean a building or part of a building used or intended to be used in the performance and transaction of business including administrative and clerical activities as well as professional offices but not including the use of manual labour.

Open Space: Shall mean any portion of a lot which is unoccupied by buildings or structures above ground level and is open to the sky, and shall include Landscaped Open Space.

Open Storage: Shall mean the storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, including such uses as building materials supply yards. This definition shall not include the open storage of goods or equipment incidental to a residential use.

Owner: Shall mean:

- a) in the case of land owned by the Commissioner of the Northwest Territories or the Crown in the right of Canada, the Commissioner or Minister of the Crown

- having the administration of the land; or
- b) in the case of any other land, any person, firm or corporation having any right, title, estate or interest in the property in question, and any agents, contractors, attorneys, trustees, successors, assignees, or executors thereof, as the case may be, but does not include a mere occupant or mortgagee.

Park: Shall mean an area of land consisting largely of open space which may include a recreational area, playground, play field or similar use.

(a) Public shall mean a park owned and maintained by the Town or other public authority.

(b) Private shall mean a park other than a public park.

Parking Area: Shall mean an area or structure other than a street used or intended to be used for the temporary storage of motor vehicles and includes a private garage or carport, aisles, driveways, and parking spaces.

Parking Space: Shall mean an area exclusive of any aisles or ingress or egress lanes, used for the temporary storage or parking of motor vehicles and having a minimum width and length as specified in Section 5.0 of this By-law.

Permitted Uses: Shall mean those uses which are allowed in a

particular zone, provided that the use conforms to the regulations of the particular zone to which the use applies.

Public Authority: Shall mean the Town of Norman Wells and any Committees thereof, any company supplying utilities to the Municipality and any Department of the Government of Northwest Territories and Canada, or other similarly recognized Boards.

Public Use: Shall mean a building, structure or lot used by a public authority.

Public Utility: Shall mean a system, work, plant, equipment or service, whether owned or operated by or for the municipality or by a corporation, under agreement with or under a franchise from the municipality or under a Federal or Territorial statute, which furnishes services and facilities available at approved rates, to or for the use of all the inhabitants of the Town including by not limited to:

- a) communication by way of telephone, cable television or internet;
- b) public transportation;
- c) production, transmission, delivery or furnishing of water, gas or electricity to the public at-large; and
- d) collection and disposal of sewage, garbage and other waste.

Recreational Facility: Shall mean any building or structure or specific

area planned for, used for or related to recreational activities and shall include campgrounds, picnic areas, outdoor shelters, playground areas and equipment, hiking trails and the like.

Residence: See Dwelling

Restaurant: Shall mean a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the premises, or for take-out or delivery service.

Retail Convenience

Store: Shall mean a building or part of a building used primarily for the sale of grocery and confectionery items and incidentally for the sale of other merchandise as is required to fulfil the day to day needs of a surrounding residential area.

Retail Store: Shall mean a use primarily engaged in general merchandising including but not limited to apparel, hardware, home furnishings, dry goods, food products, and/or home appliances.

Reserve: Shall means a parcel of land set aside for the use of the municipality or other public authority.

Right of Way: A strip of land which is used as a road bed, either for a street, or any purpose deemed necessary by the municipality (such as utilities, access, etc). The land is set aside either as an easement or in fee simple. In many cases the right of way differs from an easement in the sense that no

development occurs within a right of way, it is a surveyed parcel of land to be used for municipal purposes.

Rooming House: Means any house or building or portion thereof which the proprietor supplies lodging, for compensation, to other persons without meals in rooms furnished by the proprietor with necessary furnishings, and does not include a hotel, as defined in the Hotel Registration of Guests Act.

School: Shall mean a site or building wherein teaching, instruction or research may be conducted, and which may include related recreational facilities.

Service Outlet: Shall mean a building or part of a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing thereof.

Sewage Disposal

Site: Shall mean a site which is licensed or government approved for the use as a disposal site for sewage.

Shed: Shall mean a one storey structure, not more than four metres square, either freestanding or attached to a larger structure, serving for storage, shelter or a particular activity.

