

Section 11.0 Definitions

The following are defined words, terms, or phrases in this By-law which are bolded and listed as they are shown in this By-law.

Accessory

Means a use, **building** or **structure** subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or **building** and located on the same **lot**.

Accessory Residential Building

Means a detached **building** containing 1 or more **additional residential units** located on the same **lot** as and **accessory** to a primary **dwelling unit**. For greater clarity, an accessory residential building is not a **detached accessory structure**.

Active-At-Grade Frontage

Means a **street line** that abuts an arterial **street** or collector **street** as specified in this By-law.

Additional Residential Unit

Means a self-contained **dwelling unit** permitted in addition to a primary **dwelling unit**. The addition of an additional residential unit does not change a dwelling into any other type of residential **building**.

Adult Day Care

Means a facility which provides supervised daytime care for adults. Such use constitutes a **commercial** use.

Agricultural Uses

- (1) growing crops, including nursery and horticultural crops;
- (2) raising livestock and other animals, including poultry and fish, for food and fur;
- (3) aquaculture; and,
- (4) agro-forestry and maple syrup production.

Agricultural Related Use

Means **commercial** and industrial uses that are:

- (a) small-scale;
- (b) directly related to a farm operation; and,
- (c) required in close proximity to the farm operation.

Amenity Space

Means outdoor space on a **lot** that is communal and available for use by the occupants of a **building** on the **lot** for recreational or social activities.

Apartment Dwelling

Means a **building** containing 5 or more **dwelling units** all of which have a common external access to the **building** by means of a common corridor system. An apartment dwelling may take the form of a **low-rise building**, **mid-rise building** or **high-rise building**. An apartment dwelling includes retirement residences, **assisted living residences** and **independent seniors living residence/senior citizens dwelling**.

Arts and Cultural Facility

Means **premises**, or **structure**, or any part of any land, **building** or **structure**, used for the programming, production, presentation, and/or exhibition of art, performing art, including but not limited to music, dance, theatre, painting, sculpture, photography, media art, and museums.

Assisted Living Residence

Means a **building** or **structure** that provides living accommodations, hospitality services and personal assistance to persons who can live independently but require assistance with daily activities. Units may contain kitchenettes with cooktop stoves, as well as common facilities for the preparation and consumption of food. Common lounges, recreation facilities and medical care facilities may also be provided. It shall be considered an **apartment dwelling**.

Attached

Means a **building**, otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls which are above **established grade**, shared in common with an adjacent **building** or **buildings**.

Attached Garage

Means an enclosed **structure** which is **attached** and is designed or used for the storage of one or more **motor vehicles**, and excludes a carport, other open shelter or any **detached accessory structure**.

Automotive Service Station

Means a **building** or **structure** or parts thereof, used for the sale of refueling products and automobile accessories and for minor maintenance essential to the actual operation of **motor vehicles**. The use may include retail store, gas bar, **motor vehicle** lubrication establishment and **motor vehicle washing establishment** associated uses. A **motor vehicle** sales establishment, an auto body repair shop or **public garage** or a standalone **motor vehicle washing establishment** is not an **automotive service station**.

Area of Natural and Scientific Interest (Life Science)

Means an area that has been:

- (a) identified as having life science values related to protection, scientific study or education; and,
- (b) further identified by the Ministry of Natural Resources using evaluation procedures established by the Ministry.

Back-to-Back Dwelling

Means a **building** or part thereof containing 3 or more **dwelling units** that are **attached** to each other and each of which has **lot frontage** on a **street** or a **lane** but shall exclude an **apartment dwelling, stacked townhouse dwelling** or a **townhouse dwelling**. A back-to-back dwelling may take form of a **townhouse dwelling** with zero **rear yard setback**.

Balcony

Means an elevated **structure** above the **first storey** projecting from a wall of a **building** or **structure** that is 4.5 metres or more above the **established grade**.

Barrier-Free Access Ramp

Means an unenclosed and inclined ramp providing access to the main floor and/or entry level of a **building** that provides a continuous unobstructed access route intended for use by people with physical disabilities.

Bed and Breakfast Establishment

Means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the traveling or vacationing public in up to three guest rooms within a detached dwelling that is the principal residence of the proprietor of the establishment.

Block on a Registered Plan

Means a parcel of land that is indicated by a letter "A", "B" or by a number "1", "2", or as the case may be.

Block Residential Dwelling

Means a **building** that may include a **townhouse dwelling, stacked townhouse dwelling, rear lane townhouse dwelling, back-to-back dwelling, multiplex dwelling, duplex dwelling, semi-detached dwelling**, and **detached dwelling**, and each **dwelling unit** that has shared amenities and/or vehicular access by means of a common driveway or **lane**.

Building

Means a **structure** occupying an area greater than 10 m² consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all works, fixtures and service systems appurtenant thereto.

Building Height

Means:

- (1) For a building that is 5 **storeys** or greater in height: the metered height and number of **storeys** measured from, and including the **first storey** of each **building**. For the purposes of this definition, the minimum and maximum **building heights** in each **zone** shall apply only to that portion of such **lot** which is located within said **zone** prescribed as shown on Schedule "C" to this By-law.

- (2) With reference to a **building** or **structure**, the vertical distance measured from the **established grade** of such **building** or **structure** to:
- a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof (having a slope of less than 1:6 ratio);
 - b) the deckline of a mansard roof;
 - c) the mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof (having a slope equal to or greater than 1:6 ratio). Where a gabled, hip or gambrel roof or other type of pitched roof (having a slope equal to or greater than 1:6 ratio), not containing habitable space, terminates in a flat roof such roof shall be deemed a sloped roof; or,
 - d) in case or a **structure** with no roof, the highest point of the said **structure**.

