

APPENDIX I - DEFINITIONS

“Accessory Apartments” - Self-contained apartments created through converting part of or adding on to existing single detached homes.

“Active Transportation” means any form of self-propelled (non-motorized) transportation that relies on the use of human energy such as walking, cycling, inline skating or jogging.

“Adjacent Lands” - when used in reference to natural heritage features or designations means those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands are shown on Appendix III-B and III-D.

“Adverse Impacts” - where a proposed use or development may:

- impair the quality of the natural environment for any use that can be made of it;
- result in injury or damage to property or plant or animal life;
- cause harm or material discomfort to any person;
- negatively affect the health or safety of any person;
- render any property/plan/animal life unfit for human use;
- result in loss of enjoyment of normal use of the property; or
- interfere with the normal conduct of business.

“Affordable Housing” means:

- a) in the case of ownership housing, the least expensive of:
 - i) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households (as defined in the Provincial Policy Statement); or
 - ii) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area (as defined in the Provincial Policy Statement);
- b) in the case of rental housing, the least expensive of:
 - i) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households (as defined in the Provincial Policy Statement); or
 - ii) a unit for which the rent is at or below the average market rent of a unit in the regional market area (as defined in the Provincial Policy Statement).

“Agricultural Source Material” - means treated or untreated materials, as defined by the Nutrient Management Act, other than compost that meets the Compost Guidelines, or a commercial fertilizer, if they are capable of being applied to land as nutrients.

“Agricultural Value Retention Uses” means the activities required on site to make the farm product market ready including, but not limited to washing, drying, sorting, packing and packaging.

“Areas of Natural and Scientific Interest” - Land and water areas containing natural landscapes or features that have values related to protection, natural heritage appreciation, scientific study and/or education as classified by the Ministry of Natural Resources.

“Brownfield Sites” - Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. (Provincial Policy Statement, 2005)

“Buffer” - a naturally vegetated protective zone adjacent to a natural heritage feature or area serving to cushion and protect it from the impacts of human activities.

“Built Heritage Resource” - one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history that are of value for the important contribution they make to our understanding of the history of a place, an event, or a people.

“Community Planning District” - A relatively large area of the City into which the City has been divided very generally containing the same predominant municipal land uses or functions, the major purpose being to serve as a statistical tool for recording and analysing information about the City.

“Complete Communities” - Complete communities meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

“Comprehensive Review” -

- a) an official plan review or amendment which is initiated or adopted by a planning authority for the purposes employment land conversions within a regeneration area or Downtown, or

- b) for the purposes of urban boundary expansions and conversions of employment lands, not within regeneration areas or Downtown, means an official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies of the Growth Plan for the Greater Golden Horseshoe; which:
1. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
 2. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
 3. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2 (of the Provincial Policy Statement, 2005);
 4. is integrated with planning for infrastructure and public service facilities; and
 5. considers cross-jurisdictional issues.

“Condominium Conversion Policy” - Council adopted guidelines contained in the Policy and Procedural Manual which stipulate conditions to be satisfied in order for Council to approve the conversion of existing rental accommodation to condominium ownership.

“Conservation” - in reference to properties of cultural heritage value or interest, is the retention of the significance of a place by ensuring that significant elements are not destroyed or removed.

“Conservation Plan” - a document prepared by a qualified person(s) that details how the heritage values, attributes and integrity of a cultural heritage resource can be retained through descriptions of repairs, stabilization and preservation activities as well as long term conservation, monitoring and maintenance measures.

“Cultural Heritage Landscape” - a defined geographical area, often modified by human activities, that are valued for their important contribution to our understanding of the history of a place, an event, or a people. The geographical area may have been specifically designed or may have evolved over time and may be continuing to evolve. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together for a significant type of heritage form, distinctive from that of its constituent elements or part such as gardens, main streets, neighbourhoods or trails.

“Cultural Heritage Value or Interest” - includes built heritage resources, cultural landscapes and sites of archaeological importance.

“Dwelling Unit” - see “Residential Unit”.

“Earth Science area of natural and scientific interest” - areas identified by the Ministry of Natural Resources containing some of the most significant representative examples of the bedrock, fossil and landform features in Ontario and includes examples of ongoing geological processes.