Sight Triangle: Shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 6.50 metres from the point of intersection of the street lines

measured along the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

Sign, Legal: Shall mean a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot which directs attention to an object, product, place, activity, person, institute, organization or business.

Staff Housing: Means a dwelling unit or units used to accommodate persons directly employed by the owner or lessee of the dwelling unit or units.

Storey: Shall mean that portion of a building, other than a cellar or crawl space, between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, that portion between the surface of such floor and the ceiling above it.

(a) first storey shall mean the lowest storey of a building, wherein the floor is generally at grade elevation and having its ceiling at least 1.8 m above finished grade.

Street or Road: Shall mean a public thoroughfare under the jurisdiction of either the Town or the Territory. This definition shall not include an access lane or private right-of-way.

Street Line: Shall mean the boundary of the right-of-way of

the street.

Structure: Shall mean anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision: Means a land area subdivided by registered plan, containing lots for freehold or leasehold tenure.

Tourist Facilities: Shall mean facilities and/or buildings and/or structures which offer services intended primarily for tourists and vacationers. This includes tourist lodging facilities; craft and antique shops; one (1) accessory dwelling unit either attached or detached, accessory to and on the same lot as a permitted use for the purpose of a caretaker; and, uses accessory to the foregoing.

Tourist Lodging Establishments: Shall mean facilities and/or buildings and/or structures to be used for the purpose of sleeping accommodation on a temporary basis by tourists and vacationers, including a hotel, motel, motor inn, campground, cabin, lodge or bed and breakfast; restaurants and laundromats accessory thereto.

Trailer: Means a vehicle that is designed to be drawn on a highway by a motor vehicle, whether or not part of its weight or load rests on or is carried by that motor vehicle, but does not include a side car attached to a motorcycle.

Use: Shall mean the purpose for which any land,

building, structure of any combination thereof is designed, arranged, occupied or maintained.

Utilidor: See Public Utility

Vehicle: Includes any vehicle designed to travel on land that is drawn, propelled or driven by any kind of power, including muscular power, but does not include an all-terrain vehicle or a device that is designed to run on rails.

Vehicle, commercial: Means a motor vehicle used for business purposes, but does not include a public service vehicle

Vehicle, motor: Means a vehicle propelled or driven by power other than muscular power and includes a trailer, but does not include

- (a) an aircraft, a marine vehicle or an all-terrain vehicle,
- (b) a device that runs or is designed to run exclusively on rails, or
- (c) a mechanically propelled wheelchair;

Vehicle, Construction
or

Heavy Equipment: Means a grader, loader, shovel, tractor, mobile crane, backhoe, forklift and other similar equipment not normally used for travel on a highway.

Warehouse: Shall mean a building or portion of a building used or intended to be used for the bulk storage of goods, commodities, wares, merchandise or materials.

Waste Disposal

Site: Shall mean a place where ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse is disposed of or dumped. This definition shall not include a sewage treatment plant, lagoon or sludge disposal area.

Water Supply: Shall mean a distribution system of underground piping and related storage, including pumping and purification appurtenances, operated by the Town.

Wholesale

Establishment: Shall mean a building or part of a building used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, and materials for resale or business use.

Yard: Shall mean an open uncovered space appurtenant to a building or structure.

- (a) Front shall mean the space extending across the full width of a lot between the front lot line and nearest part of any main building or structure on the lot.
- (b) Minimum shall mean the space measured from the lot line, the minimum depth of which is regulated by the provisions of this By-law.
- (c) Rear shall mean the space extending across the full width of a lot between the rear lot

line and the nearest part of any main building or structure on the lot.

- (d) Side shall mean the space extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure on the lot.
- (i) Exterior Side Yard shall mean a side yard immediately adjacent to a street.
- (j) Interior Side Yard shall mean a side yard other than an exterior side yard.

Zone:

Shall mean:

- (a) a land use category as defined and regulated in this By-law; or
- (b) a designated area of land use shown on the Schedule 2 of this By-law.