

Section 2 – Interpretation

2.1 Rules of Interpretation

- 2.1.1 Words used in the present tense include the other tenses and derivative forms; words used in the singular include the plural and vice versa; and the word "person" includes a corporation, firm, partnerships, trusts, and other similar entities as well as an individual. Words have the same meaning whether they are capitalized or not.
- 2.1.2 The words "shall" and "is" require mandatory compliance except where a variance has been granted pursuant to the *Local Government Act*.
- 2.1.3 The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- 2.1.4 Words, phrases, and terms neither defined in this section nor in the *Local Government Act* shall be given their usual and customary meaning.

2.2 Zone Boundaries

- 2.2.1 The **zone** boundaries on the Zoning Map shall be interpreted as follows:
- (a) Where a **zone** boundary follows a **street, lane**, railway, pipeline, power line, utility right-of-way, or easement, it follows the centreline, unless otherwise clearly indicated on the Zoning Map;
 - (b) Where a **zone** boundary is shown as approximately following the **City** boundary, it follows the **City** boundary;
 - (c) Where a **zone** boundary is shown as approximately following the edge, shoreline, or high water mark of a river, lake, or other water body, it follows that line. In the event of change, it moves with the edge or shoreline;
 - (d) Where a **zone** boundary is shown as approximately following a **property line**, it follows the **property line**;
 - (e) Where a **zone** boundary is shown as approximately following a topographic contour line or a top-of-bank line, it follows that line;
 - (f) Where a **zone** boundary is shown as being generally parallel to or as an extension of any of the features listed above, it shall be so; and
 - (g) In circumstances not covered above, the **zone** boundary shall be determined by the scale of the Zoning Map.
- 2.2.2 When any **street** is closed, the roadway lands have the same zoning as the **abutting** land. When **abutting** lands are governed by different **zones**, the centre of roadway is the **zone** boundary unless the **zone** boundary is shown clearly following the edge of the roadway. If the roadway is consolidated with an adjoining parcel, the parcel's zoning designation applies to affected portions of the roadway.

2.3 General Definitions

2.3.1 The definitions of **uses** group individual land **uses** into a specified number of classes, with common functional or physical impact characteristics. They define the range of **uses** which are principal and secondary, with or without conditions, within various **zones** of this Bylaw.

2.3.2 The following guidelines shall be applied in interpreting the **use** class definitions:

- (a) Typical **uses** listed in the definitions as examples are not intended to be exclusive or restrictive; and
- (b) Where a specific **use** does not conform to the wording of any **use** class definition or generally conforms to the wording of two or more definitions, the **use** conforms to and is included in that **use** class which is most appropriate in character and purpose.

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

A

ABUT or ABUTTING means immediately contiguous to, or physically touching, and when used with respect to **lots** or **sites** means two that share a common **property line**.

ACCESSORY BUILDING OR STRUCTURE means a separate **building** or **structure** that may be connected to the principal **building** by a **breezeway**, normally **ancillary**, incidental, subordinate, and located on the same lot as the main **building** or **structure**. Typical accessory **structures** include but are not limited to antennae, propane tanks, satellite dishes, flagpoles, garages, and garden sheds. Accessory buildings or structures may not contain a dwelling unit.

ACCOUNTING SERVICES means the provision of general bookkeeping and accounting services to the public in an office setting.

ADJACENT means land that abuts and is contiguous to a **site**, and also includes land that would be contiguous if not for a **street, lane, walkway**, stream, utility **lot**, underground pipeline, power line, drainage ditch, **watercourse**, or similar feature.

ADVISORY PLANNING COMMISSION means the **Advisory Planning Commission** which is established under Bylaw by the **City** of Kelowna.

AGRI-TOURISM means any **agri-tourism** activity defined under the *Agricultural Land Commission Act* and related regulation or policy, as amended from time to time.

AGRI-TOURIST ACCOMMODATION means the seasonal availability of short term accommodation for tourists on a farm, orchard, or vineyard in association with an **agri-tourism** activity which is subordinate and secondary to the principal agricultural **use**. Typical **uses** include but are not limited **seasonal farm cabins**, and campsites/**recreational vehicle** sites. Seasonal, in this instance, means the accommodation must be available for use only between April 1 and October 31 of each year.

AGRI-TOURIST ACCOMMODATION UNIT means 1 recreational vehicle site, 1 campsite suitable for 1 camping party, 1 bedroom within a **seasonal farm cabin**, or 1 bedroom within a **dwelling** (including **bed and breakfast sleeping units**, if present).

AFFORDABLE HOUSING means housing that is affordable to low or moderate income **households**, for either purchase or rental, including **dwelling** units which are price subsidized or price controlled, and limited equity **dwelling** units.

AGRICULTURAL DWELLING(S), ADDITIONAL means any **dwelling** on a bona fide agricultural operation that is used to house full-time permanent or **temporary** farm workers employed on the **farm unit**. This may include but is not limited to single detached houses, **mobile homes**, or bunkhouses

AGRICULTURAL LAND COMMISSION (ALC) means the provincial governing body assigned to administer regulations and policies which relate to the preservation of agricultural land. The ALC was previously referred to as the **Land Reserve Commission (LRC)**, and references as such in this Bylaw should be deemed to now refer to the **Agricultural Land Commission (ALC)**, as applicable.

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

AGRICULTURAL MACHINERY SERVICES means a minor service station in a rural area that only services agricultural machinery.

AGRICULTURAL STRUCTURES are those **buildings** or **structures** used for **agriculture** or **intensive impact agriculture**, but does not include **buildings** or **structures** for **alcohol production facilities**, **home based business (rural)**, **kennels** or **farm retail sales stands**.

AGRICULTURAL WASTE means a by-product of agriculture and includes manure, used mushroom medium and agricultural vegetation waste.

AGRICULTURAL ZONES are any **zones** in Section 11 of this Bylaw or any CD **zones** in which the predominant **use**, as determined by its general purpose and list of permitted **uses**, is of an agricultural nature.

AGRICULTURE means **development** or **use** for the primary production of farm products such as dairy products, poultry products, apiculture, cattle, hogs, sheep or other animals, wheat or other grains, and vegetables, fruits, or other field crops.

AGRICULTURE, INTENSIVE IMPACT means the **use** of land, **buildings** and **structures** by a commercial enterprise or an institution for:

- (a) the confinement of poultry, livestock or fur bearing animals, or
- (b) the growing of mushrooms, including significant composting.

AGRICULTURE, URBAN means the cultivation of a portion of a parcel for the production of food including fruits, vegetables, nuts and herbs for human consumption only. This use is limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public. Activities that produce or emit hazards, odour, dust, smoke, noise, effluent, light pollution, glare, or other emission are prohibited. This definition does not include poultry and/or livestock.

AIRCRAFT SALES/RENTALS means **development** used for the sale, charter, or rental of aircraft together with incidental maintenance services, and the sale of parts and accessories.

AIRPORTS means any area, designed, prepared, equipped or set aside for the arrival, departure, movement or servicing of aircraft; and includes any associated **buildings**, installations, hangars, **open space**, accessory parking and equipment in connection therewith. This also includes aircraft and airport related manufacturing and services.

ALCOHOL PRODUCTION FACILITIES, means facilities as defined by **breweries and distilleries, wineries and cideries, or meaderies**.

ALTERATION OF LAND means, but is not necessarily limited to: soil relocation due to **building** or **parking lot** construction or alteration; removal, alteration, disruption or destruction of vegetation; soil removal or filling; construction or alteration of **retaining walls, patios**, lawns, agricultural activity or any structural change to a **building** or **structure** that results in an increase or decrease in the area or volume of the **building** or **structure**; a change in the **area, frontage**, depth, or width of a **lot** that affects the required **yard**, landscaped **open space**, or parking requirements under this bylaw; or discontinuance or change, where the new **use** is differently defined as the original **use**, in the **principal use** of the **lot, building** or **structure**.

AMUSEMENT ARCADES, MAJOR means a **building** or part thereof, where the principal **business** is providing video, pinball, player participation table top games, or computer games for **use** by the general public. There are four or more table or electronic games. This **use** does not include **gaming facilities**.

AMUSEMENT ARCADES, MINOR means a **building** or part thereof, where a maximum of three video, pinball, player participation table top games, or computer games are provided for **use** by the general public. This does not include **gaming facilities**.

AMUSEMENT ESTABLISHMENTS, OUTDOOR means facilities for entertainment or amusement activities that primarily take place outdoors where the patrons are the primary participants. Typical **uses** include but are not limited to amusement parks, go-cart tracks, and miniature golf establishments. This **use** class does not include drive-in movie theatres, **carnivals**, circuses, par three or regulation length golf courses.

ANALYTICAL TESTING means the validated testing, research and development or quality control of a substance or product carried out in a laboratory operation and must be licensed under Health Canada or Controlled Drugs and Substances regulation of any substance or product being tested.

ANCILLARY means subordinate or assisting and in the case of a **building** or **structure**, would include essential structural components necessary to the **building** function such as mechanical penthouses, elevator housing, mechanical rooms, communication **structures**, or chimneys.

ANIMAL CLINICS, MAJOR means those **premises** where animals are given medical and surgical care and may include outdoor shelter. This use also includes ANIMAL CLINICS, MINOR

ANIMAL CLINICS, MINOR means those **premises** where domestic pets, animals and birds are treated inside a **building** and kept for medical or surgical purposes and are directly or indirectly under the care of a veterinarian. This use also includes animal grooming, training, and daycare, but does not include an animal shelter. Animals are to be kept overnight only when required for medical supervision.

ANIMAL SHELTERS means a **lot** and/or **building** or part thereof, used for the temporary care of lost, abandoned or neglected animals.

ANTENNA means a **structure** designed for the purpose of receiving and transmitting communication signals.

APARTMENT HOUSING means any physical arrangement of attached **dwelling** units, intended to be occupied by separate **households**, which does not conform to the definition of any other residential **use** class.

AQUACULTURE means the controlled cultivation, rearing, and harvesting of finfish, molluscs, crustaceans, aquatic plants and any other aquatic organism but specifically excludes seafood processing.

ARTISAN LIVE/WORK STUDIOS means premises occupied by someone working in the arts and culture trade, where the premises are used together as a residential unit and a commercial unit in the production and sale of products and services including, but not limited to dance classes, live music, creative writing, painting, drawings, pottery or sculpture, video, moving or still photography.

ATTIC means the unfinished space between the roof and the ceiling of the top **storey** or between a dwarf wall and a sloping roof.

AUCTIONEERING ESTABLISHMENTS means **buildings** and/or land for the auctioning of goods and equipment including the temporary storage of such goods and equipment, but does not include **flea markets** or **used goods stores**.

AUTOBODY REPAIR AND PAINT SHOPS means those **premises** where automobiles, trucks, and other **vehicles** undergo body repair and painting.

AUTOMOTIVE AND EQUIPMENT REPAIR SHOPS means the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, and similar **vehicles** or the sale, installation, or servicing of related accessories and parts. This includes but is not limited to transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops but does not include autobody repair, paint shops, or **wrecking yards**.

AUTOMOTIVE AND MINOR RECREATION VEHICLE SALES/RENTALS means the retail sale or rental of new or used automobiles, bicycles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light **recreational vehicles**, **vehicle** insurance services, incidental maintenance services, and sales of parts. It includes automobile dealerships but does not include dealerships for the sale of trucks with a gross **vehicle** weight of more than 4100 kg. or the sale of motorhomes with a gross **vehicle** weight of more than 5500 kg. or a length of more than 6.7 m.

AWNING means a retractable or non-retractable covering of non-rigid materials such as canvas or similar fabric projecting from the exterior wall of the **building**.

B

BACHELOR DWELLING means a **dwelling** in which the sleeping and living areas are combined and which is not reasonably capable of being developed as a unit containing a separate **bedroom** or **bedrooms**.

BALCONY means an uncovered platform, attached to and projecting from the face of a **building**, above the first **storey**, which is only accessed from within a **building**.

BASEMENT means a **storey** or **storeys** of a **building** located below the **first storey**.

