

### **SECTION 3 DEFINITIONS**

For the purposes of this By-law, any Definition which includes “(Oak Ridges Moraine)” shall apply to all lands within the Oak Ridges Moraine as identified in Schedule “A” of this By-law.

For the purposes of this By-law, any Definition which includes “(Business Park)” shall apply lands zoned Business Park (E-BP) or a Business Park (E-BP) Exception Zone identified in Schedule “A” of this By-law.

#### **Accessory Building or Structure:**

means a detached *building or structure* which is naturally and normally incidental, subordinate, and exclusively devoted to a *Principal Use* or building which is located on the same *Lot*.

#### **Accessory Use:**

means an additional use, other than human habitation, naturally and normally incidental, subordinate and exclusively devoted to a Principal Use or building which is located on the same *Lot*.

#### **Adult Entertainment Parlour:**

means any *Premises* or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

#### **Agricultural Uses:**

means the growing of trees, grain, vegetables, or fruit crops, the grazing or pasturing of livestock, or dairying, horticulture, stables for boarding and training of horses.

#### **Agricultural-Related Uses (Oak Ridges Moraine):**

means commercial and *Industrial uses* that are,

- (1) small-scale,
- (2) directly related to a Farm operation, and
- (3) required in close proximity to the Farm operation.

**Amenity Area:**

means an area which is designed and intended to be used as passive or active recreational space for the residents of a dwelling unit and may include a private outdoor living area.

**Animal Hospital:**

means the *Premises* of a veterinary surgeon, where domestic animals or birds, excluding livestock are treated or kept for treatment but not kept for board.

**Apartments:**

see "Building, Apartment".

**Aquifer Vulnerability (Oak Ridges Moraine):**

means an aquifer's intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality.

**Art Gallery:**

means a building, place or area where paintings, sculptures or other works of art are exhibited or sold.

**Attached Building:**

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.

**Balcony:**

means a raised, or partially enclosed platform or structure in excess of 3.2 metres above grade projecting immediately from the *Main Building*.

**Banquet Hall:**

means a *Premises* used for the preparation and service of food and beverages to an assembly of persons for functions including weddings and receptions, but does not include a *Restaurant*, or a *Convention Centre*.

**Basement:**

means that portion of a *building* below the *first storey*.

**Bed and Breakfast:**

means a *detached dwelling* wherein not more than three rooms are rented for accommodation of the travelling public on a temporary basis with or without meals.

**Berm:**

means an earth embankment.

**Boarding or Rooming House:**

see "Dwelling, *Boarding or Rooming House*".

**Body Rub Parlour:**

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

For the purposes of this use, body rub shall include the kneading, manipulating, rubbing, massaging, touching or simulating by any means of the person's body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.

**Building:**

means any structure, regardless of size, whether temporary or permanent, consisting of a wall, roof and floor, or a structural system serving the function thereof, and every part of the structure that is attached thereto.

**Building Apartment:**

means a building containing four (4) or more *dwelling units* which units are connected by a common corridor or vestibule and have a common entrance from the street level.

**Building Height of:**

means the vertical distance measured between the *Average Finished Grade* and:

- (1) on a flat roof or a structure with no roof, the highest point of the structure, roof surface or the parapet, whichever is the greater;
- (2) on any sloped roof, the mean distance between the eaves and ridge of a roof.

In calculating the height of a *Building*, any construction used as an ornament or for the mechanical operation of the *Building* such as a chimney, tower, cupola or steeple shall not be included.

**Building Line:**

means a line lying within (in the interior of) a *Lot* drawn parallel to a *Lot Line* for the purpose of establishing the minimum front yard setback (*Building* or *Lot*).

**Building Supply Outlet:**

means a *Premises* in which building, construction and/or home improvement materials are offered for sale to the public, and may include, as an *Accessory Use*, the *Outdoor Storage* of such materials, an *Outdoor Display and Sales Area*, and a *Garden Centre*.

**Bulk Storage Tank (Oak Ridges Moraine):**

means a tank or container for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane, or flammable liquid or fluid, but does not include a container for flammable liquid, gas or fluid legally and properly kept in a *Retail Store* or a tank for storage incidental to some other use of the *Premises* where the such tank or container is located.

**Car Washing Establishment:**

see "Motor Vehicle Washing Establishment".

**Carport:**

means a *building or structure* which is not wholly enclosed, is attached to the principal or *Main Building*, and is used for the parking or storage of one or more *Motor Vehicles*.

**Cellar:**

See "Basement"

**Cemetery:**

means a cemetery as defined by *The Funeral, Burial and Cremation Services Act* (2002), as amended.

**Church:**

see "Place of Worship".

**Clinic:**

means a building or part thereof used by medical practitioners, dentists, osteopaths, physicians, or *Drugless Practitioners*, having treatment rooms and facilities for two (2) or more practitioners to provide diagnosis and treatment to patients, but which does not provide overnight accommodation.