“Ecological Function” - the natural process, product or service that environments provide or perform within or between species, ecosystems and landscapes.

“Employment Lands” - an area of land designated for clusters of business and economic uses being: manufacturing, warehousing, office uses and retail uses associated with or facilities ancillary to them; and areas supporting opportunities for cross-border trade, movement of goods and tourism.

“Endangered species” - a species that is listed or categorized as an ‘endangered species’ on the Ontario Ministry of Natural Resources official species at risk list or that is designated as Endangered by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), as updated and amended from time to time.

“Environmental Impact Study (EIS)” - a report to address the potential impacts of development on natural heritage features and areas. A “Scoped Environmental Impact Study” is an area-specific study that addresses issues of particular concern not previously addressed in sufficient detail in a comprehensive study.

“Final Rehabilitation” - Rehabilitation in accordance with the aggregate Resources Act, consequent regulations, the site plan and the conditions of the licence or permit performed after the excavation of aggregate and the progressive rehabilitation, if any, have been completed.

“Fish habitat” - the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes and is as identified by the Ministry of Natural Resources.

“Fisheries Resource Areas” - High quality fish habitat that provides significant benefits to the community in the form of valuable recreational opportunities, tourism generated income and indicators of environmental health.

“Flood line” - an engineered line delineating the potential extent of flooding, by elevation, as a result of a specific flood event.

“Flood plain” - the land adjacent to a waterbody which will be inundated in the event of a flood.

“Floodway” - the channel of watercourse, and those portions of the floodplain adjoining the channel which are required to discharge flood water from a flood.

“Forest Resource Areas” - Woodlots two hectares or greater in size, capable of providing significant economic, social and environmental benefits to the community in

the form of income from forest products, recreation, education and research opportunities, recharge of water supplies, soil and water conservation, wildlife habitat, buffers between land uses and aesthetic amenities.

“Greening” - A program which focuses on the protection of existing natural or green attributes of the City, the development of open spaces, landscapes and streetscapes incorporating nature in the Urban Area, changing municipal infrastructure to ensure greening projects are maintained and the perception that mankind is responsible for preserving the ecosystem.

“Greyfields” - Previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict or vacant.

“Ground water” - any water that exists beneath the land surface, but more commonly water existing in fully saturated soils and geologic formations.

“Ground water features” -water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

“Ground water recharge” - the replenishment of subsurface water resulting from: (a) natural processes such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams, and wetlands; and (b) human intervention such as the use of stormwater management systems.

“Ground water recharge area” - the area from which there is significant addition of water to the ground water system from natural processes or human intervention.

“Group Home” - A building or part of a building used for the accommodation of a limited number of persons (exclusive of staff or persons receiving the residents) living together under responsible supervision for reasons of physical, mental, emotional, social or legal status and is licensed or approved under Provincial statute.

“Habitat of endangered and threatened species” - an area where individuals of an endangered species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species.

“Hazard lands” - means property or lands that could be unsafe for development due to naturally occurring processes such as erosion or unstable soils.

“Heritage Impact Assessment” - a study prepared by a qualified person(s) to determine if a specific development proposal will impact on any heritage resource or areas of archaeological potential. The study shall demonstrate how the cultural heritage resource will be conserved in context of the development and make recommendations on mitigative or avoidance measures, including alternative development approaches.

"Hobby Farm" - A small scale, part time farm operation where the owner has non-farm income exceeding that which would be derived from farm pursuits.

"Home Industry" means a use such as a small-scale business, office, studio or shop for professionals, artisans, craftsmen and tradesmen which is subordinate to, and accessory to, an agricultural operation or non-farm dwelling, which may be conducted within a dwelling or in whole or in part of an accessory building, but does not include a public garage auto body or public garage mechanical.

"Hydrologic function" - the function of the hydrologic cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on or below the surface of the land, in the atmosphere, and in its interaction with the environment including its relation to living things.

"Industrial Effluent Systems" - Systems which convey and discharge the by-product from an industrial process that can contain contaminant from non-domestic wastes.

"Intake protection zone" - An area delineated in the Source Water Protection Plan for the Niagara Peninsula Source Protection Area that surrounds a municipal surface water intake and within which it is desirable to regulate or monitor drinking water threats.