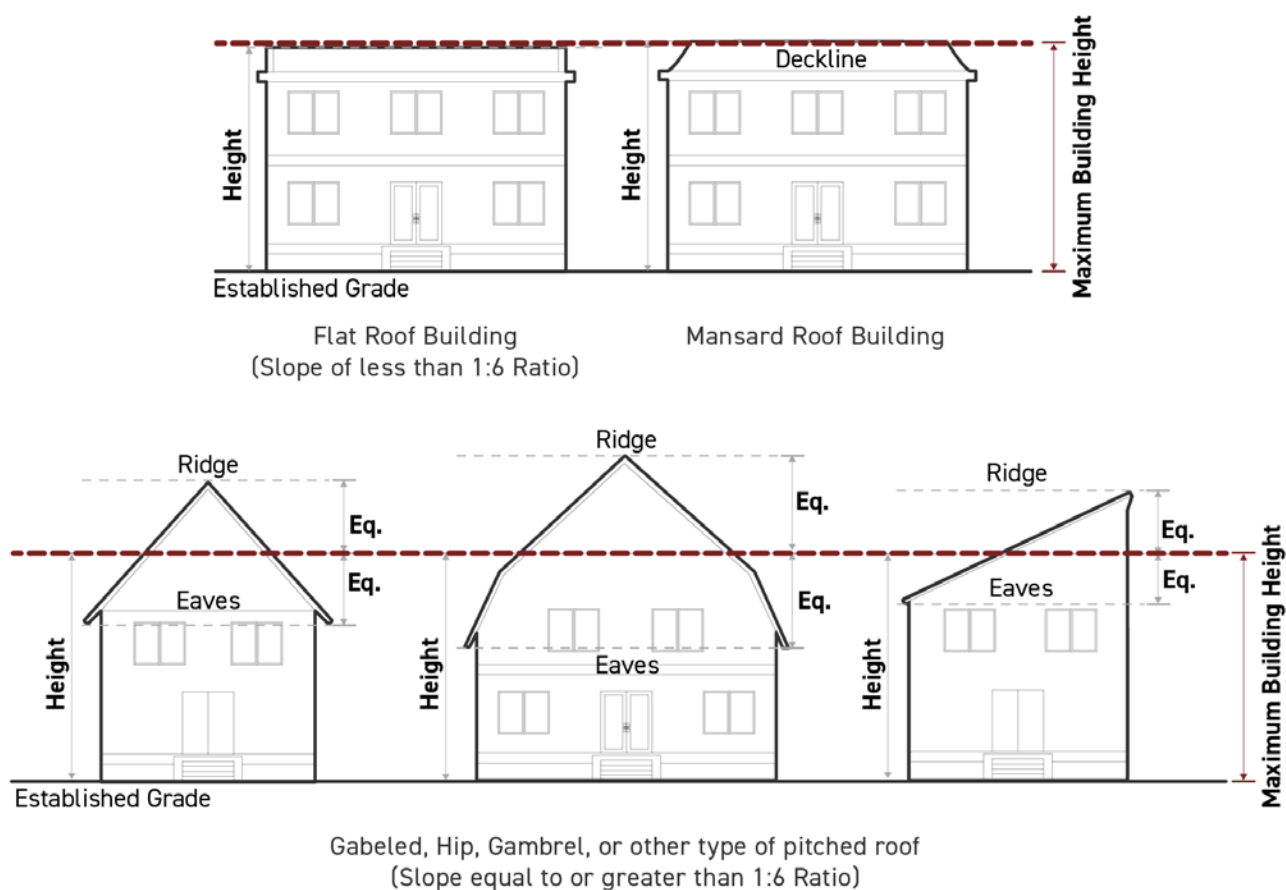


Figure 15: Section 11 – Building or Structure Height of less than 5 Storeys

Bulk Storage Tank

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

Child Care Centre

Means a facility licensed under the *Child Care and Early Years Act*.

Chord of the Front Lot Line

Means is a straight line joining the two points where the **side lot lines** intersect the **front lot line**. In the case of a **corner lot** with a **daylighting triangle**, the **flankage lot lines** shall be deemed to extend to their hypothetical point of intersection with the extension of a **front lot line** for the purposes of calculating **lot frontage**.

City

Means The Corporation of the City of Richmond Hill.

Commercial

Means the use of land, **buildings** or **structures** for the purpose of buying or selling commodities and supplying of services. Individual commercial uses may be separately defined for purposes of **parking space** requirements but otherwise are deemed to be commercial uses. For the purposes of this By-law, commercial uses shall exclude the following:

- (a) auto body repair shop.
- (b) automotive service station;
- (c) gas bar;
- (d) gas bar convenience retail store;
- (e) **major office**; and,
- (f) **major retail**.

Commercial uses shall exclude the following in a standalone format, but may be permitted **accessory** to a permitted **commercial** use:

- (a) **motor vehicle lubrication establishment**;
- (b) **motor vehicle washing establishment**;
- (c) repair shops for internal combustion engines, motorized vehicles or similar uses; and,
- (d) **public garage** uses.

Commercial Machinery or Equipment

Means machinery or equipment used for business, employment or **commercial** purposes, including, without limiting the generality of the foregoing, bulldozers, road building machines, backhoes, cranes, ploughs, graders, forklifts and earthmoving equipment, farm tractors, and other similar machinery or equipment.

Commercial Motor Vehicle

Means any **motor vehicle** having permanently **attached** thereto a truck or delivery body, and/or including, without limiting the generality of the foregoing, tow trucks, ambulances, hearses, fire apparatus, motor buses used primarily for business, employment or **commercial** purposes, and similar converted commercial motor vehicles, and/or including all **motor vehicles** with commercial motor vehicle licenses exceeding 508 kilograms in capacity.

Commissioner

Means the Commissioner of Planning and Building Services for the **City** or such successor office, as the case may be.

Common Element Condominium

Means a common element condominium corporation as described in the *Condominium Act, 1998*, as amended or a successor thereto.

Community Use

Means any tract of land, or **structure**, or any part of any land, **building** or **structure**, used for community activities, including a use by a **public authority**, **private school**, **hospital** or healthcare centre, **place of worship**, arts and cultural facility, child care centre, home child care, **long-term care home**, adult care centre and **social services**.

Condominium

Means a group of **dwelling units** or **premises**, each under individual ownership in a multiple unit **structure** with common elements in which:

- (a) the **dwelling units** or **premises** comprise not only the space enclosed by the boundaries of the **dwelling unit** or **premises**, but all material parts of the land within the space;
- (b) the common element means all the property except the **dwelling unit** or **premises**;
- (c) the common elements are owned by all of the owners as tenants in common; and,
- (d) condominium does not include a **common element condominium**.

Corner Lot

Means a **lot** abutting two or more **streets** at their intersection or upon two parts of the same **street** provided that the interior angle of the intersection of such **streets** or parts of one **street** is not more than 135 degrees measured at the centreline of the **street**.

Corporation

Means The Corporation of the City of Richmond Hill, when capitalized in this By-law.

Council

Means the Council for the City of Richmond Hill.

Daylighting Triangle

Means a triangular area of land on or abutting a **corner lot**, formed by measuring from the point of intersection of **street lines** along each **street line** and joining such points with a straight line. The hypotenuse of a daylighting triangle shall be that property line directly opposite the angle formed by the point of intersection of the **street lines**.

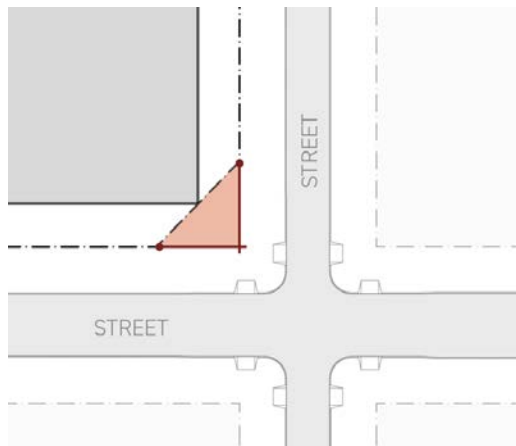


Figure 16: Section 11 – Daylighting Triangle

Deck

Means a **structure** without a roof having a foundation to hold it erect and **attached** to or abutting one or more walls of a **building** or constructed separate from a **building** with or without direct access to the ground, the floor of which is above **established grade**, and which is designed and intended for use as a sun deck but shall not include a landing or stairs.