**Club:**

means a *Premises* used by members and guests of members of nonprofit and non-commercial organizations for community, social or cultural purposes, but does not include uses that are carried out as a commercial enterprise.

**Commercial Motor Vehicle:**

means a *Commercial Motor Vehicle* as defined in *The Highway Traffic Act*, (1990), as amended.

**Commercial Self Storage Facility:**

means a *Premises* used for the temporary storage of non-hazardous items including seasonal, recreational or commercial vehicles, boats and trailers in individual storage areas or lockers.

**Conservation Uses:**

means uses undertaken solely for the purpose of preserving, maintaining and/or enhancing the natural environment. Permitted uses are limited to stream bank protection works, fish, wildlife, forestry, wetlands and conservation management practices, and trails.

**Contractors Yard:**

means an area of land where equipment and materials used by a building and/or excavating contractor are stored and/or where a contractor performs shop or assembly work.

**Convention Centre:**

means a *Premises* used for the holding of conventions, seminars, workshops or similar activities, and may include as an *Accessory Use* dining and lodging facilities for use by the participants, however does not include a *Banquet Hall*, or a *Restaurant*.

**Council:**

means the *Council* of The Corporation of the Town of Aurora.

**Crematorium:**

means a building fitted with appliances for the purpose of cremating human remains that has been approved or consented to as a crematorium in accordance with the *Funeral, Burial and Cremation Services Act(2002)*.

**Curb:**

means a stone, concrete or other improved boundary, usually marking the edge of the roadway or paved area.

**Day Care Centre/ Day Nursery:**

means a building or part thereof, other than a private home or school, used for the supervision of children pursuant to within the meaning of "The Day Nurseries Act (1990)", as amended.

**Day Centre, Adult:**

means a premises that provides temporary care of adult persons requiring care for a period not exceeding twenty-four consecutive hours.

**Day Centre, Intergenerational:**

means a *Premises* where an adult day centre and a *day nursery* have been combined and provides temporary care for a period not exceeding twenty-four consecutive hours, and which is licensed in accordance with the Day Nurseries Act, as amended.

**Daylighting or Sight Triangle:**

means an area open and clear to the sky 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. The triangular-shaped land between the intersecting *Street Lines* or railway right-of-way created by the straight line joining the points at the required distance along the *Street Lines*.

**Development (Oak Ridges Moraine):**

for lands located in non-settlement areas within the Oak Ridges Moraine, means the creation of a new *Lot*, a change in land use, or the construction of buildings and *Structures*, any of which require approval under the *Planning Act*, the *Environmental Assessment Act*, or the *Drainage Act*, but does not include,

- (1) the construction by a public authority, of facilities for transportation, infrastructure and utilities uses, as described in Section 41, of the Oak Ridges Moraine Conservation Plan, or
- (2) the reconstruction, repair or maintenance of a drain approved under the *Drainage Act* and in existence on November 15, 2001, or
- (3) the carrying out of agriculture practices on land that was being used for *Agricultural uses* on November 15, 2001.

**Dormitory:**

means a *building or part thereof* consisting of *dwelling units* or lodging accommodations used for the housing of students and/or staff with common facilities for the preparation and consumption of food and common *amenity* areas.

**Drive-Through Facility:**

means a *building or structure* or part thereof where goods, food or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or materials are exchanged in a designated *Stacking Lane*.

**Driveway:**

means a vehicular accessway provided between the property line and a *Parking Space*, *Parking Area* or loading area, garage, or between two *Parking Areas*.

**Drugless Practitioner:**

means a *Drugless Practitioner* within the meaning of "The Drugless Practitioners Act", as amended.

**Dry Cleaning Distribution Station or Depot:**

means a *Premises* used for the receiving, and delivery of articles or goods of fabric to be cleaned in a *Dry Cleaning Establishment*.

**Dry Cleaning Establishment:**

means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or fabric by means of dry cleaning machines or units and may include a *Laundromat*.

**Dwelling, Boarding or Rooming House:**

means a dwelling in which lodging with or without meals is provided for gain to five (5) or more persons other than the lessee, tenant, or owner of said dwelling, and which is not open to the general public, but does not include a *Motel, Hotel, Hospital, Long Term Care Facility* or any other dwelling defined herein.

**Dwelling Back-to-Back Townhouse:**

means a building that is divided vertically into six or more *dwelling units* by a common rear wall each of which has an independent entrance directly to an outside yard area adjacent to the said *dwelling unit*.

**Dwelling, Converted:**

means a dwelling which contains more than two, but no more than four *dwelling units*, each being a self-contained *dwelling unit* none of which is located in a cellar or *Basement*.

**Dwelling, Detached:**

means a separate building containing a single *dwelling unit*.

**Dwelling, Double Duplex or Fourplex:**

means a building that is divided horizontally or a combination of horizontally and vertically into four (4) *dwelling units* each of which has an independent entrance either directly or through a common vestibule.

