

Part 16 - Definitions

PART 16: DEFINITIONS

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Abattoir

A building or structure specifically designed to accommodate the penning and slaughtering of live animals and preliminary processing of animal carcasses.

Abutting

A lot line that has any point in common with another lot line or street line.

Accessible Parking Walkway

A marked section of pavement with a minimum width of 2.0 metres, located adjacent to one designated accessible parking space or between two designated accessible parking spaces, which shall be maintained for the loading and unloading of vehicles displaying accessible parking permits.

Accessory Building or Structure

A detached building or structure not used for human habitation, the use of which is naturally or customarily incidental and subordinate to, or exclusively devoted to a principal use, building or structure and located on the same lot therewith. Accessory Buildings may include a detached garage, workshop, shed, or pool house. Accessory Structures may include arbours, gazebos, pergolas, play structures, or detached car port exclusive of patios or decks.

Accessory Dwelling Unit

One self-contained dwelling unit created through converting part of or adding on to one existing detached dwelling unit, also referred to as an additional residential unit in the Ontario Planning Act.

Accessory Use

A use customarily incidental to, subordinate to, and exclusively devoted to the principal use and which operates together with the principal use on the same lot. An accessory use within a principal building shall provide customer/client access from the building interior only.

Adult Entertainment Establishment

Any premise or part thereof in or on which is provided in pursuance of a trade, calling, business or occupation, or to which an admittance or other fee is required, service of an employee, entertainer, or other person who exposes to view any portion of the nipple or areola of the female breast or any portion of his or her pubic hair, anus, cleft of the buttocks, penis, vulva, or genitals, or any other service designed to appeal to erotic or sexual appetites or inclinations and may include the serving of food and/or alcoholic beverages as an accessory use.

Agricultural Use

The growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm building and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Airport

A complex of runways and buildings for the take-off, landing, and maintenance of civil aircraft, with facilities for passengers.

Amenity Area

The area situated within the boundaries of a project and intended for recreational purposes, which may include open spaces, patios, balconies, communal play areas, lounges, sundecks, and roofdecks, but shall not include the area occupied at grade by the buildings, service areas, parking, and driveways.

Apartment Building

A building consisting of more than 4 dwelling units, which units have a common entrance from the street level and where the occupants have the right to use in common, halls, stairs, yards, and accessory buildings.

Arterial Road, Major

Serve regional and inter-municipal travel demands, similar to Arterial Roads but provide a higher order of function. Accommodates regional or higher-order local transit service. Major Arterial Roads are identified in Part 1, Schedule 'A' and Schedule 'B'.

Arterial Road, Minor

Roads that serve mainly local travel demands, which accommodate major local and inter-municipal bus routes, and which connect communities and inter-connect Major and Multi-Purpose Arterial Roads. Minor Arterial Roads are identified in Part 1, Schedule 'A' and Schedule 'B'.

Arterial Road, Multi-Purpose

Roads that serve a mix of functions of Major Arterial and Minor Arterial Roads and which typically connect Major Arterials through urban areas or nodes. Multi-Purpose Arterial Roads are identified in Part 1, Schedule 'A' and Schedule 'B'.

Balcony

A platform having at least one (1) side open that may be covered by either a roof or another balcony and shall have no direct access to the ground.

Banquet Hall

A building or part of a building used for the purpose of catering to banquets, weddings, receptions, or similar functions for which food and beverages are prepared and served on the premises and may include a caterer service.

Basement

That portion of a building between two floor levels which is partly underground but which has at least half its height from finished floor to finished ceiling above the average finished grade level adjacent to the exterior walls of the building.

Bay Window

A rounded, multi-sided, or boxed-out window that projects out from an outside wall of a building, which may or may not have floor area.

Bed and Breakfast Home

An owner-occupied detached dwelling offering short-term lodging for compensation to the travelling and vacationing public. Guest rooms or suites may include a private bath but shall not include cooking facilities. Breakfast and other meals, services, facilities, or amenities may be offered exclusively to guests.

Boarder

A person to whom lodging is provided for compensation.

Boarding House

A detached dwelling where lodging is offered for compensation for 4 to 10 persons. Rooms or suites may include a private bath but shall not include cooking facilities. Meals and other facilities, services, or amenities may be offered for the exclusive use of guests and residents.

Body-rub

The kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed, or registered under the laws of the Province of Ontario.

Body-rub Parlour

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 to do so under the laws of the Province of Ontario.

Building

A structure having a roof supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of persons, animals, or goods.

Bulk Propane Storage Depot

A propane transfer facility that has an aggregate propane storage capacity in excess of 45,000 litres and from which the retail sale of propane fuel to the public is or may be effected.

Canopy

An unenclosed building consisting of a roof supported by columns or other support and may extend from a building.

Car Port

A private garage having a roof supported by columns, piers, or walls and in which the total area of all closures around the perimeter thereof does not exceed 50% of the total area of all sides of said carport, from the floor to the underside of the wall plate or beams supporting the roof.

Car Wash (Manual or Self-Serve)

A place or building where motor vehicles are washed manually including a coin wash, but no conveyor equipment is used.

Car Wash (Mechanical)

A place or building where motor vehicles are washed by equipment operated mechanically with a conveyor system for washing cars.

Cellar

That portion of a building between two floor levels which is partly or wholly underground and which has more than half of its height from finished floor to finished ceiling below the average finished grade level adjacent to the exterior walls of the building.

Cemetery

Land that has been established as a cemetery under the *Funeral, Burial, and Cremation Services Act* or under a predecessor of that Act, and in respect of which a certificate of consent issued by the registrar is registered in the land registry office; or land that is otherwise set aside to be used either for the interment of human and/or animal remains or for the scattering of cremated human and/or animal remains, or for both of these purposes, but does not include a crematory.

Cluster Homes

A multiple-unit residential development on a single lot, comprised of one- and/or two-unit buildings with attached units divided vertically from adjoining units.

Collector Road

Connects neighbourhoods, distributes traffic to and from arterial roads, provides local routes and access to land uses. Collector Roads are identified in Part 1, Schedule 'A' and Schedule 'B'.

