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SECTION 2 - DEFINITIONS (cont.)

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SECTION 2 - DEFINITIONS (cont.)

In this by-law the following definitions shall apply:

2.1 **ADULT ENTERTAINMENT PARLOUR:** means any premises or part thereof, which in pursuance of a trade, calling, business, or occupation, a live performance of an adult nature is provided. For purposes of this section, a "live performance of an adult nature" means any performance, exhibition, or activity designed to appeal to erotic or sexual appetites or inclinations, of which a principal feature or characteristic is nudity or partial nudity of any person. "Partial nudity" shall mean less than completely and opaquely covered:

- human genitals or human pubic region;
- human buttocks; or
- the female breast below the point immediately above the top of the areola.

2.1 A) **ACCESSORY APARTMENT:** means a self-contained dwelling unit within a single family dwelling, semi-detached dwelling or townhouse dwelling. An accessory apartment must comply with Section 5.50 of this By-law and is not subject to any provisions in this by-law relating to duplex dwellings.
(500-2012-0009)

2.2 **ADULT ENTERTAINMENT STORE:** means any premises or part thereof in which the business carried on is the provision of adult books, adult magazines or adult video tapes or of such books magazines or video tapes or any other goods or services appealing to or designed appeal to sexual or erotic appetites or inclinations provided that the floor area needed for the provision of adult books, adult magazines, or adult videos tapes is larger than three square metres.

2.3 **ADVENTURE GAME:** means a sport or recreation in which:

- (a) participants attempt to capture a flag or some other object and return it to their home base,

SECTION 2 - DEFINITIONS (cont.)

- and -

(b) participants carry or use one or more of the following items of equipment, namely, paint pellet pistols with a CO2 cartridge, paint pellets, safety goggles to prevent pellets from striking participants' eyes, armbands identifying team participants.

2.4 **AERODROME:** means land used for the arrival, departure, movement, servicing and storing of aircraft and includes any buildings connected therewith. This use may be the primary function or accessory to another use, and includes an airport.

2.5 **AGGREGATE CRUSHING ESTABLISHMENT:** means a site where gravel or stone is crushed.

2.6 **AGGREGATE RECYCLING ESTABLISHMENT:** means a site where used pavement and concrete is stored and then crushed and recycled.

2.7 **AGGREGATE SCREENING ESTABLISHMENT:** means a site where sand is separated from gravel or different grades of gravel are separated or where various size aggregates are separated, with the use of conveyor belts.

2.8 **AGGREGATE WASHING ESTABLISHMENT:** means a site where gravel, sand or stone is washed and where the wash water is then directed to a settling pond.

2.9 **AIRPORT:** means an Aerodrome as defined herein, for which an Airport Certificate has been issued under Part III of the Air Regulations, C.R.C.C.2.

2.10 **AISLE:** means with reference to a parking or loading space area, the space used to access parking spaces which is adjacent to the spaces.

2.11 **ALTER:** means any alteration in a bearing wall, partition, column, beam, girder, or other supporting member of a building or structure or any increase in the area or cubic contents of a building or structure.

SECTION 2 - DEFINITIONS (cont.)

- 2.12 **AMBULANCE SERVICE CENTRE:** means a building, structure, and/or premises used for the operation of an ambulance service and may include an accessory residential dwelling unit.
- 2.13 **AMUSEMENT MACHINE:** means any mechanical, electronic or computerized machine or device, or any combination thereof, intended for use as a game, entertainment or amusement which is offered for use to the public by any person for profit or gain and shall include a pinball machine, television game, shooting gallery, vending machine, billiard or pool tables, video game, or other similar devices, but shall not include games of chance as defined by The Criminal Code, or any machine used only for playing recorded music.
- 2.13 A) **ANTIQUÉ SHOP:** means a building used for the sale of any old and authentic objects of personal property which was made, fabricated or manufactured sixty or more years earlier and which has a unique appeal and enhanced value mainly because of its age, and, in addition, may include the sale of any article of personal property which was made, fabricated or manufactured twenty or more years earlier and because of public demand has attained value in a recognized commercial market which is in excess of its original value.
- 2.14 **APIARY:** means a building or structure used for the keeping of bees.
- 2.14 A) **ART GALLERY:** means a building, structure or outdoor area used for the preservation, exhibition, collection and/or sale of paintings, sculpture or other works of art.
(2016-0037)
- 2.15 **AUDITORIUM:** means a building or part of a church, theatre or other public building to be occupied by an audience and to be used for athletic, civic, education, political, religious or social events.
- 2.16 **AVIARY:** means a building or structure used for the keeping of birds.

SECTION 2 - DEFINITIONS (cont.)

- 2.17 **BAKERY OR BAKESHOP:** means a building where bread and pastry products are prepared on the premises and sold or offered for sale.
- 2.18 **BANK:** means a building wherein the primary use is the provision of financial services to customers, including the custody of the customers' money.
- 2.19 **BASEMENT:** means that portion of a building which is partly underground, but which has at least one-half of its height from finished floor to finished ceiling above the average finished grade level adjacent to the exterior walls of the building.
- 2.20 **BATCHING PLANT:** means a building or structure used for the manufacture of asphalt or concrete.
- 2.21 **BATHROOM:** means a room with a toilet, sink and shower or bathtub.
- 2.22 (Deleted By By-law 500-2019-0008)
- 2.23 **BLOCK RESIDENTIAL DEVELOPMENT:** means a lot which has been planned and developed such that more than one dwelling is contained on a single lot.
- 2.24 **BLOCK RESIDENTIAL DEVELOPMENT - SITE:** means a portion of land within a block development, which is used exclusively by the occupant of the dwelling upon which the dwelling is located. Such sites may be defined on a plan of condominium, deposited plan of reference, site plan, leasehold agreement or other similar methods. For purposes of this by-law, all provisions respecting density, lot coverage, set backs, and frontage in this by-law relating to a residential lot, apply to a residential site.
- 2.25 **BOARDER OR ROOMER:** means a person other than the lessee, tenant, or owner to whom lodging and/or meals are provided for monetary compensation.
- 2.26 **BOATHOUSE:** means a building used for the storage of leisure vehicles and equipment accessory thereto but shall not include habitable living space, a

SECTION 2 - DEFINITIONS (cont.)

residential garage, the commercial storage of leisure vehicles, or the sale of fuel or marine products.

2.27 **BOWLING ALLEY**: means a building containing bowling lanes and may include a billiard hall which is operated in conjunction with the bowling alley provided the ratio of bowling lanes to billiard and/or pool tables does not exceed 2:1 to a maximum of five billiard and/or pool tables.

2.28 **BUILDING**: means a structure consisting of a wall, roof and floor or any of them or a structural system serving the function thereof, but excluding automobile, truck, bus and coach bodies and trailers.

2.29 **BUILDING OR STRUCTURE, ACCESSORY**: means a detached, subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use. Notwithstanding any other provision of this By-law, an Outdoor Solid-Fuel Combustion Appliance shall not be considered to be an accessory building or structure under this By-law, and shall only be permitted and installed in compliance with By-law Number 2014-0062 (or such by-law as may be passed in substitution therefor).
(2014-0061)

2.30 **BUILDING, MAIN**: means a building in which the primary use of the property is conducted.