"Intensification" - The development of a property, site or area at a higher density than currently exists through:

- a. Redevelopment, including the reuse of brownfield sites;
- b. The development of vacant and/or underutilized lots within previously developed areas;
- c. Infill developments; or
- d. The expansion or conversion of existing buildings.

"Life Science area of natural and scientific interest" - areas of land and water identified by the Ministry of Natural Resources as containing significant representative segments of Ontario's biodiversity and natural landscape including specific types of forests, valleys, prairies and wetlands, their native plants and animals and their supporting environments.

"Mineral Resource Areas" - Areas containing high potential mineral aggregates capable of supplying the potential aggregate needs of the Niagara Region. Aggregate gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock and other metallic ores or other prescribed material.

"Navigable Watercourse" - A waterway which is capable of accommodating the movement of boats for public and commercial use.

"Natural Heritage Corridor" - natural and open space linkages between natural heritage features.

"Natural Heritage Feature" - means a feature or area that is an integral component of the environmental function and natural landscape of an area. A feature not only has environmental value but social value for the community as well. Natural heritage

features include wetlands, woodlands, fish habitat, wildlife habitat, areas of natural or scientific interest, stream corridors and valleylands, and habitats of endangered, vulnerable or threatened species.

“Negative Impact” - degradation that threatens the health and integrity of the natural features or ecological functions of a natural heritage feature of area due to single, multiple or successive development or site alteration activities. In terms of Earth Science Areas of Natural and Scientific Interest, significant means degradation due to single, multiple or successive development or site alteration that threatens the integrity of the geological features, landforms or processes for which the ANSI was identified and their associated educational and interpretive functions.

“Net Density” - The number of residential units on an individual parcel or block of land, exclusive of lands for such uses as public roadways, public parks and school sites.

“100 Year Flood” - A flood, based on an analysis of precipitation, snow melt, ice jams or combinations thereof, having a return period of 100 years on average, or having a 1 per cent chance of occurring or being exceeded in any given year.

“Prime Agricultural Land” - lands that include where specialty crops are grown (such as, but not limited to, tender fruit, grapes, vegetables, greenhouse crops) and/or Canada Land Inventory Classes 1, 2, and 3 soils in this order of priority for protection.

“Progressive Rehabilitation” - Rehabilitation done sequentially, within a reasonable time, in accordance with the Aggregate Resources Act, consequent regulations, the site plan and the conditions of the licence or permit during the period that aggregate is being excavated.

“Portable Asphalt Plants” - A non-permanent facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process. The facility is not of permanent construction and is designed to be dismantled and moved to another location as required.

“Property” - for the purposes of Section 3.2 means real property and includes all buildings and structures thereon, as defined in the Ontario Heritage Act.

“Regional Flood” - That regulatory flood derived from the "Hurricane Hazel" storm of October 1954 and applicable to watercourses and tributaries of the Welland River, Shriner's Creek, Ten Mile Creek, Beaverdams Creek and Tributary W-6-5 in Niagara Falls and more particularly defined within Fill, Construction and Alteration to Waterways Regulation, Ontario Regulation 99/91, as amended.

“Residential Intensification” - The creation of new residential units or accommodation in existing buildings or on previously developed and serviced land.

“Residential Unit” - A residential unit consists of a self-contained set of rooms within a building or structure used or intended for residential use that includes both kitchen and bathroom facilities that are intended for the use of the unit only.

“Riparian” - in terms of a river or watercourse means an area of streamside vegetation, including the stream bank and adjoining floodplain, which is distinguishable from upland areas in terms of vegetation, soils and topography.

“Risk Management Official” - A person appointed under Part IV of the Clean Water Act, 2006, by the Council of Niagara Region that has authority to pass by-laws respecting water production, treatment, and storage under the Municipal Act, 2001.

“Risk Management Plan” - A plan for reducing a risk, prepared in accordance with the regulations and the rules under S. 58 of the Clean Water Act, 2006.

“Service Industry” - An enterprise which supports industries which are primary producers by providing services and products to such industries.

