

**THE RESTRICTED AREA BY-LAW
OF THE CORPORATION OF THE
TOWN OF GODERICH**

BY-LAW NO. 38-1985

BEING A BY-LAW, UNDER THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, R.S.O. 1983, TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES AND TO PROHIBIT CERTAIN BUILDINGS AND STRUCTURES IN VARIOUS DEFINED AREAS OF THE CORPORATION OF THE TOWN OF GODERICH.

WHEREAS the Municipal Council of the Corporation of the TOWN OF GODERICH considers it advisable to restrict, prohibit and regulate the use of land situated within the defined areas, as hereinafter designated, for the purpose of preventing any further development which would create an adverse effect on the Corporation, and to prevent the use of lands that would jeopardize future orderly development and expansion, and to protect the natural environment.

NOW THEREFORE the Council of the Corporation of the Town of Goderich ENACTS as follows:

SECTION 1.

SHORT TITLE

1.1. TITLE

This By-law shall be known as the Zoning By-law of the Corporation of the Town of Goderich.

SECTION 2.

DEFINITIONS

In this By-law, unless the context requires otherwise:

ACCESSORY OR ANCILLARY

When used to describe a use, building or structure, means a use, a building or structure that is normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith. This does not include an accessory residence unless otherwise specified.

ADJACENT LANDS

Shall mean those lands abutting a specific natural heritage feature or area where it is likely that development or site alteration may have a negative impact on the feature or area. Examples of natural heritage features include: a wetland, water course, sinkhole or a woodlot.

ADULT LIVE ENTERTAINMENT PARLOUR

shall mean any premises or part thereof used, in pursuance of any trade, calling, business or occupation, for the purpose of a live performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations, of which a principal feature or characteristic is the nudity or partial nudity of any person, and in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word, picture, symbol or representation having like meaning or implication may be used in any sign, advertisement, or advertisement device, and without restricting the generality of the foregoing, includes any performance, exhibition, or activity involving striptease dancers, go-go dancers, exotic dancers, table dancers, wet clothing contests or best body parts contests. (Amended by By-law 90-1995)

AGRICULTURAL PROCESSING ESTABLISHMENT

Shall mean the use of land and/or buildings or structures for the processing of products derived from agricultural uses, as defined in this By-law. These shall include such products as seed, grain, feed and forage processing, storage and

transport, fruit and vegetable storage and treatment, livestock and poultry assembly, sales and transport, a cheese factory, an egg grading station, a saw mill, an abattoir and a dead stock removal facility.

AIRFIELD

Shall mean land used for the purpose of the landing, storing, taxiing or taking-off of private aircraft as an accessory use, but not an airport under the regulations of the Ministry of Transport.

AIRPORT

Shall mean any land, lot or buildings used for the purpose of landing, storing, taxiing or taking-off of private or commercial aircraft, pursuant to the regulations of the Ministry of Transport.

ALTER

When used in reference to a building, structure or part thereof, means to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" means to decrease the width, depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words "altered" and "alteration" shall have corresponding meanings.

AMENITY AREA

Means an area or areas within the boundaries of a lot intended for use for recreation, aesthetic purposes for a multiple dwelling project and may include landscaped open areas, patios, balconies, communal lounges, swimming pools, recreation facilities and any other areas which may be used for recreational or aesthetic purposes, but shall not include any driveway or parking area.

ARTERIAL ROAD

Means an arterial road as designated on Schedule "B" to this By-law.

ASSEMBLY HALL

Means a building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and shall include a banquet hall, private club, fraternal organization or community centre.

ATTACHED

Means a building 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 buildings.

ATTIC

Means the portion of a building situated wholly or in part within the roof and which is not a one-half storey.

BASEMENT

Shall mean that portion of a building between two floor levels which is partly below finished grade level but which has at least fifty percent (50%) of its height from finished floor to finished ceiling above adjacent finished grade level and in which the height from adjacent finished grade level to the ceiling is less than two (2) metres. (SEE APPENDIX 1 FOR ILLUSTRATION))

BEACH HOUSE

Means a municipally owned building, or part thereof, that is used for the purpose of changing from or into beachwear, and may include washrooms and storage facilities, and such building is not to be used for human habitation.

BED AND BREAKFAST ESTABLISHMENT

Means a single detached dwelling, in which the proprietor resides, where no more than 3 guest rooms are made available by the residents of the dwelling to travelers or vacationers for temporary accommodation and their guest's meals. A Bed and Breakfast establishment does not include a hotel, motel, boarding or lodging house or restaurant

BOARDING OR LODGING HOUSE

Means any house or building in which the proprietor resides and occupies at least 10 percent of the floor space used for the purposes of the boarding house as his residence, and supplies for hire or gain to persons other than members of the proprietor's family, lodging with or without meals in rooms furnished by the proprietor with necessary furnishings, but does not include a hotel, motel, apartment dwelling or nursing home.

BUILDING

Includes any structure whether temporary or permanent, used or built for any purpose other than a lawful boundary, wall or fence. Any enclosure, awning, bin, bunk or other container, or platform, used upon any land or in conjunction with or connected to any structure for any purpose shall be deemed a building.

BUILDING BY-LAW

Means any building By-law within the meaning of the Ontario Building Code Act, as amended from time to time.

BUILDING ENVELOPE

Means the buildable area on a lot, defined by the minimum front yard depth, rear yard depth and side yard width requirements and maximum height requirements, within which a building can be erected.

BUILDING HEIGHT

Shall mean the vertical distance from the finished grade level to:

- a) in the case of a flat roof, the highest point of the roof surface or parapet, whichever is the higher;
- b) in the case of a mansard roof, the roof decline; or
- c) in the case of any other roof, the mean height between the eaves and the ridge;

but exclusive of any structure accommodating an elevator, staircase, water tank, ventilating fan, skylight, aerial, steeple, cupola, chimney, firewall, smoke stack or other ornamental or utilitarian structure which rises above the roof level but does not provide habitable living space. (SEE APPENDIX 2 FOR ILLUSTRATION)

BUILDING INSPECTOR

Means the Chief Building Official or other employees of the Town for the time being charged with the duty of enforcing the provisions of the Building By-law and the Ontario Building Code, which shall mean any By-law of the Town from time to time in force regulating the erection, alteration or repair of building.

BUILDING LINE

Shall mean a line, the purpose of which is to establish the closest points to a street at which the building or structures may be located. The location of the building line shall be such that it is parallel to the centre line of the street and offset from the street line, as defined in Section 2. of this By-law, a distance equal to the minimum front yard dimension

BUILDING, MAIN

Shall mean the building or buildings designed and/or intended to accommodate the principal use(s) permitted by this By-law.

BUILDING SETBACK

Shall mean the minimum horizontal distance between the front lot line and the nearest part of any building, structure or open storage use on the lot.

BUILDING SUPPLY ESTABLISHMENT

Shall mean:

- a. a building or structure in which building or construction and home improvement materials are offered or kept for sale, and may include the fabrication of certain materials related to home improvement, and / or
- b. a yard of a company or contractor used primarily for the storage and / or sale of lumber and other building supplies. (As amended by By-law 99-2007).

BULK SALES ESTABLISHMENT

Means the use of land, a structure or a building for the purposes of buying and selling fuel, oil, wood, coal, lumber, building materials, metal and steel products, nursery stock, but does not include manufacturing, assembling or processing uses.

BUS DEPOT

Means a facility for the boarding and deboarding of passengers from inter-city buses and may include a public washroom or rest area, bus ticket sales area and ancillary office.

BUSINESS OFFICE

Means any building, or part of a building, in which one or more persons are employed in the management, direction or conducting of an agency, business brokerage, or labour organization, and shall exclude such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

BUSINESS EQUIPMENT SALES AND SERVICE FACILITY

Means a facility which sells and services light equipment for use by other businesses in the day to day operation and administration of such business. Sales and services of motors, pumps and other heavy equipment shall not be permitted.

BY-LAW ENFORCEMENT OFFICER

Shall mean the officer or employee of the Corporation charged with the duty of administering and enforcing the provisions of this By-law.

CANOPY

Shall mean a roof free of enclosing walls over an entrance to a building, structure or gasoline pump island.

CARPORT

Shall mean a parking space that is partially enclosed and has a roof, and is for the purpose of storing one or more private vehicles. (As amended by By-law99-2007).

CATASTROPHE

Means an unanticipated, disastrous loss of part or all of a dwelling or other use due to fire, collapse, flood, wind or other such event.

CELLAR

Shall mean that portion of a building between two floor levels which has more than fifty percent (50%) of its height from finished floor to finished ceiling below adjacent finished grade level. (SEE APPENDIX 1 FOR ILLUSTRATION)

CEMETERY

Means a cemetery or columbarium within the meaning of The Cemetery Act of Ontario.

CHURCH or PLACE OF WORSHIP

Shall mean a building commonly used by any recognized religious organization for public worship, and may include a rectory or manse, church hall, auditorium, monastery, convent, day nursery or religious school associated with or accessory thereto.

CLINIC

Shall mean a building, or part thereof, used exclusively by physicians, dentists, drugless practitioners, their staff and their patients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a clinic 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.

COMMERCIAL, CORE AREA

Means the traditional and established business district of the Municipality commonly known as The Square and with its tightly built up urban form and compact nature which is connected by a system of sidewalks, roads and parking areas provides for the general commercial requirements of the municipality and particularly the multi-purpose pedestrian comparison shopping trade. The core area is the most intensive, diversified and dominant centre of the community activity in the Municipality, providing a broad spectrum of retail, business, financial, personal and professional services, offices and studios, hotels and restaurants, places of entertainment, culture, habitation and recreation, institutional, judicial, civic and administrative uses.

COMMERCIAL, GROUPED

Means a planned commercial development consisting of a self-contained group of commercial establishments commonly known as a shopping centre or a shopping mall designed, developed and managed as an interdependent unit using common facilities, including on-site parking. Grouped commercial developments provide a wide range of general commercial uses, usually at a peripheral highway location in a planned unit environment. In addition to the primary commercial uses, ancillary grouped commercial uses include an administrative office, used exclusively for the grouped commercial development, private and public washrooms, parking areas, truck loading, service, refuse disposal, mechanical, electrical, maintenance and storage areas.