Commercial Farm

A farm which is deemed to be a viable farm operation, normally producing sufficient income to support the farm residents.

Community Garden

An interim use of land for raising crops, horticulture, and gardening.

Community Institution

Facilities provided by a service agency, service club, church, or non-profit organization for social, cultural, religious, welfare, athletic, or recreational purposes and may include such facilities as youth clubs and seniors centres.

Complementary Health Care

A service commercial use involving an association, organization, or institution demonstrated to be established for the purpose and with the continuing intent of ensuring the safe and proper provision of one or more kinds of alternative healthcare services, in accordance with the City's Licensing By-Law.

Convenience/Specialty Food Store

A retail establishment with a floor area of up to 1800 m², selling various convenience, delicatessen, and/or food items, such as meat, fish and seafood, fruit and vegetables, bakery items, candy/nuts, health food, etc.

Convention Centre

An establishment having facilities for meetings, seminars, workshops, and other similar activities and may include dining facilities to serve participants but does not include sleeping accommodation.

Corporation

The Corporation of the City of Burlington.

Correctional Facility

A facility supervised by staff on a daily basis for persons who have been placed on probation, released on parole, or admitted for correctional purposes. A Correctional Facility shall be funded, licensed, approved, or supervised by the Province of Ontario, Corrections Canada, or any other Federal Government agency or by any organization on behalf of the Federal or Provincial Government, for the accommodation of 9 or more residents, exclusive of staff, within the Urban Improvement Area boundary.

Cottage Industry

An activity conducted as an accessory use within a single detached dwelling or in an addition to the dwelling or an accessory building not further than 30 m from the dwelling and serviced by the same private water and wastewater systems, performed by one or more residents of the household on the same property. A Cottage Industry may include such activities as dressmaking, upholstering, weaving, baking, ceramics, arts and crafts, and repairs of personal effects.

Creek Block

A parcel or block of land, owned by the City of Burlington or other public agency, containing a watercourse defined as the greater of the Regulatory Floodplain or the valley through which the watercourse flows and may include an open space buffer area beyond the top-of-bank, but which shall not include a separate parcel or block of land for a storm water detention pond.

Crematory

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* or of a predecessor of that Act that related to cemeteries, and includes everything necessarily incidental and ancillary thereto.

Cultural Heritage Resource

Cultural Heritage Resource – Means a building, structure, monument, natural feature (including those that have been modified by humans, such as parks, gardens, rows of trees, etc.), an archaeological and historical site, or remains, either individually or in groups, which is considered to be of architectural and/or historical significance.

Custom Workshop and Service Shop

A shop for the fabrication, servicing, or repair of goods, not including vehicles.

Dance Floor

Shall mean any open floor area provided in association with a Standard Restaurant with Dance Floor or Night Club, used for dancing to music, viewing musical performances or other forms of entertainment.

Day Care Centre

A facility where temporary care, protection, and supervision are provided to more than 5 children or elderly persons but which shall not provide overnight accommodation.

Daylight Triangle

A triangular shaped area which if required, forms part of an intersecting street.

Deck – Residential

A platform or series of platforms, accessory to a dwelling unit, exceeding a height of 60 cm measured from the lowest point of grade at platform perimeter to the floor of the platform. Decks may be free-standing or attached to a dwelling and are intended for use as an outdoor living area. Decks may be roofed over, screened-in and enclosed by a hand rail not exceeding a height of 122 cm above the platform floor, otherwise a deck shall not be enclosed. (See “Patio –Residential”).

Density

The number of dwelling units that may be constructed on one hectare of land.

Department Store

A retail establishment primarily engaged in retailing a wide range of products, with each merchandise category or product group constituting a separate department within the store. Some departments may be operated on a concession basis.

Detached Dwelling

A single dwelling unit which is not joined to any other dwelling.

Development Zone

Lands which are awaiting development or redevelopment pending the availability of adequate municipal services and detailed planning studies, and shall require future amendments to the Zoning By-law all in accordance with the Official Plan land use policies and regulations.

Dormer

A window projection which is situated on either the side, front, or rear roof elevations of a dwelling, and are subject to the following:

- (a) the sum of the length of the dormer(s) does not exceed one third of the permitted length of a building wall;
- (b) the length of any projection does not exceed 3.1 metres.

Drive-Through Facilities

The uses of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a lane designated for that purpose.

Driveway

A single passageway or series of interconnected passageways, for exclusive or shared private use, providing vehicular access between a street or condominium common element roadway and an area used for the parking, loading, or storage of a vehicle.

Drugless Practitioner

A person authorized to practice as a drugless practitioner under the *Drugless Practitioner Act*, 1991, R.S.O. 1990, c.D.18, as amended.

Duplex

A building divided horizontally into two dwelling units.

Dwelling

A building designed or used for residential occupancy, but does not include a hotel, motel, motor court, auto court, apartment hotel, apartment motel, or similar establishments.

Dwelling Unit

A self-contained room or suite of rooms located in a building or structure that is operated as a housekeeping unit and is used or intended for use as residential premises by one household and which contains kitchen and bathroom facilities that are intended for the exclusive use of that household, except in the case of an institutional residential use, in which case a dwelling unit shall mean a room or suite of rooms used or intended for use as residential premises with or without exclusive kitchen and/or bathroom facilities. Long-term care facilities are excluded from this definition.

Efficiency Dwelling Unit

A dwelling unit containing not more than 60 m² of floor area, and consisting of not more than one room in addition to kitchen, dining, and sanitary facilities. For the purposes of computing density and parking, an efficiency unit shall be considered a one-bedroom unit.

Enclosed Parking

A structure or building or part of a principal building, below or above grade, used for the parking of 5 or more vehicles.

Energy from Waste

A facility engaged in the incineration of solid waste for the purpose of energy generation.

Entertainment Establishment

Any place devoted to the presentation of live entertainment and performances or for the commercial showing of films, including such facilities as movie theatre, dinner theatre, supper club, cabaret, but shall not include a Night Club, Adult Entertainment Establishment, Gaming Establishment, or Video Game & Pinball Machine Arcade.