BASEMENT, WALKOUT means a **storey** of a **building** located below the **first storey** and having at least one wall above grade.

BAY WINDOW means a glazed window that protrudes from the wall to which it is attached and may be structurally supported other than by a foundation wall.

BED AND BREAKFAST HOMES means the **accessory use** of a residence in which temporary overnight accommodation and breakfast is provided to tourists.

BEDROOM means a room located within a **dwelling** and where the primary function is for sleeping. It may include, but is not limited to: dens, lofts, studies and libraries.

BINGO FACILITIES means any place that is used for bingo pursuant to a licence issued by or under the authority of the provincial government.

BOARD OF VARIANCE means the Board established under Bylaw by the **City** of Kelowna.

BOARDER means a non-family member who is a lodger, roomer, or person who pays for and takes regular lodging, with or without meals.

BOARDING OR LODGING HOUSES means a **building** in which the **owner** or manager may supply accommodation for their family, and **sleeping unit** accommodation, for remuneration. It may or may not include meal service. It includes lodges for senior citizens but does not include **hotels, motels, temporary shelter services, congregate housing, or bed and breakfast homes**.

BOAT LAUNCHES means a ramp that extends from an upland property or right-of-way across the **foreshore** and into the lake, the purpose of which is to facilitate lake placement and removal of boats and other water vessels.

BOAT LIFTS means an uncovered **structure**, attached to a dock, which facilitates the removal of boats from the water, and which can allow for a boat to be stored above the high water level of the lake.

BOAT STORAGE means the storage of boats and other marine equipment, which are in working order, for the purpose of dry land moorage where the boats and marine equipment are intended to be launched by the operator of the boat storage facility for short term use by the boat and marine equipment owner. Where the **Boat Storage** facility is actively storing 100 or more boats, **Boat Storage** includes on-site fuel dispensing for the sole purpose of fuelling the boats and marine equipment stored at the facility. The fuel storage tanks must adhere to the Petroleum Products Storage Tank Bylaw and Best Management Practices outlined in the CCME – Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products. **Boat Storage** does not include major servicing, sales, or major repair of boats or marine equipment.

BOATING means the **use** of boats and other water vessels for recreational and transportation purposes.

BREEZEWAY means a connection between an accessory **building** and a principal **building** that is not heated or insulated and is not restricted by intervening doors.

BROADCASTING STUDIOS means **development** used for the production and/or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.

BREWERIES AND DISTILLERIES, MAJOR means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume. This production must be licensed by the Liquor Control and Licensing Act. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site. This also includes Breweries and Distilleries, Minor.

BREWERIES AND DISTILLERIES, MINOR means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume. This production must be licensed by the Liquor Control and Licensing Act. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site. All processes, functions and mechanical equipment associated with the use must be contained indoors, and are limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public. The total area for manufacturing shall be limited to a maximum of 275m².

BUFFER STRIP means a landscaped or natural area intended to visibly separate and screen one **use** from another to improve land **use** compatibility and environmental quality by reducing noise, lighting glare and other **nuisances**, or facilitating natural drainage and wildlife movement. This also refers to the **use** of vegetation and other screening or separation methods to separate non farming and **ALR** land **uses**.

BUILDING means a temporary or permanent **structure** having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels and/or equipment.

BUILDING ENVELOPE means that area of the **lot** which may be used for the footprint of a possible **building** or **structure** after **yard** requirements have been accounted for. This **building envelope** may be further restricted by other regulations on **site coverage** or amenity areas.

BUILDING FACE OR FACADE means that portion of any exterior elevation of a **building** exposed to public view extending from the 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.

BUILDING FRONTAGE means the measurement of the length of a **building** wall which directly faces a **street**.

BUILDING INSPECTOR means the persons appointed by **City Council** to administer and enforce the provisions of the **City** of Kelowna **Building** Bylaw, 1993, No. 7245 and the **City** of Kelowna Plumbing Regulation Bylaw No. 5968-87.

BUILDING PERMIT means a permit issued in accordance with the **City** of Kelowna **Building** Bylaw, 1993, No. 7245.

BULK FUEL DEPOT means lands, **buildings**, and **structures** for the bulk storage and distribution of petroleum products and may include key lock retail sales. This does not include either minor or **major service stations**.

BUSINESS means one establishment for carrying on a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal, or other service for gain or profit. This includes a home based **business**.

BUSINESS SUPPORT SERVICES means **development** used to provide support services to **businesses** and which are characterized by one or more of the **use** of minor mechanical equipment for printing, duplicating, binding or photographic processing; secretarial services; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair, or servicing of office equipment, furniture and machines. Typical **uses** include but are not limited to printing establishments, testing laboratories, film processing establishments, janitorial firms and office equipment sales, repair establishments, and sign shops.

BYLAW ENFORCEMENT OFFICER means the officers or employees appointed by **Council** as such.

C

CALIPER means the trunk diameter of a tree measured at a point 300 mm above the top of the root ball.

CANNABIS means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis.

CANNABIS PRODUCTION FACILITY means a facility for the producing, processing, setting, providing, shipping, delivering and/or destroying of **cannabis** and can include analytical testing in permitted industrial zones and must be licensed by Health Canada. This **use** does not include the retail sale or dispensing of **cannabis**.

CANOPY means a non-retractable hood cover or marquee which projects from the wall of a **building**. It does not include an **awning**, projecting roof, roof eaves, or enclosed **structure**.

CARNIVALS means temporary development providing a variety of shows, games and amusement rides in which the patrons take part, for a period of five (5) consecutive days or less in duration. **Carnivals** will at all times remain a secondary use to the **Open-Air Market** and the scheduling needs of the **Open-Air Market** operations.

CAR-SHARE ORGANIZATION means operations that allow members of the public to book **vehicles** on a short-term as-needed basis, paying only for the time they use the **vehicle** and the distance they drive. The operators are responsible for maintenance, insurance and **vehicle** booking through an online application.

CAR-SHARE VEHICLE (CLASSIC) means a **vehicle** owned or leased by a car-share organization where the **vehicle** is returned to the same location at the end of every booking to a shared-vehicle parking area.

CAR-SHARE VEHICLE (ONE-WAY) means a **vehicle** owned or leased by a **car-share organization** that has no fixed or dedicated parking space.

CAR-SHARE VEHICLE PARKING SPACE means a parking space reserved for the exclusive use of a classic or one-way car share **vehicle**.

CARPORT means a roofed **structure** free standing or attached to the principal **building** which is not enclosed on the front and at least one side, used by the **building** occupants to shelter parked **vehicles**.

CARRIAGE HOUSE means a **dwelling** unit located within a **building** that is subordinate to the principal **building** on the **lot** and is not an **accessory building or structure**. It shall be a **use** secondary only to the **principal use** of **single dwelling housing**.

CEMETERY means those areas of land that are set aside for the burial of human remains. Typical **uses** are memorial parks and burial grounds, including crematoriums.

CERTIFICATE OF TITLE means a certificate issued by the Land Title Office identifying the **owner** of a particular parcel of land.

CHANNELIZED STREAM means permanent or relocated streams that have been dyked, diverted or straightened and carry drainage flows from headwaters or significant sources of groundwater. Reaches of channelized streams may be confined by roads and fences and in many cases can also meander through fields. Man-made channels that divert irrigation

water from a stream but return overflow water back to a stream in a manner that allows fish access are classified as channelized streams.

CHILD CARE CENTRE, MAJOR means an establishment licensed as required under the *Community Care and Assisted Living Act* intended to provide care, educational services, and supervision for more than 8 children.

CHILD CARE CENTRE, MINOR means an establishment licensed as required under the *Community Care and Assisted Living Act* intended to provide care, educational services, and supervision to no more than 8 children. The care must be provided by a principal resident that resides at the **dwelling** for more than 240 days of a year.

CITY means the **City** of Kelowna.

CLEARANCE means the unobstructed vertical distance between the finished grade or finished floor and the underside of a **canopy, awning, ceiling, or structure**.

COMMERCIAL SCHOOL means **development** used for training, instruction, and certification in a specific trade, skill, or service for the financial gain of the individual or company owning the school. Typical **uses** include but are not limited to secretarial, **business**, hairdressing, beauty culture, dancing, or music schools.

COMMERCIAL STORAGE means a self-contained **building** or group of **buildings** containing lockers available for rent for the storage of personal goods or a facility **used** exclusively to store bulk goods of a non-hazardous nature.

COMMERCIAL UNIT means a separate or self contained area or areas of one **building** which contains one **commercial use**.

COMMERCIAL USE means an occupation, employment or enterprise that is carried on for gain or monetary profit by any person.

COMMERCIAL ZONES are any **zones** listed in Section 14 of this Bylaw or any CD **zone** in which the predominant **use**, as determined by its general purpose and list of **principal uses**, is of a commercial nature.

COMMUNITY GARDEN means the recreational growing of plants, on a publically or privately owned parcel, and does not include the growing and subsequent sale of produce for commercial purposes. This use is limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public. This definition does not include the keeping of poultry and/or livestock.

COMMUNITY RECREATION SERVICES means **development** for recreation, social or multi-purpose **use** primarily intended for local community purposes. Typical **uses** include but are not limited to community halls, non-profit social clubs, and community centres operated by a local residents association.

COMPREHENSIVE DEVELOPMENT ZONE means any **zone** from Schedule 'B' which is approved under the provisions of Section 17 of this Bylaw.

CONCRETE AND ASPHALT PLANTS means the processing, manufacturing, recycling, and sales of concrete and asphalt and the accessory manufacture and sales of products made from concrete and asphalt.

CONFINED LIVESTOCK AREA means an outdoor, non-grazing area where livestock, poultry or farmed game is confined by fences, other structures or topography, and includes

feedlots, paddocks, corrals, exercise yards, and holding areas, but does not include a **seasonal feeding area**.

CONGREGATE HOUSING means housing in the form of multiple sleeping units where residents are provided with common living facilities, meal preparation, laundry services and room cleaning. **Congregate housing** may also include other services such as transportation for routine medical appointments and counselling.

CONSTRUCTED CHANNEL means man-made drainage channels that carry drainage water from more than one property but do not carry water from headwaters or significant sources of groundwater. Flows in agricultural constructed channels may be year-round and are not regulated. Constructed channels may also deliver water for irrigation purposes.

CONSTRUCTED DITCH means man-made drainage channels that carry drainage water from one property only but do not carry water from headwaters or significant sources of groundwater. Flows in agricultural constructed ditches may be year-round and are not regulated. Constructed ditches may also deliver water for irrigation purposes. A constructed ditch that temporarily diverts water for irrigation purposes, but is dry during the non-irrigation season, should be screened to prevent fish access.

CONSTRUCT OR CONSTRUCTION includes build, erect, install, repair, **alter**, add, enlarge, move, locate, re-locate, re-**construct**, upgrade, remove, or excavate.

CONTRACTOR SERVICES, GENERAL means **premises** used for the provision of **building** and road **construction** services including **landscaping**, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a **construction** nature which require on-**site** storage and warehouse space. Any sales, display, office or technical support service areas shall be accessory to the principal **general contractor services use** only.

CONTRACTOR SERVICES, LIMITED means **development** used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual **households** and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed **building**, and there are no accessory manufacturing activities or fleet storage of more than four **vehicles**.

CONVENIENCE VEHICLE RENTALS means **development** used for the rental of new or **used** automobiles and light trucks with a gross **vehicle** rating of 1,000 kg. or less. This includes those establishments which are not strictly office related in nature, but include, as an integral part of the operation, minor **vehicle** servicing, storing, fuelling or car washing facilities. This does not include **fleet services** or establishments for the rental of trailers.

CORNICE LINE means the architectural element that defines the top of a **parapet wall** of a non-sloping roof.

COUNCIL means the Municipal **Council** of the **City** of Kelowna.

CSA means Canadian Standards Association.

CUSTOM INDOOR MANUFACTURING means **development** used for small scale on-site indoor production of goods by hand; manufacturing primarily involving the **use** of hand

tools and provided such **developments** have fewer than 5 production employees. Typical **uses** include but are not limited to jewellery, toy and musical instrument manufacturing, gunsmiths, and pottery and sculpture studios.