Detached Accessory Structure

Means a **building** or **structure** that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or **building** located on the same **lot** and shall not include a **detached garage**, an **accessory residential building** and an outdoor **swimming pool**.

Detached Dwelling

Means a detached dwelling unit that is detached above **established grade**.

Detached Garage

Means a **building** or **structure** which is not **attached** and is designed or used for the storage of one or more **motor vehicles**, and excludes a carport, other open shelter or any **detached accessory structure**.

Development (ORMCP)

Means the creation of a new **lot**, a change in land use, or the construction of **buildings** or **structures**, any of which require approval under the *Planning Act*, R.S.O. 1990, the *Environmental Assessment Act*, or the *Drainage Act*, but does not include:

- (a) the construction of facilities for transportation, infrastructure or utilities by a **public authority**;
- (b) the reconstruction, repair or maintenance of a drain approved under the *Drainage Act* in existence on November 15, 2001; or,
- (c) the carrying out of agricultural practices on land that was being used for **agricultural uses** on November 15, 2001.

Development Envelope (ORMCP)

Means the area of **site alteration** or disturbance within a **lot** which may be used for **development** and includes **buildings** or **structures**, driveways, **garages**, **parking areas**, septic fields, pools, **decks** and hard and soft landscaped areas and any other **accessory** uses, **buildings** or **structures**. The development envelope shall be limited in area and shall not encroach into a **key natural heritage feature** or hydrologic feature.

Drive-Through Facility

Means a facility to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in a vehicle that are in a stacking aisle. An **automotive service station** or **motor vehicle washing establishment** is not a drive-through facility.

Duplex Dwelling

Means a **building** containing two **dwelling units** divided horizontally and having an independent entrance either directly to the outside or through a common vestibule.

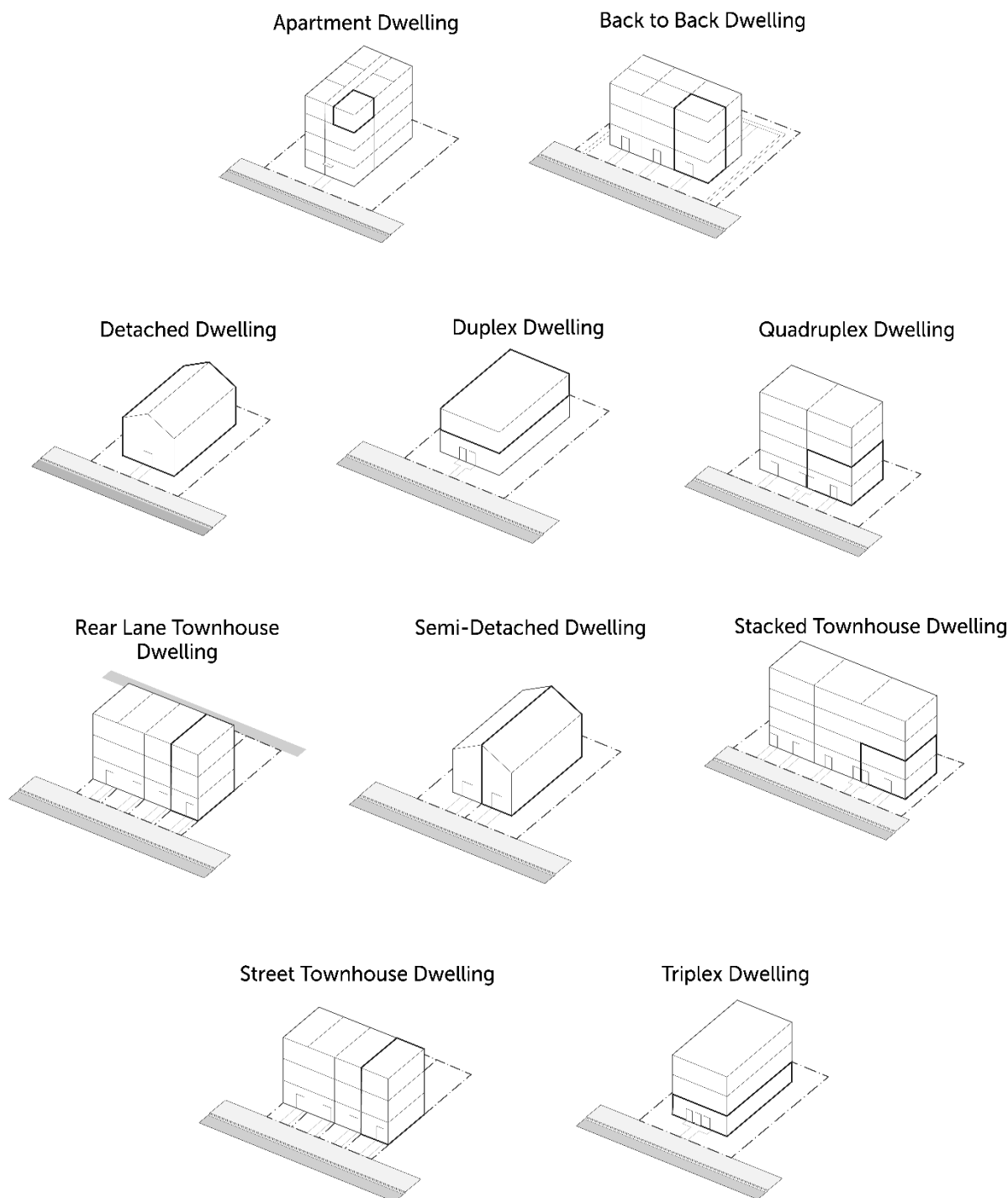


Figure 17: Section 11 – Dwelling Types

Dwelling Unit

Means a unit that:

- (a) consists of one self-contained set of rooms located in a **building** or a **structure**;
- (b) is used or has the capability of being used as a domicile by one or more persons as a single housekeeping unit;
- (c) contains cooking, eating, living, sleeping and sanitary facilities designated for the exclusive use of its occupants; and,
- (d) has a means of egress to the outside of the **building**, which may be a means of egress with other shared dwelling units.

Elementary School

Means a school established by the Ministry of Education providing education for children up to the level of grade 8.

Entry Element

Means an open sided platform, with or without foundation, and with an upper **structure** covered by a roof, a **balcony** or enclosed second floor habitable space.

Established Grade

Means with reference to a **building** or **structure**, **detached accessory structure**, **detached accessory residential building** the average elevation of the finished **structure** off the ground where it meets the exterior of the front of such **building** and, when used with reference to a **structure** other than a **building**, shall mean the average elevation of the finished established grade of the ground immediately surrounding such **structure**, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a **street** or road means the elevation of the **street** or road established by the **Corporation** or other designated authority.



Figure 18: Section 11 – Established Grade (view from Front Lot Line)

Expropriating Authority

Means the same definition that is in the *Expropriations Act*, R.S.O. 1990, c. E. 26.

Farm Vacation Home (ORMCP)

Means an establishment that provides sleeping accommodation (including participation in farm activities, meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is located on a farm and is the principal residence of the proprietor of the establishment.