Entire Development

Multiple contiguous parcels of land, lots and/or blocks of land developed under a single comprehensive site plan, including phased site plan approval and sharing common facilities.

Environmentally Sensitive Areas

Areas of land and/or water which contain natural features or ecological functions of such significance that their protection is warranted.

Essential

That which is deemed necessary to the public interest after all alternatives have been considered.

Farmer's Market

A retail establishment consisting of multiple vendors engaged in the retailing of primarily food and plant products, a portion of which are locally grown and/or prepared.

Farming

See Agricultural Use

Flea Market

A retail establishment consisting of multiple vendors engaged in the retailing of primarily used merchandise, such as furniture, glassware, and jewellery.

Floor Area

The total area of the floor measured to the outside of all outside walls or the centre of common walls, excluding any basement, cellar, garage, car port, unenclosed porch, or unenclosed veranda. A basement associated with a restaurant use, used for storage purposes shall not be included in the calculation of permitted floor area. For Accessory Buildings or Structures, floor area means the total area of all floors measured to the outside of all exterior walls. Storage area may be included within the roofline.

Floor Area Ratio

The mathematical relationship between building floor area and lot area, determined by dividing the gross building floor area of all buildings on a lot by the net area of that lot.

Floor Area Ratio – Low Density Residential

The mathematical relationship between the floor area of a dwelling and its lot area determined by dividing the floor area of a building (including attached garage and stair case) by the net area of that lot.

Floor Area, Gross

The sum of the areas of each floor of a building but shall include a basement or cellar when used for commercial purpose. Measurement shall be from the exterior face of outside walls, or from the centre line of partition and common walls. Gross Floor Area shall not include floor space devoted to:

- Vehicle Parking
- Storage
- Air Handling Equipment
- Enclosed mall and hallways, excluding kiosk, stairways
- Elevators and associated equipment
- Washrooms
- Foyers, lobbies, but not waiting areas/rooms

Floor Area, Gross Building

The total area of the floor measured to the outside of all outside walls, including a basement or cellar but excluding areas used for parking of motor vehicles or areas above an atrium.

Floor Area, Gross Rentable

The leased portion of the gross floor area of any multiple unit residential building excluding such areas that are not rented, e.g. areas devoted to passages that give access to dwelling units, foyers, cellars, locker rooms, boiler rooms, stairways, laundry rooms, garages, elevators, play and recreation rooms for the enjoyment of all tenants, balconies and caretaker's dwelling unit. The rentable floor area for each dwelling unit shall be measured from the inside face of the exterior walls surrounding the dwelling unit and the gross rentable floor area is the sum of the floor area of all of the dwelling units.

Floor Area, Leasable

The total floor area of a building or structure, including each storey, mezzanine, and basement thereof, measured from and including the exterior surface of the outside walls, but excluding:

- (i) those parts of the building use for purposes of servicing the building such as areas used for heating and mechanical equipment, maintenance, security and offices used for the purposes of operating and managing the building;
- (ii) those parts of the building used exclusively for storage and/or the parking of motor vehicles;
- (iii) those parts of the building comprised of a covered mall used exclusively for the purpose of pedestrian access and circulation within the said building.

Four-Plex

A building containing 4 dwelling units.

Gaming Establishment

An establishment primarily engaged in gambling activities, for money or other items of value, and offering games of chance such as card games, dice games, video lottery terminals and other game machines or devices but which shall not include Entertainment Establishments or bingo halls.

Garage – Private

An accessory building or part thereof, or that part of the building attached to the dwelling unit, designed or used for the parking or storage of motor vehicles, but not including any motor vehicle (except a recreational motor vehicle) exceeding the registered Gross Vehicle Weight of 3,000 kg. or the overall length of 6 m, or the overall height of 2.6 m, and/or any motor vehicle equipped with a stake body, and where household equipment incidental to the residential use may be stored and where neither servicing nor repairing is carried on for compensation. The minimum internal dimensions for a private garage are 6.0 m depth x 3.0 m width x 2.0 m height. The minimum internal dimensions for unobstructed area in the private garage are 5.5 m depth x 3.0 m width x 2.0 m height. One step is permitted in the unobstructed area. (See Accessory Building or Structure).

Garage – Public

Motor vehicle repair garage.

Golf Course

A public or private area laid out, operated or used for the purpose of playing or practicing the game of golf, including a golf driving range, and in Rural and North Aldershot zones, it does not include uses on golf course lands that are not directly accessory to the golf course operation (e.g. banquet facilities, curling rink).

Grade

When used with reference to a building, the average elevation of the finished surface of ground where it meets the front wall of such building, exclusive of any artificial embankment or depressed driveway.

Grade Fixed

The elevation of the ground at the street line measured at the midpoint of a lot, or in the case of multiple unit developments, means the elevation of the ground at the street or common driveway line measured at the midpoint of the dwelling unit.

Group Home

A single housekeeping unit supervised by staff on a daily basis which provides special care and treatment to persons for physical or mental deficiency, physical handicap or other such cause. A Group Home shall be funded, licensed, approved, or supervised by the Province of Ontario under a general or specific Act, for the accommodation of not less than 6 and not more than 8 residents, exclusive of staff. Where a Group Home is located outside the Urban Improvement Area boundary, the maximum number of residents permitted, exclusive of staff, is 10. A Group Home may contain an office provided that the office is used only for the administration of the Group Home in which it is located.

Group Home, Correctional

A single housekeeping unit supervised by staff on a daily basis for persons who have been placed on probation, released on parole, or admitted for correctional purposes. A Correctional Group Home shall be funded, licensed, approved or supervised by the Province of Ontario, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff. Where a Correctional Group Home is located outside the Urban Improvement Area boundary, the maximum number of residents permitted, exclusive of staff, is 10. A Correctional Group Home may contain an office provided that the office is used only for the operation of the Correctional Group Home in which it is located. A Correctional Group Home shall not include any detention or correctional facility operated or supervised by Corrections Canada or any other Federal Government agency or by any organization on behalf of the Federal Government.