D

DECK means an uncovered, platform without a roof or walls, which may include visual partitions and railings, and has a surface height greater than 0.6 m above **grade**.

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 area ratio**, as the case may be. When calculation of density involves a number of units per **site** and yields a fractional number, the required number of units permitted shall be rounded down to the lowest whole number.

DETENTION AND CORRECTION SERVICES means **development** for the purpose of holding or confining, and treating or rehabilitating persons. Typical **uses** include but are not limited to prisons, jails, remand centres, and correction centres.

DEVELOPMENT means any change in **use** or any **construction** to which the **City** of Kelowna **Building Bylaw, 1993, No. 7245** applies.

DIRECTOR OF PLANNING & DEVELOPMENT SERVICES means the person appointed as such by **Council** and includes his or her lawful designate.

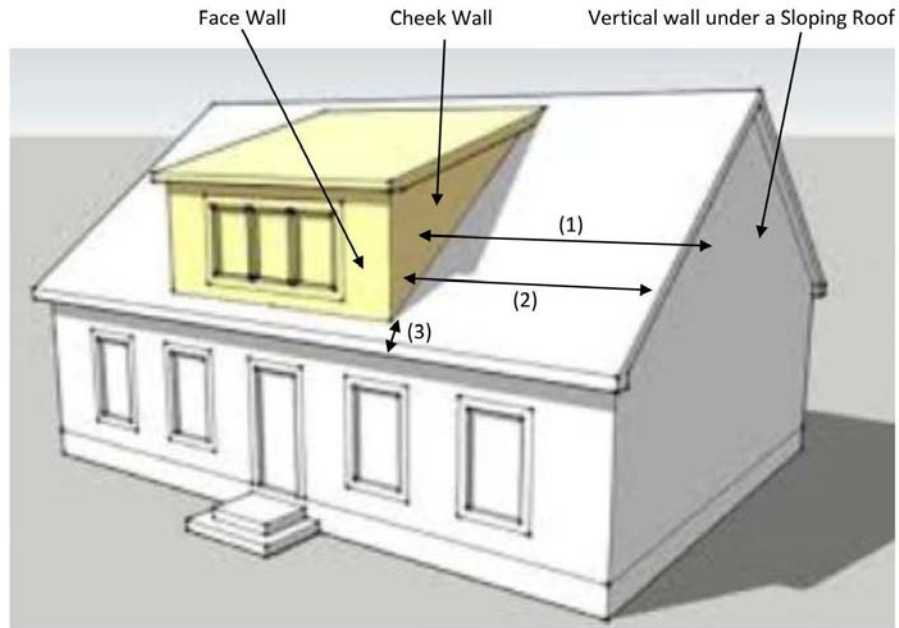
DISTRICT PARK means land used for public recreation purposes including tot-lots, playgrounds, **walkways**, trails, environmentally sensitive areas, band shells, forest reserves, wildlife sanctuaries, green belts, conservation areas, buffers, nature interpretation areas, **landscaping**, sportsfields, tennis courts, lacrosse boxes, recreation centres, swimming pools, field houses, arenas and stadiums.

DOCKS, COMMUNITY means a **structure** available for **use** by the general public that is permanently affixed to aquatic land.

DOCKS, PRIVATE means a **structure**, used for personal or private purposes, permanently affixed to aquatic land and used on a year-round basis. Docks do not include seasonal private moorage facilities which are withdrawn from the water and are stored on the upland during the winter season.

DORMER means a structural element of a building that projects from the plane of a sloping roof surface. The following setbacks apply:

- (1) The dormer's cheek wall must be setback horizontally a minimum 0.90 metres from a vertical wall under a sloping roof.
- (2) The dormer's cheek wall must be setback horizontally a minimum 0.90 metres from the outer edge of the eaves.
- (3) The dormer's face wall must be setback horizontally a minimum 0.60 metres from the outer edge of the eaves.



DRIVE-IN FOOD SERVICES means **development** used for eating and drinking which offers food produced in a manner that allows rapid customer service and includes one or more of car attendant services, drive through food pick-up services, or parking primarily intended for the on-site consumption of food within a motor **vehicle**.

DRIVE-IN MOTION PICTURE THEATRES means **development** specifically designed for the showing of motion pictures on an outdoor screen for viewing by patrons from within their motor **vehicles**.

DUPLEX HOUSING means a **building** designed exclusively to accommodate two **households** living independently in separate **dwelling** units above or below each other. This type of **development** is designed and constructed as two **dwelling** units at initial **construction**. It does not include a secondary suite.

DUST FREE SURFACE means surface comprised of asphalt or other hard surface, or chemically treated or washed gravel having a minimum particle size of 100% 2.5 ml gradation.

DWELLING means accommodation providing interconnected, free flowing space including **bedroom(s)**, washrooms, and a **kitchen** intended for domestic **use**, and used or intended to be used permanently or semi-permanently for a **household**. A **dwelling** includes only one room which, due to its design, plumbing, equipment, and furnishings, may be used primarily as a **kitchen**, except where otherwise permitted in the bylaw. One **wet bar** is permitted within a dwelling. This **use** does not include a room in a **hotel** or a **motel**.

E

EMERGENCY AND PROTECTIVE SERVICES means a public facility **used** by fire protection, police, ambulance, or other such services as a base of operations.

ENCLOSED PARKING means an area provided for off-**street** parking screened from view from the surrounding **streets** and **buildings**, either within a **structure** or behind a screen of **landscaping**, perforated masonry, metal or other material.

END-OF-TRIP FACILITIES means the suite of complementary common facilities such as clothing lockers, change room, washroom, shower access, bike repair space, and bike wash stations that are necessary to support cyclists, joggers, walkers and other active commuters where these amenities are needed at the end of their trip.

EQUIPMENT RENTALS means **development** used for the rental of tools, appliances, recreational craft, office machines, furniture, light **construction** equipment, or similar items but does not include rental of motor **vehicles** or industrial equipment.

EXHIBITION AND CONVENTION FACILITIES means a **building** or **site** intended to provide permanent 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 accessory staff residences. Typical **uses** include but are not limited to hospitals, nursing homes with health care for dependant residents, mental care asylums, sanatoria, and detoxification centres.

F

FARM RETAIL SALES STANDS means those accessory **buildings** and **structures** for retailing agricultural products on a farm. This **use** does not include the retail sale or dispensing of **cannabis**.

FARM UNIT means one or more contiguous or non-contiguous parcels, that may be owned, rented or leased, within City limits, which forms and is managed as a single farm.

FEDERAL GOVERNMENT APPROVED MOORAGE BUOYS means floats approved by the Canada Coast Guard that are intended to serve as a warning, marker, or anchoring mechanism.

FENCE means a **structure** used as an enclosure or for screening purposes about all or part of a **lot** or a swimming pool.

FENCE PICKET means a post, stick, stake or peg attached to horizontal rails between upright posts.

FINANCIAL SERVICES means the provision of financial and investment services by a bank, trust company, investment dealer, credit union, mortgage broker, insurance company or related **business**. Insurance companies that cater to a specific sector of the commercial or industrial **business** community and do not offer personal, financial, investment or insurance services are not included in this definition.

FINIAL means a relatively small, ornamental, terminal feature at the top of a fence, gable, pinnacle, furniture or of one part of such a piece.

FIRE SEPARATION means a **construction** assembly that acts as a barrier against the spread of fire as defined in the B.C. **Building Code**.

FISH HATCHERIES means a place where **fish** eggs are hatched for commercial, recreational, or species renewal reasons.

FISH means shellfish, crustaceans, and marine animals and the eggs, spawn, spat, and juvenile stages of **fish**, shellfish, crustaceans, and marine animals.

FLEA MARKET shall have the meaning as defined in Business Licence and Regulation Bylaw No. 7878 but does not include **used goods stores**.

FLEET SERVICES means **development** using a fleet of **vehicles** for the delivery of people, goods or services, where such **vehicles** are not available for sale or long term lease. Typical **uses** include but are not limited to ambulance services, taxi services, bus lines, messenger and courier services. This does not include moving or cartage firms involving trucks with a gross **vehicle** weight of more than 3,000 kg.

FLOOR AREA, GROSS LEASABLE (GLA) means the total floor area contained within the exterior and **basement** walls and which is designed to be used exclusively for tenant occupancy.

FLOOR AREA, GROSS (GFA) means the total floor area of the **building** or **structure** contained within the exterior and **basement** walls.

FLOOR AREA, NET means the sum of the horizontal areas of each **storey** of the **building** measured from the exterior faces of the exterior walls providing that in the case of a wall containing windows, the glazing line of the windows may be used. The **net floor area** measurement is exclusive of areas of **basement** areas used exclusively for storage or service to the **building**, attics, attached garages, **carports**, breezeways, **porches**, balconies, exit stairways, corridors, and terraces. In the case of multiple **dwelling** housing, public corridors, common amenity spaces, and **building** mechanical systems are also excluded. In the case of **congregate housing**, communal dining and **kitchen** facilities are excluded.

FLOOR AREA RATIO means the numerical value of the **net floor area** on all levels of all **buildings** and **structures** on a **lot**, divided by the area of the **lot**.

FOOD PRIMARY ESTABLISHMENT, means development where prepared food and beverages are offered for sale to the public. Typical uses include but are not limited to licensed restaurants, theatre restaurants, banquet facilities, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants. Licensed restaurants may serve any kind of liquor, even to customers who do not order food. However a full range of appetizers and main courses must be available whenever liquor is available. Restaurants may remain open 24 hours a day but may only serve liquor between 9:00 a.m. and 4:00 a.m. daily. This definition includes drive-in food services unless otherwise stipulated in development regulations for specific zones. These establishments may be holders of a Food Primary License.

FOOD PRIMARY LICENSE means liquor license issued by the Province of British Columbia Liquor Control and Licensing Branch for a business in the hospitality, entertainment or beverage industry including restaurants where the service of food rather than the service of liquor is the primary focus of the business.

FORESHORE means the Crown land between the high and low water levels of a lake.

FORESHORE PUBLIC ACCESS means unimpeded access for pedestrians through the foreshore.

FORESTRY means the extraction, storage, sorting, and grading of primary forest materials. This **use** does not include **natural resource extraction**.

FOUR DWELLING HOUSING means housing on a single lot other than a strata lot that contains four single family dwelling units, one or more of which may or may not be a permitted **secondary suite**.

FOUR-PLEX HOUSING means any physical arrangement of four attached **dwelling** units intended to be occupied by separate **households** with separate exterior access to grade.

FRONTAGE means the length of a **lot line** which immediately adjoins a **street** other than a **lane** or **walkway**.

FUNERAL SERVICES means **premises** used for the preparation of the dead for burial or cremation and the holding of **funeral services**.

FUR BEARING ANIMAL means an animal that is wild by nature kept in captivity, and whose pelt is commonly used for commercial purposes, but does not include a species excluded by regulation under the Fur Farm Act.

G

GAMING FACILITIES means any place that is customarily or regularly used for bingo or other games of chance pursuant to a licence issued by or under the authority of the provincial government and includes a social club for which gaming is licenced by the provincial authority.

GAS BARS means a **development** used for the sale of motor fuel, lubricating oils, automotive fluids and associated convenience store products. The gas bar may be a self-service, full service, key lock, card lock, or other similar operation and may include **vehicle washing facilities** as an **accessory use**. This does not include minor and **major service stations**.

GENERAL INDUSTRIAL USE means **development** used principally for one or more of the following: processing of raw materials; the manufacturing or assembling of semi-finished or finished goods, products or equipment, but not food products directly to the public; the storage, cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial, **business** or **household use**; terminals for the storage or transshipping of materials, goods and equipment; the distribution and sale of materials, bulk goods and equipment to institutions, industrial or commercial **businesses** for their direct **use** or to **general retail stores** or other **use** classes for resale to individual customers; or the training of personnel in general industrial operations. Any indoor display, office, technical, administrative support, or retail sale operations shall be accessory to the **general industrial uses** listed above. The floor area devoted to such accessory activities shall not exceed 25% of the **gross floor area** of the **building(s)** devoted to the **general industrial use**. This **use** includes autobody and repair shops.