2.31 **BUILDING SUPPLY AND EQUIPMENT ESTABLISHMENT**: means a building and premises in which building or construction and home improvement materials or equipment are offered or kept for sale and may include the fabrication of certain materials related to home construction or improvements but does not include any use or activity otherwise defined or classified herein.

2.32 **BULK FUEL STORAGE ESTABLISHMENT**: means premises on which a tank, is located for the bulk storage of propane, petroleum, diesel or other fuels, oil, gas or flammable liquid or fluid but does not include premises where a container for flammable liquid or

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fluid is legally and properly kept in a retail store or storage merely incidental to some other use of the premises.

2.33 **BUS, SCHOOL**: means a motor vehicle operated either for or by the York Region Separate School Board or York Region Public School Board, designed to carry passengers.

2.34 **BUSINESS OR PROFESSIONAL OFFICE**: means a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment.

2.35 **BY-LAW ENFORCEMENT OFFICER**: means an employee of the Town of Georgina from time to time charged by the Corporation with the duty of administering the provisions of this by-law.

2.36 **CAMP, PRIVATE**: means a building or a group of buildings, including sleeping, eating and recreational uses which is operated by a non-profit organization for its members or as a public service.

2.37 **CARPORT**: means a building or structure attached to a residential building in which at least forty (40%) per cent of the perimeter walls are open and unobstructed by any wall or door, and used for the parking or storage of a private automobile and wherein neither servicing nor repairing of motor vehicles is carried on for remuneration. For purposes of this by-law perimeter includes the wall of the building to which the carport is attached and forms part of the carport enclosure.

(500-2017-0002) Notwithstanding the above, a leisure vehicle and
(500-2017-0003) equipment accessory thereto may be stored in a carport, provided at least one parking space for a private motor vehicle is maintained within the carport.

SECTION 2 - DEFINITIONS (cont.)

- 2.37 (A)** **CATERING ESTABLISHMET**: Shall mean an establishment (500-2007-0003) where food and beverages are prepared for consumption off-site, but are not served on the premises for immediate takeout consumption. Such use does not include the retail sale of individual food products from the premises.
- 2.38** **CELLAR**: means that portion of a building which is partly or entirely underground and has more than one half of its height from finished floor to finished ceiling below the average finished grade level adjacent to the exterior walls of the building.
- 2.39** **CEMETERY**: means a cemetery or columbarium within the meaning of The Cemeteries Act of Ontario.
- 2.40** **CHILD**: means a minor described in the Age of Majority and Accountability Act as any person who has not attained the age of eighteen years.
- 2.41** **CHURCH**: means a building dedicated to religious worship and considered to be a church for exemption of taxes under the Assessment Act and which may include a synagogue, a church hall, a parish hall, Sunday school, convent, or monastery.
- 2.42** **CLINIC - HEALTH CARE**: means a building used by medical practitioners, dentists, or drugless practitioners, and having treatment rooms and facilities for two or more practitioners, except when accessory to a hospital.
- 2.43** **CLINIC - VETERINARY (ANIMAL HOSPITAL)**: means the premises of a veterinary surgeon, where animals, birds, or other livestock are treated or kept temporarily for the term of their treatment.
- 2.44** **CLUB, COMMERCIAL**: means an athletic, recreational or social club, operated for gain or profit, but shall exclude a place of amusement or adult entertainment parlour.
- 2.45** **CLUB, PRIVATE**: means an athletic, recreational or social club which is not operated for a profit.

SECTION 2 - DEFINITIONS (cont.)

This includes an association, fraternity or sorority house, legion or union hall, but excludes a place of amusement or adult entertainment parlour.

2.46 **COMMITTEE OF ADJUSTMENT**: means the Committee of Adjustment for the Town.

2.46 A) **COMMUNICATIONS FACILITY**: means a building or structure, or part thereof, for the broadcasting and production of information through various media, and shall include but not be limited to print, television, radio and electronic media.
(2016-0037)

2.46 B) **COMMUNITY FACILITY**: means public parks, open space linkages, and passive recreational uses.
(2016-0037)

2.47 **CONDOMINIUM**: means a condominium as defined under the Condominium Act.

2.48 **CONFERENCE CENTRE**: means a building containing a meeting area composed of meeting rooms and eating and sleeping accommodation for delegates or members to a conference.

2.49 **CONSENT**: means a consent as set forth in Sections 50 and 53 of the Planning Act, 1983 or its predecessor, but excluding consent for plans of subdivision or condominium. Where such consent results in the division of land into separate lots, all such lots shall be deemed to have been created by consent for purposes of this by-law.

2.50 **CONTRACTOR OR TRADESMAN'S SHOP**: means a building and/or premises used to conduct a trade and/or perform shop or assembly work and/or to store equipment and materials used by the contractor or tradesman.

2.50 A) **CONVENTION CENTRE**: means a building, or part of a building, which is designed to accommodate gatherings for specific events such as conferences, meetings, social gatherings, sports, recreation, place of amusement, gaming and place of entertainment, and other similar activities
(2016-0037)

SECTION 2 - DEFINITIONS (cont.)

including exhibition facility, and which may include assembly halls, areas for food preparation, liquor and dining areas, all for the exclusive use of the conference or convention participants.

2.50 B) **CRAFT SHOP:** means a building or part thereof in which a handicraft is conducted for gain or profit and may include sales of such handicraft.
(2016-0037)

2.50 C) **CREMATORIUM:** means an establishment or facility in which the cremation of human remains is undertaken, but shall not include a columbarium.
(2016-0037)

2.51 **DAY CARE - PRIVATE HOME:** means a "Private Home Day Care" as defined in the Day Nurseries Act but only if carried on in a single family or linked dwelling provided:

- a) such use shall service a maximum of five children; and
- b) no person, other than a person resident in the said dwelling shall operate the day care.

2.52 **DAY NURSERY:** means a building, other than a private home, used for the supervision of children within the meaning of the Day Nurseries Act.

2.53 **DEPOSITED REFERENCE PLAN:** means a reference plan deposited pursuant to the Land Titles Act or Registry Act.

2.54 **DOCK:** means a marine structure providing a platform to be used for access to a body of water or a boat within the body of water but shall not include a boathouse.

2.55 **DRIVEWAY:** means a vehicular access way from a street or lane to a building or property, a loading space area, a parking area or garage, or carport.

2.56 **DRY CLEANING ESTABLISHMENT:** means a building or structure where clothing or materials are received, and where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried

SECTION 2 - DEFINITIONS (cont.)

on by means of machines or cleaning units which (1) use only non-flammable solvents, (2) use primary or secondary chemical recovery devices, (3) emit no odours or fumes, and (4) emit no noise or vibration which causes a nuisance or inconvenience.

