Part 4: Definitions

A

Abutting: means having a **lot line** or portion thereof in common with another **lot line** or with a **street line**.

Accessible Access Aisle: means a barrier-free space located adjacent to an **accessible parking space**, designed and marked in accordance with applicable Provincial accessibility standards to provide room for persons with disabilities to safely transfer to or from a vehicle.

Accessible Parking Space: means a **parking space** for the use of persons with a valid accessible parking permit issued by the Province of Ontario.

Accessory Building or Structure: means a detached **building** or **structure**, the **use** of which is **accessory** to the principal **use**, **building**, or **structure** located on the same **lot**.

Accessory Use / Accessory: means a **use** of land, a **building**, or a **structure** that is naturally and normally incidental to, subordinate to, and exclusively devoted to the principal **use**, **building**, or **structure**, and located on the same **lot**.

Additional Needs Housing: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of **additional needs housing** may include, but are not limited to **long term care facility**, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

Additional Residential Unit - Attached: means a self-contained **dwelling unit** which is located on a **lot** and contained within a **detached dwelling**, **semi-detached dwelling**, **street townhouse** or **rear lane townhouse**.

Additional Residential Unit – Detached: means a self-contained **dwelling unit** which is located within an **accessory building** on the same **lot** that contains a **detached dwelling**, **semi-detached dwelling**, **street townhouse**, or **rear lane townhouse**.

Agricultural Use: means the growing of crops, including nursery, biomass, 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 **buildings** and **structures**, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment.

Amenity Area, Common: means an area on a **lot** provided for the common active or passive recreation and enjoyment of all occupants of a residential **development**, excluding a **driveway** or any other **parking area**. Located inside or outside a **structure**, **common**

amenity areas may include landscape open space, **building** rooftops, patios, terraces, above ground decks, **swimming pools**, party rooms, tennis courts and the like, but shall not include **balconies**.

Amenity Area, Private: means an area on a **lot** provided for private **use** for the active or passive recreation and enjoyment of the occupants of a **dwelling unit**, and may include **balconies** but excluding a **driveway**, **parking area**, or **walkway**, which is **accessory** to, directly accessible from, and outside of a **dwelling unit**.

Antenna System: means any apparatus, including antennas (such as panel, whip, or dish types), supporting masts, poles, towers, or other **structures**, and associated **accessory** equipment (such as cabinets, shelters, transmission lines, and electrical components), designed or intended for transmitting or receiving radiocommunication, broadcasting, or telecommunication signals. This definition excludes: (a) Antennas used solely for **accessory** household television or radio reception (e.g., typical residential TV antennas or satellite dishes); and (b) Antennas used by a federally licensed amateur radio operator.

Apartment Building: means a **building** containing five or more **dwelling units** which share a common entrance and utilize a common internal corridor, stairway, and/or elevator system. Occupants commonly share access to **common amenity area** and **yards**.

B

Balcony: means an outdoor platform adjoining a **dwelling unit** that has no direct access to the ground, and which is used as **private amenity area**. A **balcony** may be covered by a roof or another **balcony** and has at least one side open except for required railings or guards.

Basement: means that portion of a **building** situated wholly or partly below the **first storey**.

Bay Window: means a window assembly projecting outward from a wall of a **building**, which may be multi-sided, boxed-out, or curved, and is not supported by a foundation or footings extending below ground.

Bed and Breakfast: means an **accessory use** in which temporary sleeping accommodation, with or without meals, is provided for compensation within a **dwelling unit** that is the principal residence of the operator. Guest accommodation shall consist of guest rooms that do not contain cooking facilities. This **use** does not include a hotel, motel, or **boarding house**.

Bicycle Parking Space: means an area for the purpose of parking and securing bicycles.

Bicycle Parking Space, Long Term: means an area for the purpose of parking and securing bicycles that: is intended for use by the usual occupants of a **building**; is accessible, secure, and weather protected; is equipped with a bicycle rack or bicycle locker; and is not provided within a **dwelling unit**, suite, or on a **balcony**.

Bicycle Parking Space, Short Term: means an area for the purpose of parking and securing bicycles for use by visitors, customers, or other non-regular users of a **building**, typically at ground level and accessible to a **building**.

Bicycle Parking Space, Stacked: means a two-tier bicycle parking solution comprised of horizontal spaces with one tier of **bicycle parking spaces** at ground level and a second tier of **bicycle parking spaces** directly above it, equipped with a mechanical device providing ground level access.

Boarder: means any person who pays rent, fees or other valuable consideration for living accommodation in a **boarding house**.