GENERAL INDUSTRIAL USE, LIMITED means **development** used principally for one or more of the following, occurring within an enclosed structure and without nuisance to adjacent property: processing of raw materials; the manufacturing or assembling of semi-finished or finished goods, products or equipment, but not food products directly to the public; the storage, cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial, **business** or **household use**; the distribution and sale of materials, bulk goods and equipment to institutions, industrial or commercial **businesses** for their direct **use** or to **general retail stores** or other **use** classes for resale to individual customers, but not to exceed 2 truck trips per day; or the training of personnel in general industrial operations. Any indoor display, office, technical, administrative support, or retail sale operations shall be accessory to the **limited general industrial uses** listed above. The floor area devoted to such accessory activities shall not exceed 25% of the **gross floor area** of the **building(s)** devoted to the **general industrial use, limited**. This **use** does not include autobody repair and paint shops.

GOVERNMENT AGENCY means **development** used by municipal, provincial, or federal government providing for a consolidated operation that provides a combination of direct services to the public, **offices** for administration, limited outdoor storage of fleet vehicles and equipment, and indoor storage and maintenance areas for fleet vehicles, equipment and warehousing.

GOVERNMENT SERVICES means **development** providing for crown corporation, municipal, provincial or federal **government services** directly to the public. This does not include protective and emergency services, **detention and correction services**, minor or **major impact utility services**, and **public education services**. These are **uses** which have significant client visitation. Typical **uses** include but are not limited to taxation **offices**, courthouses, manpower and employment **offices**, and social service **offices**.

GRADE, BUILDING (as applied to the determination of **building height**), means the lowest of the average levels of grade as determined in Section 6.6.3 adjoining each exterior wall of a **building**, except that localized depressions such as for **vehicle** or pedestrian entrances need not be considered in the determination of average levels of grade as determined in Section 6.6.3.

GRADE, NATURAL means the elevation of the ground surface in its natural state, before man-made alteration; or on sloping or irregular **sites**, the angled plane, before man-made alteration.

GRADIENT means the figure obtained when the vertical distance of a slope is divided by the horizontal distance expressed as a percentage.

GREENHOUSES AND PLANT NURSERIES means **development** used primarily for the cultivation, storage and sale of produce, bedding, household and ornamental plants, trees, bushes, sod and related materials and may include the **accessory** sale of landscaping and gardening products and materials such as tools, soil, and fertilizers. This use does not include landscaping, excavating or soil processing businesses or operations.

GREEN ROOF means a layered roofing system that includes approved waterproof and root-resistant membranes, a drainage system, filter cloth, growing medium, and plants designed to create a roofing system.

GROUP HOME, MAJOR means a care facility licensed as required under the *Community Care and Assisted Living Act* to provide room and board for more than 6 residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision, but does not include boarding or lodging houses or temporary shelter services.

GROUP HOME, MINOR means the use of one dwelling unit as a care facility licensed as required under the *Community Care and Assisted Living Act* to provide room and board for not more than 6 residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision. A group home, minor may include, to a maximum of four, any combination of staff and residents not requiring care. The character of the use is that the occupants live together as a single housekeeping group and use a common kitchen. This use does not include boarding or lodging houses or temporary shelter services.

H

HARDSURFACING means a durable ground surface, constructed of cast-in-place concrete, brick, or concrete unit pavers, turfstone, stone, asphalt, or similar materials (but excluding gravel and clay).

HEALTH SERVICES, MAJOR means a **development** used for the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical **uses** include, but are not limited to, medical and dental **offices**, chiropractors, massage therapists and acupuncture clinics, health clinics, and counseling services. This **use** does not include the retail sale or dispensing of **cannabis**.

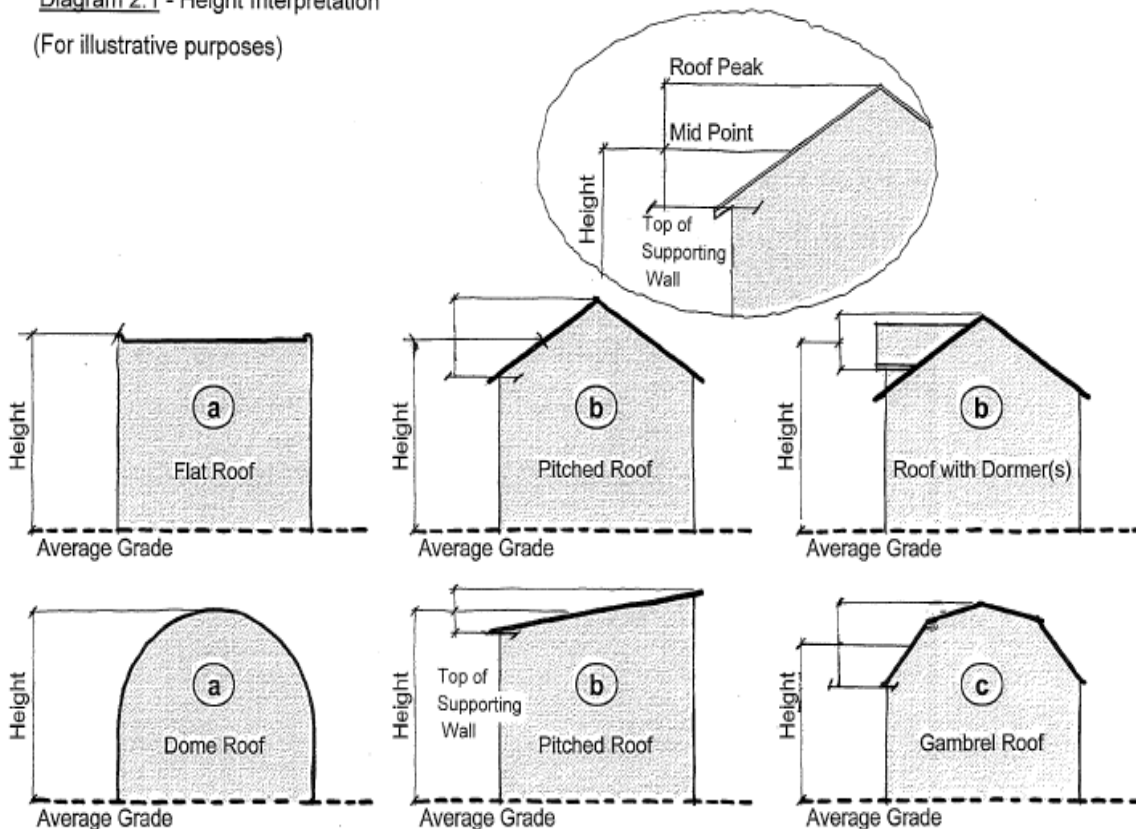
HEALTH SERVICES, MINOR means development used for the provision of counselling and therapeutic services. This **use** does not include the retail sale or dispensing of **cannabis**.

HEIGHT with respect to a **building** refers to the maximum vertical distance between **building grade** and the highest point of the **structure** of a non-sloping roof, or the **mid-point** of a sloping roof. (see Diagram 2.1)

Note: Section 6.6 provides additional **height** and **grade** regulations.

Diagram 2.1 - Height Interpretation

(For illustrative purposes)



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

HIGH TECH PRODUCT DESIGN means the design, but not manufacturing or distribution, of products used in the fields of computer software and programming, electronics, telecommunications, aeronautics, precision engineering, robotics, biochemistry, health care, and related industries.

HIGH TECH RESEARCH means research, but not manufacturing or distribution, of products used in the fields of computer software and programming, electronics, telecommunications, aeronautics, precision engineering, robotics, biochemistry, health care, and related industries.

HIGH TECHNOLOGY RESEARCH AND PRODUCT DESIGN means the research and/or design, but not manufacturing or distribution, of products used in the fields of computer software and programming, electronics, telecommunications, aeronautics, precision engineering, robotics, biochemistry, health care, and related industries.

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

HOME BASED BUSINESS, MAJOR means **development** consisting of the **use** of a **dwelling** unit or **accessory building** for a **business** by a resident who resides for more than 240 days of a year at that **dwelling** unit. The **business** must be secondary to the residential **use** of the **building** and shall not change the residential character of the **dwelling** or **accessory building**.

HOME BASED BUSINESS, MINOR means **development** consisting of the **use** of a **dwelling** unit for a **business** by a resident who resides for more than 240 days of a year at that **dwelling** unit. The **business** must be secondary to the residential **use** of the **building** and no aspects of **business** operations shall be detectable from outside the property.

HOME BASED BUSINESS, RURAL means **development** consisting of the **use** of a **dwelling** unit or **accessory building** for a **business** by a resident who resides for more than 240 days of a year at that **dwelling** unit. The **business** must be secondary to the residential **use** of the **building** and shall not change the residential character of the **dwelling** or **accessory building**. This **use** does not include **care centres**.

HOSPITAL means a public institution providing health services for both in-patients and out-patients including room, board, emergency care, and the prevention and treatment of sickness, disease, or injury. This use is intended to include: standard administrative and operational support functions; small offices for health-related fundraising charities and research advocacy organizations; areas for staff wellness such as gyms and non-residential sleep rooms; provision for compassionate religious services (not to include a regular congregation); a lawfully operated helipad; and institutional cafeteria services. The secondary operation of private medical practices which accommodate patients for specialized procedures or services are permitted only if it is necessary for that procedure or service to be delivered in a hospital setting.

HOTEL means a **building** or part thereof with a common entrance lobby and shared corridors, which provides sleeping accommodation for transient visitors and may include public facilities such as restaurants, banquet, beverage, meeting and convention rooms, recreation facilities, and **personal service establishments** for the convenience of guests. The maximum length of stay is no more than 240 days.

HOUSEHOLD means

- (a) a person; or
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one **dwelling** unit as a single household using common cooking facilities; or
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one **dwelling** unit as a single household using common cooking facilities; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one **dwelling** unit as a single **household** using common cooking facilities.

In addition, a **household** may also include up to one housekeeper or nanny

HOUSEHOLD REPAIR SERVICES means **development** used for the provision of repair to goods, equipment and small appliances normally found within the home. Typical **uses** include but are not limited to radio, television, and appliance repair, furniture refinishing, and upholstery shops. This **use** class does not include personal services establishments.

I

IMMEDIATE FAMILY means, with respect to an owner, the owner's

- (a) parents, grandparents and great grandparents,
- (b) spouse, parents of spouse and stepparents of spouse,
- (c) brothers and sisters, and
- (d) children or stepchildren, grandchildren and great grandchildren.

INDUSTRIAL HIGH TECHNOLOGY RESEARCH AND PRODUCT DESIGN means the research and/or design, including the manufacture and/or distribution, of products used in the fields of computer software and programming, electronics, telecommunications, aeronautics, precision engineering, robotics, biochemistry, health care, and related industries. Related industries may include business services such as data storage, provision of server space, and servicing of computer equipment. This use may include up to 25% of the space to be used for an office component.

INDUSTRIAL ZONES are any **zones** described in Section 15 of this Bylaw or any **CD zone** in which the predominant **use**, as determined by its general purpose and list of permitted **uses**, is of an industrial nature.

INSTITUTIONAL ZONES are any **zones** described in Section 16 of this Bylaw or any **CD zone** in which the predominant **use**, as determined by its general purpose and list of permitted **uses**, is of an institutional nature.

INSURANCE SERVICES means the provision of general insurance and associated services to the public in an office setting.

INTENSIVE AGRICULTURE means the use of a **confined livestock area**, buildings or structures by a commercial enterprise or an institution for:

- (a) the confinement of **poultry, livestock** (excluding horses) or **fur bearing animals**,
- (b) **on-farm composting** or more than five cubic metres of material;
- (c) production of **mushroom medium**.

K

KENNELS means a **building** used for the breeding, buying, selling or overnight boarding of animals including individual dogs, cats, or other domesticated animals excluding livestock and horses.

KITCHEN means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, plumbing, or wiring which, may be intended or used for the preparation or cooking of food.