- 2.57 **DRY CLEANING OUTLET**: means a building used for the purpose of receiving articles to be subjected elsewhere to a process of cleaning or dyeing. Such establishment may include pressing and distributing of these articles.
- 2.58 **DRY CLEANING PLANT**: means a building where dry cleaning, dry dyeing, cleaning or processing of articles is performed, in which only non-flammable solvents are used and no obnoxious odour, noise or vibrations are emitted.
- 2.59 **DWELLING**: means a building constructed in accordance with the Ontario Building Code containing one or more dwelling units.
- 2.60 **DWELLING UNIT**: means a self-contained suite of two or more rooms, including a bathroom and a kitchen, with an independent entrance either directly from outside the building or through a common hall, designed for exclusive residential use by a single housekeeping unit. The definition shall not include a recreational vehicle, hotel, or motel.
- 2.61 **DWELLING OR DWELLING UNIT, ACCESSORY**: means a single family dwelling or one dwelling unit in a non-residential building which is used or occupied by persons which have the administrative or custodial responsibility of the property upon which the accessory dwelling or dwelling unit is erected. An accessory dwelling or dwelling unit occupied by persons who perform functions related to an Institutional Use on the same lot, is permitted.
- 2.62 **DWELLING, APARTMENT**: means a dwelling containing four or more dwelling units in which the occupants have the right to use the common halls, stairs, elevators and yards.

SECTION 2 - DEFINITIONS (cont.)

- 2.63 **DWELLING, DUPLEX:** means a dwelling that is divided horizontally into two separate dwelling units, each of which has an independent entrance, either directly from outside the building or through a common vestibule.
- 2.64 **DWELLINGS, LINKED:** means two or more single family dwellings which are completely detached except that they are attached below grade by foundation walls, floor and/or footings.
- 2.65 **DWELLING, MANUFACTURED:** means a single family dwelling that is designed to be made mobile for purposes of transportation from the place of manufacture to the site, and which is affixed to a permanent foundation and used as a permanent residence.
- 2.66 **DWELLING, PRE-REGISTRATION:** means a dwelling erected on a parcel of land prior to the registration of a plan of subdivision proposed on the said parcel. The dwelling shall not be erected unless it is erected on a proposed lot or block within a draft approved plan pursuant to Section 50 of the Planning Act and not before a subdivision agreement has been executed. Occupancy of these homes shall not be permitted until the Plan of Subdivision has been registered and the terms of the subdivision agreement fulfilled. At such time as a plan of subdivision is registered for all or part of the parcel of land any pre-registration dwellings within the registered parcel shall cease to be defined as pre-registration homes.
- 2.67 **DWELLING, SEASONAL:** means a single family dwelling constructed in accordance with Section 9.36 of the Ontario Building Code Act, to be used as a secondary place of residence on a seasonal basis only.
- 2.68 **DWELLING, SEMI-DETACHED:** means a dwelling that is
(500-2012-0009) divided vertically into two dwelling units and each dwelling unit may contain one accessory apartment, provided the accessory apartment complies with Section 5.50 of this By-law and is not subject to

SECTION 2 - DEFINITIONS (cont.)

any provisions in this by-law relating to duplex dwellings.

2.69 **DWELLING, SEMI-DETACHED DUPLEX:** means a dwelling containing two pairs of duplex dwelling units.

2.70 **DWELLING, SINGLE FAMILY:** means one completely detached dwelling containing one dwelling unit and may contain an accessory apartment and/or a short-term rental accommodation, provided the accessory apartment and/or short-term rental accommodation complies with Section 5.50 or 5.34 A) of this By-law respectively, and is not subject to any provisions in this by-law relating to duplex dwellings.
(500-2019-0008)

2.71 **DWELLING, TOWNHOUSE:** means a dwelling containing three or more attached dwelling units divided vertically, each of which has an independent entrance directly from the front yard or side yard in the case of an end unit and each dwelling unit may contain one accessory apartment, provided the accessory apartment meets the provisions set out in Section 5.50 of Zoning By-law 500, as amended and is not subject to any provisions in this by-law relating to duplex dwellings.
(500-2012-0009)

2.72 **DWELLING, TRIPLEX:** means a dwelling that is divided horizontally into three dwelling units, each of which has an independent entrance, either directly or through a common vestibule.

2.73 **ENVIRONMENTAL PRIORITY AREA:** means an area where there is a hazard to life and property and/or a hazard to the environment and where development is to be avoided or special precautions are to be taken. These areas are depicted on Schedule 'A' with a grey shading. Included within the Environmental Priority Areas is the Flood Plain as defined herein, Fill and Construction limits, swamps and marshes, areas of steep slopes and areas subject to erosion. Any erection or construction of buildings and structures, or the placement or removal of fill within these areas is subject to the written approval or exemption of the Lake

SECTION 2 - DEFINITIONS (cont.)

Simcoe Region Conservation Authority or the Ministry of Natural Resources.

- 2.74 **EQUIPMENT SALES ESTABLISHMENT**: means a building and premises used for the sale and display of farm, landscaping and/or construction equipment, including mechanical repairs, and the sale of parts and fuel.
- 2.75 **ERECT**: means to build, reconstruct, alter or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operations, such as excavating, berming, grading, piling, cribbing, filling, or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 2.76 **EXISTING**: means a building, structure or use existing as of the date of passing of this by-law and which has continued to exist to present.
- 2.77 **FAMILY**: means one or more persons living as a single housekeeping unit in a dwelling unit.
- 2.78 **FLOOD PLAIN**: means the area along either side of any watercourse or body of water which would be flooded in the event of the occurrence of a Regional Storm as defined in the Conservation Authorities Act.
- 2.79 **FLOOD PLAIN, LAKE**: means the area adjacent to Lake Simcoe which would be flooded by high water levels and/or water build up caused by wave run up.
- 2.80 **FLOOR AREA**: means the area of a floor within a building measured between the exterior faces of the exterior walls or from the centre line of a common or party wall.
- 2.81 **FLOOR AREA, GROUND**: means the total floor area of the lowest storey of a building approximately at or above the average finished grade level.

SECTION 2 - DEFINITIONS (cont.)

- 2.82 **FLOOR AREA, NON-RESIDENTIAL:** means the total floor area of a non-residential building, including any basement or cellar area designed or used for non-residential purposes, but excluding:
- any furnace or utility room, laundry room, washroom, stairwell or elevator shaft, up to a maximum of ten percent (10%) of the ground floor area; and

 - any area within a basement or cellar, which is designed for permanent use as stock room or storage space, up to a maximum of twenty percent (20%) of the ground floor area.
- 2.83 **FLOOR AREA, RESIDENTIAL:** means the total floor area of a dwelling unit including a maximum of 25 percent of the basement area, provided that such area is finished to the required minimum standards of the Ontario Building Code for the proposed use of such area. A cellar or part of the dwelling used for an accessory use shall be excluded from the calculation of residential floor area.
(500-97-052)
- 2.84 **FLORIST SHOP:** means a retail store where flowers and plants are sold or offered for sale.
- 2.85 **FUNERAL HOME:** means a building with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services.
- 2.86 **GARAGE, AUTOBODY:** means a building or premises used for auto body repairs, spray painting and associated repairs and service to motor vehicles.
- 2.87 **GARAGE, BUS OR TRUCK:** means a building or premises used for the storage or parking of operative trucks or buses, where minor maintenance and cleaning of vehicles may be carried on.
- 2.88 **GARAGE, MECHANICAL:** means a building or premises used for the mechanical repair or equipping of motor vehicles where the washing and cleaning of motor vehicles may be carried on, but does not include an auto body garage, motor vehicle fuel

SECTION 2 - DEFINITIONS (cont.)

bar, motor vehicle washing establishment, or motor vehicle sales and/or rental establishment.