**Dwelling, Duplex:**

means a building that is divided horizontally into two (2) *dwelling units* each of which has an independent entrance either directly or through a common vestibule.

**Dwelling, Link House:**

means a building divided vertically into two separate *dwelling units* joined above or below ground for part of its depth, each with an independent entrance to the outside.

**Dwelling, Quadruplex:**

means a building that is divided vertically or horizontally into four (4) *dwelling units* each of which has a common or independent entrance directly to the outside area adjacent to the said dwelling.

**Dwelling, Second Suite:**

means a separate dwelling unit subsidiary to and located within the same building as the main dwelling unit and its creation does not result in the creation of a semi-detached dwelling, duplex dwelling, triplex dwelling or converted dwelling.

**Dwelling, Semi-Detached:**

means a building that is divided vertically into two (2) *dwelling units* each of which has independent entrances to a *Front* and *Rear* or *Side Yard* either directly or through a common vestibule.

**Dwelling, Stacked Townhouse:**

means a building that is divided vertically and/or horizontally into three (3) or more *dwelling units*, each of which has independent entrances from the exterior.

**Dwelling, Townhouse:**

means a building that is divided vertically into three (3) or more *dwelling units*, each of which has independent entrances to a front and *Rear Yard* immediately abutting the front and rear walls of each *dwelling unit*.

**Dwelling, Triplex:**

means a building that is divided horizontally or a combination of horizontally and vertically into three (3) *dwelling units*, each of which has an independent entrance either directly or through a common vestibule.

**Dwelling Unit:**

means one (1) or more rooms used or intended to be used by one or more persons as a single, independent and separate housekeeping establishment subject to the following conditions:

- (1) food preparation and sanitary facilities are provided for the exclusive use of such person or persons; and
- (2) there is a private entrance to the *Dwelling Unit* from outside the building or from a common hallway or stairway inside the building.

**Equipment Sales and Rental Establishment:**

means a *Premises* in which machinery and equipment, other than *Motor Vehicles*, are offered for sale or kept for rent or lease.

**Erect:**

means to build, construct, reconstruct, *alter* or relocate, any existing *building or structure* and includes excavating, grading, piling, cribbing, filling, shoring, draining and any preliminary physical operation on a *Lot*.

**Existing:**

means existing as of the date of the final passage of this By-law.

**Existing (Oak Ridges Moraine):**

means lawfully in existence on November 15, 2001, and for greater certainty does not include a use, *building or structure* that is in existence on that date without being lawful.

**Farm:**

See: *Agricultural Uses*

**Financial Institution:**

means a *Premises* in which financial services are offered to the public and includes a bank, credit union, trust company, savings office or any other retail banking operation.

**Fitness Centre:**

means a *Premises* in which facilities are provided for recreational or athletic activities such as body-building, exercise classes, martial arts classes, gymnastics, and may include associated facilities such as a sauna, *pool*, a solarium or like facilities.

**Flood Plain:**

means the area along either side of any watercourse or body of water, which has been or may be subject to flooding. The *Flood Plain* is based on the Regional storm or the One Hundred (100) Year Flood level, whichever is greater.

**Floor Area, Commercial:**

means the total area used for Commercial purposes in a building, including any basement area designed or used for commercial or office purposes, which is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, and excludes any service room, stairwell or elevator shaft.

**Floor Area, Gross:**

means the aggregate of the floor areas of each *Storey* or *Mezzanine* measured between the exterior faces of any exterior walls of the *building or structure*.

Within a *building*, the following are exempt from the calculation of gross floor area:

- basement or cellar
- parking spaces
- mechanical rooms
- refuse storage rooms
- stairwells
- elevator shafts

**Food Processing Establishment:**

means a *Premises* used for the processing or other preparation of food and/or beverages. .

**Forest Management (Oak Ridges Moraine):**

means the management of *woodlands*, including *Accessory Uses* such as the construction and maintenance of forest access roads and maple syrup production facilities,

- (1) for the production of wood and wood products, including maple syrup,
- (2) to provide outdoor recreation opportunities,
- (3) to maintain, and where possible improve or restore, conditions for wildlife, and
- (4) to protect water supplies.

**Funeral Parlour:**

means a *Premises* which furnishes funeral supplies and services to the public and has facilities used for the preparation of human remains for internment or cremation.

**Garage, Public, Autobody:**

See: *Motor Vehicle Body Shop*

**Garage, Public, Mechanical:**

See: *Motor Vehicle Repair Garage*

**Garden Centre:**

means a *Premises* where plant material such as seed fertilizer, bulbs, trees, shrubs, lawn furniture, lawn and garden equipment, furnishings and supplies are sold.

**Gasoline Bar and/or Propane Bar:**

See: *Motor Vehicle Service Station*

**Gatehouse:**

means a *building or structure* for the purpose of controlling access to a *Lot*.