Fence

Means a **structure** constructed of posts, boards, tailings, rails, wire, masonry or similar methods or any combination thereof used to define a property boundary or to enclose any outdoor area. Fencing shall have a corresponding meaning.

First Storey

Means the **storey** with its floor closest to **established grade** and having its ceiling more than 1.8 metres above **established grade**.

Flankage Lot Line

Means a **lot line** of a **corner lot** which abuts a **street** and is not a **front lot line**.

Flankage Yard

Means the **side yard** of a **corner lot** which **side yard** extends from the **front yard** to the **rear yard** between the **flankage lot line** and the closest point of the **main wall** of any **building** or **structure**.

Floor Area

Means the total horizontal area of all floors in a **building**.

Floor Space Index

Means the **gross floor area** of all **buildings** on a **lot** expressed as a ratio or multiple of the **lot area**. **Lot area** shall be deemed to be the total **lot area** prior to any conveyance of land to a **public authority** except for any environmental feature and associated buffers shown on Overlay “F” as defined through a *Planning Act*, R.S.O. 1990 application. The term is also referred to in this By-law as the acronym FSI.

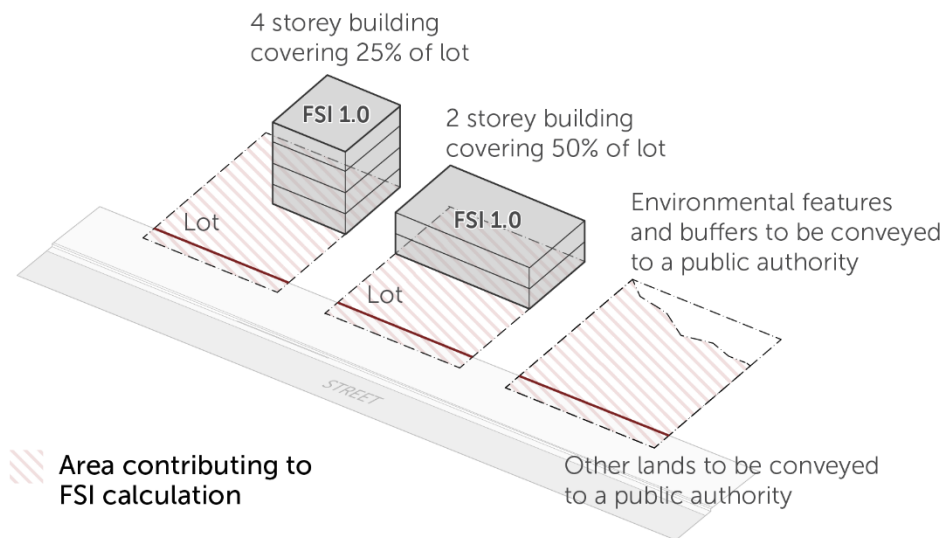


Figure 19: Section 11 – Floor Space Index (FSI)

Forest Management

Means the management of woodlands, including **accessory** uses such as the construction and maintenance of forest access roads and maple syrup production facilities:

- (a) for the production of wood and wood products, including maple syrup;
- (b) to provide outdoor recreation opportunities;
- (c) to maintain, and where possible improve or restore, conditions for wildlife; and,
- (d) to protect water supplies.

Front Lot Line

Means the line which divides the **lot** from the **street**. In the case of a **corner lot** or a **through lot**, the shortest of the lines which divide the **lot** from the **streets** shall be deemed to be the **front lot line**. On a **corner lot** or a **through lot** where such **lot lines** are of equal length, the front lot line shall be deemed to be that line which abuts a regional or provincial road or highway. If a **corner lot** or a **through lot** do not front onto a regional or provincial road or highway then either **lot line** may be the front lot line.

Front Yard

Means a **yard** extending across the full width of the **lot** between the **front lot line** and the closest point of the **main wall** of any **building** or **structure** on the **lot**.

Garage

Means an enclosed **structure** designed and used for the storage of one or more **motor vehicles**.

Gross Floor Area

Means the aggregate of the **floor areas** of a **building** above **established grade**, measured between the exterior faces of the exterior walls of the **building** at each floor level but excluding basement, **mechanical penthouses**, **loading spaces**, any portion of a **parking structure**, elevator shaft, stairwell, mechanical or electrical rooms, garbage rooms and any space with a floor to ceiling height of less than 1.8 metres.

Gross Leasable Floor Area

Means the total **floor area** occupied by a **commercial** facility for its exclusive use including all seating areas associated with any restaurant use, food court, or eating establishment permitted by this by-law, basements, mezzanines, upper **storey** areas and integral storage areas, but in a shopping centre shall not include public or common areas such as malls, corridors, stairways, elevators, machine or equipment rooms, washrooms, or garbage rooms, or storage areas located below grade.

Group Home

Means a **premise** used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for up to ten persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement.

Hard Landscaping

Means an area used for decorative stonework, permeable stone pavers, retaining walls, walkways, synthetic turf, or other non-living landscape or architectural feature. Driveways and **loading spaces**, **parking spaces** or storing of **motor vehicles** are not hard landscaping.

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, including that 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 the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth 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.

Hazardous Waste

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

High-Rise Building

Means **buildings** or **structures** with a height of 9 **storeys** or greater.

Home Business (ORMCP)

Means an occupation that:

- (a) involves providing personal or professional services or producing custom or artisanal products;
- (b) is carried on as a small-scale **accessory** use within a single dwelling by one or more of its residents; and,
- (c) does not include uses such as an auto repair or paint shop or furniture stripping.

Home Industry (ORMCP)

- (a) is carried on as a small-scale use that is accessory to a single dwelling or agricultural operation;
- (b) provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community;
- (c) may be carried on in whole or in part in an **accessory building**; and,
- (d) does not include uses such as an auto repair or paint shop or furniture stripping.

Home Occupation

Means an economic enterprise operated within a **dwelling unit** incidental and secondary to the **residential use** where the **dwelling unit** is the principal residential residence of the operator(s) of the home occupation.

Hospital

Means any tract of land, or **structure**, or any part of any land, **building** or **structure** used as a private or public **hospital** under the *Province of Ontario Public Hospitals Act*, RSO, 1990 or the *Province of Ontario Private Hospitals Act*, RSO, 1990 for the care or treatment of:

- (a) persons afflicted with or suffering from sickness, disease or injury;
- (b) convalescent or chronically ill persons;
- (c) persons suffering from substance addictions; or,
- (d) persons suffering from emotional, psychological or mental disorders.

Hotel

Means a **building**, part of a **building**, or two or more connected **buildings** used mainly for the purpose of catering to the needs of the travelling public by the furnishing of sleeping accommodations. A hotel does not include separate kitchen or housekeeping facilities, but may include a restaurant, dining room, lounge, meeting rooms, retail stores, and other ancillary uses.

Hydrologic Features (ORMCP)

Means,

- (a) permanent and intermittent streams;
- (b) wetlands;
- (c) kettle lakes and their surface catchment areas;
- (d) seepage areas and springs; and,
- (e) aquifers and recharge areas.

Impervious Surface (ORMCP)

Means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot.