“Significant” means:

- in terms of wetlands, fish habitat, ANSIs and threatened, vulnerable or endangered species, those areas identified by the Ministry of Natural Resources as having provincial significance based on evaluation procedures established by the province.
- in terms of woodlands: treed areas identified by the City, Region or the province, as contributing to the health of the environment based on their provision of wildlife habitat, species diversity, hydrological value and identified significant species. Publically owned woodland are also considered significant since they provide an excellent opportunity for the protection of the wooded area and its natural function.
- in terms of valleylands: those natural areas in a valley or other landform depression that contains flowing or standing water for some period of the year identified as significant under the Provincial Policy Statement through an approved environmental study.

“Significant Drinking Water Threat or Significant Threat” - A threat that, according to a risk assessment, poses or has the potential to pose a significant risk to the quality of municipal drinking water.

“Significant Habitat of Threatened or Endangered Species” - the habitat, as approved by the Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of species that are listed as a threatened or endangered species on the Ministry of Natural Resources’ official species at-risk list. The habitat includes those areas of occurrence that are occupied or habitually occupied by the threatened or endangered species during all or any part of its life cycle.

“Significant Heritage Properties” - sites with cultural heritage value or interest that are designated under the Ontario Heritage Act or otherwise listed on the City’s Heritage Inventory.

“Significant Wetland” - a wetland identified as provincially significant by the Ministry of Natural Resources.

“Source Protection Plan” - means a drinking water source protection plan prepared under of the CleanWater Act, 2006.

“Source Water” - Water in its natural or raw state, prior to being drawn into a municipal drinking water system.

“Stormwater Management Facility” – A facility for the treatment, retention, infiltration or control of stormwater.

“Subwatershed” - an area that is drained by a tributary or some defined portion of a stream.

“Surface Water Features” - water-related features on the earth’s surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture or type, vegetation or topographic characteristics.

“Sustainable” - means development, use or design that meets the needs of the present without compromising the ability of future generations to meet its needs.

“Top of Slope” - the point of the slope where the downward inclination of the land begins or the upward inclination of the land levels off.

“Urban Area” - The area of the City so delineated on Schedule "A" of this Plan and contained in the Regional Official Plan wherein urban development is to take place and further which will promote a sense of community identity, encourage urban development to be located south of the Niagara Escarpment and reduce urban pressure on agricultural lands.

“Valleyland” - a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

“Vegetative buffer area” - a permanent setback established along the shoreline or streambank which remains or is to be returned to a self-sustaining vegetated state.

“Waste disposal sites” - The application of untreated septage, the storage, treatment and discharge of tailings from mines and waste disposal sites as defined under Part V of the Ontario Environmental Protection Act with respect to Source Water Protection.

“Wastewater Treatment Plant/Facility” - The part of a sewage works that treats or disposes of sewage but does not include the part of the sewage works that collects or transmits sewage.

“Watershed” - an area that is drained by a river and it’s tributaries.

“Wayside Pits & Quarries” - A wayside pit or wayside quarry means a temporary pit or a quarry opened and used by a public road authority or their contractor or agent, solely for the purpose of a particular project or contract of road construction.

“Wetlands” - areas that are seasonally or permanently covered by shallow water, or where the water table is close to or at the surface resulting in the formation of hydric soils and contains either hydrophytic plants or water tolerant plants, swamps, marshes, bogs and fens.

Provincially Significant Wetlands are those that meet the evaluation criteria of the Province for significance. NPCA regulated wetlands are those that meet the evaluation criteria of the Conservation Authorities Act.

“Wildlife Habitat” - areas where plants, animals and other organisms live and find adequate amounts of food, water, shelter and space needed to sustain their populations.

“Wildlife Resource Areas” - High quality wildlife habitat that provides significant benefits to the community in the form of recreational opportunities, including game and non-game activities, income generated through hunting, trapping and wildlife viewing and environmental and aesthetic amenities.

“Woodland” - a treed area that provides environmental and economic benefits to both the private landowner and the general public through erosion prevention, hydrologic and nutrient cycling, provision of clean air and long term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities and the sustainable harvest of woodland products. It does not include a cultivated fruit or nut orchard or a plantation used for the purpose of producing Christmas trees.