Habitable Room

A room designed for living, sleeping, eating, or food preparation.

Health Professional

A person authorized to practice as a health professional under the *Regulated Health Professional Act*, 1991, S.O. 1991, c.18 as amended.

Height, Building

For residential buildings designed to be accessible by direct access from the ground or by means of stairways, height means the vertical distance measured in linear metres, between fixed grade and the highest point of a flat or peaked roof, exclusive of any ornamental dome, chimney, tower, cupola, steeple, spire, water storage tank, electric apparatus, sign, television antenna, structure for mechanical equipment required for the operation of the building. For Accessory Buildings and Structures to residential uses, specifically detached, semi-detached, duplex, triplex, fourplex, or street townhouse dwellings, height means the vertical distance measured in linear metres, between grade and highest point of a flat or peaked roof, exclusive of any ornamental dome, chimney, tower, cupola, steeple, spire, water storage tank, electric apparatus, sign, television antenna, structure for mechanical equipment required for the operation of the building.

For all other buildings, height means the vertical distance measured in linear metres, between grade and the highest point of a flat roof, or the mid-point between the eaves and the peak of a peaked roof, exclusive of any ornamental dome, chimney, tower,

cupola, steeple, church spire, water storage tank, electric apparatus, sign, television antenna, structure for mechanical equipment required for the operation of the building, including elevator and stairway receiving area no larger than 9 m².

For rural zones, height means the vertical distance measured from grade at the foundation of the front wall to the mid-point between the eaves and the peak.

Holding Zone

A zoning designation prefaced with the holding symbol “H”, which temporarily prohibits use of the zoned lands until such time as the “H” prefix is removed by an amending zoning by-law.

Home-Based Business

An office or personal service use, excluding a body-rub parlour, conducted from a residential dwelling unit by a person or persons residing in the dwelling unit, which is secondary to the primarily residential use of the dwelling.

Home Day Care

A private residence where care, protection and supervision are provided for up to 5 children or 5 elderly persons but which does not provide overnight accommodation to those being cared for.

Home Decorating Centre

A retail establishment selling a combination of any two or more of the following: paint, glass and wallpaper, kitchen and bathroom fixtures, furniture antiques, floor coverings, swimming pools, hot tubs/whirlpools, windows and doors, hardware, blinds, draperies, curtains and wall coverings, linens, bedding and sheets, house wares, lighting, and electronics.

Home Industry

A small-scale use or activity located on a commercial farm and which is accessory to a residential or agricultural use serving the farming community. A Home Industry may be conducted in whole or part from an accessory building and may include a carpentry shop, metal working shop, welding shop, electrical shop, or blacksmith shop, etc., but does not include an auto repair shop, paint shop, or furniture stripping.

Hotel

A building or group of buildings providing lodging accommodation to the general public and may include ancillary services such as restaurant, meeting facilities, recreation facilities, convention and banquet facilities.

Industrial Park

A plan of subdivision designed for certain industrial and/or commercial uses and approved by the Corporation and registered under the provisions of the *Registry Act* or *Land Titles Act*.

Industrial Use

Assembling, fabricating, manufacturing, processing, warehousing and distribution uses, repair activities, communications, utilities, transportation, storage, service trades and construction uses.

Kennel

An establishment accessory to a residential or agricultural use for the keeping, breeding, and raising of domesticated animals for profit or gain but which does not include a veterinary establishment.

Land Uses Sensitive to Railway Rights-of-Way

Buildings, amenity areas or outdoor spaces where humans may be adversely affected by the activities of a railway right-of-way. Land uses sensitive to railway rights-of-way shall include residences, schools, day care facilities, hospitals, public health care and social services facilities, retirement homes, long-term care facilities, recreational and entertainment establishments, places of worship, monasteries, convents, and places of assembly.

Landscape Area

An area of land within a lot dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features. A Landscape Area may be crossed by a driveway or walkway provided it is substantially perpendicular to the Landscape Area. A ground sign may be located within a Landscape Area. A Landscape Buffer may be included in the calculation of Landscape Area.

Landscape Buffer

The area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing and evergreen or deciduous trees. Snow storage is not permitted in a required landscape buffer.

Landscaped Open Space Area

An open, unobstructed space between a property line and a building elevation facing a street, excluding any permitted encroachment into a required yard, which is dedicated to the growth and maintenance of grass, flowers, shrubs, trees, and other landscaping including a walkway, but does not include a driveway, ramp, or parking area, whether surfaced or not, or any open space beneath a building or structure.

A walkway shall not be used as a driveway or parking area.

Lane

A public or private right-of-way providing a means of access to lots abutting thereon.

Large Building Supplies/Garden Store

A retail establishment with a minimum floor area of 5600 m², primarily engaged in the retailing of building and/or garden materials and which may include the outside storage of goods and materials.

Large Furniture and Appliance Store

A retail establishment with a minimum floor area of 5600 m², primarily engaged in the retailing of new home furniture and/or appliances and home accessories, and which does not include outside storage of goods and materials.

Large Home and Auto Supplies Store

A retail establishment with a minimum floor area of 5600 m², primarily engaged in the retailing of a general line of auto supplies, such as tires, batteries, parts and accessories, in combination with a general line of home supplies, such as hardware, house wares, small appliances, sporting goods and lawn and garden equipment and supplies.

Loading Space

An off-street space or berth on the same lot with a building for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Long-Term Care Facility

A residence which provides care to meet the physical, emotional, social, spiritual, and personal needs of persons. Long-Term Care Facilities include Homes for the Aged established under the *Homes for the Aged and Rest Homes Act*, as amended, Nursing Homes licensed under the *Nursing Home Act*, as amended, and Chronic Care facilities.

Lot

A parcel of land under one ownership which is established as a separate parcel of land in accordance with the provisions of the lot creation sections of the *Planning Act*, including a parcel acquired from Her Majesty in right of Canada, Her Majesty in right of Ontario, the Regional Municipality of Halton, or the Corporation of the City of Burlington, appropriated for the exclusive use of a building or a group of buildings comprising one undertaking or enterprise, and which abuts a public street, except if it has been created as a parcel of tied land, in which case, it may abut a common element condominium road.