Independent Seniors Living Residence/Senior Citizens Dwelling

Means a **building** or **structure** that provides living accommodation primarily to retired persons or couples where each living unit has a separate entrance from a common hall and contains sanitary facilities but does not contain a kitchen for the preparation of meals, and where common kitchen and dining facilities are separately located within each of the **buildings**. Common lounges and recreation facilities and medical care and/or assisted living services/facilities may also be provided. It shall be considered an **apartment dwelling**.

Inorganic (ORMCP)

Means substances, materials, chemicals or compounds not having a chemical or biological structure of living things, and which are not hydrocarbons or associated derivatives.

Interior Lot

Means a **lot** situated between adjacent **lots** and having access to one **street**.

Key Natural Heritage Feature (ORMCP)

Means:

- (a) wetlands;
- (b) significant portions of the habitat of endangered, rare and threatened species;
- (c) fish habitat;
- (d) significant valleylands;
- (e) significant woodlands;
- (f) significant wildlife habitat; and,
- (g) sand barrens, savannahs and tallgrass prairies.

Landform Features (ORMCP)

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

Landform Conservation Area

Means a landform conservation area as described in Section 30 of the Oak Ridges Moraine Conservation Plan.

Lane

Means a public or private means of vehicular access to a **lot** or an abutting property. This may also include a parcel of land which is a **common element condominium** for means of vehicular access.

Liquid Industrial Waste (ORMCP)

Has the same meaning as in Regulation 347 of the revised Regulations of Ontario, 1990.

Live-Work Unit

Means a single unit (e.g. studio, loft, or apartment) consisting of a **dwelling unit** and may include a **commercial** use which is subsidiary to the **residential use**. A live-work unit may be used as both a **dwelling unit** and a business operated by one or more people who reside in the **dwelling unit**.

Loading Space

Means an unobstructed area of land which is provided and maintained upon the same **lot** or **lots** upon which the principal use is located and which:

- (a) is provided for the temporary parking of one or more **commercial motor vehicles** while merchandise or materials are being loaded or unloaded from such vehicles;
- (b) is suitable for the temporary parking of one **commercial motor vehicle**; and,
- (c) shall not be used for the purpose of sale or display.

Long-Term Bicycle Parking Space

Means a bicycle parking space located within a **building** or **structure** designed for storage of bicycles equipped with a rack or stand designed to lock the wheel and frame of a bicycle, or within a locked room for exclusive use of bicycle parking.

Long-Term Care Home

Means a facility that is licensed under the *Fixing Long-Term Care Act*.

Lot

- (1) Means a parcel or tract of land:
 - a) which is a whole lot or a block as shown on a registered **plan of subdivision**, but a registered **plan of subdivision** for the purpose of this definition does not include a registered **plan of subdivision** which has been deemed not to be a registered **plan of subdivision** under a by-law passed pursuant to Section 50 of the *Planning Act*, R.S.O. 1990, as amended, or a predecessor thereof; or,
 - b) which fronts on a **street** and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as of the date of passing of this By-law; or,
 - c) the description of which is the same as in a deed which has been given consent pursuant to Section 50 of the *Planning Act*, R.S.O. 1990 as amended, or a predecessor thereof;

- d) a parcel of tied land; or,
 - e) a landlock parcel of land which has no frontage onto a **street**.
- (2) Notwithstanding anything to the contrary, for lands in ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 and ORMKNF **Zones**, lot means which fronts on a **street** and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as of November 15, 2001.
- (3) For the purpose of this definition no parcel or tract of land ceases to be a **lot** by reason only of the fact that part or parts of it has or have been conveyed to or acquired by the **Corporation**, His Majesty in the right of Canada, or the **Region**

For the purposes of this By-law, a lot separated from a **street** by a **reserve**, as defined in this By-law, shall be deemed to abut such **street**.

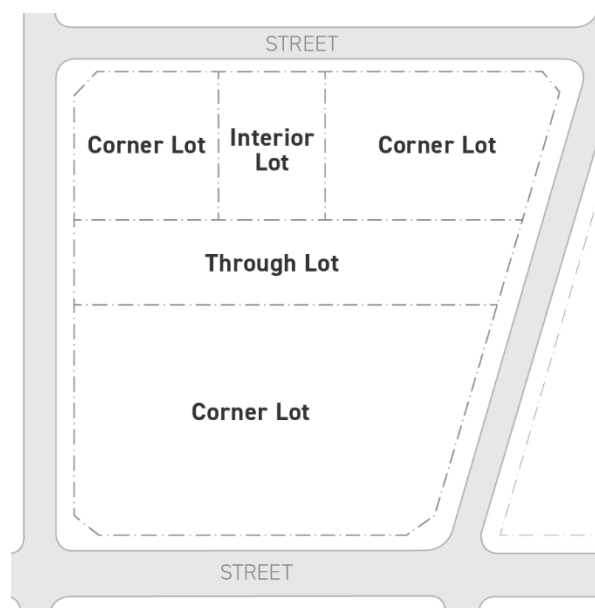


Figure 20: Section 11 – Lot Types

Lot Area

Means the total horizontal area within the **lot lines** of a **lot**.

Lot Coverage

Means the percentage of the **lot** covered by all **buildings**. Lot coverage in each **zone** shall be deemed to apply only to that portion of such **lot** which is located within said **zone**. The calculation of lot coverage shall not include that portion of such **lot** which is occupied by a **building** or portion thereof completely below **established grade**, a **entry element**, a **porch**, with or without a basement and stairs with foundations, and **barrier-free access ramps**. Within a **Neighbourhood zone**, lot coverage for a principal **building** and lot coverage for **detached accessory structures** shall be separately calculated, and the habitable **gross floor area** directly above an **entry element** or **porch**, **detached garages**, and **barrier-free access ramps** shall be excluded from the calculation of lot coverage.