**Golf Course:**

means a public or private area operated for the purpose of playing golf and includes a "par 3" or larger *Golf Course*, driving ranges, miniature *Golf Courses* and similar uses.

**Grade, Average Finished:**

means the average level of the finished ground adjoining a *building or structure* at all exterior walls.

**Greenhouse:**

means a building used for the growing of plants, shrubs, trees and similar vegetation which may be sold directly from the *Lot* either at wholesale or retail.

**Group Home:**

means a residence licensed or funded under a federal or provincial statute for the accommodation of 3 to 8 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, or social or physical condition, require a group living arrangement for their well-being but shall not include a halfway house.

**Hazardous Waste (Oak Ridges Moraine):**

has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990, as amended

**Health and Wellness Centre:**

means a *Premises* used for the medical or therapeutic treatment of human beings which provides treatment on a short term inpatient basis as well as outpatient treatment, and includes a private *Hospital* as defined in the *Private Hospitals Act* as amended.

**Home Occupation:**

means an occupation which is carried on by and includes the persons residing in a dwelling or *dwelling unit* and such *Home Occupation* uses include but are not limited to a studio; tailor; office; office of one (1) medical practitioner; (teaching) and dance or musical instruction when limited to three (3) students at a time; hair stylist; catering services; pet grooming; and a *private home day-care*.

**Hospital:**

means any institution, building or other *Premises* or place established for the maintenance, observation, medical care and supervision and skilled nursing care of persons afflicted with or suffering from sickness, disease or injury for the convalescent or chronically ill persons under *The Private Hospital Act* (1990), as amended or *The Public Hospitals Act* (1990), as amended.

**Hotel:**

means a *Premises* which offers transient lodging accommodations on a daily rate to the general public, where units are accessed through a common hall and may include associated services which are normally subordinate and incidental to the main use and located within the same building.

**Hydrologically Sensitive Feature (Oak Ridges Moraine):**

means land that includes permanent and intermittent streams; wetlands; kettle lakes; or seepage areas and springs.

**Hydro Corridors:**

means land that is used for the transmission and distribution of electricity.

**Impervious Surface (Oak Ridges Moraine):**

means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, *Driveway* or *Parking Lot*.

**Industrial use:**

means a *Premises* used for the manufacturing, processing, finishing, treating, ornamenting, altering, fabricating or assembly of raw materials or

recycled materials, assembly of partially finished materials or the adapting for sale of any good, substance, article or thing.

**Institutional Use (Oak Ridges Moraine):**

includes without limitation, a *Long-term care facility, Hospital*, school, university or college.

**Kennel:**

means a *building or structure* where animals or birds intended for use as domestic household pets are kept, or boarded.

**Key Natural Heritage Feature (Oak Ridges Moraine):**

means land that includes wetlands; significant portions of the habitat of endangered, rare and threatened species; fish habitat; areas of natural and scientific interest (life science); significant valleylands; significant woodlands; significant wildlife habitat; or sand barrens, savannahs and tallgrass prairies.

**Landform Conservation Area:**

means a *Landform Conservation Area* as described in Section 30 of the Oak Ridges Moraine Conservation Plan.

**Landform Features (Oak Ridges Moraine):**

means distinctive physical attributes of land such as slope, shape, elevation and relief.

**Landscape:**

means any combination of trees, shrubs, flowers, grass or other such vegetative elements, and (which) may include some minor elements such as decorative stonework, paving, screening, or other architectural elements, curbs, retaining walls and any surfaced walk or similar area but does not include any Driveway or ramp, Parking Area or any area with an enclosed building or structure.

**Landscape Strip:**

strip of land solely for supporting tree plantings, shrubs, flowers, grass or other such vegetative elements

**Lane:**

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

**Laundromat:**

means a *Premises* used for the cleaning of articles or goods made of fabric by means of laundry machines using only water and non-toxic detergents and includes a self-service laundry and a laundry receiving depot.

**Liquid Industrial Waste (Oak Ridges Moraine):**

has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990, as amended.

**Loading Space:**

means an area, whether interior or exterior to a building, which is provided and maintained upon the same *Lot* or *Lots* upon which the *Principal Use* is located and which area is suitable for the temporary parking of one (1) *Commercial Motor Vehicle* while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;

**Long Term Care Facility:**

means a *Premises* licensed pursuant to Provincial legislation, where a broad range of personal care, support and health services are provided for the elderly, disabled or chronically ill occupants in a supervised setting.

**Lot:**

means a parcel of land, the whole of which can be transferred without approval for consent or approval of a plan of subdivision, pursuant to the *Planning Act*.

**Lot Area:**

means the total horizontal area within the *Lot Lines* of a *Lot*. In the case of a *corner lot* having *Street Lines* rounded at one (1) or more corners with a radius of six (6) metres or less, the *Lot Area* is to be calculated as if the *Lot Line* were projected to intersection points.

**Lot, Corner:**

means a *Lot* situated at the intersection of and abutting two (2) or more streets or two (2) parts of the same street provided that the angle of intersection of such streets or parts thereof is not more than one hundred and thirty-five (135) degrees.

