



## **PART 6: Definitions**

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### **6.1 Definitions in this By-law**

Where the following terms appear in this bylaw, they have the meaning provided as follows:

**ACCESSORY BUILDING OR STRUCTURE** means a building or structure that is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building, or structure to which it is accessory. A use shown as a conditional use in Table 3.1 cannot be accessory to a use shown as a permitted use for the same zone.

**Accessory Use** means a use incidental to, subordinate to and exclusively devoted to the principal use and which operates together with the principal use on the same site.

**Address Sign** means a sign, generally applied to a building wall that displays a building's address.

**Advertising Sign** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere upon the same zoning site where the sign is maintained, including a billboard sign.

**Alterations, Incidental** means changes or replacements in the non- structural parts of a building or structure, including, but not limited to the following:

- i. An addition, alteration, removal, reconstruction or replacement on the non-structural exterior of a residential building;
- ii. An addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor;
- iii. Alteration of non-load bearing interior partitions in all types of buildings;
- iv. Replacement of, or changes in, the capacity of utility pipes, ducts or conduits;
- v. Replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased;
- vi. The addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves; and
- vii. Replacement of exterior building facades.

**Alterations, Structural** means any change, which prolongs the life of the supporting members of a building or structure, which includes, but is not limited to, bearing walls, columns, beams or girders.

**ANIMAL SHELTER AND VETERINARY SERVICE** means a development used for the care and treatment of small animals where the veterinary services primarily involve out-patient care and minor medical procedures. All animals shall be kept in an enclosed building. This use class includes pet clinics and veterinary offices.

**Apex** means the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

**AUTOMOBILE SERVICE STATION** means a building or portion thereof and land used for the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service stations may include eating and drinking establishments. Typical uses include car washes, truck stops and highway service stations.

**Awning Sign** means lettering applied directly on the valance or other vertical portion of an awning.

**BED AND BREAKFAST** means a home-based business operated within a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration. See Section 4.2 for use specific standards for bed and breakfast establishments.

**Building** has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline, excavation, cut, fill, or transmission line.

**Building Height** means the vertical distance measured from grade to the highest point of the roof surface.

**Business Sign** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.

**BUSINESS SUPPORT SERVICE** means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

**Carriage Suite/Coach Suite** means a self-contained accessory dwelling/secondary suite unit located over an accessory building such a garage. A secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal building.

**CEMETERY** means land used or intended to be used for the burial of the dead, and may include columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**CHILD CARE SERVICE (Group)** means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.

**CHILD CARE SERVICE (Home Day Care)** means the provision of child care services in a dwelling unit, in which the owner or tenant resides, or churches or parish halls, to children, including the children of the owner or tenant. The number of children shall not exceed eight (8) and shall have access to an outdoor recreation area.

**COMMUNITY CENTRE** means a building or structure that provides facilities for indoor recreational activities and other community facilities such as meeting rooms or a library for use by the general public.

**CONTRACTOR'S YARD** means a yard of any building trade or contractor where equipment and material is stored or where a contractor performs shop or assembly work.

**Controlled Area** means the area between the limited access highway or freeway and the control line in relation thereto (*this definition is from [The Highways Protection Act](#)*).

**Control Line** is defined in [The Highways Protection Act](#). In the majority of cases (some exceptions exist), existing statutory control areas in relation to highway classifications are shown in the table below:

CONTROL LINES	
Classification	Distance From Right of Way Edge
Limited Access Highway	38.1 or 76.2 metres
All Others	38.1 metres
CONTROL CIRCLES	
All Highways	Distance From Intersection Centre
	457.2/304.8/152.4 metres (control circle radii will vary)

Dimensions (Transportation Planning Resource Guide, p. 15)

**CUSTOM MANUFACTURING ESTABLISHMENTS** means development used for small scale on-site production of goods by hand manufacturing. Typical Uses include furniture, jewelry, toy, clothing/shoe and musical instrument manufacturing, gunsmiths, carpentry and upholstery shops, and pottery and sculpture studios.

**DETACHED SLEEPING QUARTERS** means an accessory detached building located on the same site as a cottage or dwelling which provides incidental accommodation for family members and guests.

**DRIVE-THROUGH FACILITY** means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a drive-through restaurant or bank.

**DWELLING** means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

**DWELLING, SINGLE-UNIT** means a building, located on a single site, containing one dwelling.

**DWELLING, TWO-UNIT** means a building, located on a single site, containing two dwellings (for example, a duplex or a side-by-side).

**DWELLING, MULTI-UNIT** means a building, located on a single site, containing three or more dwellings (for example, row houses, town houses, or apartment buildings).

**EATING AND DRINKING ESTABLISHMENT** means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafés, delicatessens, tea rooms, banquet catering, lunch rooms and take-out restaurants. This does not include drive-through facilities which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or

mobile catering food services.