Boarding House: means a **building** or part of a **building**, which provides, with or without meals and care, lodging to a **boarder** or **boarders** as the principal **use**, and may include one **dwelling unit** for the owner or caretaker but shall not include a hotel, **bed and breakfast** establishment, **dwelling unit**, **additional residential unit**, or any other residential **use** otherwise defined in this By-law.

Body-rub Parlour: means any premises or part thereof where a body-rub is performed, offered, or solicited in pursuance of a trade, calling, business or occupation as a service designed to appeal to erotic or sexual appetites or inclinations, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment or are performed or offered by persons otherwise duly qualified, licensed, or registered to do so under the laws of the Province of Ontario.

Building: means a fully enclosed roofed **structure** used or intended for supporting or sheltering any **use** or occupancy by persons, animals or property. For greater clarity, the following items are excluded from this definition: **mobile homes**; trailers; and vehicles.

C

Canopy: means a roof-like cover projecting from an exterior wall of a **building** or **structure**, primarily intended to provide shelter over entrances, windows, **walkways**, or service areas, and which is unenclosed (excluding necessary supports).

Cemetery: means 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.

City: means the Corporation of the City of Burlington.

Cluster Home: means 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.

Commercial Vehicle: means a **motor vehicle** having attached to it a truck or delivery body, and may include a food truck, bus, cube van, tow truck, tilt and load trucks or trailers, dump trucks, tractor trailers, semitrailers, or construction equipment that is self-propelled or designed to be towed.

Common Wall: means a vertical wall separating two or more units.

Community Garden: means an area of land operated and maintained by the **City**, an organization, or a group of individuals for the cultivation of fruits, vegetables, flowers, or herbs, primarily for personal use, donation, or incidental sale by the members, utilizing individual or shared plots.

Correctional Facility: means 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 not less than 3 and not more than 8 residents, exclusive of staff.

Creek Block: means a parcel or block of land, owned by the City of Burlington or other **public authority**, 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.

D

Day Care Centre: means a premises licensed or required to be licensed as a child care centre under the *Child Care and Early Years Act, 2014*, as amended, providing temporary care or supervision for children. This term also includes premises providing similar temporary day-time care or supervision for adults.

Daylight Triangle: means a triangular shaped area which if required, forms part of an intersecting **street**.

Deck: means an outdoor platform, including any steps, adjoining a **dwelling unit** that has direct access to the ground, having a floor height 0.6 metres or more above **grade**, and which is used as a **private amenity area**. A **deck** is not covered by a roof and is not enclosed except by railings, guards or **privacy screens**.

Development: means the creation of a new **lot**, a change in land use, or the construction of **buildings** and **structures** requiring approval under the *Planning Act*, but does not include: (a) activities that create or maintain infrastructure authorized under an environmental assessment process or identified in provincial standards; or (b) works subject to the *Drainage Act*.

Driveway: means 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.

Dwelling Unit: means a single **habitable room**, or a suite of **habitable rooms**, located in a **building**, that is used or may be used as a residence by one or more persons living together as a single housekeeping unit, in which both private cooking facilities and private sanitary facilities are provided for the exclusive use of the occupants, and which has an independent entrance either directly from outside the **building** or through a common hallway or stairway inside the **building**.

Dwelling, Detached: means a **building** containing only one **dwelling unit** but may contain one or more **additional residential units** where permitted by this By-law.

Dwelling, Semi-Detached: means a **building** that is divided vertically by a **common wall** into two **dwelling units**, where each **dwelling unit** has independent access and is situated on its own legally conveyable **lot** or **parcel of tied land** having **lot frontage** on a **public street** or **private street**. **Semi-detached dwellings** may contain one or more **additional residential units** where permitted by this By-law.

E

Electric Vehicle (EV): means a **motor vehicle** that uses electricity for propulsion, and that can use an external source of electricity to charge the vehicle's batteries.

Electric Vehicle Parking Space: means a **parking space** equipped with **electric vehicle supply equipment**.

Electric Vehicle Supply Equipment: means the equipment, including the connectors, attachment plugs, charging cables, and controls, installed specifically for the purpose of safely delivering electrical energy to an **electric vehicle** at a Level 2 charging level or higher.

Emergency Shelter: means a premises providing temporary overnight lodging, meals, and essential support services in a supervised setting for persons requiring immediate shelter.

Established front yard or exterior side yard: means, in the case of an **interior lot**, the average distance from the **street line** to the **wall** of the **buildings** situated on the two **lots** on either side of the subject **lot**, or where one of those **lots** is vacant, the next adjacent occupied **lot**. In the case of a **corner lot**, the distance from the **street line** to the **wall** of the **building** situated on the **lot** adjacent to the subject **lot**, or where that **lot** is vacant, then next adjacent occupied **lot**.