L

LANDSCAPING means changing, modifying or enhancing the visual appearance of a **site** including reshaping the earth, planting lawns, shrubs, trees or preserving the original natural vegetation, adding walks, fencing, patios and other ornamental features for the purpose of beautifying or screening the appearance of a **lot**. **Landscaping** excludes those features with roofs and those used for shelter or those structures that provide opaque (solid) screening beyond the allowable provisions for fencing described in Chapter 7 of this Zoning bylaw.

LANE means a highway under the *Local Government Act* more than 3.0 m but not greater than 8.0 m in width.

LEGAL SERVICES means the provision of legal and paralegal services to the public in an office setting.

LICENCE OF OCCUPATION means a form of short term tenure for a specified **use** over a portion of Crown Land that is issued, controlled and regulated by the Ministry of Environment, Lands and Parks.

LICENSEE RETAIL STORE means an establishment licensed by the British Columbia Liquor Control and Licensing Branch to sell beer, wine, coolers, ciders, and, as of April 2, 2003, all types of packaged liquor.

LIQUOR PRIMARY ESTABLISHMENT, MAJOR means development where alcoholic beverages are offered for sale to the public from establishments which are characterised by one or more of the provision of dancing or cabaret entertainment; and facilities primarily intended for the provision and consumption of alcoholic beverages which have a person capacity of more than 100. Typical uses include but are not limited to beverage rooms, cocktail lounge, cabarets, nightclubs. Must hold a **Liquor Primary License**. Off-sales of alcoholic beverages are a permitted ancillary use.

LIQUOR PRIMARY ESTABLISHMENT, MINOR means development where food and alcoholic beverages are offered for sale to the public, for consumption within the premises or off the site. Typical uses include neighbourhood pubs. The person capacity of such establishments will be 100 or less. Must hold a **Liquor Primary License**. Off-sales of alcoholic beverages are a permitted ancillary use.

LIQUOR PRIMARY LICENSE means a liquor license issued the Province of British Columbia Liquor Control and Licensing Branch for a business in the hospitality, entertainment or beverage industry including bars, pubs, nightclubs, recreation centres and stadiums, where the service of liquor is the primary focus of the business.

LIVESTOCK means cattle, horses, sheep, goats, swine, rabbits, fish, farmed game and exotic animals as prescribed by the Minister responsible for the administration of the Farm Practices Protection (Right to Farm) Act.

LOADING SPACE means an on-site **parking space** reserved for temporary parking for the purpose of loading or unloading goods and materials.

LOCK-OFF UNIT means a smaller dwelling unit within a larger principal dwelling unit, which must have separate external access to a shared common hallway and shared internal access, and which can be locked off from the larger dwelling unit, but does not include a secondary suite.

LONG-TERM BICYCLE PARKING means bicycle parking that is specifically provided and equipped for residents, students, employees, and others who generally stay at a site for

several hours. The parking provided shall be easy to access for a range of users, secure for long periods of time and provide shelter from weather.

LOT means a parcel of land, including Crown Land, which is legally defined either by **registered plan** or description.

LOT, BARELAND STRATA means the smallest unit of land defined on a horizontal plane according to a bareland strata plan under the provisions of regulations pursuant to the *Condominium Act*.

LOT, CORNER means a **lot** situated at the intersection of two or more **streets**, or a **lot** that has two adjoining **lot lines abutting** a **street** which substantially changes direction at any point where it abuts the **lot**.

LOT, DOUBLE FRONTING, (or THROUGH) means a **lot** which abuts two **streets** which are parallel or nearly parallel to the **lot**.

LOT, INTERIOR means a **lot** other than a **corner lot**.

LOT, PANHANDLE means a **lot** which has its primary legal access from a **street** through a narrow strip of land which is an integral part of the **lot**. This narrow strip is referred to as the panhandle.

LOT, PIE means a **lot** which is generally configured such that its width at the **rear lot line** is greater than at its **front lot line**.

LOT, REVERSE PIE means a **lot** which is generally configured such that its width at the **rear lot line** is less than at its **front lot line**.

LOT, STRATA means a **lot** shown on a strata plan according to the *Condominium Act*.

LOT AREA means the total horizontal area within the **lot lines** of a **lot**.

LOT DEPTH means the horizontal distance between the mid-points of the front and **rear lot lines**.

LOT LINE means the legally defined boundary of any **lot** or **property line**.

LOT LINE, FRONT – COMMERCIAL AND INDUSTRIAL means the street frontage onto which the primary façade or front yard of the building faces.

LOT LINE, FRONT – URBAN AND RURAL RESIDENTIAL means, in the case of an **interior lot**, a **lot line** separating the lot from the street; or in the case of a **corner lot**, a line separating the narrowest **street frontage** of the **lot** from the **street** not including a corner rounding or corner cut; in the case of a **lot** extending between two parallel streets, the **front lot line** shall be determined by the average **front yard setback** on that block; or for a lot configuration that is not otherwise described in this definition, a **lot line, front** as approved by the Director of Land Use Management.

LOT LINE, REAR means either the **lot line** opposite to, and most distant from, the **front lot line**, or, where there is no such **property line**, the point of intersection of any **property lines** other than a **front lot line** which is furthest from and opposite the **front lot line**.

LOT LINE, SIDE means any **lot** boundary line which is not a front or **rear lot line**.

LOT WIDTH means the width of a **lot** where it abuts the **street** except in the case of an irregularly shaped **lot**, where the width shall be the average horizontal distance between the **side lot lines** at the minimum **front yard** setback. For a **reverse pie lot**, the **lot width** is the average horizontal distance between the **side lot lines** at the minimum **rear yard** setback.

M

MARKET AGRICULTURE means the onsite promotion, exhibition, production and/or sale of agricultural products to the public. Typical uses would be small to mid scale production of fruits, vegetables, nuts, and animal husbandry.

MARKET BREWERIES AND DISTILLERIES means the brewing or distilling of beverages or with alcoholic content exceeding 1% by volume. The production process shall give priority to the use of raw, unprocessed ingredients (e.g. apples, grapes, grains, hops) produced within British Columbia. The **Market Breweries and Distilleries** must be licensed under the Liquor Control and Licensing Act. Public tasting and retail sale of alcoholic products are limited to those which are produced on-site. This use also includes an associated **Liquor Primary Establishment**, which is secondary in nature to the production function.

MARKET COMMUNITY SPACE means the use of premises for activities, meetings, presentations, and informational/public outreach open houses conducted by local community groups, non-governmental organizations and agricultural or food supply groups. This use may also include temporary or permanent educational facilities which focus on local and BC products, (examples include cooking, baking or wine-making classes). This use shall be limited to a combined maximum total floor area of 500 m² of which no individual use may exceed 100m². In addition to the above uses, a **Care Centre, Major** for the care of children of market vendors and employees is a permitted use to a maximum floor area of 100m².

MARKET LIQUOR RETAIL STORE means premises used for the retail sale of liquor, wine, beer and other such alcoholic beverages, the majority of which must be sourced and produced in British Columbia. Typical uses include **Licensee Retail Stores (LRS)** or **VQA Wine Retail Stores** as licensed by the Liquor Control and Licensing Branch. The intent of **Market Liquor Retail Stores** is the promotion and sale of liquor products produced within British Columbia. These stores shall also be permitted to sell merchandise ancillary to the consumption of alcoholic beverages (e.g. corkscrews, openers, glasses).

MARKET OFFICES means the use of premises for agriculture and tourism related administrative or promotional purposes in an office setting. Agriculture, tourism and related industry associations include but are not limited to Tourism BC, Tourism Kelowna, Agricultural Land Commission, Thompson Okanagan Tourism Association, BC Tree Fruits, Wine Council of BC, Grape Growers Association, Cherry Growers Association, Farm Credit Corporation.

MARKET RESTAURANT AND CAFÉ means premises where prepared food and beverages are sold and consumed. The **Market Restaurant and Café** use shall support the use of ingredients produced in BC and may be holders of a **Food Primary License**, where the alcoholic beverages offered for sale feature BC products. The maximum person capacity for any Market Café shall be 20 patrons. The maximum person capacity for any Market Restaurant shall be 100 patrons and may hold a **Food Primary License**, where the majority of alcoholic beverages offered for sale are sourced and produced in British Columbia.

MARKET RETAIL STORE means premises where goods and merchandise complementary to the **Public Market** are displayed and offered for sale to the general public (examples include the sale of flowers, plants, garden supplies, and food related items such as food preparation supplies, wares and cookbooks and seasonal, ethnic or authentic goods and products not readily found in the greater Kelowna area). This includes limited on-site storage or limited seasonal outdoor sales to support a store's operations. **Market Retail Store** is intended to sustain the **Public Market** by providing additional retail opportunities which support a local "value added" element. This use shall be limited to a combined maximum total floor area of 3000m² of which no individual use may exceed 125m² of gross leasable floor area.

MARKET STUDIOS AND GALLERIES means premises intended for the production, display and sale of contemporary and traditional crafts and works of art. **Market Studios and Galleries** also includes facilities meant to provide for public education and training to further arts and crafts. **Market Studios and Galleries** may contain education and training facilities.

MARKET TRADE SHOW means a group of vendors gathered in one location or building to promote merchandise for a period of five (5) consecutive days or less in duration. Typical goods, wares or merchandise include but are not limited to agricultural machinery, agricultural processing equipment, or food and beverage exhibitions. **Market Trade Show** will at all times remain a secondary use to the **Open-Air Market** and the scheduling needs of the **Open-Air Market** operations.

MARINAS means a commercial or government establishment or premise, containing docking or mooring facilities where boats and other water vessels and their accessories are berthed, stored, serviced, repaired, constructed or kept for sale or for rent.

MARINE EQUIPMENT RENTALS means facilities that loan, for remuneration, materials and equipment that are necessary or incidental to water related leisure activities.

MARINE FUEL FACILITIES means a fuelling station containing pump facilities. No portion of the **premises** shall be used for the sale of any product other than fuel and motor products required for the operation of marine equipment or convenience retail products for the **boating** public. Gas sales shall not include services related to repairs, oil changes, or greasing.

MARINE SANI-DUMP FACILITIES means a facility used to dispose of wastes accumulated by boats and other water vessels.

MEADERIES means a meadery, as applicable, that is licensed under the *Liquor Control and Licensing Act* to produce mead.

MICRO SUITE HOUSING means **multiple housing** where individual dwelling units are less than 29 sq. m in area.

MID-POINT of a roof means, the half way point of a roof that falls between the top of the peak and the top of the supporting wall.

MOBILE CATERING FOOD SERVICES means the delivery and sale of food to the public using a fleet of **vehicles**.

MOBILE HOME means a single or multiple section single detached **dwelling** unit (**CSA Z240** and **CSA A277** certified standards or BC Building Code standards) for residential occupancy designed to be transportable on wheels.

MOBILE HOME PARK means a parcel of land for the placement of two or more **mobile homes**. This does not include the situation where an additional agricultural **dwelling** is located on a **lot** where the principal **dwelling** is a **mobile home**.

MOBILE HOME SALES means **development** used for the sale and display of **mobile homes**.

MOBILE HOME SPACE means an area set aside and designated within a **mobile home park** for the installation and placement of a **mobile home**, including space for the exclusive **accessory use** by the **owner** or occupant of that **mobile home**.

MOTEL means a **building** or group of **buildings** divided into self contained sleeping or dwelling units, each with a separate exterior entrance and convenient access to on-site parking. **Motels** may include eating and drinking establishments and **personal service establishments**. The maximum length of stay is no more than 240 days.

MULTIPLE DWELLING HOUSING means housing on a single **lot** other than a **bareland strata lot** that contains three or more **dwelling** units.

MULTIPLE OCCUPANCY COMMERCIAL & INDUSTRIAL USE means a **building** which is occupied by two or more tenants, **businesses** or **uses**.

MULTI-RESIDENTIAL SHARED GARDEN means a portion of a parcel, shared with a multi-residential dwelling that is used for the recreational growing of plants for food and/or pleasure for the residents of the multi-residential dwelling. It does not include the growing and sale of produce for commercial purposes.