**Lot Coverage:**

means the percentage of a *Lot* covered by all buildings, but excluding decks attached to the *Main Building*, balconies, open porches and decks, bay windows, fireplaces, landings and steps, *Pools* including perimeter decking which forms part of an above-ground *Pool*, and any part of a building which is completely below grade.

**Lot Depth:**

means the horizontal distance between the front and rear *Lot Lines* measured by a line joining the mid-points of the said *Lot Lines*.

**Lot Frontage:**

means the horizontal distance measured between the *Side Lot Lines*, measured at a point 7.5 metres back from the intersection of the *Site Lot Line* and the *Front Lot Line*.

**Lot, Interior:**

means a *Lot* other than a *corner lot* or a *Through Lot*.

**Lot Line:**

means any boundary of a *Lot*.

**Lot Line, Exterior Side:**

means a *Side Lot Line* which abuts a street on a *corner lot*.

**Lot Line, Front:**

means the *Lot Line* abutting a street but;

In the case of a *corner lot*, the shorter line that abuts a street shall be deemed the front *Lot Line*; or

In the case of a corner *Lot* with two (2) *Street Lines* of equal length, the *Lot Line* which abuts the wider public 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 *Municipality* may designate either *Street Line* as the *Front Lot Line*;

In the case of a *corner lot* abutting a 0.3 metre *reserve*, the line so abutting the 0.3 metre *reserve* shall be deemed an *Exterior Side Lot Line* and the other line abutting the street shall be deemed the *Front Lot Line*;

a *Through Lot* that is not a reversed front *Lot*, the *Street Line* shall be deemed the *front Lot Line*. In case each of such *Lot Lines* should be of equal length, the *Municipality* may designate either *Street Line* as the *Front Lot Line*.

**Lot Line, Rear:**

means the *Lot Line* most opposite the *Front Lot Line*.

**Lot Line, Side:**

means any *Lot Line* other than a *front* or *Rear Lot Line*.

**Lot, Through:**

means a *Lot* bounded on two (2) opposite sides by streets.

**Lot Width:**

means the average horizontal distance between the *Side Lot Line* measured at right angles to the defined line indicating *lot depth*.

**Main Building:**

means the building used for the *Principal Use* of a *Lot* is conducted.

**Major Development (Oak Ridges Moraine):**

means development consisting of,

- (1) the creation of four or more *Lots*,
- (2) the construction of a building or buildings with a ground floor area of 500 square metres or more, or

- (3) the establishment of a major recreational use as described in Section 38 of the Oak Ridges Moraine Conservation Plan.

**Manoeuvring Space:**

means an open space in a *Parking Area* which is immediately adjacent to a *Parking Space*, is used for and/or is necessary for turning, backing, or

driving forward a *Motor Vehicle* into such *Parking Space* but is not used for the parking or storage of *Motor Vehicles*.

**Medical and Dental Laboratories:**

See *Clinic*.

**Medical Marihuana Production Use:**

means the use of land, buildings, or structures for the purpose of growing, cultivating, drying, harvesting, packing, processing, testing, treating, storing, shipping, and/or selling "marihuana", "dried marihuana", or "cannabis", as defined by health Canada under Regulation SOR/2013-119, and includes facilities used for such purposes.

**Mezzanine:**

means that portion of a building which is located between the floor and the ceiling of any storey, in the form of a *Balcony*, where the aggregate area of such floors is not more than 40% of the total floor area of the premises where they are located.

**Motel:**

means a building or buildings used to accommodate the travelling public with sleeping accommodation, with or without private cooking facilities and with access to each unit directly from the outside.

**Motor Vehicle:**

means a vehicle that is propelled or driven by other than muscular power and includes automobiles, trucks and motorcycles, however does not include railway cars or other vehicles running only upon rails, motorized snow vehicles, farm tractors, riding lawn mowers or road building machines.

**Motor Vehicle Body Shop:**

means a *Premises* used for the repair and/or painting of the interior and/or exterior and/or the undercarriage of *Motor Vehicle* bodies.

**Motor Vehicle Rental Establishment:**

means a *Premises* used for the rental or hire of *Motor Vehicles*.

**Motor Vehicle Rental Establishment (Business Park):**

means a *Premises* located within the Business Park used as an *office* for the purpose of renting or hire *Motor Vehicles* and excludes the on-site storage of *Motor Vehicles*.

**Motor Vehicle Repair Garage:**

means a *Premises* used for the repair, maintenance and/or cleaning of *Motor Vehicles*, and may include, as *Accessory Uses*, a *Motor Vehicle* inspection station and the sale of tires and *Motor Vehicle* accessories, but does not include the sale of gasoline or a *Motor Vehicle Body Shop*.