COMMERCIAL, HIGHWAY

Means a commercial use oriented to a highway-related function including the following:

- a) those which are essential to the operation of the highway system such as works yards, police facilities;

- b) those which are oriented to or economically reliant on serving vehicular traffic and the traveling public such as service stations, motels and eating establishments, and therefore require exposure on a major road;
- c) those which require large tracts of inexpensive land for large buildings, extensive parking and loading operations, such as automobile sales, service, and repair establishments, building supply yards, fuel dealers, marine and trailer sales, farm implement dealers;
- d) those which require access to a major road for efficient operation such as bus depots.

COMMERCIAL, RECREATIONAL FACILITY

Means an indoor or outdoor recreational facility operated for economic return and used by private members or the general public. Recreational commercial uses include high intensity, limited space commercial uses such as handball courts, racquetball courts. In addition to the primary commercial uses, ancillary commercial uses will be permitted including an administrative office used exclusively for the recreational commercial development, washrooms, a supply store, storage and repair facilities.

COMMERCIAL MOTOR VEHICLE

Means any motor vehicle having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing includes: ambulances, hearses, motor buses and tractors used for hauling purposes, but excludes travel trailers, motor homes and tractor trailers, as defined herein.

COMMERCIAL STORAGE WAREHOUSE (Rental units)

Shall mean an enclosed building used for the storage of household, business and recreational goods on a rental basis; the rental units may be singular or multiple.

COMMERCIAL USE

Shall mean the use of land, structure or building for the purposes of buying or selling commodities and/or supplying services, but does not include an industrial use.

COMMUNITY FACILITY

Means a use of land, building or structure such as:

- a) public utilities such as a waterworks system, sewage works system, electric power, gas, communications facilities, roads and railway networks, flood and erosion control works;
- b) government buildings such as administration offices, court houses, post offices, assessment and registry offices;
- c) cultural facilities such as libraries, museums, auditoriums, theatres, and civic and convention centres;
- d) sport facilities such as arenas, race tracks, fair grounds and stadiums;
- e) public service facilities such as police and fire stations, cemeteries, works yards and garages;
- f) institutions such as churches, schools, hospitals, day care centres, group homes, fraternal or other non-profit organizations.

CONDOMINIUM

Shall mean the separate private ownership of an individual unit in a multiunit structure or of land owned in common where all facilities and outdoor areas in common by all tenants, are owned, administered and maintained by a corporation created pursuant to the provision of the appropriate statute. (Amended by By-law 16-2010)

CONSERVATION

Shall mean the use of land and/or water for the purpose of planned management of natural resources.

CONSERVATION AUTHORITY REGULATED LANDS (CARL)

Means lands regulated by the local Conservation Authority and include fill regulated areas and/or adjacent lands (as defined) to significant natural environment areas.

CONTRACTOR'S YARD OR SHOP, CLASS "A"

Means land or buildings used for the non-offensive performance of shop or assembly work or the non-offensive storage of building and construction materials and equipment.

CONTRACTOR'S YARD OR SHOP, CLASS "B"

Means land or buildings used for the storage of heavy machinery, plant or equipment such as cranes, ploughs, tractors and road making equipment and building and construction materials.

CONVENIENCE STORE

Means a retail commercial establishment supplying daily household necessities to the immediate surrounding area.

CORPORATION

Means the Corporation of the Town of Goderich.

COUNCIL

Means the Council of the Corporation of the Town of Goderich.

COUNTY

Means the Corporation of the County of Huron.

COVERAGE

Means "lot coverage" as defined by this By-law.

COUNTRY CLUB

See Golf Course.

COURT

Means an open uncovered space bounded on at least two sides by the building or buildings on the lot.

DANGEROUS TRADES

Means a use which is likely to create danger to health or danger from fire or explosion and chemicals.

DANGEROUS GOODS

Means explosives, flammable or combustible liquids or gases, toxic substances, radioactive material, corrosive or any other product or substance that is considered dangerous to life when handled or transported.

DAY NURSERY

Means a premises that receives more than 5 children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding 24 hours, where the children are:

- Under 18 years of age in the case of a day nursery for children with a developmental disability, and
- Under 10 years of age in all other cases,

But does not include part of a public school, separate school or private school under the Education Act.

DAY CENTRE, ADULT

Shall mean a facility providing activities, programs and services for adults not including residential accommodation.

DAYLIGHT OR SIGHT TRIANGLE

Means an area free of buildings or structures and which area is to be determined by measuring from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the daylight triangle.

DETACHED

Shall mean totally separate and in no way connected.

DEPARTMENT STORE

Means a store in which major categories of commodities are kept for retail sale in separate areas of the building.

DEVELOPMENT

Shall mean the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under *The Planning Act*, as amended from time to time.

DRIVEWAY

Shall mean a vehicular passageway having at least one end thereof connected to a public thoroughfare, and providing ingress to and/or egress from a lot.

DRUGLESS PRACTITIONER

Means a "drugless practitioner" within the meaning of the Drugless Practitioners Act.

DRY CLEANING ESTABLISHMENT

Shall mean a building, or part thereof, in which the business of dry cleaning, dye drying, cleaning, or pressing of articles or goods of fabric is carried on, in which only non-combustible and non-flammable solvents are used, which emits no odours, fumes, noise, or vibration causing a nuisance or inconvenience within or outside the premises. A dry cleaning establishment may include a self-service dry cleaning establishment.

DRY INDUSTRY

Shall mean an industry which by nature of its operation, process or fabrication of raw materials or service rendered does not require a water supply other than that available from within the limits of the lot upon which the use is located, does not discharge effluent from the limits of the lot upon which the use is located or from which the only sewage effluent to be dispersed of within the limits of the said lot will be that produced from normal sanitary and eating facilities required for the employees.

DWELLING

Means a building or part thereof, occupied or capable of being occupied as a home, residence or sleeping place by 1 or more persons, constructed on-site, or off-site in parts designed to be transported to a lot and where they are joined as integral units and placed on a permanent foundation over a cellar or basement, but shall not include travel trailers, tourist trailers, camper and motor vehicles, mobile homes, hotels or boarding or rooming houses, motels, or institutions.

- a) **ACCESSORY DWELLING** -means a dwelling which is accessory to a building or use as permitted by this By-law.
- b) **APARTMENT DWELLING** – means a building or part thereof consisting of 5 or more dwelling units which units have a common entrance from the street level and the occupants of which have the right to use common halls and/or stairs and/or elevators and yards, but does not include a boarding or lodging house, a motel or a hotel.
- c) **BED AND BREAKFAST** – see ‘BED AND BREAKFAST ESTABLISHMENT’
- d) **BOARDING, LODGING OR ROOMING HOUSE** – means a building, a portion of which is used as the residence of the lessee, tenant or owner, in which sleeping accommodation with or without meals is provided for consideration to persons other than such lessee, tenant, or owner or members of his family, and which is not open to the public on an equal basis, and does not include a hotel, motel or multiple-family dwelling/nursing home or home for the aged.
- e) **CONVERTED DWELLING** – means a dwelling erected prior to the passing of this By-law which because of size and design the interior has been or can be converted to provide one or more additional dwelling units, to a maximum of 4 dwelling units.
- f) **DETACHED DWELLING** - means a completely detached permanent dwelling to which entrance is gained only by a private entrance outside the building, and containing only one dwelling.
- g) **DUPLEX DWELLING** – means the whole of a dwelling that is divided horizontally into 2 separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.
- i) **GROUP HOME** – means a residential dwelling licensed by the Government for individuals with social, mental or physical problems operated as a single housekeeping unit in a residential area in which 3 to 10 residents, excluding staff or receiving family live as a family under responsible supervision consistent with the requirements of its residents but excludes a place of detention, correction or probation for individuals. A Group Home is fully detached and wholly utilized by the group home occupants.
- j) **HOME FOR THE AGED, DWELLING** - shall mean a "home for the aged" as defined under the *Homes for the Aged and Rest Homes Act*, as amended from time to time.
- k) **MOBILE HOME** – shall mean a pre-fabricated dwelling unit occupied or designed for occupancy by one or more persons on a permanent basis, having a floor area of not less than 50 square metres, designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), placed or designed to be placed on permanent foundations, constructed in conformity with CSAZ240 Series, and connected or designed to be connected to public utilities, but shall not include a travel trailer, tent trailer or a trailer otherwise designed.
- l) **MODULAR HOME** - shall mean a pre-fabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than 6.0 metres in width.
- m) **MULTIPLE DWELLING** - shall mean a building containing 3 or more dwelling units including a “triplex” or “quadruplex” having 4 dwelling units and an “apartment” having more than 4 dwelling units but does not include a rooming house, boarding house, hotel or motel.

n) **NURSING HOME DWELLING** - shall mean a nursing home as defined under *The Nursing Home Act*, as amended from time to time.

o) **PARK MODEL TRAILER** – shall mean a manufactured building used or intended to be used for residential occupancy designed and constructed in conformity with CAN/CSA-Z241 Series – M, “Park Model Trailers”.

p) **QUADRUPLEX DWELLING** – shall mean a pair of 2 attached duplex dwelling houses or 4 attached single dwelling units.

q) **SEMI-DETACHED DWELLING** - shall mean a building that is completely divided vertically into 2 dwelling units by a party wall of masonry construction, each dwelling unit having independent entrance either directly from the outside or through a common vestibule.

r) **TOURIST OR GUEST HOUSE** -- shall mean a single-detached dwelling in which the proprietor or operator resides and not more than 4 guest rooms are made available for the temporary accommodation of the travelling or vacationing public and within which meals may be provided to those persons temporarily residing therein, and shall include a Bed and Breakfast establishment, but shall not include a hotel, motel, restaurant or eating establishment. (Amended by By-law 39-1998)

s) **TRIPLEX** - shall mean the whole of a building that is divided into 3 separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

DWELLING UNIT

Means one or more habitable rooms constituting self-contained living quarters for use of one or more individuals including the provision of kitchen and sanitary facilities and sleeping accommodation for the exclusive use of such individual or individuals, and having a private entrance from outside the building or from a common hallway or stairway inside the building.