Lot Area

The total horizontal area with the lot lines of a lot.

Lot Coverage

The percentage of the lot area covered by buildings measured to the outside of the exterior walls, including all buildings and projections (cantilevered floor space, window projections, etc.). Carports, porches and decks may be excluded from the lot coverage calculation provided there is no floor area above them.

Lot Depth

The average horizontal distance between the front and rear lot lines.

Lot Line

Any boundary of a lot.

Lot Line, Front

The lot line that divides a lot from the street provided that in the case of a corner lot, the shorter lot line that abuts a street shall be deemed to be the front lot line, and the longer lot line that abuts a street shall be deemed to be a side lot line abutting a street. In the case of a through lot, only one of the lot lines shall be deemed to be the front lot line. In the case of an irregular shaped lot in a detached residential zone, the straight line joining the two points where the side lot lines respectively intersect the street line shall be not less than 9.1 metres.

Lot Line, Rear

The lot line or point of intersection of the side lot lines farthest from and opposite the front lot line.

Lot Line, Side

A lot line other than a front or rear lot line. In the case of a corner lot, the longer lot line that abuts a street shall be known as the side lot line abutting a street.

Lot of Record

A lot according to a registered plan of subdivision, or a parcel of land, the deed to which was registered prior to December 31, 1970, but does not include a lot in a registered plan which has been designated by by-law as a plan which shall be deemed not to be a registered plan of subdivision in accordance with the provisions of *The Planning Act*.

Lot Width

The horizontal distance between the side lot lines measured along the front lot line, PROVIDED that where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot width shall be measured by a line 9.1 metres back from and parallel to the chord of the front lot line.

For the purposes of this By-law the chord of the front lot line is a straight line joining the two points where the side lot lines intersect the front lot line.

Lot, Corner

A lot situated at the intersection of and abutting on two or more streets regardless of whether or not such streets have 0.3 m reserves, or; a lot abutting on two or more streets or two or more parts of the same street, the adjacent sides of which street or streets contain an angle facing the lot of not more than 135 degrees, and in the case of a curved street, such angles shall be formed by their tangents drawn from the points where the side lot lines meet the street line but does not include a lot abutting the bulb of a cul-de-sac or a turning circle. This regulation shall apply whether or not such abutting, adjacent, or curved streets have 0.3 m reserves.

Lot, Interior

A lot other than a corner lot.

Lot, Through

A lot bounded on two opposite sides by streets.

Maisonette

Back-to-back townhouses separated by a common corridor.

Manufacturing

The use of land building or structures for the purpose of manufacturing, assembly, preparing, finishing, treating, repairing, warehousing, or adapting for sale of any goods, substance, article, or service.

Medical Marihuana Production Facility

Premises used for the growing, producing, testing, destroying, storing, or distribution of medical marihuana or cannabis authorized by a license issued by the federal Minister of Health, pursuant to section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-109, under the *Controlled Drugs and Substances Act*, SC 1996, as amended.

Medical Office

A building, structure, or part thereof, other than a hospital, used for consultation, examination, or therapeutic treatment by a physician, dentist, drugless practitioner, or health professional licensed by the Province of Ontario, and may include accessory medical uses such as laboratories, facilities for medical, diagnostic, and dental purposes, a drug and optical dispensary and a medical supply and equipment store, provided that all such uses have access only from the interior of the building.

Metal Industries

The stamping, drawing, grinding, machining, turning, heat treating, grinding, galvanizing, plating, coating, or other metal processing or metal fabricating including pipe or tube fabrication and including the production of recycled metals entirely from scrap.

Mobile Home

A mobile dwelling unit suitable for long-term occupancy designed to be transportable on its own chassis and wheel system.

Motor Vehicle

An automobile, truck, and any other vehicle propelled or driven by other than muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running solely upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*.

Motor Vehicle Sales, Leasing, Rental, and Service

Means a place where new or used motor vehicles are displayed for sale, lease, or rent, and may include a motor vehicle repair garage in conjunction therewith and/or the ancillary sales and service of related products.

Motor Vehicle Repair Garage

A place where motor vehicles are repaired, including mechanical body repairs, painting, and installation of parts and accessories; and includes such businesses as alignment, muffler, rust proofing, auto glass, tire and radiator shops and may include towing service, motor vehicle sales, rental, or leasing, motor vehicle service station, or gas bar as accessory uses.

Motor Vehicle Service Station

A building or place where the principal use is the storage and sale of gasoline, propane, or other motor vehicle fuels (all fuels, with the exception of propane, shall be stored in underground tanks), kerosene or motor oil and lubricants or grease (for the operation of motor vehicles) directly to the public on the premises, and may include the sale of minor accessory parts for motor vehicles and the provision of minor or running repairs for motor vehicles and not more than one towing vehicle. A motor vehicle service station shall include a gas bar.

A Motor Vehicle Service Station may include one single-bay, free-standing car wash and one Convenience Store, provided all fuel pump control equipment is located within the store.

Motor Vehicle Wrecking Yard

An area outside of a building where motor vehicles are disassembled, dismantled, or junked, or where inoperable motor vehicles or parts of motor vehicles are stored.

Multi-Use Business Park

A combination of four or more industrial or office uses with individual exterior entrances, in one or more buildings on one or more parcels of land, designed as an integrated, planned development having common off-street parking and driveways.

Night Club

An establishment or part thereof, whose principal function is the provision of music, pre-recorded or live music, for dancing by club patrons, having a minimum dance floor area of 10 m², and where food and/or beverages may be served, but shall not include an Adult Entertainment Establishment.

Non-Conforming Building/Structure

A building or structure built prior to the passing of this By-law in compliance with then applicable laws but which does not conform to the zone requirements of the property as set out in this Zoning By-law.

Non-Conforming Use

A lawful use made of land, building or structure at the date of passage of this By-law.