Existing: means **existing** as of the effective date of the provision that contains that word.

F

Fence: means a barrier erected for the purpose of enclosing all or part of a **lot**, or marking a boundary. This includes associated gates, but excludes retaining walls or landscape features such as trellises or arbours unless they form an integral part of the **fence structure** itself.

Fitness Centre: means premises operated for profit or gain where facilities are provided for physical fitness activities such as weightlifting, exercise equipment use, and fitness classes, and may include **accessory** facilities.

Flooding Hazard: means the inundation, under the conditions specified below, of areas adjacent to shoreline or a river or stream system and not ordinarily covered by water:

a) Along shorelines of the Great Lakes – St. Lawrence River System and large inland lakes, the **flooding hazard** limit is based on the one hundred year flood level plus an allowance for wave effects and other water-related hazards;
b) Along river, stream and small inland lake system, the **flooding hazard** limit is the greater of:
   i) The flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954), transposed over a specific watershed and combined with local conditions, where evidence suggests that the storm event could have potentially occurred over watershed in the general area;
   ii) The one hundred year flood; and,
   iii) a flood which is greater than i) or ii) which was actually experienced in a particular watershed or portion thereof, for example, as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

   except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodplain: means the area, usually low lands, adjoining a **watercourse**, which has been or may be subject to **flooding hazards**.

Floor Area, Accessory Building or Structure: means the sum of the total horizontal area of each floor located at or above **grade**, measured to the outside of the exterior walls or posts of an **accessory building or structure**.

Floor Area, Gross: means the sum of the total horizontal area of each floor of a **building** measured from the exterior face of the exterior walls and the centre line of walls separating two **buildings** or uses but excluding the following areas: **motor vehicle parking areas**; bicycle **parking areas** located in a **parking structure**; loading areas; **basements**; **mechanical penthouses** and **floor area** used exclusively for mechanical or electrical systems serving the **building** (including mechanical shafts); elevator shafts; stairwells; and non-habitable attics.

G

Garage, Private: means an enclosed **accessory building**, or an enclosed portion of a **principal building**, designed or used primarily for the parking or storage of **motor vehicles** and **accessory** to the principal **use** conducted on the same **lot**.

Grade: means, when used with reference to a **building**, **structure, deck** or **porch**, the lowest elevation of the finished surface of ground where it meets the **building**, **structure**, **deck** or **porch**.

Grade, Established: means the geodetic elevation taken at the midpoint of the **front lot line**.

Group Home: means a single housekeeping unit in a residential **building** that is occupied by 6 to 8 persons (excluding staff or receiving family), living together under supervision that is licensed, approved, or funded under an Act of the Parliament of Canada or the Province of Ontario for the provision of specialized care or supervision.

H

Habitable Room: means a room within a **dwelling unit** that is used or may be used for living, sleeping, eating, or cooking. This excludes a bathroom, water closet compartment, laundry room, pantry, corridor, stairway, closet, lobby, **private garage**, **basement** primarily used for storage/**utility**, non-habitable attic, sunroom not usable year-round, or any space used for **building** services or common access.

Hazardous Lands: means property or lands that could be unsafe for **development** due to naturally occurring processes. Along the shorelines of the Great Lakes – St. Lawrence River System, this means the land, covered by water, between the international boundary, where applicable, and the furthest landward limit of the **flooding hazard**, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the **flooding hazard** or erosion hazard limits.

Height, Building: means, in the **case of a principal building**, the vertical distance between the **established grade** of a **building** and the top of such **building**. In the case of an **accessory building or structure,** it means the vertical distance between the **grade** of the **accessory building or structure** and the top of such **accessory building or structure**. The top is the highest point of the roof surface, **parapet**, or exterior wall, whichever is greater. In the case of a **structure** with no roof, the top is the highest point of the **structure**.

Height, Podium: means the vertical distance measured from **established grade** to the highest point of the main roof surface of the **podium**.

Home Day Care: means an **accessory use** where temporary care or supervision is provided within a **dwelling unit**, or a **building accessory** thereto, operated by a resident of that **dwelling unit**. Where care is provided for children, it must be in accordance with the regulations, including the maximum number of children permitted, under the *Child Care and Early Years Act, 2014*, as amended (whether licensed or unlicensed under that Act). Where care is provided for adults, it shall be for no more than five adults. Overnight accommodation shall not be provided for persons receiving care as part of a **home day care**.

Home Occupation: means an activity that provides a service as an **accessory use** within a **dwelling unit**. A **home day care** is considered a **home occupation**.