EASEMENT

Means the right of use over the property of another land owner. This may include the right to ingress and egress upon the property of another.

EATING ESTABLISHMENTS

a) **RESTAURANT** – shall mean a building or structure or part thereof used to prepare food and offer for sale and sell food for immediate consumption within the building or structure, or adjacent patio and may include an accessory take-out or drive through service. Refer to ‘STACKING LANES’ in General Provisions.

b) **DRIVE-THROUGH RESTAURANT** – shall mean an element of a restaurant use associated with ordering and serving food and beverages to patrons where they remain within a Motor Vehicle, and includes any associated speaker system and order board. Refer to ‘STACKING LANES’ in General Provisions.

c) **TAKE-OUT RESTAURANT** - shall mean a building or structure or part thereof where food is prepared and offered for sale to the public to be taken out and/or delivered for consumption off the premises.

d) **PORTABLE FOOD OUTLET** - shall mean a trailer, tent or vehicle that is designed to be made mobile, from which food is prepared and offered for sale to the public for consumption outside. A portable food outlet may only be permitted in accordance with the corporation licensing By-law.

ELEVATION AVERAGE

Means the mean height above sea level, calculated along the length of the building or structure.

ERECT

When used in this By-law includes building, construction, reconstruction and relocation, and without limiting the generality of the word, also includes:

- a) any preliminary physical operation, such as excavating, filling or draining;
- b) altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- c) any work which requires a building permit under The Building By-law of the Corporation.

“Erected” and “erection” shall have corresponding meanings.

ESTABLISHED BUILDING LINE - see ‘GENERAL PROVISIONS’ SECTION

ESTABLISHED GRADE

Means the average elevation of the surface of the ground at the base of a building at the front wall exclusive of any embankment in lieu of steps. On streets where a sidewalk is provided by the Corporation of the Town of Goderich, it is the elevation of the sidewalk grade as fixed by the Corporation of the Town of Goderich.

EQUIPMENT SALES AND RENTAL

Means a building, or part of a building or structure, in which heavy machinery equipment is offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

EXISTING

Means lawfully in existence, being an actuality as of the date of the final passing of this By-law.

EXTERNAL DESIGN

Means the type, colour, arrangement, shape, texture or pattern of material forming the exterior of a building.

EXTRACTIVE USE

Shall mean the use of land and/or buildings or structures for the removal of gravel, stone, sand, earth, clay, fill, mineral or other similar substance for construction, industrial or manufacturing purposes; and includes accessory uses.

FARMERS MARKET

Shall mean a building, part of a building, or an open outdoor area where agricultural produce, food items, plants, and craft items are offered or temporarily stored for occasional retail sale on the site by more than one vendor, but does not include a flea market.

FARM PRODUCE SALES OUTLET

Means a fruit, vegetable, flower or farm produce stand used for the sale of agricultural produce, but does not include the sale of livestock.

FENCE

Shall mean a barrier, comprised of wooden, metal or plastic posts, wire mesh or hedge, for example, used as a boundary or means of enclosure. For the purpose of this By-law, a fence shall not be considered as a structure.

FILL, CONSTRUCTION AND ALTERATION TO WATERWAYS

Shall mean the regulations as defined by the Maitland Valley Conservation Authority or the Ausable Bayfield Conservation Authority.

FINANCIAL OFFICE OR INSTITUTIONS

Shall mean any building used for the premises of a bank, trust company, finance company, mortgage company or investment company.

FLEA MARKET

Means an occasional or periodic market held in an open area or in a building or structure, where groups of individual sellers display and offer goods for sale to the public, but does not include a private garage sale.

FLOOD, REGULATORY

Shall mean the standard of the said Conservation Authority used to define the limit of the flood plain for regulatory purposes.

FLOODLINE, REGULATORY

Shall mean the limits of the floodplain in the Town, based on a storm centred event equivalent to Hurricane Hazel of 1954.

FLOOR AREA

Means the sum total area of a floor or floors in the building or buildings on a lot measured from the exterior faces of the exterior walls or from the centreline of the common walls separating two buildings, provided that where a floor area is within a roof structure without external walls, the floor area shall be measured from the exterior face of the vertical perimeter wall. The floor area does not include basements, cellars, attics, garages, verandahs, porches or other similar appurtenant structures and excludes any floor area with a ceiling height of less than 7'0". Where the natural terrain permits a walkout basement, twenty-five percent (25%) of the floor area of the walkout basement may be considered as habitable floor area.

FLOOR AREA, GROSS

Shall mean in the case of a dwelling, the aggregate of the areas of all habitable rooms measured from the exterior walls, but excluding any detached accessory buildings, a breezeway, unenclosed sunroom, porch and/or verandah, attic or cellar. In the case of a building other than a dwelling, the aggregate of the area of all floors devoted to retail sales, customer service and/or office use measured from the outside face of exterior walls but excluding storage, accessory office space, mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms, parking structures and similar uses ancillary to the main use. The gross floor area in each zone applies only to that portion of such lot that is located within said zone.

FLOOR AREA, GROUND

Shall mean the floor area of the lowest storey of a building approximately at or first above the average finished grade level, excluding any basement or cellar, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but:

- a) excludes car parking areas within the building; and
- b) for the purpose of this paragraph, the walls of an inner court are and shall be deemed to be exterior walls.

FLOOR AREA RATIO

Means the floor area in square metres of all buildings on a lot, divided by the area of the lot in square metres and expressed as a percentage.

FLOOR AREA, RETAIL

Shall mean the gross floor area of a commercial building devoted to retail purposes.

FLOWPATH

Means a surface channel or depression that conducts liquids away from the facility, site or area.

FRONTAGE

Means the width of a lot measured along the streetline.

FUEL STORAGE TANK

Means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

FUEL STORAGE SUPPLY YARD

Means an above or below ground facility for the bulk storage of petroleum gasoline, fuel, oil, gas or inflammable liquid or fluid, legally kept in such facility.

GARAGE, ATTACHED

Shall mean a private garage accessory to a dwelling unit on the same lot and attached by a common wall and/or common roof structure and is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing or servicing such vehicles for remuneration or commercial use and is fully enclosed and excludes a carport or other open shelter; provided, however, for the purpose of determining lines of setback and side yard, an attached garage shall be considered part of the main building. Also for the purposes of this definition, a wall between a house and an attached garage may be considered "common" as long as at least forty percent (40%) of the length of the attached garage wall is common with the dwelling wall.

GARAGE, DETACHED

Shall mean a private garage, accessory to a dwelling unit on the same lot, which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing, or servicing such vehicles for remuneration or commercial use, and is fully closed and excludes a carport or other open shelter.

GARAGE, PUBLIC WORKS

Shall mean a municipal or provincial facility used for the storage and servicing of road construction and maintenance equipment and materials.

GARDEN SUITE

Means a one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable and permitted in accordance with the Provisions (Section 39) of *The Planning Act*, as amended from time to time.

GASOLINE (FUEL) BAR

Shall mean one or more pump islands, each consisting of one or more gasoline pumps, and shelter having a floor area of not more than 10 square metres, excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes or greasing.

GOLF COURSE

Means a public or private area operated for the purposes of playing golf and includes a par 3 golf course, driving ranges, miniature courses and associated recreational uses such as a club house, swimming pool and tennis courts.

GRADE

Shall mean the crown of the road fronting the lot that it serves.

GRADE, FINISHED

Means the average elevation of the finished surface of the ground at ground level of a building or structure.

GREENHOUSE, COMMERCIAL

Means a building or structure used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such building or structure, but are sold directly from such a lot at wholesale or retail.

GROSS VEHICLE WEIGHT

Means the licensed capacity of a commercial motor vehicle and shall include combined weight of a commercial motor vehicle, equipment, fuel, driver, passenger and payload.

GROUND FLOOR AREA

Means the maximum area of a building measured to the outside walls excluding, in the case of a dwelling house, any private garage, carport, porch, verandah or sun room (unless such sun room is habitable at all seasons of the year).

GROUP HOME

See "Dwelling, Group Home".

GUEST ROOM

Means a room or suite of rooms in a dwelling unit used or maintained for the accommodation of the public and which contain no provisions for cooking.

HABITABLE ROOM

Shall mean any room within a dwelling unit used or capable of being used for living, eating and sleeping, but excluding a cellar or any portion thereof, bathroom, toilet room, serving or storage pantry, laundry and corridor.

HARBOUR

Means a deep water coastal facility composed of natural features and man-made structures to provide protection from winds, waves and currents so that ships can be anchored, loaded and unloaded.

HARBOUR COMMERCIAL USE

Means a commercial use which has a demonstrable need for direct access to a deep water port and connecting bulk transportation facilities such as docks and rail lines.

HARBOUR INDUSTRIAL USE

Means an industrial use which has a demonstrable need for direct access to a deep water port and connecting bulk transportation facilities such as docks and rail lines, excluding an open storage facility, grain drying plant or a country elevator.

HAZARD LANDS, NATURAL

Shall include flooding, erosion, unstable slopes, sinkholes, and lands adjacent to ravines, river valleys, streams and water bodies.

HERITAGE CONSERVATION DISTRICT

Shall mean a district as defined under Section V of the *Ontario Heritage Act*, as amended from time to time.

HISTORIC SITE

Shall mean an area containing buildings or places in which historic events occurred, or having special public value because of notable architecture or features relating to the cultural or artistic heritage of the community.

HOME FOR THE AGED

As defined under the *Homes for the Aged and Rest Homes Act*, as amended from time to time.