2.89 **GARAGE, RESIDENTIAL:** means an accessory building other than a carport or an accessory use within the main building, used for the storage of passenger motor vehicles and wherein neither servicing nor repair of motor vehicles is carried on for remuneration.

(500-2017-0002) Notwithstanding the above, a leisure vehicle and
(500-2017-0003) equipment accessory thereto may be stored in a residential garage, provided at least one parking space for a private motor vehicle is maintained within the residential garage.

2.90 **GARDEN CENTRE:** means a building, structure or premises used for the growing or displaying of trees and other plants which may be sold for transplanting and may also include the sale of lawn, garden, and landscaping equipment, furniture, and supplies, excluding farm implements or large machinery or equipment.

2.91 **GOLF BALL DRIVING RANGE:** means premises operated for the purpose of developing golfing techniques, but excluding a golf course or miniature golf course.

2.92 **GOLF COURSE:** means an area operated for the purpose of playing golf and includes a par three or larger golf course, but does not include golf ball driving ranges, miniature golf course and similar uses except as accessory uses thereto.

2.93 **GOLF COURSE, MINIATURE:** means a building, structure or premises operated for profit or gain in which facilities are provided to simulate the game of golf or any aspect of the game, on a small scale but does not include a golf ball driving range.

2.94 **GRADE, AVERAGE FINISHED:** means the average elevation of the finished surface of the ground adjacent to the exterior walls of a building or

SECTION 2 - DEFINITIONS (cont.)

structure.

(500-2005-0011) Average Finished Grade shall be calculated as follows: (1) by summing the elevations of all "outermost corners" of a building's foundation and any "intermediate grades"; and, (2) dividing the sum by the number of "outermost corners" and "intermediate grades" measured. Open decks supported on posts and cantilevered projections are not considered part of a building's foundation for the purpose of this calculation. To be included as an "outermost corner" a foundation projection must be both larger than 0.4 metres in depth and 2.5 metres in width. Any separation of more than 10 metres between "outermost corner" grades must have an "intermediate grade" provided which shall be an elevation measured halfway between each "outermost corner" grade. Further illustration as to how to calculate "average finished grade" is shown on Schedule 'B-48'.

2.95 **GREENHOUSE, COMMERCIAL:** means a building or structure used for the housing of plants, shrubs, and trees which have been transplanted into, and/or are grown in, containers, until such time as the plants, shrubs, or trees are sold. The use of a commercial greenhouse and premises for display, sale and rental of accessory products and materials which are required for the growth and maintenance of plants, shrubs and trees, including fertilizer, filter cloth, gardening tools and books, mulch, peat moss, pesticides, plant seeds, planters, top soil and other similar products and materials, is permitted.

However, the display, sale or rental of lawn and patio ornaments, furniture and equipment or landscaping materials, and equipment not required to support the growth and maintenance of plants, shrubs and trees, are not permitted accessory products and materials.

2.96 **HABITABLE ROOM:** means any room in a dwelling or dwelling unit, excluding a stairwell or attached residential garage.

SECTION 2 - DEFINITIONS (cont.)

2.97

HAWKER OR PEDLAR: means any person who goes from place to place or to a particular place with goods, wares or merchandise for sale or who carries or exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the Town of Georgina afterward but shall not include any person who is hawking, peddling or selling goods, wares or merchandise:

- a) to wholesale or retail dealers in similar goods, wares or merchandise;
- b) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or an agent or employee of them having written authority so to do, in the municipality in which the grower, producer or manufacturer resides;
- c) if goods, wares, or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of the farmer's own farm;
- d) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by that person's agent or employee;
- e) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise or;
- f) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.

2.98

HAWKER OR PEDLAR USE: means the use of, or establishment of a sales area on, premises for the sale of goods, wares and merchandise to the general

SECTION 2 - DEFINITIONS (cont.)

public, by a hawker or pedlar.

2.99 **HEIGHT:** means the vertical distance of a building (500-2005-0011) or structure measured between the average finished grade and the highest point of the roof surface.

2.100 **HOME INDUSTRY:** means a small scale industrial use in a non-residential building, which is operated as a secondary use to a single family dwelling on the same lot. A home industry use may include a carpentry shop, a metal working shop, a plumbing shop, an electrical shop, a small engine repair shop, a welding shop, a storage building for school buses, boats, snowmobiles or a similar industrial use.
The retail sale of any goods or wares shall not be permitted as a primary home industry use.

2.101 **HOME OCCUPATION:** means an occupation conducted for gain or profit as an accessory use within a dwelling as permitted herein. A clinic, day nursery, nursing home, tea room and an animal hospital are deemed not to be home occupation uses.
The retail sale of any goods or wares shall not be permitted as a primary home occupation use.

2.102 **HOSPITAL, PRIVATE:** means an institution as defined by the Private Hospitals Act.

2.103 **HOSPITAL, PUBLIC:** means an institution as defined by The Public Hospitals Act.

2.104 **HOTEL, MOTEL OR MOTOR HOTEL:** means a building in which rooms are provided for rent to the travelling public by furnishing sleeping accommodation with or without meals, and may include meeting rooms, banquet halls, common dining room, facilities for the temporary exhibition and sale of goods on an intermittent basis, and any premises licensed under the Liquor License Act but shall not include an adult entertainment parlour, apartment dwelling, or boarding or lodging house. Rooms used as places for sleeping accommodation shall not include cooking or laundry facilities except as

SECTION 2 - DEFINITIONS (cont.)

specifically permitted herein.

2.105 **KENNEL**: means a kennel as defined by the Town of
(2015-0057) Georgina Kennel Licensing By-law, as amended,
revised or replaced.

2.106 **KITCHEN**: means a room or a clearly defined part of
a room with the normal facilities required for the
preparation and storage of food, which includes
cupboards, a counter, a sink with hot and cold
running water taps, a cooking stove and a
refrigerator.

2.107 **LANDSCAPED OPEN SPACE**: means an area of land
comprised of trees, shrubs, flowers, grass or other
horticultural elements, decorative stonework,
paving, screening or other architectural elements
designed to enhance the visual amenity of a
property, but does not include display areas,
parking or loading areas, or areas covered by
driveways.

2.108 **LANE**: means a publicly owned thoroughfare which
affords only a secondary means of access to
abutting lots and which is not intended for general
traffic circulation. A lane is not a street as
defined herein.

2.109 **LAUNDROMAT**: means a laundry or dry cleaning
outlet, where washers, dryers, ironing and
incidental equipment is provided to be rented to
the general public or where such services are
undertaken for the general public.

2.110 **LEISURE VEHICLE**: means:

- (500-2017-0002) 1) A vehicle designed to be towed or propelled by
(500-2017-0003) a motor or which is self-propelled, and
includes such vehicles commonly known as
travel trailers, motorized homes, slide-in
campers, chassis-mounted campers, (i.e.
recreational vehicles) or other similar travel
vehicles which provide sleeping and other
facilities for persons while travelling or
vacationing but does not include a park model

SECTION 2 - DEFINITIONS (cont.)

trailer or manufactured home;

- 2) boats, personal watercraft, snowmobiles, all-terrain vehicles and other similar vehicles used for recreational purposes; and,
- 3) a trailer designed or used for the purposes of carrying a leisure vehicle(s)

2.111 **LEISURE VEHICLE SALES ESTABLISHMENT:** means a building and premises used for the sale and/or leasing of leisure vehicles, equipment and parts.