I

Internal Roadway: means a right-of-way or roadway that provides vehicular access to the **parking areas** and **parking spaces** on a residential property intended for multi-unit residential **development** and is not a **lane** or **private street**.

K

Kennel: means 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.

L

Landscaped Open Space: means that portion of the **lot area** which is required by this By-law to be used for landscaping, and which excludes the area occupied by: **buildings**, **driveways**, bicycle parking, snow storage, transformers, **parking areas**, **parking spaces**; and **loading spaces**. For clarity, **landscaped open space** includes areas defined as **hard landscaped open space**, and **soft landscaped open space**, and may include green roofs and approved low impact **development** or stormwater management features when integrated as landscape elements, subject to any specific regulations elsewhere in this By-law.

Landscaped Open Space, Hard: means an area of land within a **lot** dedicated to a **walkway** or other area on a **lot** surfaced by stable or fitted materials such as unit pavers, patio stones, concrete, gravel, stonework or artificial turf or similar materials, but does not include any **driveway**, **internal roadway**, **private street**, ramp or **parking area**, **parking space** or **loading space**, whether surfaced or not.

Landscaped Open Space, Soft: means an area of land within a **lot** which is open and uncovered to the sky and dedicated to the planting of trees, shrubs, flower beds, grass or other vegetative landscaping and may also include **accessory** ground cover as well as other decorative landscape features, but excludes hard surfaces such as **driveways**, **walkways**, **patios** or **decks**.

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

Licensed Establishment: means premises, which may include a **restaurant**, nightclub, micro-brewery, or micro-distillery, that sells, provides, or serves alcohol pursuant to a licence issued by the Alcohol and Gaming Commission of Ontario (AGCO), but does not include premises operating solely under a Special Occasion Permit or premises owned and operated by the **City**.

Loading Space: means an off-street space for the temporary parking of vehicles while loading or unloading merchandise or materials.

Long Term Care Facility: means a premises licensed or approved as a long-term care home under the *Fixing Long-Term Care Act, 2021*, as amended.

Lot: means a parcel of land under one ownership which is established as a separate parcel of land in accordance with the **lot** creation sections of the *Planning Act* which **abuts** a **public street**, except if it has been created as a **parcel of tied land** or unit in a vacant land condominium, in which case, it may **abut** a **private street**.

Lot Area: means the total horizontal area within the **lot lines** of a **lot**.

Lot, Corner: means a **lot** situated at the intersection of and **abutting** upon two or more **streets** or two parts of the same **street**, where the **street lot lines** have an angle facing the **lot** of 135 degrees or less. In the case of a curved **street lot line**, such angle shall be formed by the projected tangents drawn from the end points of the **street lot line**. A **corner lot** does not include an angle formed by a **lot abutting** the bulb of a cul-de-sac or a turning circle.

Lot, Interior: means a **lot** other than a **corner lot** or a **through lot**.

Lot, Through: means a **lot** bounded on two opposite sides by **streets** provided that if any **lot** qualifies as both a **corner lot** and a **through lot**, it shall be deemed a **corner lot** for the purposes of this By-law.

Lot Coverage: means the percentage of the **lot area** covered by: 1) **buildings**; 2) **porches**; 3) **decks** containing a **basement** under the platform; and, 4) **accessory buildings and structures**. **Lot coverage** is measured to the outside of the exterior walls or posts, including all **buildings** and projections (cantilevered floor space, window projections, etc.).

Lot Depth: means the horizontal distance between the **front** and **rear lot lines**. If the **front** and **rear lot lines** are not parallel, **lot depth** means the length of a straight line joining the middle of the **front lot line** with the middle of the **rear lot line**.

Lot Frontage: means 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 frontage** shall be measured by a line at the **front yard setback** 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 Line: means any boundary of a **lot**.

Lot Line, Exterior Side: means a **side lot line** that abuts a **street**.

Lot Line, Front: means the **lot line** dividing a **lot** from a **street**. On a **corner lot**, the shorter **lot line abutting** a **street** is the **front lot line**; if such lines are equal, the **front lot line** shall be designated by the **City**. On a **through lot**, the **front lot line** is typically the one providing primary vehicular access to the principal **use**, but may be otherwise designated by the **City**.

Lot Line, Interior Side: means a **side lot line** that abuts another **lot**.

Lot Line, Rear: means the **lot line** or point of intersection of the **side lot lines** farthest from and opposite the **front lot line**.

Lot Line, Side: means a **lot line** other than a **front lot line** or a **rear lot line**.

Lot Line, Street: means the division between a **street** and a **lot**.