Office

A building or part of a building where administrative and clerical functions are carried out in the management of a business, profession, organization or public administration.

Parcel of Tied Land

Any parcel of land legally bound and tied to a common element condominium. A Parcel of Tied Land must front on either a public street or a condominium common element roadway and shall, subject to the regulations of this by-law that relate strictly to Parcels of Tied Land, be regarded as a type of lot.

Park, Commercial

Any open space, facility, park or recreation area owned, operated or maintained in whole or in part for profit or for membership purposes, but shall not include public parks.

Park, Public

An open space area, owned, operated, or maintained in whole or in part by a public authority as a recreational area for public use, including passive and active forms of recreation, designed to serve the neighbourhood and community and may include buildings for recreational and community facilities.

Parking Lot

The total outdoor area of a lot used for the temporary parking of 5 or more motor vehicles, daily or overnight, with or without compensation, for the accommodation of clients, customers, tenants, lessees, employees, or owners, but shall not include occupant parking spaces in the driveway of individual dwelling units.

Patio (Residential)

In a Residential zone, means a platform or series of platforms, accessory to a dwelling unit, having a height of up to 60 cm measured from the lowest point of grade at the platform perimeter to the floor of the platform. Patios may be free-standing or attached to a dwelling and are intended for use as an outdoor living area. Patios may be roofed over, screened in, and enclosed by a hand rail not exceeding a height of 122 cm above the platform floor, otherwise a patio shall be unenclosed. (See also "Deck – Residential")

Patio, Outdoor

An outdoor area associated with a permitted restaurant use, located on the same lot as the restaurant, is used on a seasonal basis only and which shall provide tables and seating for patrons to be served meals and/or refreshments for consumption on the premises. Patio seating shall not exceed 50% of the capacity of the restaurant. An outdoor patio shall be used exclusively for dining and shall not include any recreational or entertainment use or activity.

Patio, Sidewalk

An Outdoor Patio located in part or entirely on a public road allowance or other City-owned land for which an encroachment agreement or lease has been entered into with the City.

Patio, Terrace

An Outdoor Patio located at least 1.8 m above grade, or on the roof of the restaurant building.

Personal Services – Home-Based Businesses

Shall mean the provision of services involving the health, beauty, or grooming of a person or domestic pet, the maintenance of apparel, and may include but shall not be limited to catering, flower arrangement, business office, shoe repair, small appliance repair, personal instruction, and on-line ordering of merchandise to be sold and/or shipped off the premises.

Pit, Gravel

A site from which unconsolidated gravel, sand, or other materials is being or have been extracted from the ground.

Pit, Wayside

A temporary quarry from which aggregates are extracted for use by a public authority in the construction of a public works project.

Place of Assembly

A parcel of land, building, or structure, or part thereof, adapted or used for the assembly of persons, for civic, political, religious, educational, or social purposes.

Porch

A platform, with or without a foundation and/or basement with at least one (1) side open, that may be covered by a roof, with direct access to the ground and is attached to a dwelling.

Primary Metals Industry

A smelter, blast furnace, cupola, mill, or other factory used for the production of primary iron or steel, including, among other things, pig-iron, ferrous alloys, and other primary non-ferrous alloys.

Prime Agricultural Area

Areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario ministry of Agriculture and Food using elevation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

Privacy Area

An area reserved for the exclusive use of the occupants of a dwelling unit and which is separated from other privacy areas and communal areas by a privacy screen. A Privacy Area may include a patio, deck, balcony, solarium, or other such area.

Privacy Screen

A decorative wall or fence having a minimum height of 1.8 m and designed to provide privacy for a patio, deck, balcony, or part of a yard.

Private Club

A non-profit, non-commercial organization which carries on cultural, social, athletic, or recreational activities and includes the premises of a fraternal or charitable organization.

Propane Cylinder Exchange Facility

A facility regulated by the Technical Standards and Safety Authority (TSSA) from which propane is stored in cylinders and exchanged where there is no element of propane transfer and is accessory to a permitted use.

Propane Cylinder Handling Facility

A facility licensed under the *Energy Act* of Ontario as is from time to time amended and from which propane is handled and stored in cylinders and where there is no element of propane transfer.

Propane Facility, Private

A propane transfer facility for the purpose of refueling vehicles, appliances, or other equipment of the business or establishment to which the private facility belongs.

Propane Facility, Retail

A propane transfer facility having an aggregate propane storage capacity of less than 45,000 litres that is licensed under the Provisions of the *Energy Act* of Ontario as amended, and from which the retail sale of propane fuel to the public is or may be effected.

Propane Transfer Facility

A fixed location where the transfer of propane fuel from one container to another is affected.

Public Authority

A Federal or Provincial bodies, the Regional Municipality of Halton, or the City of Burlington, and includes any commission, board, authority or department established by or for any of them, and for those lands designated Utility and Electric Power Facility in the Public Use Area of the Parkway Belt West Plan, shall include the linear facilities of private utilities.

Quarry

A place where clay, shale, limestone, sand, gravel, marl, marble, soil, or other bedrock or non-metallic materials are excavated for use by a public authority in the construction of a public works project.

Recreational Establishment

A place designed and equipped for the consumer to actively participate in the conduct of sports and other leisure time activities, but does not include a Night Club, Adult Entertainment Parlour, Video Game & Pinball Machine Arcade or Gaming Establishment, and does not include overnight accommodation.

Recreational Vehicle

A vehicle which provides short-term occupancy intended and used exclusively for travel, recreation, and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes, or other similar vehicles but does not include a mobile home.

Recycling Depot

A small-scale facility serving the local community, where materials such as paper, glass and cans, etc. are separated into recoverable resources for reuse.

Recycling Facility

A facility where used or scrap materials are separated into recoverable resources for reuse, but shall not include a motor vehicle wrecking yard.

Regional Storm

The rainfall event and soil conditions existing during Hurricane Hazel that occurred within the Humber River watershed in Toronto in 1954, transposed over a specific watershed and combined with local conditions.

Regulatory Flood Line

The level of flooding during the greater of the Regional Storm or the 100-year storm utilized for a particular area.