HOME OCCUPATION

Means an occupation conducted entirely within a dwelling on the same lot only by the occupant(s) of the dwelling subject to the following conditions:

- such home occupation is clearly secondary to and compatible with the principal use of the dwelling for residential purposes;
- no external alteration of the dwelling shall be permitted such as the inclusion of any specialized structure, ramps or oversize entrances which will change the character of the dwelling unit as a private residence;
- there shall be no external display of goods, materials, wares or merchandise, or exterior advertising other than a legal sign to indicate to persons outside that the dwelling or lot is being used for other than residential purposes;
- such home occupation shall not create a nuisance or hazard to neighbours by reason of noise emission, vibration, smoke, dust, fumes, odour, heat, humidity, glare, debris, refuse, fire, lighting, interference with radio or television reception, or hours of operation;
- such home occupation shall not result in volumes of vehicular traffic or on-street parking which cause the disruption of normal activities of adjacent residential properties;
- there shall be no use of municipal services such as roads, sanitary and storm sewers, water supply and utilities such as hydro and gas, or the generation of waste and refuse beyond that normal to the use of property for residential purposes;
- there shall be no mechanical or other equipment used except that which is customarily used in dwellings for domestic or household purposes;
- no outdoor storage of materials or goods in support of such home occupation shall be permitted;
- not more than twenty-five percent (25%) of the gross floor area of the dwelling shall be used for the purposes of the home occupation;
- an animal kennel shall not be deemed to be a home occupation;
- such home occupation shall meet all of the requirements of this By-law including the parking provisions of Section 6.13.;
- prior to the establishment of any home occupation use, the occupant may obtain a statement of conformity from the Municipality;
- no person, other than an occupant is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers;
- there are no goods, wares or merchandise offered or exposed for sale or rent on the premises.

HOSPITAL

Shall mean a “hospital” as defined under the *Public Hospitals Act* or under the *Private Hospitals Act*, as amended from time to time.

HOSTEL

Shall mean an establishment providing accommodation for the traveling public and may include communal spaces such as a kitchen.

HOTEL

Shall mean a building or part thereof used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation (with or without meals), but without private cooking facilities provided that each guest room may only be entered from the interior of the building. A hotel may include public rooms licensed under the *Liquor Licensing Act*, as amended from time to time. This does not include a boarding house or guest cabins.

HOUSEHOLD GARAGE SALES

Means the sale held by the occupant of a dwelling unit, on his/her own premises, of household goods belonging to him/her and not merchandise which was purchased for resale or obtained on consignment, subject to the following conditions:

- no person shall conduct more than two household sales per calendar year on his own premises;
- no household sale shall exceed one day’s duration.

IMPROVED STREET

Means a street assumed for maintenance purposes by the Corporation which has been constructed in such a manner as to permit its use by normal vehicular traffic. The definition shall not include a lane or private right-of-way.

INDUSTRIAL USE, GENERAL

Shall mean the use of land, building or structure for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, including the storage of building and construction equipment and materials, but not including any obnoxious industry.

INDUSTRIAL USE, LIGHT

Shall mean the use of land, buildings or structures for non-offensive manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, but shall not include any obnoxious industry. (Amended by By-law 37-1997)

INDUSTRIAL MALL

Means a building or group of buildings designed, developed, owned and managed as a unit containing three or more separated spaces for lease or occupancy by industrial uses as established by this By-law.

INSTITUTIONAL USE – see ‘COMMUNITY FACILITY’

KENNEL

Means a place where dogs and other domestic animals other than livestock are bred and raised, and are sold or kept for sale or boarded.

LABORATORY

Shall mean a building, or part thereof, used for scientific, medical and/or research purposes.

LANDSCAPED OPEN SPACE

Shall mean open space comprised of lawn and/or ornamental shrubs, flowers and trees and may include space occupied by paths, walks, courts and patios, and swimming pools but shall not include parking areas, traffic aisles, driveways, ramps, or storage of equipment, vehicles or other materials.

LANDSCAPING

Means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land but does not include parking areas, patios, walkways, driveways, traffic aisles or ramps.

LANE

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

LAUNDROMAT

Shall mean an establishment containing one or more washers and could include drying, ironing, finishing and incidental equipment, provided that only water, soaps and detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises. This definition may include a self-service coin operated Laundromat.

LIBRARY

Shall mean a library, branch library or distribution station to which the provisions of the *Public Libraries Act*, as amended from time to time, apply.

LIVESTOCK

Means chickens, turkeys, cattle, hogs, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption, but excludes domestic pets.

LOADING SPACE

Means an off-street space on the same lot as the building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, lane or other appropriate means of access.

LOT

Shall mean a contiguous parcel of land which is owned by one person, or by more persons than one as tenants in common as to the whole parcel, or as joint tenants as to the whole parcel, and which parcel of land is also:

- a) a whole of a lot or block on a registered Plan of Subdivision;
 - b) a whole of a unit on a Vacant Land Condominium Plan;
 - c) the whole of a contiguous parcel of common elements within a Vacant Land Condominium Plan or within a Common Elements Condominium Plan;
 - d) the whole of the lands within a Standard Condominium Plan; or
 - e) a parcel which may otherwise be conveyed separately without contravening the Planning Act, provided that the subparagraph
- (e) shall not apply to a unit within a Standard Condominium Plan. (See Lot Definition illustration in APPENDIX)

- **LOT, CORNER** – shall mean a lot situated at the intersection of, or abutting upon, two or more public roads, provided that the angle of intersection of such streets is not more than 135 degrees.
- **LOT, INTERIOR** - shall mean a lot other than a corner lot.
- **LOT, THROUGH** - shall mean a lot bounded on two opposite sides by a street. If any lot qualifies as being both a "Corner Lot" and a "Through Lot", as herein before defined, such lot shall be deemed a "Corner Lot" for the purpose of this By-law.

LOT AREA

Is the total horizontal area within the limits of a lot, and for the purpose of this definition the lot area in each zone shall apply only to that portion of such lot which is located within said zone unless otherwise specified.

LOT COVERAGE

Shall mean the percentage of the lot area, covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level.

LOT DEPTH

Shall mean the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines. For lots with curved front lot lines, the measurement shall be taken from a line drawn parallel to the chord of the arc of the curve constituting the front lot line, lying midway between said chord and a line drawn parallel to said cord and tangent to said arc. When there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

LOT FRONTAGE

Means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and measured at a point the minimum front yard distance from the front lot line. Where the front lot line is not a straight line, the lot frontage shall be measured by a line set at a maximum of 7.5 metres back from and parallel to the chord of the lot frontage or a line parallel to the said chord and tangent to the arc. (For the purposes of this By-law the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot lines.)

LOT LINE

Means any boundary of a lot or a vertical projection thereof.

a) FRONT LOT LINE - shall mean the lot line that abuts the street except that, in the case of a corner lot, the shorter lot line that abuts the street shall be deemed the front lot line and the longer lot line that abuts the street or unopened road allowance shall be deemed the exterior side lot line.

In addition:

- **FRONT LOT LINE, CORNER LOT** - in the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street or abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the Township may designate either street line as the front lot line.
- **FRONT LOT LINE, THROUGH LOT** - in the case of a through lot the longer boundary dividing the lot from the street shall be deemed to be the front line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length, the Township may designate either street line as the front lot line.

b) REAR LOT LINE - shall mean the longest lot line opposite to the front lot line.

c) SIDE LOT LINE – shall mean a lot line other than a front or rear lot line.

- **EXTERIOR SIDE LOT LINE** – shall mean any lot line other than a front lot line or rear lot line abutting a public

street/road/lane.

- **INTERIOR SIDE LOT LINE** – shall mean a side lot line other than an exterior side lot line.

d) LOT LINE, FLANKAGE

Means the side lot line which abuts the street on a corner lot.

LOT WIDTH

Means the shortest horizontal distance between the side lot lines.

LOT OF RECORD

Shall mean a lot or parcel of land that can legally be conveyed and which includes lots on a registered plan of subdivision, parcels created by consent in accordance with *The Planning Act*, as amended from time to time, or any other distinct and separate holding, the deed to which is registered in the Land Registry Office and which lot or parcel of land was legally created prior to the date of passing of this By-law. For the purposes of this definition, lots of record shall not include those lots on a registered plan of subdivision which has been deemed not to be a registered plan of subdivision for the purposes of Section 49(4) of *The Planning Act*, as amended from time to time..

LUMBER YARD

Shall mean a place of business which retails lumber and related materials and may include open storage and warehousing.

MAIN WALL

Shall mean the exterior front, side or rear wall of a building or structural members essential to the support of a fully enclosed space or roof (where such members are nearer to a lot line than the said exterior wall).

MARINA

Means an establishment located on the shore of a body of water which provides docking or mooring space or structures for all types of marine pleasure craft and may include electricity, water and sewer services for these craft as well as fueling facilities; such an establishment may also include those services and structures related to in-water and dry storage of marine pleasure craft and the sale, service and repair of such craft and commercial functions related to the boating public which are accessory and subordinate to the use of the site as a boating facility.

MINIATURE GOLF COURSE

Shall mean a use which provides facilities designed and operated primarily for what is commonly known as miniature golf but does not include a Golf Driving Tee or Range or a Golf Course as defined herein.

MOBILE HOME – see ‘DWELLING, MOBILE HOME’

MOBILE HOME & RECREATIONAL VEHICLE SALES & SERVICE ESTABLISHMENT

Shall mean land, building or structure used for the sale and service of Mobile Homes, Modular Homes, and Travel/Tent Trailers.

MOBILE CANTEEN

Shall mean a vehicle from which food or drink is offered for sale to the public and, where required, a licence has been obtained from the Municipality. (As amended by By-law 99-2007)

MODULAR HOME

Means a new prefabricated dwelling set on a full permanent foundation; such home to be constructed by conventional construction methods and in accordance with the Ontario Building Code.

MONASTERY

Means a building occupied as a common residence for persons of a religious order.

MOTEL

Shall mean a separate building or a group of 2 or more connected or detached buildings designed and used mainly for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation with or without supplying food for guests. The motel may include accessory recreational facilities and each guest room may be entered directly from the exterior of the building. A motel shall not include a boarding or rooming house or a hotel.