Lot of Record: means 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 regulations of the *Planning Act.*

M

Mechanical Equipment: means equipment, devices, apparatus, and systems necessary for the functional operation and maintenance of a **building**, **structure**, or **use** located therein, including but not limited to equipment associated with heating, ventilation, air conditioning (HVAC), plumbing, electrical distribution, emergency power generation, fire suppression, elevators, communication systems, or **swimming pool** filtering and heating. This term applies to the equipment itself, whether located inside or outside a **building** or **structure**.

Mechanical Penthouse: means a fully enclosed **structure** located on the roof of a **building**, used exclusively for housing **mechanical equipment**, electrical equipment, elevator equipment, ventilation equipment, communication equipment, water tanks, or similar systems necessary for the operation of the **building**. A **mechanical penthouse** may include the minimum necessary associated stair or elevator shaft overruns providing access only to the roof level for service and maintenance purposes, but shall not include any **floor area** designed or used for human habitation, amenity space, or access thereto.

Medical Office: means premises used for the consultation, examination, diagnosis, or therapeutic treatment of human patients primarily on an out-patient basis by one or more physicians, dentists, or other health professionals governed by the *Regulated Health Professions Act, 1991*, as amended. A **medical office** may include a medical laboratory, diagnostic imaging facility, pharmacy, or dispensary as an **accessory use**, but does not include a hospital.

Mezzanine: means an intermediate floor assembly between the floor and ceiling of any room or **storey**, which may be enclosed or open to the room or **storey** below, and includes an interior **balcony**. For the purposes of calculating **gross floor area** and the number of **storeys** in this By-law, a **mezzanine** shall be included in **gross floor area** and considered a separate **storey** if: (a) it is enclosed by walls (other than required railings or guards) and its **floor area** exceeds 10% of the **floor area** of the room or **storey** in which it is located; or (b) it is not enclosed by walls and its **floor area** exceeds 40% of the **floor area** of the room or **storey** in which it is located.

Mid-Rise Building: means a **building** five to eleven **storeys** in height.

Mobile Home: means a dwelling designed to be mobile and constructed or manufactured to provide a permanent residence for one or more persons in accordance with the applicable Canadian Standards Association standard.

Model Home: means a **building** constructed as an example of a **dwelling unit** type offered for sale or lease within an approved plan of subdivision, plan of condominium, or site plan **development**, which is used temporarily for marketing and display purposes and including **office** and / or show room and / or sales centre but is not occupied for residential purposes during its use as a **model home**.

Motor Vehicle: means 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.*

N

Natural Heritage Features and Areas: means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands, fish habitat, significant woodlands, significant valleylands, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

O

Office: means premises used primarily for conducting the affairs of a business, profession, service, industry, or government, including administration, clerical work, management, consulting, or the practice of a profession. A **medical office** is considered an **office**. This **use** does not include a **retail store**, **personal service** establishment, or industrial activities such as manufacturing or warehousing, unless otherwise specifically defined or permitted as **accessory**.

Outdoor Patio: means an outdoor area **accessory** to a permitted non-residential use, such as a **restaurant** or **licensed establishment**, equipped and used for the seating of patrons for the consumption of food or beverages.

P

Parapet: means an extension of a wall of a **building** above the roof line that forms a barrier at the edge of the roof.

Parking Aisle: means an internal access way located within a **parking area** that provides direct access to a **parking space** or **loading space** but shall not be considered a **driveway**.

Parking Area: means a **parking aisle** and **parking space** but does not include any part of a **street**.

Parking Lot: means the total outdoor area of a **lot** used for the temporary parking of 5 or more **motor vehicles**, comprising **parking spaces**, **parking aisles**, **driveways**, the interior landscaped islands and medians, and may include EV Charging Stations, but excludes the required perimeter landscaped buffer to a **lot line,** 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**.

Parking Space: means an area provided for the parking of a vehicle and includes **electric vehicle parking spaces**.

Parking Structure: means a **building** or other **structure**, or part thereof, located above or below **grade**, used primarily for the parking or storage of five or more **motor vehicles**, and which may include **electric vehicle parking spaces** or **electric vehicle supply equipment**. This definition excludes a **private garage accessory** to a residential **use** with less than four **dwelling units**.

Parcel of Tied Land (POTL): means 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 **private street** 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**.

Parcel of Urban Residential Land: means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by By-law and that is served by,

a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,
   i) a municipality,
   ii) a municipal service board established under the *Municipal Act, 2001,*
   iii) a city board established under the *City of Toronto Act, 2006,*
   iv) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or
   v) a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and

b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*.

Passive Recreational Use: means outdoor recreational areas and facilities requiring minimal land alteration, including walking or hiking trails, interpretative or educational signage, lookouts, boardwalks, picnic areas, benches, shade structures, and bicycle paths, but does not include trails primarily for use by motorized vehicles, formalized sports fields, or significant **buildings**.