Required

The minimum standard set out in the regulations of each zone.

Research and Development Centre

An area including a building used for the purpose of conducting pure and applied research and experimentation in any field of science, medicine, and technology, and includes such facilities as lecture rooms, administrative offices, laboratories, display rooms, pilot units, simulating equipment and the like and service and machine shops to serve the research centre operation, but does not include animal research and industrial or manufacturing operations other than those required in the conduct of permitted research.

Residential Social Service

A facility supervised by staff on a daily basis which provides special care and treatment to persons for physical or mental deficiency, physical handicap or other such cause. A residential social service facility shall be funded, licensed, approved, or supervised by the Province of Ontario under a general or specific Act, for the accommodation of 9 or more residents, exclusive of staff, within the Urban Improvement Area boundary.

Restaurant, Convenience

Shall mean any eating establishment having a floor area not exceeding 100 m², with or without seating accommodation, located in a building or structure primarily devoted to another use or other uses, where food and beverages are prepared and served for consumption on or off the premises.

Restaurant, Fast Food

Shall mean any eating establishment located in a building or structure or part thereof having a floor area in excess of 100 m², with or without seating accommodation, where food and beverages are prepared and served for consumption on or off the premises and whereby customers attend a service counter to:

- place an order for food or beverages;
- receive delivery of food or beverages for consumption within or outside the building;
- consume food or beverages.

Restaurant, Standard

Shall mean any eating establishment located in a building or structure or part thereof where food and beverages are prepared and served for consumption on the premises, but does not include Fast Food Restaurant or Convenience Restaurant.

Restaurant, Standard with Dance Floor

Shall mean any eating establishment in excess of 100m² located in a building or structure or part thereof where food and beverages are prepared and served for consumption on premises, having a maximum total dance floor area of 10m², but does not include Fast Food Restaurant or Convenience Restaurant.

Retail Brewery

A facility where a consumer participates in the brewing of beer, wine or other beverages, for consumption off the premises, and where the retail sale of related equipment or ingredients is permitted.

Retail Centre

A combination of two or more retail, service commercial, recreation or office uses, in one or more buildings, on one or more parcels of land, designated as an integrated, planned development having common off-street parking and driveways.

Retail Store

A building or part of a building where merchandise is offered or kept for sale directly to the public at retail, including department stores.

Retail Trade

A business primarily engaged in the selling or offering for sale of merchandise directly to the general public for personal or household consumption or use but not for resale.

Retirement Home

A residential facility or part thereof which may be a rest home but does not include a nursing home, home for the aged, or group home, in which, for hire or gain, lodging is supplied in at least 10 retirement dwelling units. Meals are supplied to the occupants in a common kitchen and dining facility and where other communal facilities, such as nursing care, may be provided. Accommodation shall be for the lodging of retired or elderly persons.

Retirement Home Dwelling Unit

One or more habitable rooms in a retirement home, designed or intended for the lodging of not more than 2 persons, containing full private or shared bathrooms, but where full culinary facilities are not provided.

Roof, Flat

A roof having a slope of less than 1:10.

Semi-Detached Dwelling

A building divided vertically into two dwelling units.

Semi-Detached Garage

A single building, accessory to a dwelling unit, used for the parking or storage of two or more vehicles, divided vertically along a common lot line.

Service Commercial

Non-retail commercial uses.

Setback

The horizontal distance between the boundary of a lot, parcel, or block of land, and the nearest point of any building or structure, measured perpendicular to the boundary

Shelter

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

Shelter, Emergency

A facility providing temporary accommodation and associated support services for persons in a crisis situation.

Special Event

Special Event means an event which by its nature supports and/or raises the profile of a community-based charitable organization which is held on private property.

For the purposes of this By-law, charitable organization shall mean a registered charity, religious organization, or charitable non-profit organization, sports club, or service group approved by the Province. A charitable organization represents an entity that has been created primarily for a charitable object or purpose in Ontario and is operated not for profit. Pursuant to the Provincial Order-in-Council, a charitable organization must meet one of the following classifications:

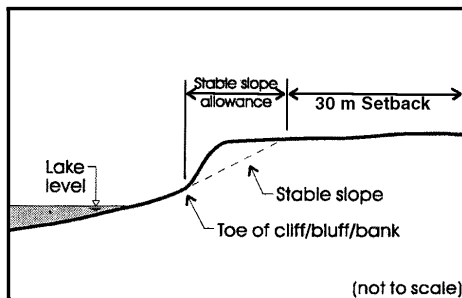
- (a) Relief of poverty; or
- (b) Advancement of education; or
- (c) Advancement of religion; or
- (d) Any charitable purpose beneficial to the community.

Split Level

A building comprising one dwelling unit with 3 or more storeys, each having a different elevation, and where the difference in elevation between each succeeding floor is not greater than 2.2 m and not less than 90 cm.

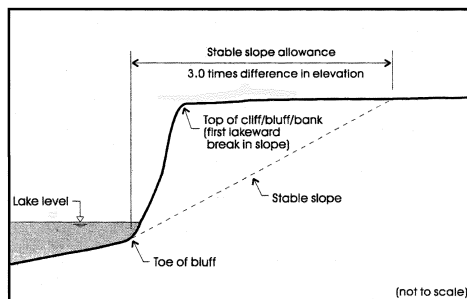
Stable Slope

Means the plane formed by the Stable Slope Allowance and the Toe of Cliff.



Stable Slope Allowance

The distance equivalent to 3 times the height of the cliff, bank, or bluff measured from the toe of the cliff, bank, or bluff.



Storage Locker Facility

Premises where individual enclosed areas are made available to the public for keeping or storing goods or commodities.

Storey

The portion of a building other than a cellar, basement, or attic included between any floor level and the floor, ceiling, or roof next above it. For residential buildings, storey height shall be in accordance with Part 1, Subsection 2.31.

Storey, First

The storey closest to finished grade having its ceiling 1.8 m or more above average finished grade adjacent to the exterior walls of the building.

