

30.0 Definitions

The following words, terms, and phrases, wherever they occur in this Bylaw, shall have the meaning assigned to them as follows:

A

ACTIVE PARK refers to parks with programmed recreational opportunities including, but not limited to, athletic facilities, sports fields and playgrounds.

ADAPTIVE HOUSING means housing forms which can be easily modified to meet a family's varying needs over a lifetime.

AFFORDABLE HOUSING means housing that consumes no more than 30% of a household's gross (pre-tax) income as defined by the *Canada Mortgage and Housing Corporation*.

AGRICULTURAL LAND RESERVE (ALR) means the premise, including Crown Land that has been defined as being suitable for farm use, that has been designated for preservation under Section 15 of the *Agricultural Land Commission Act*.

AGRICULTURE means any of the following activities involved in carrying on a farm business, as defined under the *Farm Practices Protection (Right to Farm) Act*:

- growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
- clearing, draining, irrigating or cultivating land;
- using farm machinery, equipment, devices, materials, and structures;
- applying fertilizers, manure, pesticides, and biological control agents;
- conducting any other agricultural activity on, in or over agricultural land; and includes
- intensively cultivating in plantations, any specialty wood crops, or specialty fiber crops prescribed by the minister;
- conducting turf production outside of an agricultural land reserve, or in an agricultural land reserve with the approval under the *Agricultural Land Commission Act* of the Provincial Agricultural Land Commission;
- aquaculture as defined in the *Fisheries Act* when carried on by a person licensed, under part 3 of that Act, to carry on the business of Aquaculture;
- raising or keeping game, within the meaning of the *Game Farm Act*, by a person licensed to do so under that Act;
- raising or keeping fur bearing animals, within the meaning of the *Fur Farm Act*, by a person licensed to do so under that Act;
- processing or direct marketing by a farmer of one or both of the products of a farm or operated by the farmer, and within the limits prescribed by the *Minister of Agriculture, Food and Fisheries*, of products not of that farm, to the extent that the processing or marketing of those products is conducted on the farmer's farm; but does not include
- an activity, other than grazing or hay cutting, if the activity constitutes a forest practice as defined in the *Forest Practices Code of British Columbia Act*;
- breeding pets or operating a kennel;

- growing, producing, raising or keeping exotic animals, except types of exotic animals prescribed by the *Minister of Agriculture, Food and Fisheries*.

AGRICULTURE LAND COMMISSION (ALC) means the provincial governing body assigned to administer regulations and policies that relate to the preservation of agricultural land.

AGRI-TOURIST ACCOMMODATION means the accommodation for tourists on a farm, orchard, or ranch that is secondary to the main use. Typical uses include but are not limited to guest ranches, farm inns, bed and breakfast homes, tourist campsites/recreational vehicle pads, festivals, public assembly, food primary establishment and private cultural exhibition.

AIRPORT means the premise designed, prepared, equipped or set aside as a transportation facility for the arrival, departure, movement and servicing of aircraft, and includes any ancillary buildings, structures, installations and equipment. This further includes aircraft and airport related manufacturing and services.

AIRPORT INDUSTRIAL means areas adjacent to the Vernon Regional Airport where light industrial and service commercial uses related to the aviation industry are to be permitted. These same uses are to be permitted on the Airport Lands as well.

ATTAINABLE HOUSING means housing that is affordable to households with a range of incomes, but most often at the low or moderate end of the scale and that is provided without ongoing senior government subsidy.

B

BED AND BREAKFAST HOME means the secondary hospitality use of a dwelling in which temporary overnight accommodation and breakfast is provided to guests for remuneration.

BENCHMARK COMMUNITIES means communities that are used as examples of best practices in sustainable urban development and are applicable to the Vernon context, as identified and adopted by Council.

BOARDING ROOMS means a dwelling in which the owner provides sleeping unit accommodation for remuneration. It may or may not include meal service.

BUILDING means any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING FACE OR FACADE means that portion of any exterior elevation of a building exposed to public view extending from the building grade to the eaves or the top of the parapet wall and the entire length of the building elevation, including all areas divided by firewalls.

C

CARE CENTRE means the premise licensed as required under the *Community Care Facilities Act* intended to provide care to children, youth, or adults.

CITY means The City of Vernon.

CLIMATE CHANGE means “A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.” *IPCC Glossary, 2008*

CLUSTER DEVELOPMENT means a land planning and development technique that groups structures or lots closer together to preserve greenfields, provide larger amounts of common open and public space and reduce the cost of development.

COMMERCIAL means existing and proposed sites suitable for a range of local and community retail, office and service uses.

COMPACT DEVELOPMENT is development that uses land more efficiently to reduce the pressure for further development on greenfields. Compact development can take many forms, including, but not limited to, transit-oriented development, infill development or cluster development.

COMPLETE NEIGHBOURHOOD means a neighbourhood where there are opportunities for a wide range of housing, shopping, employment, recreation and education opportunities in close proximity to one another and can be easily accessed by a variety of transportation modes.