**EDUCATION SERVICE** means a development which is privately or publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on either the same site or elsewhere on the same zoning site. This use class includes public and private schools, community colleges, technical and vocational schools and associated administrative offices and dormitories, which may also be established as accessory uses.

**EMERGENCY SERVICES** means a development which is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of emergency development which is necessary for the local distribution of utility services. Typical uses in this class include police stations, fire stations and ancillary training facilities.

**Erosion Protection Measures** means beach enhancements, slope stability projects, or the construction of engineered structures to mitigate shoreline erosion and damage from coastal hazards.

**Erosion Hazard Limit** means the sum of the stable slope allowance plus the erosion allowance of 50 times the average annual recession rate, or a minimum erosion allowance of 33 feet (10m) if sufficient data is not available as per the *RM of Victoria Beach Development Plan*.

**Fascia or Wall Sign** means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular position. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between the said buildings.

**FISHING OPERATION** means an establishment involved in the harvest and processing of marine life, for the purpose of retail or wholesale trade, and shall include all buildings, and structures associated with such operation.

**FUNERAL SERVICE** means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This use class includes funeral homes, undertaking establishments and includes cremation and interment services.

**GARAGE** means a permanent structure intended for the storage of goods or materials. A Private garage does not include a temporary structure consisting of a metal or steel frame covered by such material as canvas, plastic, polyethylene, various types of fabric

or similar materials.

**GARAGE (Portable)** means a building or structure made of canvas, polyethylene, reinforced polyethylene, Kevlar, nylon, or similar material.

**GARDEN CENTRE, FARMERS' MARKET AND PRODUCE STAND** means the outside display and sale of garden equipment and supplies, plants, seeds, vegetable and fruit produce, food items produced by vendors, and similar items. This use may also include greenhouse facilities and a plant or tree nursery.

**GENERAL CONTRACTOR SERVICE** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal contractor services use only.

**GOVERNMENT SERVICE** means a development providing municipal, provincial or federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, employment offices and social services offices.

**Grade** means the average level of finished ground adjoining a building or structure at all exterior walls as determined by the Designated Officer.

**Grading** means the shaping or sloping of land.

**Hazardous Materials** are dangerous goods that include radioactive, flammable, explosive, corrosive, oxidizing, asphyxiating, bio-hazardous, toxic, pathogenic, or allergenic materials. Also included are physical conditions such as compressed gases and liquids or hot materials. For the purpose of this by-law typical household fuels are not included as hazardous materials.

**HEALTH SERVICE** means a development used for the provision of physical and mental health services on an out-patient basis. Services may be preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics, and counselling services.

**HOME-BASED BUSINESS** means a business activity which includes manufacturing, sales, a commercial or professional operation, business service, trade, practice, office or use which is conducted by an occupant of the dwelling, in or from the dwelling unit and or its permitted accessory building or structure, is intended as a profit making operation, and is clearly incidental to, accessory to, or secondary to the residential use of the dwelling unit.

**HOTEL/MOTEL** means a building or part thereof wherein accommodation is provided for transient lodgers, in an individual room or apartment, with or without cooking facilities. Permitted accessory uses may include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

**Household Repair Service** means a development used for the repair of goods, equipment and appliances normally found within the home. This use class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.

**IDENTIFICATION SIGN** means either a sign or nameplate that identifies the business, owner, resident or the street address and which sets forth no other advertisement.

**INDOOR PARTICIPANT RECREATION SERVICE** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; archery or shooting ranges; bowling alleys and racquet clubs.

**Marquee Sign** means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

**METAL SHIPPING CONTAINER** means a prefabricated metal structure design for use as a storage enclosure, and which may be permanent or temporary in nature.

**MOBILE HOME** means a portable dwelling unit that is designed to be used as a living quarters that is:

- a) Capable of being transported on its own chassis and running gear by towing or other means;
- b) Placed on the chassis or body of a motor vehicle; or
- c) Forms part of a motor vehicle.

This use does not include recreational vehicles, travel trailers or similar vehicles used for recreational purposes.

**NATURAL AREA OR WILDLIFE HABITAT** means land designated as public reserve that will generally be retained in its natural state in an effort to conserve and protect environmentally significant lands and ecosystems.

**NATURAL RESOURCE DEVELOPMENT** means a development for the on- site removal, extraction, and primary processing of raw material found on or under the site, or accessible from the site. Typical uses in this class include forestry, gravel pits,

sandpits, clay pits, and stripping of topsoil. This use class does not include the processing of raw materials transported to the site.

**NON-ACCESSORY PARKING** means development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.

**OFFICE** means the use of a building or a portion of a building for the provision of services to a business, an organization, or to the public. It does not include the manufacturing of any product or the retail sales of goods.