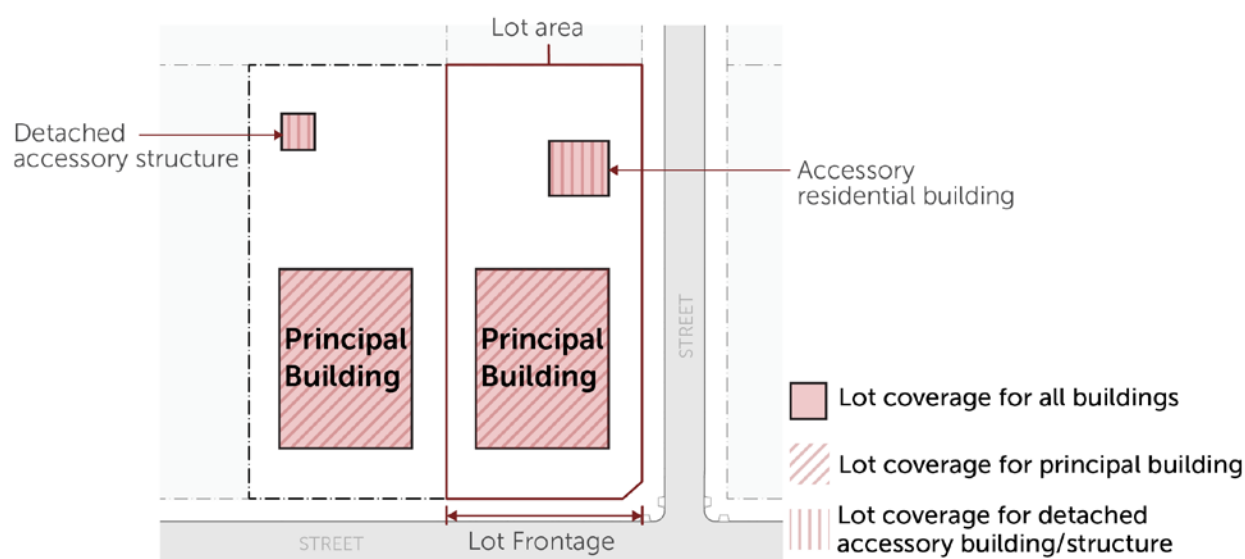


Figure 21: Section 11 – Lot Coverage

Lot Frontage

Means the horizontal distance between the **side lot lines** measured at right angles, where the **side lot lines** are not parallel, the **lot frontage** shall be measured by a line 6 metres back from and parallel to the **chord of the front lot line**.

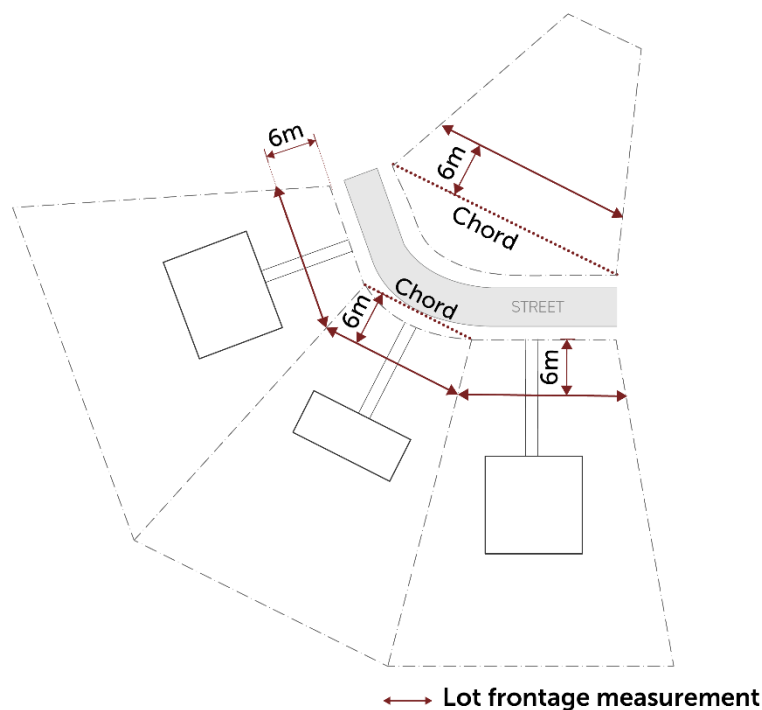


Figure 22: Section 11 – Lot Frontage

Lot Line

Means a line delineating any boundary of a **lot**.

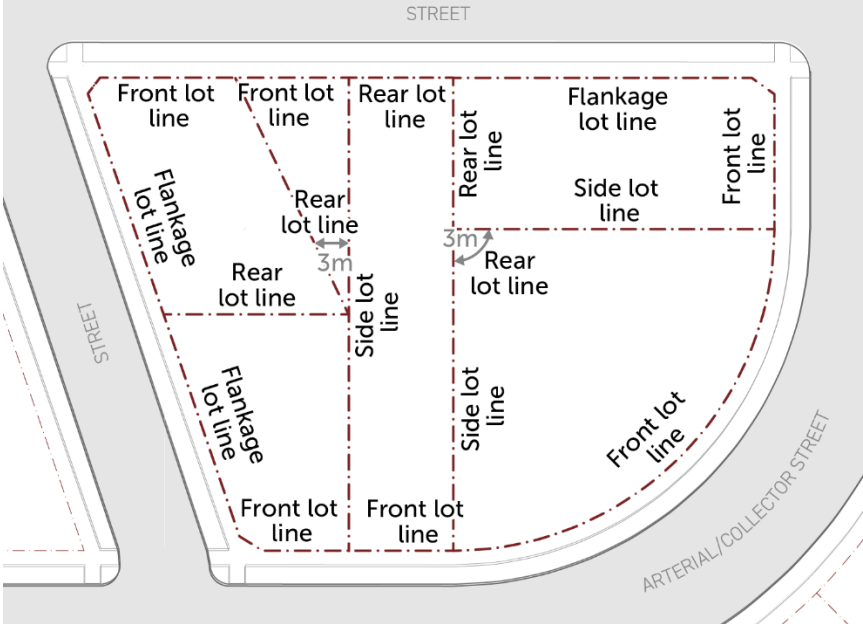


Figure 23: Section 11 – Lot Line

Low-Rise Building

Means **buildings** or **structures** with a height of 4 storeys or less and shall exclude a **detached dwelling**, **duplex dwelling**, **semi-detached dwelling**, **street townhouse dwelling**, **block residential dwelling**, **stacked townhouse dwelling**, **rear lane townhouse dwelling**, **back-to-back dwelling** or a **quadruplex dwelling**.

Maisonette Dwelling

Means a **building** that is divided into three or more **dwelling units**, each of which has independent entrances, one to a common corridor and the other directly to the outside **yard** area adjacent to the said **dwelling unit**. A **maisonette dwelling** shall not be considered an **apartment dwelling**.

Main Building

Means a **building** in which is carried on the principal purpose for which the **lot** is used.

Main Wall

Means the exterior front, side or rear wall of a **building** and all structural members essential to the support of a fully enclosed space or roof.

Major Development (ORMCP)

Means **development** consisting of:

- (a) the creation of four or more lots;
- (b) the construction of a **building** or **buildings** with a ground **floor area** of 500 square metres or more; or,
- (c) the establishment of a major use as described in Section 38 of the Oak Ridges Moraine Conservation Plan.

Major office

Means an **office building** that has a **gross floor area** of 10,000 square metres or greater used primarily for the practice of a profession or the carrying on of a business such as the management or direction of an agency, organization, public administration, or administration of an industry including research and development.

Major Retail

Means a large format retail facility (or facilities), such as retail big box stores, retail warehouses and shopping centres which has a **gross floor area** of 10,000 square metres or greater.

Mechanical Penthouse

Means the rooftop **floor area** above the livable area of a **building** that is used exclusively for the accommodation of stairwells and/or mechanical equipment necessary to physically operate the **building** such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment and includes walls and **structures** intended to screen the mechanical penthouse and equipment.

Mid-Rise Building

Means **buildings** or **structures** with heights ranging between 5 **storeys** and 8 **storeys**.

Mineral Aggregate (ORMCP)

Means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act*, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, talc, wollastonite, or other material prescribed under that Act.