CPTED (CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN) means design and/or a land use mix in a development that reduces the opportunity for crime and contributes to a greater feeling of safety among users. CPTED initiatives focus on one or more of natural surveillance, target hardening, territorial reinforcement and natural access control. Second Generation CPTED focuses on social and community networking projects to supplement existing CPTED initiatives.

D

DENSITY means a measure of the intensity of development to the area of the site, including the number of units on a site measured in units/area or floor space ratio.

DEVELOPMENT PAYS FOR ITSELF refers to the costs of development being borne by the developer, such that the taxpayer is not funding new development by way of subsidy, infrastructure provision or other means. This does not preclude the City working in conjunction with development to secure works deemed in the community's interest, but such works must provide a benefit to the community beyond the development of the property itself.

DISTRICT ENERGY means the distribution of thermal energy from one source to a number of surrounding buildings. The source of the thermal energy may be from either purchased energy sources or from waste heat.

E

ECOSYSTEM is a natural unit consisting of all plants, animals and micro-organisms in an area which function together with non-living physical components of the environment. Benefits derived from ecosystems are called ecosystem services, and include clean drinking water, the decomposition of waste and crop pollination, as examples.

ENERGY EFFICIENT means a process that uses less energy while providing a similar result.

ENVIRONMENTAL MANAGEMENT AREA means an area that contains sensitive ecosystems and natural features, and clarifies expectations for environmental surveys, habitat assessments and land use requirements to be conducted as part of the development permit process for each management area.

EXHIBITION AND CONVENTION FACILITIES means a building or site intended to provide permanent or convertible facilities for meetings, seminars, conventions, product and trade fairs and similar exhibitions.

EXTENDED MEDICAL TREATMENT SERVICES means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including out-patient services and secondary staff residences. Typical uses include but are not limited to hospitals, nursing homes with health care for dependent residents, mental care asylums, sanatoria, and detoxification centres.

F

FLOOD means an overflowing or pooling of water on land that is normally dry.

FLOOD CONSTRUCTION LEVEL means the Flood Construction Level as referenced in the City of Vernon Floodplain Management Bylaw 5896.

FLOODPLAIN SETBACK means the distance from the Natural Boundary of a water body or existing dike in which development should be prohibited or restricted to limit local flood risk, limit transfer of risk to adjacent properties, and provide sufficient space for existing or future flood protection (e.g. dikes).

FLOODWAY means the channel of a watercourse and overbank areas anticipated to actively convey the flow of a Flood.

FLOOD-PROOFING means the alteration of land or buildings to reduce or eliminate the potential for flood damage and may include the use of increased elevation and/or construction methods that allow for occasional wetting and drying.

FOOD ACCESS means the ability of a community to have safe and reliable access to affordable food.

FUNCTIONAL ECOSYSTEM means an ecosystem of such diversity that the utilization of natural resources, affect on local environment and interaction with other species, is thought to be sustainable. Usually measured in terms of Biodiversity.

G

GREENFIELD refers to land which has never been previously developed, and includes lands which have been used for agriculture, forestry and some recreational uses. Examples of greenfields include agricultural lands and wildlife habitats.

GREEN BUILDING means a building that uses energy, water, or materials more efficiently through any or all of the building's location, design, construction process, operation or maintenance.

GREEN INFRASTRUCTURE means natural ecological systems that perform a role similar to conventional infrastructure, such as treating wastewater or capturing storm runoff, for example.

GROUND ORIENTED refers to dwelling units which have direct access to the street, as opposed to internal building access from a corridor. Townhouses are an example of ground oriented development.

H

HABITABLE AREA means any room or space within a Building or structure, to the underside of the floor system, that is or can be used for human occupancy, commercial sales, or storage of goods, possessions or equipment (including furnaces) which would be subject to damage if flooded

HERITAGE BUILDING means a building or structure having heritage value or being a heritage property as defined in the *Heritage Conservation Act*.

HERITAGE TREE means a natural coniferous or deciduous tree over 100 years of age or a non-natural tree greater than 75 years of age.

HIGH WATER MARK means the visible high water mark of a stream where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain. The high water mark of Okanagan Lake is set at 343m above sea level (ask), unless otherwise assessed by a Qualified Environmental Professional (QEP) using their professional opinion to satisfy the definition above.

HILLSIDE AREA means land in its natural state having a slope angle of 10% and greater for an elevation change of 6 metres or more.

HILLSIDE RESIDENTIAL means residential development in a hillside area.

HOME BASED BUSINESS, MAJOR means an activity consisting of the use of a dwelling unit and/or secondary building/structure for a business by a resident who resides for more than 240 days of a year at that dwelling unit. The major home based business shall not occupy more than 25% floor area of the primary dwelling unit up to a maximum area of 50m² of floor area inclusive of the secondary building. The business must be secondary to the residential use of the dwelling and shall not change the residential character of the dwelling or secondary building.

I

IMPERMEABLE SURFACE means surfaces that cannot be readily penetrated by water.