Storey, Half

That portion of a dwelling situated within the roof and having its floor level not lower than 1.2 metres, measured from the point where the roof and any exterior wall of the dwelling meet, and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.2 metres.

Street, Local

A street or road which transfers neighbourhood traffic to Collector and Arterial streets.

Street Line

The division between a street and a lot.

Street Width

The deemed street width as set out in Part 1, Subsection 2.27.

Supermarket/Grocery Store

A retail establishment with a floor area greater than 1800 m², engaged primarily in the sale of a general line of food, such as canned, dry and frozen foods; fresh fruits and vegetables; fresh and prepared meats, fish, poultry, dairy products, baked products and snack foods; and which also retails a range of non-food products, such as household paper products, toiletries and non-prescription drugs, and in which a minimum of 51% of the total sales floor area of the establishment is devoted to the sale of food.

Swimming Pool

Any privately-owned outdoor tank or body of water used or which is intended to be used and maintained for swimming or display purposes and which has a maximum depth of water greater than 600 mm, other than an existing natural body of water or stream.

Toe of Cliff

The point at which there is a rapid change from the vertical position of the cliff, bank, or bluff to its horizontal base adjacent to the lake or bay.

Townhouse

A residential building containing not more than 16 dwelling units with attached units being separated by a common or party wall, provided that:

- (a) townhouse buildings shall have a maximum length of 55 metres;
- (b) individual units shall have at least one separate outside entrance.

Townhouse, Back-to-Back

A residential building containing a minimum of 4 and a maximum of 16 units, and with a maximum length of 55 metres, having attached units separated by a common or party wall above grade, including a common or party rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit from the outside accessed through the front elevation or exterior side elevation of the dwelling unit.

Townhouse, Stacked

A residential building containing a minimum of four and a maximum of twenty units, provided that:

- (a) stacked townhouse buildings shall have a maximum length of 60 m;
- (b) not more than half of all dwelling units shall be on the ground floor;
- (c) dwelling units shall be fully attached to adjoining units;
- (d) access to all second level units shall be from an interior stairway within the stacked townhouse building.

Townhouse, Street

A building containing not less than 2 and not more than 8 dwelling units and is separated from each adjoining unit by a common or party wall above grade. Such common or party wall may enclose a heated or unheated portion of the dwelling unit or a combination thereof, provided that:

- (a) Individual dwelling units shall be on a separate Lot (including Parcel of Tied Land) with frontage on a public street;
- (b) Every dwelling unit shall have at least one separate outside entrance;
- (c) Every interior dwelling unit having a width of 6.8 m or greater shall have a 90 cm wide grade-level access between the front and rear yards, which is separate from any habitable areas of the unit.

Trailer, Utility

A vehicle designed to be towed by a motor vehicle for the purpose of transporting or storage of goods, materials, equipment or livestock such as boat and snowmobile trailers.

Triplex

A building containing 3 dwelling units.

Unitary Equipment

Includes central air conditioning units, heat pumps, and swimming pool filters.

Utility

A water supply, storm water or sanitary sewer, gas or oil pipeline, transmission, generation or distribution of electric power, steam or hot water, communications towers, telegraph and telephone lines and other cable services, a public transportation system, licensed broadcasting, receiving and transmitting facilities or any other similar works or systems necessary to the public interest, but does not include waste collection, waste disposal, and waste management or the production of energy from waste.

Vehicle

A motor vehicle, traction engine, farm tractor, road building machine and any vehicle drawn, propelled, or driven by any kind of power, including muscular power, but not including the cars or electric or steam railways running only upon rails.

Video Game & Pinball Machines

Any mechanical or electronic machine or device commonly known as video games and pinball machines, which are operated by coin, token, or other such manner by the public for entertainment, amusement, or test of skill, but shall not include Video Lottery Terminals.

Video Game/Pinball Machine Arcade

An establishment where the principal use is to offer video games/pinball machines for use by the public.

Video Rental Store

An establishment where pre-recorded video tape, video discs, game cartridges, video cameras, or video players/recorders are offered for rent or rented, but shall not include the sale of electronic video equipment and other electronic home entertainment products unless permitted by the applicable zoning designation.

Walkway

A surface treated area that provides pedestrian access to and from a driveway, a street or condominium common element roadway, and a dwelling.

Warehouse Club

A retail establishment with a minimum floor area of 9300 m², engaged in retailing to club members primarily a general line of food-related products in large formats, in combination with a wide range of non-food items and services.

Warehouse and Logistics

Premises used for keeping or storing goods or commodities, to which the general public does not have access, and which may also be used for the distribution of the goods or commodities.

Waste

A material not required by the generator of that material and which is destined for final disposal or for reprocessing to a reusable resource, but shall not include any manufacturing by-product which may be used, unaltered, in the manufacture of another product.

Waste, Hazardous

Any substance or materials that, by reason of their toxic, caustic, corrosive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Waste Container Facility

A place where refuse bins are kept outdoors for the purpose of receiving small amounts of non-hazardous waste, and from where the waste is removed daily to a waste transfer station or a waste disposal site.

Waste Transfer Station

A building or buildings for the temporary storage and sorting of domestic or industrial waste pending removal to an authorized disposal site. All outside storage, including storage of waste, and all outside processing and manufacturing is prohibited.

Wholesale Trade

A business primarily engaged in buying merchandise for resale to retailers or to industrial, commercial, institutional, farm, business users or other wholesalers or in acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies on a commission basis.

Yard

An area extending from the lowest level below grade to the sky, open and uncovered, appurtenant to a building or structure and unoccupied by any building or structure, except as specifically permitted in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.

Yard, Front

A yard extending across the front of a lot between the side lot lines, and between the front lot line and the nearest wall of any building above grade, produced to the side lot lines.

Yard, Rear

A yard extending across the rear of a lot between side lot lines and between the rear lot line and the nearest wall of any building above grade produced to the side lot lines.

Yard, Side

A yard extending from the front yard to the rear yard between the side lot line of the lot and the nearest wall, above grade, of any building.

Yard, Street Side

A side yard immediately adjoining a public street.