MUSHROOM MEDIUM means a composted mixture that is used for growing mushrooms.

N

N/A means not applicable, that there is no particular regulation in that **zone** for that category, but that the other regulations in this Bylaw still apply.

NATURAL BOUNDARY means the visible high water mark 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 the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

NATURAL RESOURCE EXTRACTION includes the quarrying, processing, removal and off-site sale of sand, gravel, earth or mineralised rock found on or under the **site**. Typical **uses** include but are not limited to quarries, gravel pits, and stripping of topsoil. This does not include processing of raw materials transported to the **site**.

NATURAL STREAM means watercourses that have not been significantly altered by human activity and are predominantly in their natural state.

NON-ACCESSORY PARKING means **development** providing vehicular parking which is not primarily intended for the **use** of residents, employees, or clients of a particular **development**. Typical **uses** include surface **parking lots** and parking **structures** located above or below grade.

NON-CONFORMING USE means a lawful existing **use** made of a **lot** or **building**, intended to be made of a **building** lawfully under **construction**, or a **development** which is approved under provisions of Section 1.7 of this Bylaw at the date of **Council** adoption of this Bylaw, or amendment thereof, which on the date this Bylaw or an amendment thereto becomes effective, would no longer comply with this Bylaw.

NON-RESIDENTIAL ZONES are any **zones** other than those described in Sections 12 and 13 of this Bylaw or any CD **zone** in which the predominant **use**, as determined by its general purpose and list of permitted **uses**, is not of a residential nature.

NUISANCE means anything that is obnoxious, offensive or interferes with the **use** or enjoyment of property, endangers personal health or safety, or is offensive to the senses. This could include that which creates or is liable to create a **nuisance** through emission of noise, smoke, dust, odour, heat, fumes, fire or explosive hazard; results in the unsightly or unsafe storage of goods, salvage, junk, waste or other materials; poses a hazard to health and safety; or adversely affects the amenities of the neighbourhood or interferes with the rights of neighbours to the normal enjoyment of any land or **building**.

O

OFFICES means **development** primarily for the provision of professional, management, administrative, consulting, or **financial services** in an office setting. Typical **uses** include but are not limited to the **offices** of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. This includes **construction and development industry offices** but excludes **government services**, the servicing and repair of goods, the sale of goods to the customer on the **site**, and the manufacture or handling of a product.

OFFICES, CONSTRUCTION AND DEVELOPMENT INDUSTRY means those professional **offices** restricted to providing service to the construction and development industries. This includes **offices** providing architectural, engineering, surveying, landscape architectural, and planning services.

OFFICIAL COMMUNITY PLAN means the *Kelowna 2020* Official Community Plan Bylaw No. 7600, as amended from time to time.

ON-FARM COMPOSTING means the composting of agricultural waste or raw materials, which may include manure, straw, vegetative waste, woodwaste, ground paper, other sources of carbon and nitrogen and bulking agents.

ON-FARM PROCESSING means the undertaking of processes, including grading, packing, mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments, biological treatments, climate controlled storage, and storage in association with processing on a **farm unit** to:

- Prepare value added products from farm products to sell, or
- Prepare feed for livestock, poultry, farmed game, located on the farm

But excludes on-farm composting, on-farm soil preparation, and on-farm soilless medium production.

OPEN-AIR MARKET means a temporary open air or partly enclosed market comprised of stalls and sheltered premises, for the sale directly by the producers, or their representatives involved in the production of farm and food products including but not limited to fresh, dried or frozen fruit, vegetables, meat, poultry, seafood, dairy products, plants, baked goods, prepared and ready-to-eat foods and artisan crafts, for a period of five (5) consecutive days or less in duration. The intent of the **Open-Air Market** is to provide a long term location for a farmers' market group or society. The **Open-Air Market** may include limited, wholly enclosed storage to support the market operations and which includes the storage of goods, material, machinery or equipment associated with this use only. Individual vendor structures are not permitted.

OPEN SPACE means that portion of a **lot** not occupied by parking or **vehicle** areas, **buildings**, accessible to, and suitable for gardens, **landscaping**, and recreational **use** by **building** tenants or residents.

OUTDOOR STORAGE means the accessory storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent **structures** or the material alteration of the existing state of the land. Typical **uses** include but are not limited to pipe **yards** or **vehicle** or heavy equipment storage compounds.

OWNER means the registered **owner** of an estate in fee simple or his agent authorized in writing, and includes the tenant for life under a registered life estate, the registered holder of the last registered agreement for sale, and the holder or occupier of land held in the manner described in the *Local Government Act*.

P

PARAPET or PARAPET WALL means that portion of a perimeter **building** wall that rises above the roof.

PARKING LOT means a **lot** or part of a **lot** or a **building** available to be **used** for the temporary parking of more than one **vehicle** by customers, employees and the public at large.

PARKING SPACE means an off-**street** space of the size and dimensions to park one **vehicle**, exclusive of driveways, aisles or ramps, which complies with Section 8 of this Bylaw.

PARTICIPANT RECREATION SERVICES, INDOOR means facilities within an enclosed **building** for sports, active recreation and performing and cultural arts where patrons are predominantly participants. Typical **uses** include but are not limited to athletic clubs, health and fitness clubs, swimming pools, rifle and pistol ranges, bowling alleys, and racquet clubs.

PARTICIPANT RECREATION SERVICES, OUTDOOR means facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical **uses** include but are not limited to regulation length or par-three golf courses, ball fields, and riding stables.

PARTY WALL means a wall jointly owned and jointly used by two parties under easement agreement or by right in law, and erected at or upon a line separating two parcels of land, each of which is, or is capable of being, a separate real estate entity.

PATIO means a platform, which may or may not be attached and projecting from the face of a **building**, with a surface height that does not exceed 0.6 m from **grade** at any point.

PAWN means to deposit goods or chattels as security for the payment of money or other consideration.

PAWNSHOP means **premises** where goods or chattels are taken in **pawn**.

PENTHOUSE means a **structure** projecting above a **building** roof or **parapet**, housing a suite, elevator shaft or stairwell; or forming a wall or screen around equipment mounted on the roof.

PERMANENT MOORAGE means the long term securing of a boat or other water vessel by means of cables, anchors, or other contrivances.

PERMEABLE DRIVE SURFACES AND PARKING means pavement with a base and sub-base that allows the movement of storm water through the surface (includes: pervious concrete, porous asphalt, paving stones or concrete or plastic-based pavers). The use of this drive-surface treatment may be restricted from use on primary fire truck access routes.

PERSONAL SERVICE ESTABLISHMENTS means **uses** which provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical **uses** include but are not limited to barber shops, hairdressers, manicurists, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundromats but does not include **health services**.

PIER means a publicly accessible platform, supported by piles or pillars, that extends from shore over water.

PORCH means a roofed, open **structure** projecting from the exterior wall of a **building** with walls which are open or screened to facilitate **use** as an outdoor living area.

POULTRY means domesticated birds kept for eggs, meat, feathers, hide or cosmetic or medicinal purposes, and includes broilers, cornish, layers, breeding stock, replacement pullets, roasters, duck, geese, turkeys, game birds and ratites.

PREMISES means an area of land, including a **lot** or parcel of land with or without **buildings**.

PRINCIPAL USE means the main or primary **use** of land, **buildings** or **structures** which is provided for in the list of permitted **uses** in the **zones** of this Bylaw.

PRIVATE CLUB means a development used for the meeting, social, or recreational activities of members of a philanthropic, social service, non-profit, athletic, business or fraternal organisation. Private clubs may include rooms for eating, drinking and general assembly and may hold a **Liquor Primary License**.

PRIVATE EDUCATION SERVICES means **development** for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This **use** includes dormitory and accessory **buildings**. This **use** does not include **commercial schools**.

PRIVATE OPEN SPACE means a useable open space area, exclusive of **parking spaces**, which is developed for the recreational use of the residents of a residential **dwelling** unit, and may include **balconies**, indoor common amenity space, terraces, **decks** and level **landscaped** recreation areas.

PROPERTY LINE means a legal boundary of a **lot**.

PUBLIC COURTYARD means a public **open space** located at the same level as the surrounding grade which is accessible to the public, and may be surrounded by **buildings**. The minimum size of this **public courtyard** is 20% of the **site** area.

PUBLIC EDUCATION SERVICES means **development** which is publicly supported and involves public assembly for education, training or instruction purposes, and includes the administration **offices** and maintenance/storage facilities required for the daily operation of the facility on the same site or within the same school district. Typical **uses** include but are not limited to public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative **offices**. This **use** does not include **private education services** nor **vehicle and equipment services**, **industrial** or storage facilities other than what is required for operation of the educational facility on the same site.

PUBLIC LIBRARIES AND CULTURAL EXHIBITS means **development** for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public **use**; or a **development** for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical **uses** include but are not limited to libraries, museums, and art galleries.

PUBLIC MARKET means an open space concept (fully or partly enclosed) comprised of stalls and structures for the sale directly by producers (or their representatives) of farm and food products including but not limited to fresh, dried or frozen fruit, vegetables, meat, poultry, seafood, dairy products, plants, baked goods, prepared and ready-to-eat foods. The first priority of this use is for the sale of local and British Columbia farm and food products. The second priority of this use is for the sale of farm and food products that are not locally grown. All businesses in the **Public Market** shall be operated by the owner involved in daily management and financial operations, including a regular on-premises presence. Businesses with an ownership structure other than a sole proprietorship shall designate an individual who shall be on the premises regularly and who is responsible for the day to day operations of the business. The designated individual must have an ownership interest in the business. Limited office space ancillary to the administration of the **Public Market** and its merchants shall also be permitted.

PUBLIC PARK means any public outdoor land specifically for passive or active recreation including tot-lots, playgrounds, **walkways**, trails, environmentally sensitive areas, band shells, forest reserve, wildlife sanctuary, greenbelts, conservation areas, buffers, nature interpretation areas, and similar land **uses**. It includes all natural and man-made **landscaping**, facilities, playing fields, access, trails, **buildings** and **structures** consistent with the general purpose of **public park** land.

R

RAPID DRIVE-THROUGH VEHICLE SERVICES means **development** providing rapid cleaning, lubrication, maintenance or repair services to motor **vehicles**, where the customer typically remains within the **vehicle** or waits on the **premises**. Typical **uses** include but are not limited to automatic or coin operated car washes, rapid lubrication shops, or speciality repair establishments.

RECREATIONAL VEHICLE means a transportable conveyance intended as a temporary accommodation for travel, vacation, or recreational **use** and includes travel trailers, motorized homes, slide-in campers, chassis-mounted campers, boats, all terrain **vehicles**, snowmobiles and tent trailers but not including **mobile homes**.

RECREATIONAL WATER ACTIVITIES means leisure activities that could not take place in areas other than the water. Examples include but are not limited to jet skiing, fishing, water skiing, **boating**, swimming, and diving. Recreational water activities do not include residential or commercial facilities.

RECYCLED MATERIALS DROP-OFF CENTRE means a **development** used for the collection and temporary storage of recyclable materials. Recyclable materials include, but are not limited to, cardboard, plastics, paper, metal, bottles and similar **household** goods or return for deposit items. Recyclable material left at the drop-off centre shall be periodically removed and taken to larger, permanent recycling operations for final recycling. This does not include **recycling depots** or **recycling plants**.

RECYCLING DEPOTS means **development** used for the buying, collection, sorting, and temporary storage of bottles, cans, newspapers and similar **household** goods for reuse where all storage is contained within an enclosed **building**. Such establishments shall not have more than four **vehicles** for the pick-up and delivery of goods. This does not include **recycled materials drop-off centres**.

RECYCLING PLANTS means a facility within which recyclable materials are recycled, sorted, processed, and treated to return the materials for re-**use** or as inputs to other processes, and may include Special Wastes under the *Waste Management Act*.

REGISTERED PLAN means a **subdivision** plan registered in the Provincial Land Title Office.

RELIGIOUS ASSEMBLY means a **building** wherein people regularly assemble for religious worship and related religious, philanthropic or social activities which is maintained and controlled for public worship. Typical **uses** include but are not limited to churches, chapels, mosques, temples, synagogues, convents, and monasteries. It also includes accessory manses or rectories.