MOTOR HOME – see ‘TRAVEL TRAILER’

MOTOR VEHICLE

Shall mean an automobile, truck, motorcycle or motorized snow or all-terrain vehicle, but does not include the cars of electric or steam railways, or other vehicles running only on rails, or a traction engine, farm tractor, self-propelled farm machinery or road building machine.

MOTOR VEHICLE BODY SHOP

Shall mean a building and/or lot used for the repair and painting of motor vehicles but does not include any other motor vehicle uses.

MOTOR VEHICLE, DERELICT

Shall mean a motor vehicle that is in a wrecked, discarded, dismantled, inoperative or abandoned condition; and does not have a current license plate.

MOTOR VEHICLE REPAIR SHOP

Shall mean a building and/or land used for the servicing, repair, cleaning, polishing, lubrication and greasing of Motor Vehicles and may include minor vehicular body repair and re-painting, but shall not include any other Motor Vehicle Use defined in this By-law.

MOTOR VEHICLE RUST PROOFING ESTABLISHMENT

Shall mean a building used for the application of rust proofing materials on motor vehicles.

MOTOR VEHICLE SALES AND/OR SERVICE ESTABLISHMENT

Shall mean a building and/or lot used for the display and sale of new or used motor vehicles, and/or the servicing, repair, cleaning, polishing and greasing of these products, the sale of accessories and related products, the leasing or renting of motor vehicles and the retail sales of motor vehicle lubricants and fuels. This establishment may also include such minor body repair that may be incidental to the mechanical servicing and repair of motor vehicles.

MOTOR VEHICLE WASHING ESTABLISHMENT

Shall mean a building and lot used for the washing or cleaning of motor vehicles by automobile washing equipment and may include the sale of fuels to motor vehicles, but shall not include any other automotive use defined in this By-law.

MOTOR VEHICLE WRECKING ESTABLISHMENT – see ‘SALVAGE YARD’

MOTORIZED RECREATIONAL VEHICLE SALES AND SERVICE

Shall mean land, building or structure used for the sale and service of motorized recreational vehicles such as: boats, motorcycles, snowmobiles and all terrain vehicles.

MUNICIPAL DRAIN CLOSED

Shall mean “drainage works” as defined by *The Drainage Act*, as amended from time to time, located entirely within the ground.

MUNICIPAL DRAIN OPEN

Shall mean “drainage works” as defined by *The Drainage Act*, as amended from time to time.

MUNICIPALITY

Shall mean the Corporation of the Town of Goderich.

NATURAL ENVIRONMENT

Means open space areas which:

- form fragile natural environments which are unsuitable for development or have a limited development potential because of physical limitations such as organic soils, steep slopes and susceptibility to flooding and erosion; or
- form unique natural features such as woodlots, aquifers, fish and wildlife habitats and highly scenic landscapes which should be protected and conserved in the public interest.

NAVIGABLE WATERWAY

Shall mean a navigable body of water or stream as deemed under The Beds of Navigable Waters Act.

NON-COMPLYING

Means a use, building or structure, permitted by the provisions for the zone in which such use, building or structure is located, which does not meet the zone provisions with respect to yards, lot area, frontage, parking, setback or any other provision of this By-law applicable to that zone.

NON-CONFORMING

Means a use, building or structure not permitted by the permitted use provisions of this By-law for the zone in which such use, building or structure is located, as of the date of passing of this By-law.

NON-OFFENSIVE

Means a use or uses which by operation is not offensive to surrounding uses due to noise, odour, dust, smell or any other characteristic.

NOXIOUS USE / CONTAMINENT

Shall mean an offensive use or trade or contaminant within the meaning of the *Environmental Protection Act*, as amended from time to time, or any use which is a nuisance by reason of emission of airborne or waterborne odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot or waste, or the depositing or leaving of unsightly objects or chattels on land, which may be hazardous or injurious as regards health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure.

NURSERY SCHOOL –see DAY NURSERY

NURSING HOME

Shall mean any building maintained and operated where lodging, meals and nursing care are provided for 2 or more persons, licensed under the *Nursing Homes Act*, as amended from time to time.

OCCUPANCY

Shall mean to reside in as owner or tenant on a permanent or temporary basis.

OFFICE

Means any building or part of a building in which businesses may be transacted, a service performed or consultation given, but excludes such uses as retail sale, repair, manufacture, assembly or storage of goods or places of assembly and amusement.

OFFICE, BUSINESS

Means any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business brokerage, or labour organization, and shall exclude such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

OFFICE, PROFESSIONAL

Means any office where professionally qualified persons, technical assistants and associated clerical staff are employed and where clients or patients go for advice, consultation or treatment. Without limiting the generality of the foregoing, professional office uses may include: business providing qualified professional services such as physicians, lawyers, drugless practitioners, and planners; and any other use of a similar nature which conforms to the criteria above; but shall not include the uses of a Personal Service Shop or Service Shop.

OFFICIAL PLAN

Shall mean the Official Plan for the Town of Goderich, including amendments thereto as adopted by Municipal Council and as approved by the County of Huron.

OPEN SPACE, USABLE

Shall mean an area of land on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, motor vehicle parking area or loading space.

OUTDOOR DISPLAY

Shall mean the open air display of goods or merchandise for sale.

OPEN STORAGE

Means the uncovered storage or display of goods, merchandise or equipment in the open air and in unenclosed portions of buildings which are open to the air on the sides.

OPEN WATER ENVIRONMENT

Means that area in the Town of Goderich located between the shoreline and the municipal corporation limit covered by the water of Lake Huron and the Maitland River.

OWNER

Shall mean the person who holds legal title to a piece of property.

PARK MODEL TRAILER – see ‘Dwelling, Park Model Trailer’

PARK, PRIVATE

Means a non-commercial recreational area other than a public park used by the owner and his guests, and may include therein a swimming pool, wading pool, picnic area, tennis courts, a bowling green or similar open space uses.

PARK, PUBLIC

Means a recreational area owned or controlled by the Corporation or by any board, commission or other authority established under any statute of the Province of Ontario, or any religious, charitable or philanthropic organizations. The Town may consider including a ‘naturalization’ component to all parks within Natural Environment zones.

PARKING AISLE

Means a portion of a parking area which abuts on one or more sides parking spaces to which it provides access and which is not used for the parking of vehicles.

PARKING AREA, REQUIRED

Shall mean an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area;

- a) comprises all parking spaces of at least the minimum number required according to the provisions of this By-law, and all driveways, aisles, manoeuvring areas, entrances, exits, and similar areas used for the purpose of gaining access to and egress from the said parking spaces; and
- b) is provided and maintained in accordance with all applicable provisions of this By-law.

PARKING LOT

Shall mean a lot used or intended for the temporary parking of 2 or more motor vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a road.

PARKING SPACE

Shall mean a space on which a motor vehicle may be temporarily parked. For ‘PARKING AREA REGULATIONS’ see General Provisions..

PERMITTED

Shall mean permitted by this By-law.

PERSON

Includes any individual, association, partnership, corporation, municipal corporation, agent or trustee and the heirs, executors or other legal representative of a person to whom the context can apply accordingly to law.

PERSONAL SERVICES SHOP

Shall mean a building or part of a building for the performance of personal services; for greater clarity a personal services shop may include a barber shop, beauty parlour, spa services, and dress-making.

PETROLEUM WORK

Shall mean as defined by the *Oil, Gas and Salt Resources Act*, as amended from time to time, a Pipeline or Petroleum Well and every part thereof and adjunct thereto that is used in the drilling for or the production or storage of oil or gas.

PIT

Shall mean a place where unconsolidated gravel, stone, earth, clay, fill, mineral, consolidated rock or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes.

PLACE OF ENTERTAINMENT

Such as a motion picture or other theatre, auditorium, billiard or pool room, bowling alley, ice or roller skating rink, or dance hall, but does not include any place of entertainment or recreation otherwise defined or classified in this By-law.

PLANT, HOT MIX

Means a building or structure used for the manufacturing of asphalt in a form suitable for the immediate use in the paving of roads or driveways and the damp-proofing of buildings and structures.

PLANT, READY MIX

Means a building or structure used for the manufacturing of concrete in a form suitable for the immediate use in the construction of buildings, structures, roads or driveways.

PLANNING ACT

Shall mean the Planning Act of Ontario, R.S.O. 1990, c P.13, as amended from time to time and includes the former Planning Acts of Ontario as in force from time to time.

PLANTING STRIP

Shall mean an area which shall be used for no purpose other than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required.

PLAYGROUND

Shall mean an area of landscaped open space, equipped with children's equipment, such as slides, swings or wading pools.

PRIVATE CLUB

Shall mean a building or part of a building used as a meeting place for members of a chartered organization, and shall include a lodge, a fraternity or sorority house, hostel and a labour union hall.

PRIVATE GARAGE OR CARPORT

Means a detached accessory building or portion of a dwelling house which is designed or used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy.

PRIVACY FENCE

Shall mean a solid and continuous fence constructed of suitable material to a height of not less than 1.5 metres (5.0 feet) so as to provide a year round visual barrier.

PROVINCIAL HIGHWAY

Means a street under the jurisdiction of the Ministry of Transportation and Communications of the Province of Ontario.

PUBLIC AUTHORITY

Shall mean the Council and any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, planning board or other board or commission or committee of the Town of Goderich established or exercising any power or authority under any general or special statutes of Ontario with respect to any of the affairs or purposes of the Municipality or a portion thereof, and includes any committee or local authority established by by-law of the Municipality.

PUBLIC BUILDING

Means any building owned or leased and occupied by the Corporation of the Town of Goderich, the Corporation of the County of Huron, the Province of Ontario or the Government of Canada.

PUBLIC WORKS GARAGE

Means a municipal or provincial facility used for the storage and servicing of road construction and maintenance equipment and materials.

PUBLIC UTILITY

Shall mean a waterworks, a water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

PUMP ISLAND

Means that portion of an automobile service station, public garage or portion of a non-residential use for the retail sale of automotive fuels, which includes the fuel pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any building for the repair or service of vehicles.

RECONSTRUCTION

Shall mean to construct again.