Mineral Aggregate Resources (ORMCP)

Means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral Aggregate Operation (ORMCP)

Means:

- (a) an operation, other than a **wayside pit**, conducted under a licence or permit under the *Aggregate Resources Act*; and,
- (b) associated facilities used in the extraction, transportation, beneficiation, processing or recycling of **mineral aggregate** or the production of related by-products.

Motel

Means a separate **building** or two or more connected or detached **buildings** designed and used for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments, and without limiting the generality of the foregoing shall include a motor court, auto court and tourist home.

Motor Vehicle

Means an automobile, motorcycle and motor assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, R.S.O. 1990, as amended, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motorized vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, or road building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, as amended.

Motor Vehicle Lubrication Establishment

Means a **building** or part thereof used to provide ongoing regular maintenance essential to the actual operation of **motor vehicles** but shall not include a **motor vehicle** sales establishment, an auto body repair shop, **public garage** or **automotive service station**.

Motor Vehicle Washing Establishment

Means a **building** or part thereof used for the automatic and/or coin operated washing of **motor vehicles**.

Multiplex Dwelling

Means a **triplex dwelling**, link villa dwelling, **maisonette dwelling**, fourplex dwelling or **quadruplex dwelling**.

Neighbourhood Zone

Means the lands designated “Neighbourhood” under the **City** of Richmond Hill Official Plan.

Net Developable Area (ORMCP)

Means the area of a lot or site, less any area that is within a **key natural heritage feature** or a hydrologic feature.

Non-Complying

Means that which does not comply with the provision(s) of this By-law as of the day that this By-law is passed by **Council**.

Non-Complying Building or Structure

Means a **building** or **structure** that legally existed as of the day that this By-law is passed by **Council** and no longer complies with one or more standards of this By-law. For lands in ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 and ORMKNF **Zones**, **non-complying** means as of November 15, 2001.

Non-Complying Lot

Means a **lot** that legally existed as of this By-law as of the day that this By-law is passed by **Council** that has less than the minimum required **lot frontage** or **lot area** required by this By-law. For lands in ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 and ORMKNF **Zones**, **non-complying** means as of November 15, 2001.

Non-Conforming Use

Means a legally existing use as of the day that this By-law is passed by **Council**, which is not a permitted use in the **zone** in which the said use is situated. For lands in ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 and ORMKNF **Zones**, **non-complying** means as of November 15, 2001.

Non-Residential

Means a **building** that does not contain any **residential uses**.

Oak Ridges Moraine Conservation Plan Area (ORMCP)

Means the lands in ORMNC, ORMNL, ORMCO, ORMH, ORMOS, ORMOS1 and ORMKNF **Zones** and as defined in Ontario Regulation 01/02.

Obnoxious Use

Means an offensive use of trade within the meaning of the *Public Health Act*, RSO. 1990, as amended or a use which is a nuisance by reason of the emission or creation of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot or waste or the depositing or leaving of unsightly objects or chattels on land.

Outdoor Patio

Means an outdoor area used in conjunction with any restaurant, tavern, banquet hall or any other **premises** where food or refreshments are consumed by the public and where seating accommodation is provided and where meals or refreshments are served to for consumption on the **premises** and includes all such facilities whether or not licensed under the *Liquor License Act*.

Outdoor Storage

Means any **accessory** storage outside of a principal or **main building** or **structure** on a **lot**.

Parcel of Tied Land

Means a parcel of land to which the common interest of an owner in a **common element condominium** attaches as provided for in Section 139(2)(a) of the *Condominium Act*, R.S.O. 1998, or a successor thereto and “parcels of tied land” has the corresponding plural meaning.

Parking Area

Means an open area of land other than a **street**, driveway or **lane** used for the communal parking of vehicles with or without a fee being charged or the storage of **motor vehicles**.

Parking Structure

Means a **building** or part thereof used for the storage or parking of **motor vehicles**.

Parking Space

Means a space for the parking of a **motor vehicle** that is free and clear of any encroachments.

Partial Service (ORMCP)

Means connections linking a **building** to:

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

For greater clarity, partial services do not include a situation where both communal or full municipal sewer and water service is available.

Place of Worship

Means lands or **buildings** used by a bona fide religious organization for religious worship, services, ceremonies or rites. Lands or **buildings** may also include **accessory** uses by a place of worship for the advancement of its charitable character, which may include but is not limited to temporary emergency shelter, community outreach activities and community events.

Plan of Subdivision

Means a plan of subdivision registered in accordance with Section 51 of the *Planning Act*, R.S.O. 1990.

Podium

Means the base portion of a **mid-rise building** or **high-rise building** identified in metred height and number of **storeys**.

Porch

Means a **structure** abutting a **dwelling unit** having a roof, but with walls that are open and unenclosed to the extent that 50% of the vertical plane of the wall is open to the movement of air and which is used as an outdoor living area. A porch is not a **deck**.

Portable Asphalt Plant (ORMCP)

Means a facility:

- (a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process; and,
- (b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Post-Secondary School

Means a **premises** used for educational purposes by a degree granting college or university under Province of Ontario legislation.

Premises

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

Private School

Means a school meeting the standards set out for schools by the Ministry of Education which secures a major part of its funding from sources other than government agencies.

Private Utility

Any telephone or communications utility company operating within the **City** may for the purposes of the public service, use any land or erect or use any **building** or **structure** in the **zone(s)** permitted subject to the use of land or **building** or **structure** being in compliance with the provisions prescribed for such **zone** or use.

Public Authority

Means any Federal or Provincial government authority, agency, body or department, the **Region**, or The Corporation of the City of Richmond Hill, or any agency, body or department of either of these municipalities, public school and **post-secondary school**.

Public Garage

Means a **building** or **structure** or parts thereof including lands appurtenant thereto, used for the sale of refueling products and automobile accessories and for minor running repairs essential to the actual operation of **motor vehicles**. The use may include gas bar convenience retail store, gas bar, **motor vehicle lubrication establishment** and **motor vehicle washing establishment** associated uses. A **motor vehicle** sales establishment, an auto body repair shop or public garage or a standalone **motor vehicle washing establishment** are not an **automotive service station**.

Quadruplex Dwelling

Means a **building** divided vertically and/or horizontally into 4 **dwelling units**, each one of which has two walls or parts thereof in common with adjoining units and an independent entrance to either the ground or common corridor.

Rear Lane Townhouse Dwelling

Means a **townhouse dwelling** or **street townhouse dwelling** that is not a **stacked townhouse dwelling** and where vehicular access to a is provided via a driveway located at the rear of the residential dwelling that is accessed from either a private or public **lane**.

Rear Lot Line

Means the **lot line** opposite and most distant from the **front lot line** or, in the case of a triangular or otherwise irregularly shaped **lot**, a line of minimum 3 metres in length entirely within the **lot**, parallel to and at a maximum distance from the **front lot line**.

Rear Yard

Means the open space extending across the full width of the **lot** between the **rear lot line** and the closest point of the **main wall** of any **building** or **structure** on the **lot**.

Region

Means The Regional Municipality of York.

Reserve

Means a strip of land 0.3 metres in width or less abutting a **street** and owned by the **public authority** having jurisdiction over such a **street**.