INFILL means development or redevelopment on vacant or underutilized parcels of land within existing urban areas of the City. Infill development often increases densities while using infrastructure and existing community services more efficiently. Examples include the redevelopment of surface-level parking lots at shopping centres, the refurbishing of existing buildings for new uses and redeveloping large residential lots to accommodate more units.

M

MIXED USE means to allow a building to encompass more than one use, such as a combination of residential, commercial, employment, industrial or institutional uses.

N

NATIVE VEGETATION means a plant that grows naturally in a specific region or locality.

NATURAL BOUNDARY means the visible high watermark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks, in vegetation, as well as in the nature of the soil itself.

NEIGHBOURHOOD CENTRE means an area within the City that will have a concentration of commercial and residential development at its centre, with surrounding ground oriented multiple family development serving as a transition to lower density residential neighbourhoods. There are four distinct neighbourhood centres — Polson, Okanagan Landing, the Waterfront and North Vernon.

P

PASSIVE PARK refers to parks that provide unprogrammed recreational opportunities including, but not limited to, trails, open space and waterfront access points. Natural areas identified as having high ecosystem sensitivity or which contain drinking water sources, are appropriate only for limited uses, including interpretive areas and view access points.

PEAK OIL means the point at which the level of available oil reserve supply reaches a peak of production after which point available resource for extraction decreases in volume over time.

PEDESTRIAN ORIENTED means development that facilitates pedestrian movement and activity over other modes of transportation.

R

RESORT RESIDENTIAL means residential development that is integrated with a tourist amenity, such as a golf course or ski hill, for example. Resort residential communities often market themselves to high income earners who may or may not use the property as their primary residence.

RIPARIAN AREA means an interface area between land and a water body i.e. stream, lake, wetland.

RIPARIAN ASSESSMENT AREA means: (i) a 30m leave strip on both sides of any stream, measured from the high water mark; (ii) for a ravine less than 60m wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 meters beyond the top of the ravine bank; and (iii) for a ravine 60m wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 meters beyond the top of ravine bank.

RURAL/AGRICULTURAL means areas intended to remain largely free of settlement or to be retained in large lot development, with the purpose of providing for agricultural and a rural residential lifestyle with minimal

services. Some resource use is allowed for (especially agriculture) but there is to be limited residential activity. Lot size shall be limited to 10 hectares on lands outside of the Agricultural Land Reserve. This designation also includes steep, largely undevelopable slopes.

S

SECONDARY SUITE means a self-contained secondary dwelling unit located within a single detached housing or in a secondary building. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the primary unit. The property owner must reside in either the primary dwelling unit or the secondary suite. This use does not include duplex housing, semi-detached housing, apartment housing, boarding rooms nor rooming houses.

SELF-SUPPORTING DECK is a structure that does not contain a residential occupancy and is built independently from another Building.

SPECIAL NEEDS HOUSING means housing under Section 483 of the *Local Government Act* that is used for persons who need subsidized housing because of financial, personal, mental or physical disabilities.

STEWARDSHIP means cooperative management and planning between community, local, provincial, and federal governments, to protect and restore habitat or other natural resources, to ensure long term sustainability.

STREAM means all watercourses including ponds, lakes, rivers, creeks and brooks as well as ditches, wetlands, springs and wetlands that are connected by surface flow to such watercourses.

STRUCTURE means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into the land or water, specifically including retaining structures of any size directly connected to a Building or other structure but specifically excluding landscaping, fences, signs and paving.

SUSTAINABILITY means social, environmental and economic equity throughout the community with the needs of future generations considered in current decision making.

T

TOP OF BANK means the Natural Boundary.

TRANSIT ADJACENT DEVELOPMENT means development that is located within 400m of a station or stop, but not designed to maximise the use of the transit system.

TRANSIT ORIENTED DEVELOPMENT means development that is not only within 400m of a transit station or stop, but is also designed to maximise the use of that transit system, often through higher residential densities, a mix of uses and street and pathway layouts that maximize easy access to transit. Transit-oriented development often includes pedestrian-oriented development.

TRANSIT SUPPORTING DENSITIES means a density that is sufficient to make transit service viable. The density required often differs based on the frequency of service, with higher densities providing for a higher-

frequency service. A density of 15 units per acre is considered the minimum density for frequent (10-15 minute headways) transit service.

TRANSPORTATION DEMAND MANAGEMENT means the application of initiatives to influence travel behaviour for the purpose of reducing reliance on the single occupancy vehicle. A transportation demand management strategy often includes incentives for a change in travel behaviour, such as improved transit, pedestrian or cycling facilities, and disincentives to driving, such as pay parking and congestion.

W

WALKING DISTANCE means 400 metres or the distance required for a 5 to 10-minute walk.

WILDLIFE CORRIDOR means a natural area which provides access to and connectivity between essential habitats and natural areas designed for use by local wildlife and not an area of human travel or passage.

Y

YOUTH means those community members between 10 and 29 years of age.

X

XERISCAPING means attractive landscaping chosen and designed to conserve water, utilize native plant species, reflect local climate and soil conditions.