**Motor Vehicle Service Station:**

A building or part of a building used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories, and the servicing and minor repairing essential to the actual operation of *Motor Vehicles*. The use may include an *accessory Retail Store*, or *Motor Vehicle Washing Establishment*. All sales and storage of accessories or repairing and servicing shall be conducted within a wholly enclosed building.

**Motor Vehicle Sales Establishment:**

means a *Premises* where new and/or used *Motor Vehicles* are kept for display, lease or sale, and may include an associated *Motor Vehicle Repair Garage*.

**Motor Vehicle Washing Establishment:**

means a building or part thereof used for the operation of automobile washing equipment which is automatic, semiautomatic, manually and/or coin operated.

**Multi-Unit Development:**

means two or more residential use *buildings* on the same *lot*, but does not include an accessory structure used as a separate residential dwelling:

**Municipality:**

means The Corporation of the Town of Aurora.

**Net Developable Area (Oak Ridges Moraine):**

means the area of a *Lot* or *Site*, less any area that is within a *Key Natural Heritage Feature* or a *Hydrologically Sensitive Feature*.

**Non-complying:**

means a *lot*, *building* or *structure* that does not meet the zone requirements of this By-law for the zone in which the *lot*, *building* or *structure* is located

**Non-conforming:**

means a use that does not conform to the permitted use provisions of this By-law for the zone in which such a use is located.

**Nursing Home:**

See: *Long Term Care Facility*

**Oak Ridges Moraine Conservation Plan Area:**

means the designated area on Schedules "A", "B", "C", "D", and "E" Zoning Maps, to this By-law, in accordance with the Oak Ridges Moraine Conservation Plan and Provincial Mapping.

**Office:**

means a *Premises* used for conducting the affairs of businesses, professions, services, agencies, governments or like activities.

**Outdoor Display and Sales Area:**

means an area of land, used in conjunction with a business located within a *building* or *structure* on the same *Lot*, for the display or sale of produce, merchandise or supply of services, but does not include a *Motor Vehicle Sales or Rental Establishment*.

**Outdoor Storage:**

means an area of land used in conjunction with a use located within a *building or structure* on the same *Lot*, for the storage of goods, materials, machinery and equipment.

**Park:**

means an area consisting largely of open space which may include a recreational area, playground, play field or similar use.

**Private Park:**

means a park that is not owned or controlled by a *Public Authority*.

**Public Park:**

means a park owned or controlled by a *Public Authority*.

**Parking Area:**

means an area of land provided and maintained upon the same *Lot* or *Lots* as the *Principal Use*, which:

Comprises all *Parking Spaces* (of at least the minimum number 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 or egress from the said *Parking Spaces*; and

Is provided and maintained in accordance with the applicable provisions of this By-law.

**Parking Garage:**

means a building or part thereof, used for the parking of *Motor Vehicles*.

**Parking Lot (Commercial Parking Lot) Use:**

means a *Lot* or part thereof used for the parking of *Motor Vehicles*.

**Parking Space:**

means a space for the parking of a single *Motor Vehicle*, which has adequate access to permit ingress and egress of a *Motor Vehicle* to and from the space by means of a *Driveway*, aisle, maneuvering area or similar area.

**Partial Service (Oak Ridges Moraine):**

means connections linking a building to,

- (1) a communal sewage or water service or a full municipal sewage or water service, and
- (2) an individual on-site sewage or water system.

**Personal Service Shop:**

means a *Premises* used for the aesthetic care of persons and similar services such as a barber shop, hair dressing shop, beauty salon, nail salon, spa, tailor and shoe repair.

**Pet Services:**

means a *Premises* used for the aesthetic care, animal day care or training facility of animals or birds intended for the use as domestic household pets, and shall be placed within a wholly enclosed building. Animal day care will not include overnight accommodation.

**Pit:**

means an area of land where unconsolidated gravel, stone, sand, earth, clay, fill or other material is being removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes and may include, as an *Accessory Use*, facilities for the crushing, screening, washing and storage of such materials.

**Place of Entertainment:**

means a *Premises* devoted to the offering of facilities for the entertainment of the public, including a cinema or theatre, auditorium, public hall, bowling alley, billiard hall, proprietary club, arcade or indoor play area.

**Place of Worship:**

means a building or part thereof used by a religious organization for the practice of religion, faith-based teaching, fellowship and community outreach.

**Pool:**

means any open artificial body of water located on privately owned property, in which the depth of the water at any point can exceed 0.8 metres (2.6 ft.) and *Pool* shall include above-ground *Pools*, hot tubs and whirlpools. *Pool* excludes all naturally occurring bodies of water and areas used for storm water management.

**Premises:**

shall mean the area of a building or part thereof occupied or used by a business enterprise. In a multiple occupancy building occupied by more than one business, each business shall be considered a separate *Premises*.

**Principal Use:**

means the primary or predominant use of the *Lot*.

**Printing, Media and Communications Establishment:**

means a *Premises* used for development, preparation and/or production or storage of books, newspapers, periodicals, flyers or other printed materials.