RECREATION, ACTIVE

Shall mean the use of land, water and/or building for the purpose of organized active leisure activities and shall include an arena, a golf course, a sports field and motorized vehicle trails.

RECREATION, PASSIVE

Shall mean the use of land and/or water for the purpose of passive leisure activity and shall include a park, a garden, a picnic area and the like, equestrian and hiking trails, as well as a playlot with activity equipment for children.

RECREATIONAL TRAILER CAMPSITE

Means any land:

- upon which are located two or more travel trailers or park model trailers not exceeding 12 metres in length, and
- does not permit a mobile home, and
- such trailers are used or intended to be used for temporary human occupancy for overnight, short term or seasonal accommodation, and
- no trailer shall be the occupant's principal residence, and
- occupancy shall not exceed 2 days per week per trailer during the months of December, January and February of any year, and
- notwithstanding the above, not more than two in total of the travel trailers or park model trailers may be used for year round occupancy by the owners/operators of the site, and
- includes ancillary commercial, laundry, social and recreational facilities, and
- such site is not supplied with the full complement of municipal services.

(Amended by By-law 28-1994)

RECYCLING CENTRE

Shall mean a building or an area where materials, excluding motor vehicles and farm machinery, are collected, separated and processed.

REGULATED AREA – see ‘Conservation Authority Regulated Lands, CARL’

REDEVELOPMENT

Means development subsequent to the total or partial removal of buildings from land.

REFRESHMENT STAND

Shall mean a food stand, booth or temporary set-up from which food or drink is for sale or prepared for sale to the public, but that is not a restaurant or mobile canteen (As amended by By-law 99-2007).

REGULATORY FLOOD – see ‘FLOOD, REGULATORY’

REGULATORY FLOODLINE – see ‘FLOODLINE, REGULATORY’

RENOVATION

Means the repair and restoration of a building to good condition within existing external walls but shall not include its replacement.

REPLACEMENT

Shall mean when used in reference to a building or structure or part thereof, and the rebuilding, repairing or restoring of more than 25% of the total building or structure.

RESIDENCE – see ‘DWELLING’

RESIDENTIAL USE

Means the use of a building or structure, or parts thereof, as a private dwelling.

REST HOME

Shall mean a building or portion of a building other than a public or private hospital operated under the provisions of the *Homes for the Aged and Rest Homes Act*, as amended from time to time.

RESTAURANT – see ‘EATING ESTABLISHMENT’

RETAIL FLOOR AREA

Shall mean the aggregate of the areas of all rooms where goods and services are made available for sale but shall not include storage areas or other commercial uses.

RETAIL STORE

Means a building, or part of a building, in which goods, wares, merchandise, substances or articles are kept for sale, but does not include any manufacturing, processing or construction uses or any use otherwise defined or used in this By-law.

RETIREMENT HOME

Shall mean a building for the accommodation of senior citizens, within single or double rooms or suites which do not contain kitchens, and where central kitchen, dining and laundry facilities are provided for the residents, together with other communal facilities, under the supervision of resident and other staff, but which shall not include a Nursing Home, licensed under the *Nursing Homes Act*, as amended from time to time.

RIGHT-OF-WAY

Shall mean a legal agreement which affords access to abutting lots.

ROAD (Private)

Shall mean a road which is not assumed by the Ministry of Transportation, the County of Huron or the Town and shall provide private access to any lots abutting thereon.

ROAD, STREET OR HIGHWAY (PUBLIC)

Means a road which has been assumed by the Ministry of Transportation and Communications, the County of Huron or the Town of Goderich and shall mean such public highway, street or road as affords the main means of access to any lots abutting thereon. For the purpose of setbacks, an unopened or unassumed street allowance shall also be considered a road, street or highway (public). (Amended by By-law 28-1994) For the purpose of setbacks, an unopened or unassumed road allowance shall also be considered a road, street or highway (public).

SALT EVAPORATION ESTABLISHMENT

Means a building or facilities for the extraction, evaporation, processing, manufacturing and distribution of salt or salt by-products.

SALVAGE YARD

Includes a lot and/or premises for the storage and/or handling and/or sale of scrap or used materials, which without limiting the generality of the foregoing, shall include waste paper, rags, wood, bottles, bicycles, vehicles, tires, metal and/or other scrap material and salvage and includes a junk yard, scrap metal yard and a motor vehicle wrecking establishment (as defined in this By-law), including ancillary automotive sales and service establishment and premises.

SAWMILL

Shall mean the use of land, building or structure for the purpose of processing logs or other unfinished wood into lumber, shingles, pallets, sawdust, firewood or related products.

SANITARY SEWER

Means an adequate system of underground conduits, operated by the Corporation or by the Ministry of the Environment, which carries sewage to an adequate place of treatment.

SCHOOL

Means an academic school authorized under the Education Act or the Universities or Colleges Act as amended from time to time..

a) SCHOOL, COMMERCIAL

Means a school other than an academic school where instruction is given for hire or gain and includes the studio of a dance teacher or music teacher, an art school, business school.

b) SCHOOL, COMMERCIAL TRADE

Shall mean a school, other than an academic school, where practical instruction or training is given for manual labour, trades, and crafts, such as carpentry, plumbing, and electrical trades, but does not include arts or performing arts or business schools. (Amended by By-law 119-2008)

c) SCHOOL, PRIVATE

Means a school other than a public school or commercial school under the jurisdiction of a private nonprofit board of trustees or governors, a religious organization, or a charitable institution.

d) PUBLIC SCHOOL

Means a public school under the jurisdiction of a public agency

SELF-SERVICE STORAGE WAREHOUSE

Shall mean a building or buildings divided into independent storage units rented or leased to persons for the storage of goods, wares, merchandise, foodstuffs, substances, articles or things but shall not include the storage of fuels, solvents, paints or other flammable, hazardous, or explosive substances. (Amended by By-law 119-2008)

SENIORS HOME – see ‘HOMES FOR THE AGED, DWELLING’

SEPARATION DISTANCE

Means the horizontal distance between buildings or structures measured from the closest point on the exterior wall or such buildings or structures.

SEPARATION DISTANCE, GROUP HOME

Means a separation distance of 300 metres must be maintained from the limit of the lot containing such group home, to the limit of the lot containing another group home, unless otherwise stated on this By-law or amendments thereto.

SERVICE INDUSTRY

Means an establishment set up to perform cleaning, maintenance, renovation or repair on an existing product, but does not include any automotive uses as defined by this By-law.

SERVICE AND REPAIR SHOP

Shall mean an establishment wherein articles of goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation, small engine repair or establishment used for the service or repair of motor vehicles.

SERVICES SHOP, PERSONAL – see ‘PERSONAL SERVICES SHOP’

SETBACK – see ‘BUILDING SETBACK’

SETTLEMENT AREAS

Means towns, villages and hamlets where development is concentrated, and the surrounding land has been designated for urban development in the Official Plan.

SEWAGE TREATMENT PLANT

Shall mean the use of land and/or buildings for the purposes of treatment and disposal of sanitary sewage and includes accessory transfer stations and pumping stations.

SEWAGE DISPOSAL SYSTEM, PRIVATE

Means a sanitary disposal system including a septic tank and tile bed disposal system approved by the Huron County Medical Officer of Health.

SHOPPING CENTRE

Shall mean a group of commercial establishments conceived, designed, developed and managed as an interdependent and inter-related unit whether by a single owner or tenant or by a group of owners or tenants, acting in collaboration and shall include a parking lot.

SIGN

Means a name, identification, description, device, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business. A sign permit may be required for the erection of any sign upon private or public property in accordance with the Town Signage By-law.

SIGHT OR DAYLIGHT TRIANGLE

Means an area free of buildings or structures and which area is to be determined by measuring from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the daylight triangle.

SINKHOLE

Shall mean closed depressions that form by the dissolution of underlying soluble bedrock and they function as connections between surface and groundwater.

SITE PLAN

Shall mean a scaled drawing showing the relationship between the lot lines and the uses, buildings or structures existing or proposed on a lot, including such details as parking areas, driveways, walkways, landscaped areas, building areas, minimum yards, building heights, floor areas, densities and areas for special uses.

SOLAR COLLECTOR

Means a device or combination of devices and/or structures that transforms solar energy into thermal, chemical or electrical energy.

SOLAR ENERGY

Means radiant energy received from the sun.

SOLAR ENERGY SYSTEM

Means a system designed for the collection, storage and distribution of solar energy.

STORAGE (COMMERCIAL) WAREHOUSE - see 'COMMERCIAL STORAGE WAREHOUSE

STOREY

Shall mean that portion of a building between any floor and the floor, ceiling or roof next above, provided:

- a. that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres above average grade, and
- b. that any portion of a storey exceeding four (4) metres in height shall be deemed an additional storey for each four (4) metres or fraction thereof of such excess, excluding lands within the C4 (Core Area Commercial) or C5 (Restricted Core Area Commercial) zones. (As amended by By-law 99-2007).

STOREY, HALF

Shall mean a portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the storey next below, sidewalls not less than 1.2 metres of height and a ceiling with a minimum height of 2.3 metres over an area equal to at least fifty percent (50%) of its floor area.

STORM SEWER

Means a system of underground conduits which carry storm surface water and storm drainage, but which does not carry sanitary sewage or industrial waste.

STREET

See "Road, Street or Highway (Public)".

STREET LINE

Means the boundary line between a street and a lot.

STRUCTURE

Shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure. For the purposes of this By-law, "structure" does not include a fence, retaining wall, hedge, light standards or signs.

SWIMMING POOL

Means any body of water located outdoors, contained by artificial means, and having a depth of greater than .6 metres at any point, and used and maintained for the purpose of swimming, wading, diving or bathing.

TAVERN OR PUBLIC HOUSE

Shall mean tavern as defined by *The Liquor License Act*, as amended from time to time.

TEMPORARY BUILDING

Shall mean a building or structure intended for removal or demolition within a prescribed time not exceeding two years as set out in a permit issued by the Municipality.