2.112 **LIVESTOCK OPERATION:** means the use of a building or premises for the raising or breeding of animals for the purpose of food, hides, wool or fur, show or racing and includes cattle, pigs, sheep, horses, goats, and rabbits or other such animals.

2.113 **LOADING SPACE:** means an area which is provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- a) is suitable for the temporary parking of one 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;
- b) is not upon or partly upon any street or lane; and,
- c) has adequate access to permit ingress and egress of a commercial motor vehicle from a public street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for parking or storage of motor vehicles.

2.114 **LOT:** means a parcel or tract of land which is legally in separate and distinct ownership or which is shown on a registered plan of subdivision. A registered plan of subdivision for purposes of this paragraph does not include a plan which is deemed not to be a registered plan of subdivision by a by-

SECTION 2 - DEFINITIONS (cont.)

law passed under The Planning Act.

- 2.115 **LOT, CORNER:** means a lot situated at the intersection of two or more streets provided that the angle of intersection of such street is not more than 135 degrees.
- 2.116 **LOT, INTERIOR:** means a lot which has street access, other than a corner lot.
- 2.117 **LOT, THROUGH:** means a lot which is not a corner lot but has frontage on more than one street.
- 2.118 **LOT AREA:** means the total area within the lot lines of a lot and in the case of a corner lot having street lines rounding the corner with a radius of 6 metres or less or a sight triangle of 6 metres or less, the lot area of such lot is to be calculated as if the lot lines were projected to the intersection.
- 2.119 **LOT COVERAGE:** means that percentage of the lot area, within the respective zone, covered by all buildings above ground level, including enclosed swimming pools.
- 2.120 **LOT DEPTH:** means the distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines, or in the case of a triangular shaped lot the mid-point of the front lot line and the intersection of the two side lot lines.
- 2.121 **LOT FRONTAGE:** means the horizontal distance between the side lot lines at either end of an unbroken front lot line. The lot frontage of a broken front line shall be the longest unbroken segment of the front lot line. Where the side lot lines are not parallel, or where a part of the front lot line is convex or concave, the lot frontage shall be measured on a line 6 metres back from and parallel to a straight line joining the two points where the side lot lines intersect the front lot line.

SECTION 2 - DEFINITIONS (cont.)

In the case of a corner lot, where a sight triangle or sight curve forms part of the street, the lot frontage shall be measured to the point of intersection of the two streets, which shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street line.

2.122 **LOT LINE:** means any boundary of a lot.

2.123 **LOT LINE, FRONT:** means the lot line that divides the lot from the street or a reserve adjoining a street; however, in the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer an exterior side lot line.

(500-98-015) In the case of a through lot in a residential zone, where one lot line abuts a reserve adjoining a street, the lot line abutting the reserve shall be deemed to be the rear lot line.

2.124 **LOT LINE, REAR:** means the lot line opposite the front lot line. In the case of a triangular shaped lot, the rear lot line shall be that point created at the point of intersection of the two side lot lines.

(500-98-015) In the case of a through lot in residential zone, where one lot line abuts a reserve adjoining a street, the lot line abutting the reserve shall be deemed to be the rear lot line.

2.125 **LOT LINE, SIDE:** means a lot line other than a front or rear lot line. A lot line, which is not a front lot line and abuts a street is called an exterior side lot line. A lot line, which is not a rear lot line, and divides two properties is called an interior lot line.

2.126 **MANUFACTURED DWELLING PARK:** means a lot or part thereof which contains sites described as parts on a deposited reference plan, to be used for the erection primarily of manufactured dwellings or other dwellings and buildings and structures as

SECTION 2 - DEFINITIONS (cont.)

specifically permitted herein, all as parts of a Self contained recreational, residential, retirement community.

- 2.127 **MANUFACTURED DWELLING SITE:** means land described as a part on a deposited reference plan within a manufactured dwelling park to be leased primarily for the erection of one manufactured dwelling or other dwellings as specifically permitted herein.
- 2.128 **MARINA:** means a commercial establishment located on or abutting a navigable waterway, where facilities are provided for, and where boats and other marine pleasure craft may be berthed, stored, serviced, repaired, rented, fuelled or kept for sale.
- 2.129 **MARINE PASSENGER SERVICE TERMINAL:** means a building or premises used for the purpose of departure or arrival of boat passengers.
- 2.129 A) (2016-0037) **MARIHUANA PRODUCTION FACILITY:** means a wholly enclosed building or structure used for the growing, producing, harvesting, testing, destroying, storing, packaging, or distribution of marihuana or cannabis, used for purposes as authorized by a license issued by the federal Ministry of Health, pursuant to Section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, SC 1996, c.19, as amended, or its successor. For purposes of clarification, no part of this operation, whether accessory or not may be located outside.
- 2.130 **MOTOR VEHICLE, COMMERCIAL:** means a commercial motor vehicle as defined by the "Highway Traffic Act".
- 2.131 **MOTOR VEHICLE, COMMERCIAL - HEIGHT:** means the height of the vehicle measured from the ground to the top of the cab or the body of a motor vehicle or trailer, whichever is greater.

SECTION 2 - DEFINITIONS (cont.)

- 2.132 **MOTOR VEHICLE, COMMERCIAL - LENGTH:** means the length of the vehicle measured from the outer edges of the front and rear bumpers on a commercial motor vehicle and the outer edges of a commercial trailer.
- 2.133 **MOTOR VEHICLE, COMMERCIAL - WIDTH:** means the width of the vehicle measured at the rear wheelslip of a commercial motor vehicle or the widest portion of a commercial trailer.
- 2.134 **MOTOR VEHICLE CLEANING ESTABLISHMENT:** means a building or premises used for the cleaning of motor vehicles.
- 2.135 **MOTOR VEHICLE FUEL BAR:** means a building, together with one or more fuel pumps, where gasoline or other motor fuels and oil are kept for sale and for delivery directly into a motor vehicle and may include the sale of motor vehicle accessories but does not include a mechanical garage or motor vehicle cleaning establishment.
- 2.136 **MOTOR VEHICLE SALES AND/OR RENTAL ESTABLISHMENT - AUTOMOBILE:** means a building and premises used for the sale and/or rental, including display, of automobiles, or commercial motor vehicles or commercial trailers not exceeding 7 metres in length, 2.5 metres in width or 2.2 metres in height, and including mechanical repairs and the sale of automotive parts.
- 2.137 **MOTOR VEHICLE SALES AND/OR RENTAL ESTABLISHMENT - COMMERCIAL AND RECREATIONAL VEHICLES:** means a building and premises used for the sale and/or rental, including display of, trucks, buses and recreational vehicles and including mechanical repairs and the sale of parts.
- 2.137 A) **MULTI-UNIT COMMERCIAL CENTRE:** means two or more (500-2006-0006) commercial buildings/units which have been planned, developed, owned and/or managed as a unit.
- 2.138 **NAVIGABLE WATERWAY:** means any waterway, including lakes, rivers or canals having the capability of

SECTION 2 - DEFINITIONS (cont.)

use by the public for purposes of transportation or commerce.