**Private Home Day-Care:**

means a “private-home day care” as defined by the *Day Nurseries Act* (1990), as amended.

**Public Authority:**

means any commission, committee, school board, department or agency of the Government of Canada, Province of Ontario, Regional Municipality of York, Town of Aurora, Lake Simcoe Region Conservation Authority, Toronto and Region Conservation Authority or the local hydro utility.

**Public Highway:**

See: *Street or Road, Public*

**Rail Corridor:**

The railway right-of-way of any railway company.

**Rapid Infiltration Basin (Oak Ridges Moraine):**

means a basin or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from *Impervious Surfaces*.

**Rapid Infiltration Column (Oak Ridges Moraine):**

means a column or system of columns at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from *Impervious Surfaces*.

**Recreation Centre:**

means a *Premises* in which facilities are provided for recreational, athletic and leisure activities, and includes an arena, bowling alley, bingo hall, ice, curling or roller skating rink, and like facilities, and may also include accessory *Restaurant* and accessory retail uses.

**Repair Shop:**

means a *Premises*, used primarily for servicing or repairing mechanical equipment. Items for repair or service may include but are not limited to: furnace or oil burners, water and air coolers and domestic water heaters; fixtures and equipment and any other like articles, light construction or lawn care equipment, but excluding the repair of *Motor Vehicles* or boats.

**Research and Training Facility:**

means a building or part thereof which is used for the purpose of research and development including investigations involving the natural and physical sciences including such matters as chemistry, medical services, electronics and research involved with the manufacturing process and may include the training of persons for such research and development activities.

**Reserve:**

means a *Strip* of land abutting a public highway owned by a *Public Authority* having jurisdiction over the public highway.

**Restaurant:**

means a *Premises* used for the preparation and serving of food and beverages to the public for consumption at tables within the *Premises* or outside the building on a patio or terrace and may include take-out service.

**Retail Store:**

means a *Premises* in which goods, wares, merchandise, substances or articles are offered, rented or kept for sale directly to the public.

**Retirement Home:**

means a *building* or part thereof designed exclusively to accommodate seniors or special needs users with common facilities for the preparation and consumption of food, common amenity areas and may include medical care facilities, a *Long Term Care Facility* and accessory uses providing services to the residents, such as limited *retail* and *offices*.

**Risk Management Plan:**

means a document completed by a qualified person that describes the results of the Risk Assessment, proposes a plan for the mitigation and management of the identified risks, and outlines an emergency response plan to be executed in the event that a risk occurs.

**Road. Private:**

means a private right-of-way used by *Motor Vehicles*, which is not owned by a *Public Authority*.

**School. Commercial:**

means a *Premises* operated as a school with teachings dedicated to a specialized skill, but shall not include a *Private School*, *Public School* or *Post-Secondary School*.

**School, Post-Secondary:**

means a public university or college and may include as an accessory use a dormitory, restaurant, financial institution or a personal service shop.

**School, Private:**

means a school other than a *Public School, Post-Secondary School* or *Commercial School*, supported by private means, where academic subjects are taught.

**School, Public:**

means a public or separate school, a high school, a continuation school, a technical school, a college or university or any other school established by a *Public Authority* and operated on a non-profit basis.

**Scrap or Salvage Yard:**

means an open, uncovered area used for the handling or storage and accessory sale of scrap material such as *motor vehicles*, machinery, or *building materials*. A *Scrap or Salvage Yard* shall not include a *Motor Vehicle Body Shop*.

**Service Shop:**

means a *Premises*, whether conducted in conjunction with a *Retail Store* or not, used for servicing or repairing of personal items, electronics and domestic appliances.

**Service Room:**

means a room or space in a building to accommodate building service equipment such as air conditioning or heating appliances electrical services, pumps, compressors and incinerators.

**Setback:**

means the distance between a *Lot Line* and the nearest wall of any *building or structure*.

**Shopping Centre:**

means a group of commercial uses, with shared off-street parking provided on the property, as distinguished from a business area comprised of a minimum of five (5) unrelated individual uses.

**Significant (Oak Ridges Moraine):**

means identified by the Ministry of Natural Resources, using evaluation procedures established by that Ministry, as amended from time to time.

**Site Alteration (Oak Ridges Moraine):**

means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include,

- (1) the construction by a public body, of facilities for transportation, infrastructure and utilities uses, as described in Section 41, of the Oak Ridges Moraine Conservation Plan, or
- (2) for greater certainty,
  - i) the reconstruction, repair or maintenance of a drain approved under the *Drainage Act* and in existence on November 15, 2001, or
  - ii) the carrying out of agricultural practices on land that was being used for *Agricultural uses* on November 15, 2001.

**Solar Panel:**

means an Accessory Structure designed specifically for the collection of solar energy for the purposes of converting such energy for heating, lighting, water production or any other domestic or commercial use that may be obtained from such source.