TEMPORARY USE

Means the use of land, building or structure for a construction office, tool shed, or for the storage of scaffolds, equipment and material which is incidental to and necessary for construction work in progress for so long as the same are necessary for the construction work which has neither been finished nor abandoned on the same lot. "Abandoned" means the failure to proceed expeditiously with the construction of a work.

TENANT

Means a person or group who occupies a building, structure or land by rental agreement.

TERMS

All terms used in this By-Law, which are not otherwise specifically defined, shall have the meanings given to them by the *Planning Act* and the *Condominium Act* at the relevant point in time.

THEATRE

Shall mean an establishment which produces/performs plays, films and live theatre productions along with any appropriate accessory uses used in performance productions and management; in addition, an accessory art gallery and food concession may be permitted.

TOP-OF-BANK

Means a line delineated at a point where the oblique plane of the slope meets the horizontal plane.

TOURIST HOME

See "Dwelling, Guest or Tourist Home".

TRACTOR TRAILER

Means a truck consisting of a self-propelled tractor, and having temporarily attached thereto, a trailer consisting of one or more axles designed to be pulled by the tractor for the purposes of carrying goods and materials. This definition shall not include a commercial motor vehicle as defined herein.

TRAILER

May include a trailer for the transport of vehicles, equipment and materials.

TRAILER CAMP OR PARK

Means any land upon which overnight, short term or seasonal accommodation for two or more travel trailers used or intended to be used for human occupation is provided and includes ancillary commercial laundry, social and recreational facilities.

TRANSFER GRAIN ELEVATOR

Means a facility for the storage and transshipment of grain, and also includes secondary cleaning and drying of grain.

TRAVEL TRAILER

Shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purposes of being drawn or propelled by the said motor vehicle and capable of being used for living, sleeping or eating accommodation, notwithstanding that such vehicle is jacked up or, that its running gear is removed.

TRAVEL TRAILER SALES ESTABLISHMENT – see 'MOBILE HOME & RECREATIONAL VEHICLE SALES & SERVICE ESTABLISHMENT'

TRUCK TRANSPORT TERMINAL

Shall mean a building or structure, or lot used for the parking, repairing or dispatching of Commercial motor Vehicles or trailers, as defined by the *Highway Traffic Act*, as amended from time to time.

UNDERTAKING ESTABLISHMENT

Means any premises where a deceased human body is prepared for internment or cremation.

UNIT IN A PLAN OF CONDOMINIUM

Means a part of the property designated as a unit by the description and includes the space enclosed by its boundaries and all of the land, structures and fixtures within this space in accordance with the declaration and description.

URBAN

Means those land uses designated for residential, recreational, commercial, industrial or community facility within a recognized Town, Village, Hamlet or other recognized urban area.

URBAN EXPANSION

Means the outward expansion of settlement areas for such uses as residential, recreational, institutional, commercial and industrial.

USE

Shall mean the purpose for which any land, building, structure or premises, or part thereof, is arranged, designed or intended to be used, or is or may be occupied or maintained and the words “used”, “to use” and “uses” have a corresponding meaning.

UTILITY SERVICE BUILDING

Means a building used in connection with the supplying of local utilities services including a water or sewage pumping station, a water storage reservoir, a gas regulator building, a hydro sub-station, a telephone building for exchange, long distance or repeater purposes (but does not include major hydro transmission lines and transformer stations of 230kv or more).

VETERINARIAN’S CLINIC

Means a building or part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian, and where such animals can be temporarily boarded.

WAREHOUSE

Shall mean a building used or intended to be used for the bulk storage of goods, merchandise or materials and shall include wholesale establishments.

WASTE DISPOSAL SITE

Shall mean any land approved by the Ministry of the Environment upon, into or in which waste may be deposited or processed.

WATERCOURSE

Shall mean a natural/artificial channel for a stream and, for the purpose of this By-law, includes a channel for an intermittent stream.

WATER SUPPLY / WATER TREATMENT PLANT

Shall mean the water source and related storage including pumping and purification appurtenances owned and operated by the Township for public use.

WHOLESALE USE

Means any establishment which sells merchandise to others for resale and/or to industrial or commercial users.

WIND ENERGY FACILITY

A wind energy facility shall mean any device and related equipment or appurtenances that is used, or designed to be used, for the production of electrical power where wind is the energy source, including windmills, vertical axis wind turbines and horizontal axis wind turbines.

YARD

Shall mean an open area of land, unoccupied and unobstructed except as otherwise provided for or required by this Bylaw, located on the same lot or zone within a lot with a main building or structure. See the APPENDIX for all yard related definition diagrams.

- **Side Yard Depth** shall mean the least horizontal dimension between the side lot line of the lot and the nearest part of any main building or structure on the lot.
- **Side Yard Exterior** shall mean a side yard immediately adjoining a public street.
- **Side Yard Interior** shall mean a side yard immediately adjoining a lot and does not include an exterior side yard.

YARD, FRONT

Shall mean a yard extending across the full width of the lot or zone within the lot between the front line of the lot and the nearest part of any building or structure on the lot.

- **Front yard depth** means the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot.

YARD, REAR

Shall mean a yard extending across the full width of the lot or zone within the lot between the rear lot line of the lot or rear zone boundary and the nearest part of any building or structure on the lot.

- **Rear Yard Depth** shall mean the least horizontal dimension between the rear lot line of the lot or rear zone boundary and the nearest part of any building or structure on the lot or zone.

YARD, SIDE

Shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any main building or structures on the lot.

YARD SALE – see ‘GARAGE SALE’

ZONE

Means an area delineated on the Zoning Map or Zoning Map Schedules and established by this By-law for a specific use.

ZONING ADMINISTRATOR

Means the officer or employee of the Corporation charged with the duty of administering and enforcing the provisions of this By-law.

SECTION 3.

APPLICATION, ADMINISTRATION AND ENFORCEMENT

3.1. APPLICATION

3.1.1. The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Town of Goderich.

3.1.2. No person shall use any land, or erect, alter or use any building, structure, or part thereof, within the limits of the Corporation of the Town of Goderich except in conformity with the provisions of this By-law.

3.1.3. No person shall use any building, structure or part thereof, erected or altered in contravention of this By-law so long as such building, structure or part thereof, continues to contravene the provisions of this By-law.

3.1.4. No lot shall be reduced in area by the conveyance, mortgage or other alienation of a part thereof so that any remaining yard or other open space is less than that required by this By-law. If any such reduction occurs, such lot and any building or structure thereon shall not thereafter be used by any person unless and until the said yard or requirements of this By-law are complied with.

3.1.5. Subsection 3.1.4. shall not apply to a lot reduced in area by the conveyance to or expropriation by the Corporation of the Town of Goderich or any other authority having the powers of expropriation.

3.1.6. No person shall change the purpose for which any lot, building or structure is used, or erect, alter or use any building or structure, or sever any lands from any existing lot, if the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention of this By-law.

3.2. ADMINISTRATION

3.2.1. This By-law shall be administered and may be enforced by a Zoning Administrator appointed by Council.

3.3. ZONING COMPLIANCE INSPECTIONS

The Zoning Administrator, Zoning Compliance Inspector or any employee of the Town acting under the direction of the Zoning Administrator or any peace officer having jurisdiction in the Town is hereby authorized to enter with prior notification between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m. on any day but Sunday upon any property or premises or structure for the purpose of discharging his duties and obligations under this By-law, or if there is reason to believe that the provisions of the By-law are not being complied with in whole or in part. Where the owner or occupier refuses consent, entry may be made under the authority of a search warrant issued under the Provincial Offences Act, 1980.

3.4. LICENCES AND PERMITS

No Municipal permit, certificate or licence shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-law.

3.5. BUILDINGS TO BE MOVED

In all zones, any building or structure which is moved from one location to another, whether within the zone or from one zone to another, or from any location beyond the boundary of the Municipality, into any zone, shall be considered as being a new building or structure and shall comply with the provisions of this By-law. No building, residential or otherwise, shall be moved within the limits of the Municipality or shall be moved into the Municipality from outside, without a permit from the Zoning Administrator.

3.6. SIGN PERMITS

A sign permit may be required for the erection of any sign upon private or public property which shall only be issued if such sign is in conformity with the Municipal Signs By-law.

3.7. APPLICATION FOR ZONING, MINOR VARIANCE AND EXPANSIONS OF LEGAL NON-CONFORMING USES

In addition to all the requirements of the Corporation's Building By-law or any other by-law of the Corporation, every application for the above shall be accompanied by a plan, in duplicate (a copy of which shall be retained by the Zoning Administrator), drawn to scale, and showing the following:

- 3.7.1. the true dimensions of the lot to be built upon or otherwise used;
- 3.7.2. the proposed location, height and dimensions of any building, structure or use proposed for such lot;
- 3.7.3. the proposed location and dimensions of any yards setback, landscaped open space, off-street parking spaces or off-street loading facilities required by this By-law;
- 3.7.4. the location of all existing buildings or structures on the lot shown on the plan;
- 3.7.5. information showing landscaping, curbing, drainage, retaining walls and any other physical addition to the site;
- 3.7.6. an affidavit signed by the owner, indicating the exact use proposed for each aforesaid building, structure or use, and giving all information necessary to determine if such proposed or existing building, structure or use conforms with the requirements of this By-law.

3.8. INFORMATION AS TO CONFORMITY

3.8.1. Any person requiring written information as to whether a lot is being used or that any building erected or used thereon is situated or used in conformity with the provisions of this By-law, shall present to the Zoning Administrator or his authorized alternate:

- 3.8.1.1. an application fee in an amount established by Council by resolution from time to time;
- 3.8.1.2. a plan of survey signed by an Ontario Land Surveyor showing the boundaries of the lot and the location of all buildings and structures thereon if required by the Zoning Administrator;
- 3.8.1.3. a statement signed by the owner of the lot as to all uses being made of the said lot and of any buildings or structures thereon;
- 3.8.1.4. any other information as the Zoning Administrator or his authorized alternate may require.