RESIDENTIAL FOOTPRINT means the portion of a lot that includes all structures, landscaping, driveways and parking areas associated with the principal **dwelling**, including but not limited to the principal **dwelling**, **mobile home** for family, **home based business (minor, major and rural)**, accessory structures including garage and storage, recreation areas (including pools and sport courts), and outdoor living areas. Structures not included in the **residential footprint** are **agricultural structures**, including **greenhouses**, **farm retail sales stands** and those structures associated with the **temporary farm worker housing footprint**.

RESIDENTIAL RENTAL TENURE means occupancy of a **dwelling unit** under a rental agreement that is subject to the Residential Tenancy Act.

RESIDENTIAL SALES CENTRE means a permanent or temporary **building** or **structure** used for a limited period of time for the purpose of marketing residential land or **buildings**.

RESIDENTIAL SECURITY/OPERATOR UNIT means a secondary **building** or portion of a **building** used to provide on-site accommodation by the employer for persons employed on the property, a residence for the **site** caretaker or operator of a commercial establishment, or for the on-duty security personnel at a storage facility when permitted in a **zone**. No more than one residential security operator unit is permitted on a **site**.

RESIDENTIAL ZONES means any zones described in Sections 12 and 13 of this bylaw, or any CD zone in which the predominant use as determined by its general purpose and list of permitted uses is of a residential nature, and in which the minimum tenancy period is at least 1 month, except for **short-term rental accommodation** as a **secondary use**.

RETAIL CANNABIS SALES ESTABLISHMENT (rcs) means a development used for the retail sale of **cannabis** that has been licensed by the Government of British Columbia.

RETAIL LIQUOR SALES ESTABLISHMENT (rls) means development used for the retail sale of liquor, wine, beer and other such alcoholic beverages. Typical uses include provincially operated Liquor retail stores, **Licensee Retail Stores (LRS)**, **VQA Wine Retail Stores** and cold beer and wine stores. The stores may sell liquor and alcohol any time between the hours of 9:00 a.m. and 11:00 p.m. daily and may also sell convenience retail products. Minors are allowed in **retail liquor sales establishments** if accompanied by a parent or guardian. This use does not include the retail sale of wine/cider by wineries/cideries at the site where they are produced.

RETAIL STORE, CONVENIENCE means **development** used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from **business premises** which do not exceed 235 m² in **gross floor area**. Typical **uses** include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. This **use** does not include the retail sale or dispensing of **cannabis**. In the W₂ Zone, this includes items normally required by people using marina facilities, but does not include the rental of personal watercraft or rental of automobiles.

RETAIL STORE, GENERAL means **premises** where goods, merchandise and other material are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical **uses** include but are not limited to grocery, hardware, pharmaceutical, clothing, appliance and sporting goods stores. This **use** excludes **warehouse sales** and sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring **outdoor storage**. This **use** does not include the retail sale or dispensing of **cannabis**.

RETAIL STORES, HEALTH PRODUCTS means a retail outlet where products related to the health industry are sold, rented, custom fitted or repaired. Such uses include but are not limited to pharmacies, health food stores, naturopathic stores, uniform stores. Limited convenience retail is permitted as a secondary use. This **use** does not include the retail sale or dispensing of **cannabis**.

RETAIL STORES, HOSPITAL means premises (maximum 465 m² overall and not more than 50 m² for any individual tenant space) used for the retail sale of goods required by hospital patients, visitors, staff, and employees on a day-to-day basis but which are not intended to act as destination retail for the broader community. Typical goods offered for sale include prescription and non-prescription medications, medical goods, books and other media, flowers, cards, gifts, personal care items, and a limited selection of snacks, convenience food, and groceries.

RETAIL STORE, SERVICE COMMERCIAL means **premises** where goods, merchandise or other materials are offered for sale at retail to the general public and require extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical **uses** include but are not limited to sales of automotive parts, and bakeries and butchers that process on site. This **use** does not include the retail sale or dispensing of **cannabis**.

RETAINING WALL means a **structure** constructed to hold back, stabilize or support an earthen bank as a result of differences in **lot** grades.

RIPARIAN MANAGEMENT AREA means a specified setback area from a **watercourse**, as outlined in Table 7.1 of Official Community Plan Bylaw No. 7600, that is comprised of the Riparian Reserve Zone, the Riparian Management Zone, or both. The width of the total area being determined by the attributes of the **watercourse** and adjacent terrestrial ecosystems.

ROOF LINE means the horizontal line made by the intersection of the wall of the **building** with the roof of the **building** or the top of the edge of the **parapet**. In the case of a **building** with a pitched roof, the **roof line** shall be at the eave level.

ROW HOUSE means three or more **dwelling** units, which each have a direct entrance at **grade**, and where no **dwelling** is located wholly or partially above another **dwelling** unit

RURAL RESIDENTIAL ZONES are any **zones** described in Section 12 of this Bylaw or any CD **zone** in which the predominant **use**, as determined by its general purpose and list of permitted **uses**, is of a rural residential nature.

S

SATELLITE DISH/RECEIVER means an accessory **structure** designed to send or receive telecommunication signals from a satellite.

SEASONAL FARM CABIN means a small (maximum 2 bedroom) **accessory structure** providing bathroom(s) and sleeping accommodation for tourists as a permitted **agri-tourist accommodation unit**. A **seasonal farm cabin** is not permitted to contain a kitchen or to be used as a residence or **dwelling**.

SEASONAL FEEDING AREA means an area:

- (a) used for forage or other crop production, and
- (b) used seasonally for feeding **livestock** or **poultry**.

SECONDARY SUITE means an additional **dwelling** unit that has been issued an Occupancy Permit, located within a residential building that has a total floor space of no more than 90m² in area, having a floor space less than 40% of the total habitable floor space of that building, and is subordinate to the principal **dwelling** unit and is a single real estate entity. This **use** does not include **duplex housing, semi-detached housing, apartment housing, or boarding and lodging houses**.

SECOND-HAND DEALERSHIPS means a business of purchasing or selling second-hand or used goods or chattels but does not include second-hand clothing stores, **thrift stores**, antique furniture dealers, **auctioneering establishments, flea markets, or recycling depots**.

SEMI-DETACHED HOUSING means a **building** containing **dwelling** units connected above or below grade and designed exclusively to accommodate two **households** living independently in separate **dwelling**s side by side, each having a separate entrance at, or near, grade.

SENIOR CITIZEN HOUSING – see Special Needs Housing.

SERVICE STATIONS, MAJOR means **development** used for the servicing, washing, or repairing of **vehicles**; and the sale of gasoline, other petroleum products, and a limited range of **vehicle** parts and accessories. Major service stations may include **food primary establishments**. Typical **uses** include truck stops and highway service stations.

SERVICE STATIONS, MINOR means development used for the routine washing, servicing or repair of vehicles within a building containing not more than six service bays; and for the sale of gasoline, petroleum products, and a limited range of automotive parts and accessories.

SEWER SYSTEM, COMMUNITY means a sanitary sewer or a system of sewage disposal works which is owned, operated and maintained by the Municipality.

SEWER SYSTEM, PRIVATE means a sanitary system or a system of sewage disposal works which is owned or, operated and maintained by a person other than the Municipality, but does not include conventional septic tank systems within the meaning of B.C. Regulation 577/75 of the *Health Act*.

SHOPPING CENTRE means one or more **buildings** containing more than six retail stores and other **businesses** exceeding 2,500 m² of **gross floor area** which share common services, parking, and other facilities on one or more **lots**.

SHORT-TERM BICYCLE PARKING means bicycle parking that is provided for patrons, customers, and visitors of a **development** in a manner that is convenient and readily accessible for bicycles to park. Short-term parking of bicycles should serve the main entrance of a **building** and should be visible to pedestrians and bicyclists.

SHORT-TERM RENTAL ACCOMMODATION means the **use** of a **dwelling** unit or one or more **sleeping units** within a **dwelling** unit for temporary overnight accommodation for a period of 29 days or less. This **use** does not include **bed and breakfast homes, hotels** or **motels**.

SINGLE DETACHED HOUSING means a detached **building** containing only one **dwelling** unit, designed exclusively for occupancy by one **household**. Where a secondary suite is permitted, this **use** class may contain a secondary suite. This **use** includes modular homes that conform to the **CSA A277** standards, but not a **mobile home** designed to **CSA Z240** standards.

SINGLE DWELLING HOUSING means housing on a single titled lot that contains one single family dwelling unit.

SITE means an area of land consisting of a **lot** or two or more **abutting lots**.

SITE COVERAGE means the percentage of the total horizontal area of a **lot** or **lots** that may be built upon including **accessory buildings or structures** (including **carports**, a covered **patio** which is 23m² or larger, and **decks**) except it does not include steps, eaves, cornices, cantilevered **balconies**, pergolas, courtyards garden plots or similar projections permitted by this Bylaw.

SLEEPING UNIT means a habitable room not equipped with self-contained cooking facilities, providing accommodation for guests.

SPECIAL NEEDS HOUSING means housing for households that meet the criteria for a core need for housing in the Official Community Plan and includes seniors or persons with or without children who lack safe and secure housing or are leaving an abusive relationship, single parents and children who are at risk, street youth or homeless persons, or people with mental or physical disabilities, illnesses, or dependencies.

SPECTATOR ENTERTAINMENT ESTABLISHMENTS mean an enclosed **building** designed specifically for the presentation of live artistic performances or the showing of motion pictures. Typical **uses** include but are not limited to auditoria, cinemas, theatres, and concert halls.

SPECTATOR SPORTS ESTABLISHMENTS mean facilities intended for sports and athletic events which are held primarily for public entertainment, where patrons attend on a recurring basis. Typical **uses** include but are not limited to stadiums, arenas, animal and **vehicle** racing tracks.

STABLES means a **building** with a maximum of 40 permanent stalls used for horse riding, training and boarding.

STACKED ROW HOUSING means **row housing**, except that **dwellings** may be arranged two deep, either horizontally so that **dwellings** may be attached at the rear as well as the side, or vertically so that **dwellings** may be placed over others. Each **dwelling** will have an individual access to outside, not necessarily at grade, provided that no more than two units share a corridor, steps or path.

STOREY means that portion of a **building** which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

STOREY, FIRST means the uppermost **storey** having its floor level not more than 2.0 m above **building grade**.

STOREY, HALF means a **storey** under a sloping roof, the walls of which, on at least two opposite exterior walls, are not more than 0.6 m above the finished floor of such a **storey**. A **half storey** also includes a **basement** with walls between 0.6 m and 2.0 m high lying between **building grade** and the level of the finished floor directly above it.

STREET means a highway under the *Local Government Act* over 8.0 m in width which affords the principal access to **abutting** properties. It can include a thoroughfare, **street**, trail, avenue, parkway, driveway, highway, road, viaduct, alley, bridge, trestleway, or other public right of way which is ordinarily **used** for vehicular traffic, parking, and pedestrians and is located on publicly owned lands. It includes sidewalks, curbs, boulevards, ditches and traffic **lanes**.

STREET, FLANKING means a **street** which abuts a **side lot line**.

STRUCTURAL ALTERATION means any change or addition to the supporting members of a structure, including but not necessarily limited to the foundation, bearing walls, rafters, columns, beams or girders where the total value of the change or alteration does not exceed 75% of the assessed value of the existing structure. Changes or additions exceeding 75% of the assessed value of the existing structure are considered a new structure.

STRUCTURE means a **construction** of any kind whether fixed to or supported by or sunk into land or water including but not limited to towers, flag poles, swimming pools, docks, signs and tanks, and excludes areas of **hardsurfacing**.

SUBDIVISION means the division of a parcel by an instrument; including a condominium plan, the consolidation of, or boundary change to, two or more adjoining parcels; and subdivide has a corresponding meaning.

SUPPORTIVE HOUSING means housing consisting of dwellings with support services on-site that may or may not include collective dining facilities, laundry facilities, counselling, educational services, homemaking and transportation. Supportive housing might also qualify as **Special Needs Housing**.