**Stacking Lane:**

means the area which provides standing room for vehicles in a queue while awaiting service from a *Drive-Through Facility*.

**Stacking Space:**

means a rectangular space that may be provided in succession and is designed to be used for the temporary queuing of a *Motor Vehicle* in a *Stacking Lane*.

**Storey:**

means The portion of a building that is:

- a) situated between the top of any floor and the top of the floor next above it; or,
- b) situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

**Storey, First:**

means the *Storey* with its floor closest to grade and having its ceiling more than 1.8 metres above *Average Finished Grade* adjacent to the exterior walls.

**Stormwater Management Pond:**

means a detention or retention basin, which may include a permanent pool, that temporarily stores and treats collected stormwater runoff and releases it at a controlled rate.

**Stormwater Management Pond (Oak Ridges Moraine):**

means a detention basin that temporarily stores or treats collected stormwater runoff and releases it at a controlled rate.

**Street or Road, Public:**

means a public highway, which has been assumed by the Town, as defined by "The Municipal Act", as amended and "The Highway Traffic Act", as amended but excludes a *lane* or any private right-of-way or unopened road allowance.

**Street Line:**

means the *Lot Line* abutting a public highway or a 0.3 metre *reserve* abutting a public highway.

**Structure:**

means anything that is erected, built or constructed of parts joined together and affixed to the ground, but excludes fences, signs and retaining walls.

**Studio:**

means a *Premises* used or dedicated to the pursuit or education of the arts or in which media broadcasts are produced.

**Supportive Housing:**

A non-profit institutional establishment providing counselling, assistance, physical therapy, rehabilitation and temporary emergency shelter for the victims of a domestic or marital conflict or physical assault.

**Temporary Sales Trailer and/or Office:**

means a building or part of a building used for the offering of *Lots* and/or *dwelling units* for sale to prospective purchasers, incidental to the construction of new housing developments.

**Time of Travel (Oak Ridges Moraine):**

means the time that is needed for groundwater to travel a specified horizontal distance in the saturated *Zone*.

**Tourist or Travel Trailer:**

means a tent trailer, truck camper or house trailer that is used or intended to be used for a short term and is located or parked on a *Site* for a temporary or seasonal period.

**Tourist or Trailer Park:**

means an establishment comprising land or premises under single ownership used for the parking of *tourist trailers* or mobile homes on a temporary or seasonal basis.

**Transportation Terminal:**

means a *Premises* used for, or in combination with, the storage of trucks, buses, or trailers and which may include the storage of goods within a fully enclosed building, loading and unloading, and the servicing and repair of the stored vehicles.

**Use:**

means the purpose for which land or a building is arranged, designed or intended or for which either land or a *building or structure* is or may be, occupied or maintained.

**Vehicle Weight, Gross:**

means the weight of a vehicle plus a full load, as specified on the owner's vehicle registration.

**Veterinarian Clinic:**

means a *Premises* where domestic animals or birds, excluding livestock are treated, but not kept for overnight treatment or board.

**Warehouse:**

means a *Premises* used for the storage and or distribution of wares or goods, however does not include a *Commercial Self Storage Facility* or a *transportation terminal*.

**Warehouse Membership Club:**

means *Premises* where a wide range of goods is stored and kept for sale in a *Warehouse* format, and where patronage of the building shall be restricted to businesses or persons and their guests who are members of the club or organization which operates the Warehouse Membership Club and may include, as *Accessory Uses*, a tire and lube service shop and an accessory *Garden Centre*.

**Wellhead Protection Area:**

The surface and subsurface area surrounding a water well or well field that supplies a municipal drinking water system through which contaminants are reasonably likely to move so as to eventually reach the water well or well field.

**Wellhead Protection Area (Oak Ridges Moraine):**

means the surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonable likely to move so as eventually to reach the water well or well field.

**Wind Turbine:**

means a machine for producing electricity in which a wheel or rotor is made to revolve by a flow of air.

**Woodland:**

means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of cultivating Christmas trees.

**Yard:**

means an open, uncovered space on a *Lot* between the nearest wall of the *Main Building* and a *Lot Line*.

**Yard, Exterior Side:**

means the *Side Yard* of a *corner lot* which *Side Yard* extends from the *Front Yard* to the *Rear Yard* between the *Exterior Side lot line* and the nearest wall of any *building or structure*.

**Yard, Front:**

means a yard extending across the full width of a *Lot* between the front *Lot Line* and the nearest wall of any *Main Building* or structure on the *Lot*.

**Yard, Rear:**

means a yard extending across the full width of a *Lot* between the *Rear Lot Line* and the nearest wall of any *Main Building* or structure on the *Lot*.

**Yard, Side:**

means a yard extending from the *Front Yard* to the *Rear Yard* of a *Lot* between a *Side Lot Line* and the nearest wall of any *Main Building* or structure on the *Lot*.

**Zone:**

means a designated area of land use shown on the Schedule "A" to this By law.