3.8.2. Information as to conformity issued hereunder is subject to the condition that the Corporation of the Town of Goderich shall not be bound by any information issued in error.

3.8.3. Where information as to conformity is issued with respect to a non-conforming use, such information shall so state.

3.8.4. If an application for information as to conformity does not comply with 3.8.1., the Zoning Administrator or his authorized alternate may issue such information notwithstanding such compliance, if he is satisfied as to the correctness and adequacy of the application made.

3.9. ERRORS AND OMISSIONS- OBLIGATION TO COMPLY

The lack of a survey or adequate information or an error or omission does not relieve the applicant from the responsibility for complying with any of the provisions of this By-law.

3.10. VIOLATION AND PENALTY

Every person who uses any lot, or erects, alters or uses any building or structure or part of any lot, building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use, erection or alteration, or who violates any provision of this By-law or causes or permits a violation, shall be guilty of an offence and upon conviction thereof shall forfeit and pay a penalty not exceeding two thousand dollars (\$2,000) exclusive of costs for each such offence, and every such penalty shall be recoverable under the Municipal Act and the Provincial Offences Act, 1980.

3.11. SEVERABILITY

If any section, clause or provision of this By-law, including anything contained in Schedules "A" and "B" attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

3.12. REMEDIES

In case any building or structure is to be erected, altered, reconstructed, extended or part thereof is to be used, or any lot is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at

the instance of any ratepayer or of the Corporation pursuant to the provisions of the Planning Act, the Municipal Act, or the Judicature Act, as recommended from time to time.

3.12.1. Where a person, guilty of an offence under this By-law has been directed to remedy any violation and is in default of doing any matter or thing required, such matter or thing shall be done at his expense.

3.12.2. Where a person has refused or neglected to reimburse the Corporation for the cost of such work, thing or matter done, the same may be recovered by the Corporation in like manner as municipal taxes.

3.13. LITIGATION

This By-law shall not affect the rights of any party or any land concerned in any action, litigation or other proceeding pending on the date of the final passage thereof, except to the extent to be determined in the final adjudication of such action, litigation or other proceedings.

3.14. UNLAWFUL USES

Any use established in violation of a predecessor of this By-law will be deemed to have been established unlawfully.

3.15. REPEALS

From the coming into force of this By-law, all previous by-laws passed under Section 34 of The Planning Act or a predecessor thereof, shall be deemed to have been repealed. The Site Plan Control By-law No. 31 of 1981 shall not be repealed by this By-law.

SECTION 4.

INTERPRETATION AND SCHEDULES

4.1. SCHEDULES TO THE BY-LAW

4.1.1. The following schedules are included in and form part of this By-law:

Schedule "A" Zone Maps comprised of the Index Map, Key Map Legend and Key Maps 1 to 42 inclusive;
Site plans are noted as addendum to Key Maps; example: Key Map 5-A, 5-B, etc.;
Schedule "B" Roads Designation.
Schedule "C" Parking Plan

4.2. INTERPRETATION

4.2.1. ZONE BOUNDARIES

Zone boundaries are construed to be property lines, lot lines, street lines, railway right-of-way, or boundaries of registered plans as interpreted in accordance with Schedule "A", Key Map Legend. In the case where uncertainty exists as to the boundary of any zone, then the location of such boundary shall be determined in accordance with the scale of Schedule "A".

4.2.2. For the purposes of this By-law, the definitions and interpretations given herein shall govern:

4.2.2.1. TENSE, PLURALITY AND GENDER:

For the purposes of this By-law, words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number. Words imparting the masculine gender shall include the feminine and the converse.

4.2.2.2. MEANING OF SHALL:

The word "shall" is mandatory.

4.2.2.3. MEANING OF ALTER:

For the purposes of this By-law, the word "alter" when used in reference to a building, or part thereof, means to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" means to decrease the width, depth or area thereof or to decrease the width, depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise; the words "altered" and "alteration" shall have the same corresponding meanings.

4.2.2.4. MEANING OF USE:

Unless the context otherwise requires, the expression "use" or "to use" in this By-law shall include anything done or permitted by the owner or occupant of any land, building or structure, directly or indirectly or by or through any trustee, tenant, servant or agent, acting with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building or structure.

4.2.2.5. MEANING OF PERSON:

The word "person" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of an individual to whom the context can apply according to law.

4.2.3. MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the orderly economic and attractive development of the Municipality.

4.2.4. USES NOT LISTED AS PERMITTED

Uses not listed as permitted in a zone or otherwise provided for in this By-law shall be prohibited in such zone except as provided for under Section 6.6. of this By-law.

4.2.5. EFFECTIVE DATE

This By-law shall take effect from the date of passing by Council and shall come into force upon approval by the Ontario Municipal Board.

SECTION 5.

ZONES

5.1. CLASSIFICATION

5.1.1. ZONES, SYMBOLS, SECTION NUMBERS

For the purposes of this By-law, the Town is hereby divided into the following zones:

Class	Zone	Symbol	Sec. No.
Residential	Low Density Residential	R1	7.0
	Medium Density Residential	R2	8.0
	High Density Residential	R3	9.0
Commercial	Local Commercial	Deleted by By-law 99-2007	
	Restricted Highway Commercial	C2	11.0
	Highway Commercial	C3	12.0
	Core Area Commercial	C4	13.0
	Restricted Core Area Commercial	C5	14.0
	Grouped Commercial	C6	15.0
	Recreational Commercial	C7	16.0
Industrial	Restricted Industrial	M1	17.0
	General Industrial	M2	18.0
Community	Minor Community Facility	CF1	19.0
	Major Community Facility	CF2	20.0
Harbour	Harbour Commercial	H1	21.0
	Harbour Industrial	H2	22.0
Open Space	Public Open Space	OS1	23.0
	Private Open Space	OS2	24.0
Natural Environment	Natural Environment	NE	25.0
Flood Zone	Flood	F	26.0
Open Water	Open Water	OW	27.0
Future Development	Holding	(-h)	28.0

5.1.2. The permitted uses, the minimum lot size and dimensions of lots, the minimum size of yards, the maximum lot coverage, the minimum setback, the minimum landscaped open space, the maximum height of buildings and all other zone provisions are set out herein for the respective zones.

5.1.3. The extent and boundaries of all the said zones are shown on Schedule "A" which schedule forms part of this By-law and is attached hereto.

5.1.4. The symbols listed in Subsection 5.1.1. of this section may be used to refer to buildings and structures, the uses of lots, buildings and structures permitted by this By-law in the said zones, and whenever in this By-law the word "zone" is used, preceded by any of the said symbols, such zones shall mean any area within the Corporation within the scope of this By-law, delineated on Schedule "A" and designated thereon by the said symbol.

5.1.5. Where the zone symbol designating certain lands as shown on Schedule "A" is followed by a dash and a number (for example, M1-1), then special provisions apply to such lands and such special provisions will be found by reference to that section of the By-law which deals with that particular zone. Lands designated in this manner shall be subject to all the restrictions of the zone except as otherwise provided by the special provisions.

5.1.6. Holding zone provisions under Section 35(1) of The Planning Act, 1983.

5.2. BOUNDARIES OF ZONES

Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Maps, the following rules shall apply:

5.2.1. RIGHT-OF-WAY LIMITS

Unless otherwise indicated, the boundaries of a zone as shown on the Key Maps are the street right-of-way lines or lane right-of-way lines and the productions thereof. Any street right-of-way wholly within the boundary of a zone as shown on the Key Maps are deemed not to be zoned but are to be used for public highway purposes.

5.2.2. CENTRELINE LIMITS

Where any zone boundary is shown as approximately, the centreline of a street, lane, watercourse or any other right-of-way, such zone boundary shall be construed to follow the centreline of the street, lane, watercourse or other right-of-way or the production thereof.

5.2.3. LOT LINES

Where the zone boundaries are not shown to be streets or lanes, and where indicated boundaries on the Zoning Maps are approximately lot lines, the said lot lines shall be construed to be the zone boundaries unless the said boundaries are otherwise indicated on the maps.

5.2.4. SCHEDULE OF LIMITS

The limit of any map comprising any schedule forming part of this By-law as shown on the Key Map of such schedule shall be deemed to be the boundary of the zone adjoining such limit.

5.2.5. SYMBOL OF ZONES

Where one symbol is used on the Zoning Maps to indicate the zone classification of an area divided by a street or lane, the said symbol shall establish the classification of the whole of such area.

5.2.6. CLOSED STREET, LANE, RAILWAY OR HIGHWAY RIGHT-OF-WAY

5.2.6.1. In the event a street, lane, railway or highway right-of-way shown on the Key Map Zone Schedules is closed, the property formerly in said street, lane, railway or highway right-of-way shall be included within the zone of the adjoining property on either side of the said closed street, lane, railway or highway right-of-way;

5.2.6.2. In the event the said street, lane, railway or highway right-of-way was a zone boundary between two or more different zones, the new zone boundary shall be the former centreline of the said closed road, lane or right-of-way;

5.2.6.3. Where the land formerly included in such street, lane, railway or highway right-of-way is purchased in its entirety by an abutting landowner, the said land shall be included in the same zone as that of the abutting landowner purchasing said land; or

5.2.6.4. Where the land formerly included in such street, lane, railway or highway right-of-way is purchased in its entirety by a person or persons other than an abutting landowner, the said land shall be included in the abutting zone which is the most restrictive in terms of use or density.

5.2.7. BOUNDARIES OTHER THAN ROADS OR LOT LINES

Where a zone boundary is not a road or lane, nor a lot line, and a specific measurement indicating the position of the said boundary is not shown on the Zone Map or indicated in the text of the By-law, the position thereof shall be determined by scaling from the Zone Map located in the office of the Zoning Administrator. The centreline of the boundary shall be used for the purposes of scaling.

5.2.8. MAITLAND RIVER AND LAKE HURON

That area in the Town of Goderich located between the shoreline and the municipal corporation limit that is covered by the water of either the River or Lake Huron at the date of passing of this By-law shall be used for the purposes of

water navigation and transportation and water recreational activities and for no other purposes and shall be available for the use of the general public.