Residential Use

Means the use of land, **buildings** or **structures** for human habitation.

School Bus

Means a **motor vehicle** for the purposes of the transportation of school children.

Secondary School

Means a school established by the Ministry of Education providing education for persons between the level of grade 9 and grade 12.

Semi-Detached Dwelling

Means a **building** that is divided vertically into two **dwelling units** sharing a common wall above the **established grade** and each of which has an independent entrance either directly to the outside or through a common vestibule.

Semi-Trailer

Means a mechanical device that is towed by a **motor vehicle** and is so designed that a substantial part of its weight rests on or is carried by the **motor vehicle** or a **trailer** converter dolly through a fifth wheel assembly.

Setback

Means the horizontal distance from the **lot line** measured at right angles to such **lot line** to the nearest part of any item for which a setback is required by this By- law.

Short-Term Accommodation

Means all or part of a **dwelling unit** that is used to provide sleeping accommodation for any rental period that is less than 28 consecutive days. A short-term accommodation shall only be permitted where the short-term accommodations rental operator resides within the principal residence on the same property as a **dwelling unit** used as a short-term accommodation.

Short-Term Bicycle Parking Space

Means a bicycle parking space that is equipped with a rack, corral, or stand designed to lock the wheel and frame of a bicycle, that is available for use by visitors to the **building**.

Side Lot Line

Means a **lot line**, other than a **rear lot line** that does not abut a **street**.

Side Yard

Means a **yard** other than a **flankage yard** which extends from the **front yard** to the **rear yard** between the **side lot line** and the closest point of the **main wall** of the **building** or **structure** on the **lot**.

Site Alteration (ORMCP)

Means activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Site Plan Agreement

Means an agreement entered into pursuant to Section 41 of the *Planning Act*, R.S.O. 1990.

Social Services

Means a non-government, not-for-profit, non-**commercial** organization which carries on social, cultural, welfare, athletic or recreational programs for the benefit of the community.

Soft Landscaping

Means an area on a **lot** that is suitable for the growth and maintenance of vegetation and permits the infiltration of water into the ground but shall not include hard surfaced areas such as driveways, **parking spaces**, **outdoor patios**, walkways and **hard landscaping**. For greater clarity, interlocking stone and permeable pavement are not soft landscape.

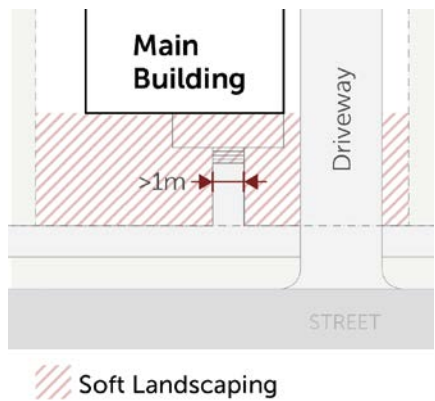


Figure 24: Section 11 – Soft Landscaping

Stacked Parking Space

Means a **parking space** that is positioned above or below another **parking space** and is accessed only by means of an elevating device.

Stacked Townhouse Dwelling

Means a **building** containing at least 3 **dwelling units**, each **dwelling unit** being separated from the other vertically and horizontally and having an independent external access.

Stepped Back

Means the horizontal distance measured from the **main wall** of a **building** at right angles for a determined distance in metres as required in this By-law towards the centre of the **building**.

Street

Means a public highway as defined by the *Municipal Act*, 2001 S.O. 2001, c.25, as amended and shall exclude an unopened road allowance of any street which is shown on a registered **Plan of Subdivision** which has been deemed not to be a registered **Plan of Subdivision** under Section 50 of the *Planning Act*, R.S.O. 1990, or a predecessor thereof. A street shall include a **lane** for purposes of a **common element condominium**. Street classifications are shown on Overlay “H”.

Street Line

Means the boundary between a **street** and a **lot**.

Street Townhouse Dwelling

Means a **townhouse dwelling** composed of **dwelling units** each of which has **lot frontage** on a **street**.

Storey

Means that portion of a **building** between the surface of a floor and the floor or roof immediately above, provided that any portion of a **building** partly below **established grade** level shall not be deemed a storey unless its ceiling is at least 1.8 metres above **established grade**, and provided that any portion of a storey above the **first storey** exceeding 4.5 metres in **height** shall be deemed an additional storey, unless otherwise specified in this By-law.

Structure

Means anything that is erected, built or constructed of parts joined together and **attached** or fixed permanently to the ground. For the purpose of this By-law, a **fence**, a retaining wall, a light standard and a sign shall be deemed not to be structures.

Subwatershed (ORMCP)

Means the area including and surrounding a kettle lake or wetland, from which surface runoff drains directly into the kettle lake or wetland.

Suite

Means a single room or series of rooms of complementary use, operated under a single tenancy and includes **dwelling units**, individual guest rooms in **motels**, **hotels**, boarding houses, rooming houses, dormitories and **premises**.

Sustainable (ORMCP)

Means the natural resource is able to support a particular use or activity or without being adversely affected.

Swimming Pool

Means any body of water located outdoors on privately owned property contained by artificial means in which the depth of the water at any point can exceed 0.6 metres and shall include any **accessory deck** or support **structure**.

Through Lot

Means a **lot** bounded on two opposite sides by **streets**, provided however that if any **lot** qualifies as being both a **corner lot** and a through lot as herein before defined, such **lot** shall be deemed to be a **corner lot** for the purpose of this By- law.

Tower

Means all **storeys** above the **storeys** that constitute the height of a **podium** in a **high-rise building**.

Townhouse Dwelling

Means a **building** divided vertically into 3 or more **dwelling units**, each sharing a wall above the **established grade** and each of which has independent entrances at grade to a **front yard** and **rear yard** immediately abutting the **front wall** and **rear wall**.

Trailer

Means a mechanical device that is towed by a **motor vehicle**, a mobile home or any mechanical device on wheels that is designed not to transport persons.

Triplex Dwelling

Means a **building** divided horizontally into 3 **dwelling units**.

Unserviced Park (ORMCP)

Means a park that provides recreational opportunities and facilities, including playing fields, but without outdoor lighting, **accessory commercial** facilities, paved parking lots or permanent water or sewer facilities.

Utility Corridor

Means lands, **buildings** or **structures** used for the provision of hydroelectric within the Provincial **Utility Corridor**, TransCanada Pipeline (TCPL), the Canadian National Railway (CNR) and mass transit infrastructure operated or authorized by a **public authority**.

Veterinary

Means the **premises** of a veterinarian, veterinary surgeon, where animals, birds, or other livestock are treated but are not boarded overnight.

Warehouse

Means a **building** or **structure** where wares or goods are stored.

Wayside Pit

Means a temporary pit opened or used by or for a public body solely for the purpose of a particular project of road construction and not located on the road right of way.

Yard

Means an open, uncovered space on a **lot** appurtenant to a **building** and unoccupied by **buildings** or **structures** except as specifically permitted in this By-law.

Zone

Means a designated area of land use.