**Ordinary High Water Mark** means the level at which the water in a waterbody or waterway has been held for a period sufficient to leave a mark on the vegetation and/or soil along the bank; the line identified in a plan or survey as "O.H.W.M." or "Ordinary High Water Mark", or the line on a plan of survey delineating the bed of a waterbody or waterway.

**OUTDOOR AMUSEMENT ESTABLISHMENT** means a commercial development providing facilities for entertainment and amusement activities which primarily takes place out of doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks, racetracks, moto-cross and all-terrain vehicle tracks, miniature golf, outdoor concert facilities, exhibition and fair grounds and similar uses.

**Outdoor Display Case** means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

**OUTDOOR PARTICIPANT RECREATION SERVICE** means a development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving range, shooting ranges, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities (including docks, wharves and marinas) outdoor swimming or wading pools, bowling greens, riding stables and trails.

**Party Wall** means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.

**Personal Service** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to personal needs and the repair and maintenance of personal effects, including such establishments as barber shops,



beauty salons, shoe repair shops, tailor and dressmaking shops, pet grooming (not including kennels), dry cleaning establishments and laundromats.

**PLACE OF ASSEMBLY** means a public or privately owned auditorium, hall or similar facility developed for the purpose of accommodating groups of persons for meetings, exhibitions, shows, trade fairs, public meetings, banquets, conferences and similar activities.

**PLACE OF WORSHIP** means a building primarily used for religious purposes. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. Accessory uses can include associated schools, day-care facilities, parish halls, cemeteries and like uses.

**PLANNED UNIT DEVELOPMENT** means a land development project planned as an entity in accordance with a unitary site plan.

**PLANT OR TREE NURSERY** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.

**Portable or Mobile Sign** means a sign with or without a structural frame and intended for a limited period of display, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.

**Principal Use** means the primary or predominant activity on any lot or within any building or structure.

**Principal Building** means a structure on a site used to accommodate the principal use.

**PRIVATE CAMP** means an area of land planned and improved to accommodate supervised children and/or teenagers as well as retreats for adults, with the primary purpose of educational, athletic, religious and/or cultural development. Accessory uses may include sleeping cabins, mess halls, office buildings, worship buildings, recreational halls and the like.

**Projecting Sign** means any sign other than a fascia sign, which is attached to a building and extends beyond the exterior wall of the said building beyond the surface of that portion of the building to which it is attached.

**PUBLIC PARK** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities and playing fields, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water

features, and athletic fields.

**PUBLIC TRAIL** means land dedicated as public reserve which is used as part of an integrated trail system or as a means of access to areas of community importance such as beaches.

**PUBLIC UTILITY** means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way.

**Recreational Vehicle or Travel Trailer** (including motor homes, tent trailers, and similar recreational vehicles) means a self-propelled vehicle or vehicles without a motive power designed to be drawn by a motor vehicle to be used as a transient living accommodation, facility for travel, recreation, business, trade, vacation and construction work, which is designed for frequent moves, but not for long term residential occupation. Travel trailers are capable of being licensed under *The Highway Traffic Act*.

**RETAIL AND SERVICE (GENERAL)** means a building or portion of a building where the commercial use occurs in a space with a ground floor area equal to or greater than 5,000 sq. ft. (465 m<sup>2</sup>)

**RETAIL AND SERVICE (NEIGHBOURHOOD)** means a building or portion of a building where small-scale neighbourhood oriented commercial use occurs in a space with a ground floor area less than 5,000 square feet (465 m<sup>2</sup>). Uses include convenience retail stores, health services, household repair services, personal service shops, or professional, financial or office support services which would not significantly alter the residential character of the surrounding neighbourhood. Specialty food services and eating establishments may also be allowed if less than 1,000 sq. ft. (92.9 m<sup>2</sup>)

**Riparian area** means an area of land on the banks of or near a water body that, due to the influence of water, is capable of naturally supporting an ecosystem that is distinct from the ecosystem of the adjacent upland areas.

**Short Term Rental** means all or part of a dwelling unit used to provide accommodations for any rental period less than twenty eight (28) consecutive nights.

**Sidewalk Sign or Sandwich Board** means a moveable freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians.

**Site** means a whole lot or block in a registered plan of subdivision, or the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are in the same ownership.

**Site, Corner** means a site situated at the intersection of two streets.

**Site, Interior** means a site other than a corner site or a through site.

**Site, Through** means a site having a pair of opposite site lines along two more-or-less parallel streets.

**Site Area** means the computed amount of gross land area contained within the site lines.

**Site Coverage** means the combined area of all buildings, structures, and paved surfaces on the site as a percentage of the site area, measured at the level of the lowest storey above the grade including all enclosed and insulated decks, sunrooms, porches and verandas, seasonal non-insulated structures, open or covered, such as decks, screen porches or veranda, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.