Patio, Residential: means an outdoor platform adjoining a **dwelling unit** that has direct access to the ground, having a floor height less than 0.6 metres above **grade**, and which is used as a **private amenity area**. A **patio, residential** is not covered by a roof and is not enclosed except by guards or **privacy screens**.

Permitted Use: means a **use** permitted by this By-law.

Personal Service: means a **building** or part of a **building** where services are provided and administered to individuals and their personal needs and where **accessory** retail sales is permitted and include but is not limited to hair care, esthetics, health and beauty treatment including alternative healthcare services, dressmaking, tailoring, tattooing, piercing, shoe repair, dry cleaner's distribution station, printing and photocopying, and laundromat or similar uses, but shall not include a **body-rub parlour** or **medical office.**

Podium: means the lower portion or base of a **mid-rise building** or **tall building**, including the ground floor and potentially **storeys** above, which is clearly differentiated from the **building** portions vertically above it.

Porch: means an outdoor platform, including any steps, adjoining a **dwelling unit** that has direct access to the ground, and which is used as a **private amenity area**. A **porch** is covered by a roof and shall have at least one side open except for required railings or guards.

Principal Building: means the **building** on a **lot** in which the principal **use** of the **lot** is conducted. A **lot** may have more than one **principal building** only where specifically permitted by this By-law.

Privacy Screen: means a decorative wall, **fence** or barrier designed primarily to provide visual privacy for a **patio**, **deck**, **balcony**, or part of a **yard**.

Private Street / Road: means a private right-of-way providing a means of access to **lots abutting** thereon and is not owned by a **public authority**.

Public Authority: means any federal, provincial, Regional Municipality of Halton, or City of Burlington agency, and includes any commission, board, authority, or department established by such an agency exercising any power or authority under a Statute of Canada or Ontario.

Public Street / Road: means a public right-of-way providing a means of access to **lots abutting** thereon and owned by a **public authority**.

R

Recreational Vehicle: means 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**.

Renewable Energy System: means a device or collection of devices that generates thermal energy or electrical power from **renewable energy** sources including, but not limited to, solar radiation, wind, geothermal energy, or biomass. This includes associated components such as photovoltaic panels, solar thermal collectors, turbines, ground or air source heat pumps, inverters, mounting **structures**, and transmission equipment, typically **accessory** to a principal **use** on the same **lot**.

Restaurant, Standard: means a premises where food and beverages are primarily prepared and offered for consumption on the premises, typically involving service to seated patrons. Any take-out service is **accessory**, and it may include an associated **outdoor patio** or **licensed establishment** component but does not include an associated drive-through facility.

Restaurant, Take-Out: means a premises where food and beverages are primarily prepared for consumption off the premises, and which typically has limited or no seating area designed primarily for patrons consuming meals on the premises. This **use** may include an associated drive-through facility where permitted.

Retail Store: means premises where merchandise is offered or kept for sale or rental directly to the public and includes a convenience store.

Retirement Home: means a **building** or part of a **building** that is a **retirement home** as defined in the *Retirement Homes Act, 2010.*

Roof, Flat: means a roof having a slope of less than 1:10.

Roof, Peaked: means a roof having a slope of 1:10 or greater.

Rooftop Terrace: means an outdoor space located on the roof of a **building** which is improved and intended for **use** as **private or common amenity area**.

S

School: means a premises used primarily for elementary or secondary academic instruction that meets the requirements of the *Education Act, R.S.O. 1990, c. E.2*, as amended, and any **accessory uses** such as **school board administrative uses**. This includes public **schools** and private **schools** offering curriculum approved by the Province of Ontario, but does not include a **school, commercial** or **school, post-secondary.**

School Board Administrative Uses: means non-instructional, **office uses** that support the operation of a district school board as defined under the *Education Act, R.S.O. 1990, c. E.2*, as amended.

School, Commercial: means premises used for providing private instruction or training in a particular skill, trade, art, or subject, operated primarily for profit or gain. Examples may include, but are not limited to, **schools** for business, computer training, driving, language, music, dance, or arts & crafts, but does not include a **school**, **school**, post-secondary, or **fitness centre**.

School, Post-Secondary: means premises used for post-secondary education and instruction, such as a university or a college of applied arts and technology, authorized by the Province of Ontario to grant degrees, diplomas, or certificates, and may include associated research facilities, student residences, and other **accessory uses**.

Setback: means the horizontal distance between a **lot line** or other specified boundary, and the nearest point of any **building** or **structure** on the **lot**, measured perpendicular to the **lot line** or boundary.