2.139 **NURSERY**: means a building or premises where trees or plants are grown for transplantation and which are sold on a wholesale basis, but does not include any retail sales of trees, plants or other landscape, lawn and garden products or equipment.

2.140 **NURSING HOME**: means a nursing home within the meaning of the Nursing Homes Act.

2.140 A) **OUTDOOR SOLID-FUEL COMBUSTION APPLIANCE**: means an outdoor wood burning appliance or a solid-fuel burning appliance which is used for the space heating of buildings, the heating of water, or any other such purpose, and which is located in a separate building or on the exterior of the building which it serves.
(2014-0061)

2.141 **PARK**: means an area consisting largely of open space, which may include a recreational area, playground, playfield or similar use, but shall not include a manufactured dwelling park or a recreational vehicle park.

2.142 **PARKING AREA**: means an area or structure provided for the parking of motor vehicles and includes any related aisles, parking spaces, ingress and egress driveways within the lot.

(500-2017-0002) A parking area for private residential parking may
(500-2017-0003) also be used for the storage of a leisure vehicle as set forth in Section 5.27A. However, the storage of a leisure vehicle, in a front or exterior side yard, shall only be permitted in a parking area consisting of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface).

2.143 **PARKING LOT, COMMERCIAL**: means any parking area other than a parking area accessory to a permitted use on the same lot, operated for profit but excluding a parking lot for school buses, and commercial vehicles or trailers exceeding 7.0m in

SECTION 2 - DEFINITIONS (cont.)

length, 2.5 metres in width, or 2.2 metres in height.

2.144 **PARKING SPACE**: means an area within a building or parking area for the parking of one motor vehicle.

2.145 **PARKING SPACE, ACCESSIBLE**: means a parking space (500-2007-0009) designed and provided exclusively for the parking of vehicles used to transport handicapped persons.

2.146 **PERSON**: means an individual, association, firm partnership, corporation, incorporated company, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

2.147 **PIT**: means a pit as defined in the Aggregate Resources Act.

2.148 **PIT, WAYSIDE**: means a temporary pit, not located (500-94-007) on Crown land, and opened and used by a public authority, or a person who has a contract with a public authority, solely for the purpose of a particular project of road construction or road maintenance, from outside the limits of the road right-of-way; or an urgent project of a public authority for which no alternative source of aggregate under licence or permit is readily available in the vicinity.

2.149 **PLACE OF AMUSEMENT**: means a building or part thereof containing three or more amusement machines which are operated for gain and made available for the entertainment or amusement of the general public. This definition shall not include premises which are licensed under the Liquor License Act, establishments which sell amusement machines, provided that such machines are not made available on the premises for use by the general public, and premises with amusements that are contrary to the Criminal Code of Canada.

2.149 A) **PLACE OF WORSHIP**: means a building or part of a (2016-0037) building used by a charitable religious organization(s) for religious worship, services,

SECTION 2 - DEFINITIONS (cont.)

ceremonies, rites or functions, and may include accessory uses which may include but not be limited to an assembly hall, auditorium, convent, monastery, rectory, day nursery. Intermittent non-academic community oriented instruction may also be permitted within the place of worship, and which may include but not limited to such uses as arts and crafts, music, educational or recreational community based programs or uses. These uses must be accessory and subordinate to the primary use of the place of worship.

2.149 B) **POLICE STATION:** means a building or premises used for the purpose of providing Law Enforcement Services to the community. Law Enforcement Services may be operated by a Municipal, Regional, Provincial or Federal government or other Public Authority.
(500-98-003)
(2016-0037)

2.150 **POULTRY OPERATION:** means the use of a building, structure or premises for the raising and/or breeding of birds including chickens, turkeys, geese, ducks, pheasants and other such birds, for food or feathers.

2.151 **PRACTITIONER, DRUGLESS:** means a drugless practitioner within the meaning of the Drugless Practitioners Act.

2.152 **PRINTING SHOP:** means a building in which books, newspapers, periodicals, tickets, and other printed items are produced and reproduced by mechanical means.

2.153 **PUBLIC STORAGE BUILDING:** means a building, used for the purpose of storing dry goods and materials on a rental basis, which is divided into individual storage units such that a person renting a unit would have exclusive access to the rented unit.

2.154 **PUBLIC AUTHORITY:** means Federal, Provincial, Regional or Town government and includes any agency, commission, board, corporation, authority or department established by such government, by by-law or statute, as applicable.

SECTION 2 - DEFINITIONS (cont.)

- 2.155 **QUARRY**: means a quarry as defined in the Aggregate Resources Act.
- 2.156 **QUARRY, WAYSIDE**: means a temporary quarry, not
(500-94-007) located on Crown land, and opened and used by a public authority, or a person who has a contract with a public authority, solely for the purpose of a particular project of road construction or road maintenance, from outside the limits of the road right-of-way; or an urgent project of a public authority for which no alternative source of aggregate under licence or permit is readily available in the vicinity.
- 2.157 **RECREATIONAL VEHICLE**: means a portable structure intended as a temporary accommodation for travel, vacation or recreational use. Such structure shall include park model trailers, travel trailers, motorized homes, slide-in campers, chassis-mounted campers, and tent trailers.
- 2.158 **RECREATIONAL VEHICLE PARK**: means land either commercial or private, used on an overnight or short term basis by providing two or more sites for recreational vehicles.
- 2.159 **RECREATIONAL VEHICLE SITE**: means a parcel of land within a recreational vehicle park, marked out for the use of one recreational vehicle.
- 2.160 **RECYCLING FACILITY**: means a lot and/or premises for the storage and/or handling and/or processing of recyclable material, which without limiting the generality of the foregoing, shall include metal, aluminium, glass, plastic, cardboard, paper or wood but shall exclude the salvage or storage of motor vehicles, tires, rags, soil, compost material and hazardous waste.
- 2.161 **RECYCLING FACILITY - MOTOR VEHICLES**: means a recycling facility used for the purpose of the recycling of motor vehicles.
- 2.162 **REFRESHMENT BICYCLE UNIT**: means a refreshment unit propelled totally by muscular power or a bicycle

SECTION 2 - DEFINITIONS (cont.)

without motorized assistance used only for the selling of fruit, candy, peanuts, ice cream, popsicles, yogurt, popcorn, or potato chips.

- 2.163** **REFRESHMENT BOOTH**: means a building, having a floor area of 20 square metres or less used for the preparation and/or sale of refreshments. In addition, the consumption of the food or drink is not permitted within the building.
- 2.164** **REFRESHMENT CART**: means a device, other than a motor vehicle or a refreshment bicycle unit or a refreshment booth, which is used or is to be used for the sale of refreshments.
- 2.165** **REFRESHMENT VEHICLE**: means a motor vehicle which is used or is to be used for the sale of refreshments.
- 2.166** **REFRESHMENTS**: means food or drink.
- 2.166 A)**
(2016-0037) **RESEARCH AND DEVELOPMENT FACILITY**: means a building or group of buildings, or part thereof, used for the purpose of conducting scientific research, analysis, investigation, testing or experimentation in any field of science, medicine, technology and manufacturing, and shall include but not be limited to facilities such as lecture rooms, administrative offices, laboratories, training facilities, display rooms, pilot plants, prototypical manufacturing, simulating equipment and the like, and service and machine shops to serve the establishment, but does not include facilities for the manufacture or sale of products.
- 2.167** **RESERVE**: means a strip of land abutting a public highway used to restrict access to the adjacent property.
- 2.168** **RESTAURANT**: means a building where food, beverages or refreshments are prepared and offered for sale to the public for consumption.
- 2.169** **RETAIL STORE**: means a building in which goods, wares, merchandise, substances, articles or things

SECTION 2 - DEFINITIONS (cont.)

are offered or kept for sale directly to the public at retail.