**Site Line** means one of the boundaries of a site, which include:

**Site Line, Front** means that boundary of a site along an existing or designated street. For a through site or corner site, the site lines along both streets shall be deemed front site lines. Where an irregular shaped site cannot have its site lines defined by this definition, the front site line shall be determined by the designated officer.

**Site Line, Rear** means that boundary of a site which is most nearly parallel to the front site line. Where an irregular shaped site cannot have its site lines defined by this definition, the rear site line shall be determined by the designated officer.

**Site Line, Side** means any boundary of a site which is not a front or rear site line.

**Site Width** means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or 40 feet from the front site line, whichever is the lesser.

**SOLID WASTE AND RECYCLING DEPOT** means a development used for the collection and temporary storage of household solid waste and recycling materials. This does not include auto wreckers.

**STORAGE FACILITY:**

**General** means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise. This use class does not include vehicle storage compounds, automobile wrecking yards, salvage yards,

scrap metal yards or the storage of hazardous goods or waste.

**Self-Service** means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

**Storey** means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a cellar.

**Structure** means anything constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location. It includes, but is not limited to, buildings, walls, fences, signs, billboards, light standards and antennas.

**SWIMMING POOL or HOT TUB** means an above or below ground structure filled with water, to a depth of greater than two (2) feet, to enable swimming or other leisure activities.

**Temporary Building, Structure or Use** means a building, structure or use that is temporary in nature and subject to General Regulation 2.8.

**Temporary Sign** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of a limited time duration not exceeding six months. Temporary signs include political campaign signs, real estate signs, construction identification signs, signs involving seasonal businesses, and signs advertising specific community events. For the purpose of this by-law, temporary signs shall not include portable signs.

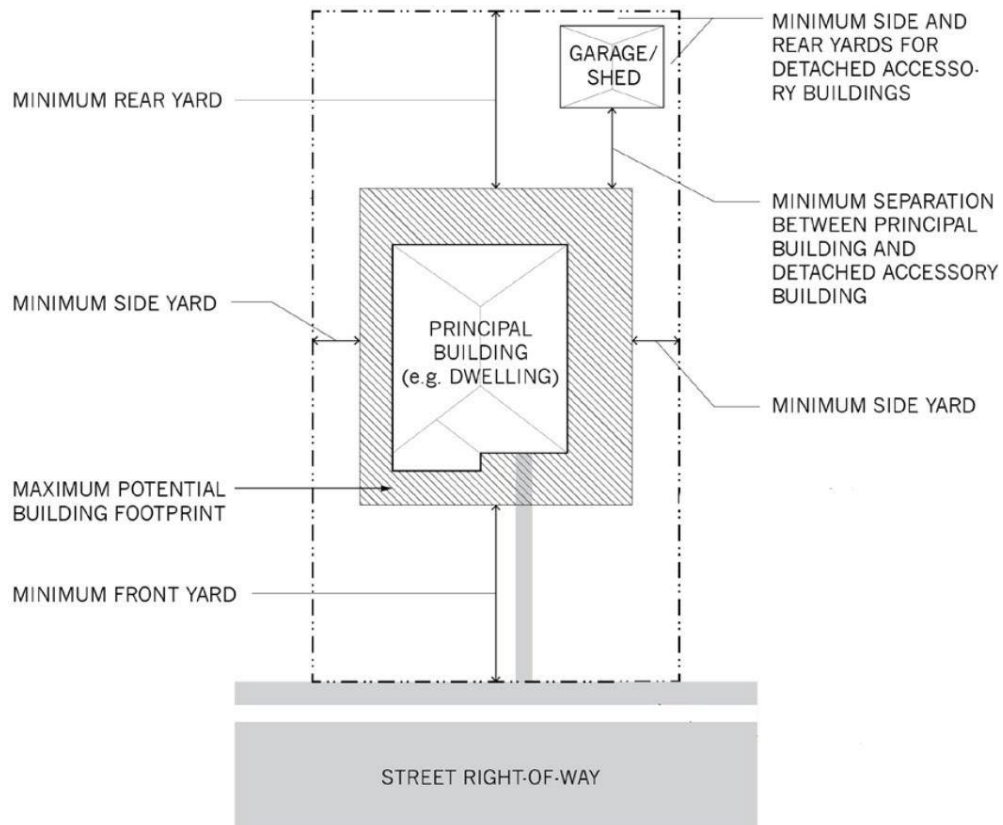
**TRUCKING OPERATION** means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses. The use class includes automotive repair, eating and drinking areas, gas bar, retail sales and service stations as accessory uses.

**Window Sign** means a sign placed or painted on the interior of a shopfront window or the window of a business door.

**Yard** means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

**Yard, Required** means the Yard measured from a site line towards the interior of the site within which no building or any part of a building may be located, except as provided

in this by-law.



**Yard Sign** means a permanent freestanding sign in a yard, including a supporting post or posts.