Shipping Container: means a standardized, reusable container designed for the transport of goods by one or more modes of transportation (such as ship, rail, or truck), and may be used for **accessory** storage or other purposes as permitted by this By-law but does not include a **building, structure,** or vehicle otherwise defined or regulated.

Stepback: means the horizontal recess of an exterior wall of a **building** from the exterior wall of the **storey(s)** immediately below.

Storage Yard: means an outdoor area on a **lot** used primarily for the keeping or storage of goods, materials, equipment, or vehicles. Examples include, but are not limited to, storage for construction supplies, landscaping materials, road maintenance materials, **shipping containers**, contractor's equipment, **motor vehicles** (including salvage or impound **yards** where permitted), **recreational vehicles**, or **utility trailers**. A **storage yard** may include an **accessory** maintenance or repair facility related to the stored items, but does not include a **parking lot**, **loading space**, or areas used primarily for retail display.

Storey: means that portion of a **building** included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the surface of such floor and the ceiling or roof above it, but does not include a **basement**, attic primarily used for insulation or mechanical systems, **mezzanine**, or **mechanical penthouse**.

Storey, First: means the lowermost **storey** of a **building** having its ceiling 1.8 metres or more above **established grade** of the **front wall** of the **building**. In the case of an **accessory building** containing an **additional residential unit – detached**, **first storey** shall mean the lower most **storey** having its ceiling 1.8 metres or more above the **grade** of the **accessory building**.

Street / Road: means a **public street/road** or **private street/road**.

Street Line: means a **lot line** dividing a **lot** from a **street** and is the limit of the street allowance.

Structure: means anything that is constructed, erected, or placed on land, or affixed to something located on land, requiring a fixed location on the ground or attachment to something having a fixed location on the ground, but specifically excludes: (a) Signs; (b) **fences**; (c) **swimming pools** and hot tubs; (d) **platforms** or **patios** with a floor height less than 0.6 metres above adjacent **grade**; (e) **walkways**, **driveways**, sports courts, and similar surfaces constructed essentially at **grade**; (f) minor **accessory** landscape, recreational or decorative elements such as residential play equipment, planters, flagpoles, or garden ornaments; (g) retaining walls having an exposed height less than 1.0 metre; and (h)

components of a **utility installation** such as individual poles, lines, pipes, or pedestals located within a public right-of-way or registered easement.

Swimming Pool: means 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 0.6 metres, other than a natural body of water or stream.

T

Tall Building: means a **building** twelve **storeys** or higher.

Tandem Parking Space: means a **parking space** that can only be accessed by passing through another **parking space** from a **street**, **lane** or **driveway**.

Temporary Sales Office: means a temporary **building**, **structure**, or portion thereof (which may include part of a **model home** or its garage), used exclusively for the initial marketing, sale, or leasing of **lots** or units within an approved plan of subdivision, plan of condominium, or site plan **development**, and permitted only for a limited duration as specified elsewhere in this By-law.

Tower: means that portion of a **tall building** located vertically above a **podium**, generally characterized by a smaller **tower floor plate** than the **podium**.

Tower Floor Plate: means the **gross floor area** of any individual **storey** located within the **tower** portion of a **building**.

Tower Separation Distance: means the minimum required horizontal distance between the exterior faces of the **tower** portions of **buildings**. This distance shall be measured between **towers** located on the same **lot**, and between a **tower** on one **lot** and a **tower** on an adjacent **lot**. For the purpose of measuring **tower separation distance**, permitted projections such as **balconies** shall not be included.

Townhouse Building: means a **building** containing four or more **dwelling units**, each divided from the others primarily by vertical **common walls** extending generally from foundation to roof, and each **dwelling unit** having an independent exterior entrance accessible directly from the ground level.

Townhouse, Block: means a **townhouse building** where all **dwelling units** are located on one **lot** and may share common vehicular access to a **public street**, but shall not include a **street townhouse**.

Townhouse, Back-to-Back: means a **townhouse building** in which **dwelling units** are attached side-by-side and back-to-back by **common walls**, including a common **rear wall**, such that individual units do not have a **rear yard**, and where each unit has an independent entrance from the outside.

Townhouse, Rear Lane: means a **townhouse building** where each individual **dwelling unit** is situated on its own legally conveyable **lot** or **parcel of tied land** and is accessed by a rear **lane**, with garages or **parking spaces** located at the rear of the **lot**. A **rear lane townhouse** may contain one or more **additional residential units** where permitted by this By-law.