- 2.170 **RETAIL STORE, CONVENIENCE**: means a retail store not exceeding 190 square metres in floor area.
- 2.171 **RETAIL STORE, MARINE**: means a retail store which primarily sells marine related goods, merchandise, substances, articles or things, including fishing equipment and boat rentals and services.
- 2.172 **RETAIL STORE, SUPERMARKET**: means a self-service retail store selling groceries, staples such as tea, coffee, spices, and other products such as pharmacy items, magazines, paper products, soft drinks, health and beauty aids, housewares, flowers, plants and other non-food articles.
- 2.173 **SATELLITE RECEIVING DISH**: means a parabolic device used or intended to be used to receive audio and video signals and any supporting structures.
- 2.174 **SCHOOL, COMMERCIAL**: means a school conducted for gain, such as a secretarial school, language school or driving school.
- 2.175 **SCHOOL, PRIVATE**: means a school, other than a public school, operated by a non-profit organization and supported by private means.
- 2.176 **SCHOOL, PUBLIC**: means elementary, secondary and post-secondary schools established and maintained at public expense.
- 2.177 **SERVICE BUILDING**: means those permanent buildings in a recreational vehicle park that are necessary for the users of the park, such as toilets, laundry, cooking facilities and the maintenance of the park.
- 2.178 **SERVICE SHOP, HEAVY**: includes an establishment for servicing or repairing any of the following: tires, including vulcanizing or retreading; batteries, brakes or radiators; automotive ignitions, exhaust or electrical systems;

SECTION 2 - DEFINITIONS (cont.)

snowmobiles; outboard motors; furnaces or oil burners; water or air coolers or domestic waterheaters; fixtures or equipment pertaining to any of the above or any other like articles. Service shop, heavy, also includes an establishment for the renting of light construction equipment or lawn care equipment or any other like article.

2.179 **SERVICE SHOP, LIGHT:** means an establishment wherein articles, such as household appliances or furniture may be serviced or repaired.

2.180 **SERVICE SHOP, PERSONAL:** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, such as a barber's shop, a dry cleaning outlet, a ladies' hairdressing establishment or a shoeshine shop.

2.181 **SETBACK:** means the shortest distance between two points specified in the phrase in which the term "setback" is used.

2.182 **SEWAGE TREATMENT FACILITY:** means a facility, owned and operated by a public authority, used for the treatment and disposal of sewage.

2.183 **SEWER, PUBLIC SANITARY:** means a system of underground piping or conduits operated by the Town, the Regional Municipality of York and/or the Province of Ontario, which carries sewage to an approved place of treatment.

2.184 **SEWER, STORM OR DRAINAGE:** means a system of underground conduits, detention ponds or open ditches operated and/or maintained by the Town and/or the Regional Municipality of York and/or the Lake Simcoe Region Conservation Authority, or Province, which carries run off or ground water, but excludes sewage and household or industrial wastes.

2.185 **SHOPPING CENTRE:** means a commercial building or buildings which have been planned, developed, owned

SECTION 2 - DEFINITIONS (cont.)

and/or managed as a unit and which collectively exceeds 4,600 square metres of non-residential floor area.

2.185 A) **SHORT-TERM RENTAL ACCOMMODATION:** means Short-term (500-2019-0008) Rental Accommodation as defined by the Town of Georgina Short-term Rental Accommodation Licencing By-law, as amended, revised or replaced.

2.186 **SIGHT TRIANGLE:** means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being the distance required by this by-law from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

2.187 **SIGN:** means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.

2.188 **STORAGE DEPOT:** means a building or premises where goods, wares or material are stored on a temporary basis until such items are to be used or recycled, but excluding the storage of tires, rags and other combustible materials, soil and compost material.

SECTION 2 - DEFINITIONS (cont.)

- 2.189 **STORAGE, OPEN:** means the leaving, placing or parking of goods, materials, machinery, equipment or vehicles on a lot which is not within an enclosed building but shall not include the display of motor vehicles accessory to a motor vehicle sales establishment or motor vehicle rental establishment.
- 2.190 **STOREY:** means that portion of a building between any floor and the floors, ceiling or roof next above, provided that if a portion of the building between any floor and the floors, ceiling or roof next above exceeds 4 metres in height it shall be deemed to be a two storeys, and ii) any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 2 metres above average finished grade.
- 2.191 **STREET:** means a thoroughfare which affords a primary means of motor vehicle access to one or more abutting lots and which is intended for general traffic circulation.
- 2.192 **STREET OR ROAD, ACCESS:** means a privately owned street not dedicated and accepted as, or otherwise deemed at law to be, a public highway (the Road Access Act).
- 2.193 **STREET OR ROAD, PUBLIC:** means an assumed public highway, but does not include a lane.
- 2.194 **STREET OR ROAD, PUBLIC (UNASSUMED):** means a street or road allowance established for highway purposes which has not been assumed as a public highway but does not include a lane.
- 2.195 **STRUCTURE:** means 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. But, for the purposes of this by-law, a fence, not exceeding 2 metres in height, shall be deemed not to be a structure.
- 2.196 **STUDIO:** means a building where an artist, musician, photographer, or cinematographer work and

SECTION 2 - DEFINITIONS (cont.)

may include therein, the display and sale of such works.

2.197 **SWIMMING POOL:** means a body of water contained in part or in whole by artificial means used or capable of being used for swimming, the depth of which exceeds 0.6m in depth.

2.198 **TAXI STAND:** means the premises used for the dispatching of taxi service, including the parking of taxis on the same lot.

2.198 A) **TEACHING CLASSROOM:** means a classroom in a school facility which receives a pupil/student loading as mandated by the Ministry of Education and Training.

(500-97-050)

Classrooms receiving a Ministry of Education and Training loading, include regular classrooms, science, art, instrumental music, vocal music and special education classrooms and technology-related program spaces. Where a special education program operates in a space equivalent to half the size of a regular classroom, this space shall be classified as one-half of a teaching space.

2.198 B) **TEMPORARY STRUCTURE/USE, COMMERCIAL:** means a building, structure or use which is accessory to an on site commercial building in a commercial zone for a period not exceeding four months during any calendar year. Such building, structure or use must be removed from the site at the expiration of the time period.

(500-95-020)

2.198 C) **TEMPORARY ACCOMMODATIONS FOR SEASONAL FARM WORKERS:** means a separate building or structure used or intended to be used for seasonal accommodation for workers of the owner or operator of a farm provided such seasonal employees perform their duties on such farm, and in which lodging with or without meals is supplied or intended to be supplied to such employees.

(500-2004-0013)

2.199 **TENT CAMPGROUND:** means a parcel of land used by campers for the erection of tents or tent trailers but shall not include a recreational vehicle park.

SECTION 2 - DEFINITIONS (cont.)