SURVEYOR'S CERTIFICATE means a **site** plan certified by a registered British Columbia Land Surveyor showing the locations of improvements on a **lot** relative to the **lot lines**.

T

TANDEM PARKING means two **parking spaces**, one behind the other, with a common or shared point of access to a manoeuvring aisle, **lane** or **street**.

TEMPORARY FARM WORKER(S) means an individual or individuals who carry out agricultural work on a temporary and seasonal basis on a **farm unit**.

TEMPORARY FARM WORKER HOUSING (TFWH) means a dwelling to temporarily accommodate **temporary farm worker(s)**, which is accessory to a **farm unit**, that is used to provide space for cooking, sanitary, living and sleeping.

TEMPORARY FARM WORKER HOUSING (TFWH) FOOTPRINT means the portion of a lot that includes all structures, driveways and parking areas associated with the **temporary farm worker housing**, including but not limited to structures for cooking, sanitary, living and sleeping. The footprint does not include the vegetated buffer.

TEMPORARY MOORAGE means the securing of a boat or other water vessel by means of cables, anchors, or other contrivances on a short term basis of less than 24 hours.

TEMPORARY PARKING LOT means a surface parking lot which has been granted temporary approval, for up to 3 years, for the temporary parking of vehicles and shall incorporate a **dust free surface**.

TEMPORARY SHELTER SERVICES means the provision of communal, transient accommodation sponsored or supervised by a public authority or non-profit agency intended to provide basic lodgings for persons requiring immediate shelter and assistance for a short period of time. Typical **uses** include but are not limited to hostels and over-night shelters.

THREE DWELLING HOUSING means housing on a single titled lot that contains three dwelling units, one or more of which may or may not be a permitted **secondary suite**.

THREE-PLEX HOUSING means any physical arrangement of three attached **dwelling** units intended to be occupied by separate **households** with separate exterior access to grade.

THRIFT STORES means any store or **business** operated by a registered non-profit society selling second-hand or used goods, the entire proceeds of which, above the actual bona-fide expenses, are devoted to any charitable purpose.

TOP OF BANK means the natural topographical break where elevation of land is at its peak. With the exception of Mission Creek, if the distance from the high water mark to the toe of the slope is less than 15.0 m, then setbacks should be measured from the first significant and regular break in slope which is at least 15.0 m wide. A break in the slope is defined as a section flatter than 3:1 for a minimum distance of 15.0m. Terraces less than 15.0 m wide below the slope break shall be included in the **leave strip** area. Notwithstanding the foregoing, in the canyon areas of the Mission Creek stream corridor east of Mission Creek Regional Park, setbacks shall be measured from the canyon rim.

TOUR BOATS means water vessels **used** regularly to provide paying customers with visits to places of established interest.

TOURIST CAMPSITES means **development** of land which has been planned and improved for the seasonal short term **use** of holiday trailers, motor homes, tents, campers and similar **recreational vehicles**, and is not **used** as year round storage or accommodation for residential **use** for a period not to exceed 240 days in one year. Typical **uses** include but are not limited to tourist trailer parks, campsites, and tenting grounds.

TOWNHOUSE means any development with three or more **dwelling** units, with each dwelling unit having a direct entrance at grade. Townhouse definition includes row housing and stacked row housing.

TRUCK AND MOBILE HOME SALES/RENTALS means **development used** for the sale or rental of new or **used** trucks, motorhomes, **mobile homes**, and automobiles together with incidental maintenance services and the sale of parts and accessories. Typical **uses** include but are not limited to truck dealerships, recreation **vehicle** sales, and **mobile home** dealerships.

TWO DWELLING HOUSING means housing that contains either: two single family dwelling units, one single family dwelling with a permitted **secondary suite**, one duplex, or one semi-detached dwelling unit.

U

URBAN RESIDENTIAL ZONES are any zones described in Section 13 of this Bylaw or any CD zone in which the predominant use, as determined by its general purpose and list of permitted uses, is of an urban residential nature.

URBAN CENTRE means those areas included on Map 6.2 "Areas Subject to **Development Permit Area Designation**" in the **Official Community Plan**. When reference is made to a specific urban centre area, it means those urban centre areas as described in Map 13.2 in conjunction with the area descriptions contained in the **Official Community Plan**.

URBAN SERVICES means the provision of utility infrastructure consisting of a **community water system**, a storm drainage system, a municipally provided sanitary sewer collection system, and paved roadways **adjacent** to the **site**.

USE means the purposes for which land or a **building** is arranged or intended, or for which either land, a **building**, or a **structure** is, or may be, occupied and maintained.

USE, ACCESSORY means a **use** which is normally **ancillary**, incidental, subordinate, and located on the same **lot** as the **principal use**. Parking may be an **accessory use** when it serves the **principal use** and does not serve **uses** on other **sites**. Accessory **uses** include recreational amenities in residential **developments** that are devoted to the exclusive **use** of residents living on the same **site**.

USE, SECONDARY means those **uses** in the lists of **secondary uses** in the **zones** of this Bylaw which must be in conjunction with a **principal use**. For example, a home based **business** is a **secondary use**, not a **principal use**.

USED GOODS STORES means **development** used for the retail sale of second-hand or **used** major and minor **household** goods, including the refurbishing and repair of the goods being sold. Typical **uses** include but are not limited to the re-sale of items such as antique, used furniture, major appliances, and the resale of clothing, jewellery, stereos and musical instruments. This does not include the sale of **used vehicles**, recreation craft or **construction** and industrial equipment, or **flea markets**, **auctioneering establishments**, **pawnshops** or **second-hand dealerships**.

UTILITY SERVICES, MAJOR IMPACT means **development** for utility infrastructure purposes which is likely to have a major impact on **adjacent uses** by virtue of their potential emissions or effects, or their appearance. Typical **uses** include but are not limited to sanitary land fill **sites**, sewage treatment plants, water treatment plants, major pumphouses, water towers or tanks, sewage lagoons, snow dumping **sites**, sludge disposal beds, garbage transfer and compacting stations, power terminal and distributing stations, power generating stations, cooling plants, equipment and material storage **yards** for **vehicles**, utilities and services, district heating plants, incinerators, and waste **recycling plants**.

UTILITY SERVICES, MINOR IMPACT means **development** for utility infrastructure purposes which is likely to have only minor impact on the environment or **adjacent land uses** by virtue of its appearance, noise, size, traffic generation or operational characteristics. Typical **uses** in this class include but are not limited to telephone exchanges, wire centres, switching centres, surface reservoirs or storm water lakes including **adjacent landscaping** and **walkways**, minor pumphouses, communication towers, gate stations for natural gas distribution, and transit terminals.

V

VEHICLE means any motor **vehicle** as defined in the *Motor Vehicle Act*.

VEHICLE AND EQUIPMENT SERVICES, INDUSTRIAL means **development used** for the sale, rental, service, or repair of heavy **vehicles**, machinery or mechanical equipment typically **used** in **building**, roadway, pipeline, oil field and mining **construction**, manufacturing, assembling and processing operations and agricultural production. This does not include **truck and mobile home sales/rentals**.

VEHICLE AND EQUIPMENT SERVICES, LIMITED means **development used** for the service or repair of heavy vehicles, machinery or mechanical equipment typically **used** in **building**, roadway, manufacturing, assembling and processing operations and agricultural production. This does not include **truck and mobile home sales/rentals**. This use is to take place within a building or fully screened, fenced and landscaped from view.

VEHICULAR ORIENTED USE means a **use** which predominantly caters to automotive vehicular traffic. Vehicular-oriented **uses** include but are not limited to **gas bars**, service stations, drive-ins, drive-through **vehicle** services, and similar **developments** providing drive-in services in which patrons generally remain within their **vehicles**.

VQA WINE RETAIL STORE means a retail store licensed by the Province of British Columbia Liquor Control and Licensing Branch to sell only Vintners Quality Assurance (VAQ) approved wines. These stores may sell wine any time between the hours of 9:00 a.m. and 11:00 p.m. daily and may also sell **convenience retail stores** products. Minors are allowed in **VQA Wine Retail Stores**, if accompanied by a parent or guardian.”

W

WALKWAY means a **street** intended to carry pedestrian and non-motorized traffic only, except that a **walkway** may be designed to afford emergency **vehicle use**.

WAREHOUSE SALES means **development** used for the wholesale or retail sale of a limited range of bulky goods from within an enclosed **building** where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Typical **uses** include but are not limited to **developments** where principal goods being sold are such bulky items as furniture, carpet, major appliances, and **building** materials. This **use** does not include **developments** used for the retail sale of food or a broad range of goods for personal or **household use**.

WATER FEATURE INSTALLATIONS means a **structure**, such as a water fountain, located offshore which serves as a prominent visual attraction.

WATER SYSTEM, COMMUNITY means a system of waterworks which includes either private or community waterworks, within the meaning of the *Health Act* which is owned, operated and maintained by the Municipality, an Improvement District under the *Water Act* or the *Local Government Act*, or which is regulated under the *Water Utility Act* and authorized by the Municipal **Council**.

WATER SYSTEM, PRIVATE means a privately owned utility system certified as a public convenience and necessity under the *Water Utility Act* that provides water services to more than a single **lot**.

WATERCOURSE means any natural depression with visible banks, which contains water at some time, and includes any lake, river, stream, creek, spring, ravine, swamp, gulch, coulee, wetland, or surface source of water, whether containing **fish** or not, including intermittent streams, and drainage works which contain **fish**.

WET BAR means a small facility that is used exclusively to prepare beverages or other items that do not require cooking. Exhaust fans, 220-volt wiring, natural gas rough-in and permanent cooking facilities of any type are not permitted. The provision of **wet bars** in no way permits an additional **dwelling** to be established.

WINERIES AND CIDERIES means a winery, or a cidery which is licensed under the *Liquor Control and Licensing Act*. This also includes a **FOOD PRIMARY ESTABLISHMENT** when licensed by the Liquor Control and Licensing Branch.

WINTER GARDEN means a **landscaped** courtyard enclosed by a structure with no internal floors, used for public and private enjoyment. Ancillary uses permitted with public plaza use are **Participant Recreation Services, Indoor Food Primary Establishments** (allowing entertainment to be provided), and **Retail Store, Convenience**.

WRECKING YARD means any land or **building** used for the collection, demolition, dismantlement, storage, salvage, recycling or sale of waste materials including scrap metal, **vehicles**, machinery, and other discarded materials.

Y

YARD means an area created by a building setback from a property line.

YARD, FRONT means the area between **side lot lines** extending from the **front lot line** to the nearest wall or supporting member of a **building** or **structure**.

YARD, REAR means the area between the **side lot lines** extending from the **rear lot line** to the nearest wall or supporting member of a **building** or **structure**.

YARD, SIDE means that part of the **lot** which extends from a **front yard** to the **rear yard** between the **side lot line** and the nearest wall or supporting member of a **building** or **structure**.

Z

ZONE means the areas into which the **City** is divided in accordance with the maps attached as Schedule 'A' of this Bylaw and for which specific regulations are outlined herein for each area.

Section 2 – Interpretation amended as follows:

Sub-Section 2.1.5 Rules of Interpretation - BL9120

Sub-Section 2.3 General Definitions – BL8367, BL8383, BL8419, BL8430, BL8449, BL8528, BL8609, BL8654, BL8667, BL8711, BL8760, BL8881, BL8895, BL8960, BL9041, BL9110, BL9120, BL9166, BL9348, BL9364, BL9431, BL9444, BL9472, BL9530, BL9723, BL9766, BL9953, BL10035, BL10038, BL10169, BL10208, BL10300, BL10295, BL10320, BL10269, BL10423, BL10434, BL10541, BL10590, BL10613, BL10723, BL10686, BL10796, BL10816, BL10804, BL10917; BL10635; BL10986, BL10981; 10995; 10997; BL11054; BL11096, BL11139, BL11131, BL11321, BL11333, BL11376, BL11440, BL11374, BL11369, BL11426, BL11298, BL11617, BL11619, BL11659, BL11679, BL11766, BL11850, BL11988