Townhouse, Podium: means a **dwelling unit** constructed in a townhouse form, typically having direct exterior access from the ground level or from a courtyard, located within the **podium** of a **mid-rise building** or **tall building**.

Townhouse, Stacked: means a **townhouse building** in which **dwelling units** are placed over or under other units, such that individual units are separated from each other both vertically (by common floor/ceiling assemblies) and horizontally (by **common walls**), and where each unit has an independent exterior entrance accessible from the ground level (which may include via an exterior or common interior stair).

Townhouse, Stacked Back-to-Back: means a **stacked townhouse** where **dwelling units** also share a common **rear wall**.

Townhouse, Street: means a **townhouse building** where each individual **dwelling unit** is situated on its own legally conveyable **lot** or **parcel of tied land** having **lot frontage** on a **public street** or **private street**. A **street townhouse** may contain one or more **additional residential units** where permitted by this By-law.

U

Unitary Equipment: means standalone equipment including central air conditioning units, heat pumps, pool equipment, residential generators and gas metres.

Unit Width: means the horizontal distance across the front of an individual unit measured from one **side wall** to the other, parallel to the **street** or main access. Where units share walls with adjacent units, **unit width** is the horizontal distance measured from the middle of one shared wall to the middle of the other shared wall.

Upper Building: means the portion of a **mid-rise building** located vertically above the **podium**.

Use: means: (a) when used as a noun, the purpose for which land, a **building**, or a **structure** is designed, arranged, intended, occupied, or maintained; and (b) when used as a verb ("to use" or "using"), the act of utilizing land, a **building**, or a **structure** for a purpose.

Utility: means a water supply, storm water or wastewater system, gas or oil pipeline, electricity generation facilities and transmission and distribution systems including **renewable energy systems** and district energy systems for electricity, heating and/or cooling, the generation, transmission and distribution of steam or hot water, towers, communication or telecommunication facilities and other cabled services, a public transit or transportation system, licensed broadcasting receiving and transmitting facilities, or any other similar works or systems necessary to the public interest, but does not include a new sanitary landfill site, incineration facilities or large-scale packer and/or recycling plants or similar uses.

Utility Installation: means the **buildings**, **structures**, equipment, lines, pipes, towers, poles, pedestals, or other physical works used to provide a **utility** service. This includes but is not limited to facilities associated with water supply, wastewater systems, energy generation, transmission, and distribution (including electrical, gas, district energy, **renewable energy**), or communication/telecommunication systems, but excludes **antenna systems**.

Utility Trailer: means 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.

V

Visibility Triangle: means a triangular area of land required at the intersection of two **public streets** or at the intersection of a **driveway**, **lane**, **parking aisle**, or other vehicular access with a **public street**, for the purpose of preserving sight lines for vehicular traffic. The boundary of a **visibility triangle** shall be defined by two intersecting property lines or access lines and a straight line drawn between specified points along them.

W

Wall, Front: means the wall of a **building** above ground that contains the primary pedestrian entrance.

Wall, Rear: means the wall of a **building** above ground that is opposite to the **front wall**.

Wall, Side: means the wall of a **building** above ground that is not a **front wall** or **rear wall.**

Walkway: means a surface treated area that provides pedestrian access to and from a **driveway**, a **street** or condominium common element roadway, and a **dwelling unit**.

Watercourse: an open channel, ditch or depression, whether naturally or artificially created, in which flow of water occurs either continuously or intermittently.

Window Well: means a recessed area at or below **grade**, between a below **grade** window and the surrounding earth, and which is constructed adjacent to the foundation of the **building** to permit light and air to the below-**grade** window.

Y

Yard: means an area extending from the lowest level below **grade** to the sky, open and uncovered, appurtenant to a **building** and unoccupied by any **building**, except as specifically permitted in this By-law. In determining **yard** measurements, the minimum horizontal distance from the respective l**ot lines** to the nearest wall of a **building** above or below **grade** shall be used.

Yard, Exterior Side: means a **yard** extending from the **front yard** to the **rear yard** between an **exterior side lot line** and the nearest wall of any **principal building** on the **lot**.

Yard, Front: means a **yard** extending across the full width of the **lot** between the **front lot line** and the nearest wall of the **principal building** located on the **lot**.

Yard, Interior Side: means a **yard** extending from the **front yard** to the **rear yard** between an **interior side lot line** and the nearest wall of any **principal building** on the **lot**.

Yard, Rear: means a **yard** extending across the full width of the **lot** between the **rear lot line** and the nearest wall of the **principal building** located on the **lot**.

Z

Zone: means a specific category of permitted land **uses**, **lot** standards, and **building** regulations established by this By-law, applicable to defined areas of land as delineated on the schedules forming part of this By-law.