- 2.200 **TERMINAL, BUS OR TRUCK:** means a building or premises where trucks or buses are rented, leased, kept for hire or stored or parked for remuneration, or from which trucks or buses are dispatched for hire, or which is a bonded or sufferance warehouse.
- 2.201 **THEATRE:** means a building or outdoor area for dramatic presentations including an outdoor cinema but does not include an adult entertainment parlour or adult entertainment store.
- 2.202 **TOURIST INFORMATION CENTRE:** means a building or premises used for the dispensing of promotional literature or the providing of information to the travelling public.
- 2.203 **TOW TRUCK:** means a commercial motor vehicle designed to haul or transport operative or inoperative vehicles and commonly referred to as a tow truck.
- 2.204 **TOWN:** means the Corporation of the Town of Georgina.
- 2.205 **TRAILER, COMMERCIAL:** means a trailer as defined by the "Highway Traffic Act".
- 2.206 **TRUCK DRIVING CENTRE:** means land used for the purpose of training persons to drive and operate commercial vehicles as defined herein.
- 2.207 **ULTRA-LIGHT AIRCRAFT:** means any machine designed to carry a human being and capable of deriving support in the atmosphere from the reaction of the air and which does not weigh more than 182 kg. and which does not have an engine in excess of 100 horsepower.
- 2.208 **UNENCLOSED PORCH OR STAIRS:** means a porch or stairs which may have a roof but is not enclosed by walls.
- 2.209 **USE, ACCESSORY:** means a use naturally and normally incidental, subordinate in purpose and floor area, and exclusively devoted to a main use of land,
(2014-0061)

SECTION 2 - DEFINITIONS (cont.)

building or structure located on the same lot. Notwithstanding any other provision of this By-law, an Outdoor Solid-Fuel Combustion Appliance shall not be considered to be an accessory use under this By-law, and shall only be used in compliance with By-law Number 2014-0062 (or such by-law as may be passed in substitution therefor).

2.210 **USE, AGRICULTURAL/AQUACULTURAL:** means the use of land or water, building or structure for the purpose of the growing of field crops, sod, flowers, vegetables, berry crops and tree crops, and including nurseries, aviaries, apiaries or farms for the grazing, breeding, raising, boarding or training of livestock or fish, or any other similar use carried on in the field of general agriculture and including the sale of such produce, crops, fish or livestock on the same lot.

2.211 **USE, COMMERCIAL:** means the use of land, building or structure for the purpose of buying and selling commodities or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction.

2.212
(500-94-007) **USE, CONSERVATION:** means the preservation, protection maintenance and enhancement of components of the natural environment through a comprehensive ecosystem based management and maintenance program.

2.213
(500-94-007) **USE, FORESTRY:** means the use of land in conjunction with ecosystem based management for the protection and restoration of forest communities, production of forest products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation and protection and production of water supplies.

2.214 **USE, INDUSTRIAL:** means the use of land, building or structure for the warehousing, manufacturing, processing or assembly of materials, technology and information to finished products or by-products, including the storage of such materials and products as permitted herein and may include

SECTION 2 - DEFINITIONS (cont.)

telecommunication\radiocommunication uses.

- 2.215 **USE, INDUSTRIAL (DRY)**: means an industrial use which does not require the use of water for the manufacture, processing, cleaning or cooling of materials, products or equipment.
- 2.216 **USE, INSTITUTIONAL**: means the use of land, building or structure for a use which is complementary to or serves the community in which it is located. Such uses are normally operated by the government, or a charitable, non-profit or religious group or society, but may include a commercial use which provides supervision counselling, training, education counselling, or medical or dental care.
- 2.217 **USE, NON-CONFORMING**: means the non-conforming use of land, building or structure within the meaning of Section 34(9) of the Planning Act.
- 2.218 **USE, OBNOXIOUS**: means an offensive use or trade within the meaning of The Environmental Protection Act or The Health Protection and Promotion Act or any use which is a nuisance by reason of emission or creation of odours, gas, dirt, smoke, noise, vibration, soot, waste, or depositing unsightly objects or chattels on land.
- 2.219 **USE, PROHIBITED**: means a use set forth in Section 5.42 herein.
- 2.220 **USE, RESIDENTIAL**: means the use of a building for human habitation and in conjunction therewith, the use of land and structures.
- 2.221 **WAREHOUSE**: means a building where goods, wares or produce are stored but shall not include a retail store.
- 2.222 **WASTE DISPOSAL SITE**: means a waste disposal site as defined in the Environmental Protection Act.
- 2.223 **WATER SUPPLY**: means a water distribution system of piping and related storage, including pumping and

SECTION 2 - DEFINITIONS (cont.)

purification appurtenances.

- 2.224** **WATER SUPPLY, PRIVATE:** means a water supply system owned and operated by an individual or corporation for private use and, where permitted by the Province, Region and Town, may include a communal system.
- 2.225** **WATER SUPPLY, PUBLIC:** means a water supply system operated by the Town, Regional Municipality of York or Province of Ontario.
- 2.226**
(500-94-007) **WATERBODY OR WATERCOURSE:** means lakes, shorelines, wetlands or the natural channel for a perennial or intermittent stream of water.
- 2.227** **WHOLESALE ESTABLISHMENT:** means a building used for the purpose of selling goods, wares or merchandise to retailers or other business users, including other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or businesses, but excluding the provision of these services on a retail basis.
- 2.227 A)**
(500-2013-0002) **WILDLIFE REHABILITATION CENTRE:** means the premises of a wildlife custodian, as approved by the Ministry of Natural Resources, where injured, sick, or immature wildlife are kept in captivity on a temporary basis to restore, effectively condition, or medically treat the wildlife so it can be successfully returned to the wild.
- 2.228** **YARD:** means space appurtenant to a building or structure located on the same lot as the building or structure and which space is open, uncovered and unoccupied except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this by-law.
- 2.229** **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.

SECTION 2 - DEFINITIONS (cont.)

2.230 **YARD, MINIMUM**: means the minimum depth of a front or rear yard, or minimum width of a side yard as required by this by-law. For purposes of this by-law, the following specific minimum yard definitions shall apply to the cases set forth below:

- **BLOCK DEVELOPMENT**: Where a dwelling, within a block development derives its access from an access street, the minimum yards shall be determined in relation to the access street, with the front yard being the yard between the access street and the closest wall of the dwelling.

- **GO-CART ESTABLISHMENT**: The minimum yards shall be determined as between the respective lot line and the go-cart track.

2.231 **YARD, REAR**: means a yard extending across the full width of a lot between a rear lot line and the nearest wall of any main building or structure on the lot.

2.232 **YARD, SIDE**: means a yard extending from the front yard to the rear yard of a lot between a side lot line, or site line in the case of a block residential development, and the nearest wall of main building or structure on the lot. Where a lot, which is not described on a plan of condominium or is not defined as a manufactured dwelling park, contains more than one single family dwelling, such dwellings shall be a minimum distance apart which shall be determined by multiplying the minimum side yard requirement for the zone in which the lot is located, times two.

- a) **EXTERIOR SIDE YARD**: means a side yard of a corner lot abutting a street or a reserve but which is not a front yard.
- b) **INTERIOR SIDE YARD**: means a side yard other than an exterior side yard.

2.233 **ZONE**: means a designated area of land use shown in Schedule `A' of this by-law.