

APPENDIX D: TA18-00xx DRAFT PACKAGE 1
Amendments to Zoning Bylaw No. 8000 (Agriculture Plan Recommended)

No.	Section	Existing	Proposed	Explanation
	<p>Section 2.3.3 Interpretation</p> <p>Add definition for Immediate Family</p>		<p>IMMEDIATE FAMILY means, with respect to an owner, the owner's</p> <p>(a)parents, grandparents and great grandparents,</p> <p>(b)spouse, parents of spouse and stepparents of spouse,</p> <p>(c) brothers and sisters, and</p> <p>(d)children or stepchildren, grandchildren and great grandchildren.</p>	<p>Agriculture Plan recommendation 1.3c "Require that mobile homes on farmland be occupied by the owner's immediate family, be located on a non-permanent foundation without basement excavation, and be removed from the property within 90 days when no longer occupied. The site must be restored to a condition suitable for agricultural use following removal of the mobile home."</p> <p>Definition for immediate family added to achieve Agriculture Plan recommendation. Definition is consistent with ALC Regulation.</p>
	<p>Section 9.5b Carriage House Regulations</p> <p>Remove 9.5b.2 Development Regulations in Agricultural Zones</p>	<p>9.5b.2 Development Regulations in Agricultural Zones</p> <p>(a) The maximum site coverage is 90 m², except it is 100 m² if a carriage house is limited to one storey.</p> <p>(b) The maximum net floor area is the lesser of 90 m² or 75% of the net floor area of the principal dwelling.</p> <p>(c) The maximum height is 6.0 m.</p> <p>(d) The minimum front yard is 12.0 m except for double fronting lots. For double</p>	<p>9.5b2 [deleted]</p>	<p>Agriculture Plan recommendation 1.3d: "Remove "carriage house" as a permitted use within the A1 zone."</p> <p>Based on Council Policy 03: ALR Referrals, all carriage house applications are forwarded to the ALC. Since 2012, all applications for carriage houses on ALR land have been denied by the ALC.</p> <p>Carriage houses are also limited to properties on non-ALR A1 properties that are only above 1.0 ha to meet septic requirements, in accordance with Zoning Bylaw Section 9.5b.2.</p>

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		<p>fronting lots, a carriage house shall be sited in accordance with the regulations for a single detached house in that zone.</p> <p>(e) The minimum side yard is 3.0 m, except it is 4.0 m from a flanking street.</p> <p>(f) The minimum rear yard is 3.0 m.</p> <p>(g) The minimum distance to a principal dwelling is 4.5 m and the maximum distance is 10.0 m.</p>		<p>Based on above, there are 176 properties zoned A1 that would qualify for an A1c designation.</p> <p>Carriage houses do not align with OCP policies of walkability, and complete communities etc.</p>
	<p>Section 9.5b Carriage House Regulations</p> <p>9.5b.3 Other Regulations</p> <p>Remove (g) and reletter</p>	<p>(g) A mobile home may be considered a carriage house only in agricultural zones where a carriage house is permitted.</p>		<p>Agriculture Plan recommendation 1.3d: "Remove "carriage house" as a permitted use within the A1 zone."</p> <p>Based on Council Policy 03: ALR Referrals, all carriage house applications are forwarded to the ALC. Since 2012, all applications for carriage houses on ALR land have been denied by the ALC.</p> <p>Carriage houses are also limited to properties on non-ALR A1 properties that are only above 1.0 ha to meet septic requirements, in accordance with Zoning Bylaw Section 9.5b.2.</p>

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				<p>Based on above, there are 176 properties zoned A1 that would qualify for an A1c designation.</p> <p>Carriage houses do not align with OCP policies of walkability, and complete communities etc</p>
	Remove from 11.1	<p>A1c – Agriculture 1 with Carriage House A1t – Agriculture 1 with Agri-tourist Accommodation</p>		Remove the subzones titles from the A1 for A1t (prohibited in Aug. 2016) and A1c (per Agriculture Plan recommendation 1.3d: "Remove "carriage house" as a permitted use within the A1 zone.")
	<p>Remove in Section 11.1.3 Agricultural Zones – Secondary Uses</p> <p>And replace with Section 11.1.10 Prohibited Uses</p>	<p>The secondary uses in this zone are:</p> <p>(c) agri-tourist accommodation use prohibited <i>except</i> for operations approved and in conformance prior to August 8, 2016.</p> <p>(h) carriage house (A1c only)</p>	<p>11.1.10 Prohibited Uses</p> <p><i>The following uses are prohibited in the A1 – Agriculture 1 zone:</i></p> <p>(a) agri-tourist accommodation</p> <p>(b) carriage house</p>	<p>Agriculture Plan recommendation 1.3d: "Remove "carriage house" as a permitted use within the A1 zone."</p> <p>Based on Council Policy 03: ALR Referrals, all carriage house applications are forwarded to the ALC. Since 2012, all applications for carriage houses on ALR land have been denied by the ALC.</p> <p>Carriage houses are also limited to properties on non-ALR A1 properties that are only above 1.0 ha to meet septic requirements, in accordance with Zoning Bylaw Section 9.5b.2.</p> <p>Based on above, there are 176 properties zoned A1 that would qualify for an A1c designation.</p>

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				<p>Carriage houses do not align with OCP policies of walkability, and complete communities etc.</p> <p>The relocation of the placement within the bylaw of agri-tourist accommodation in the prohibited uses section is for consistency and clarification.</p>				
	<p>Replace in Section 11.1.3 Agricultural Zones – Secondary Uses Replace the site specific use of the Food primary establishment for the Hillcrest Café to a Section 11.1.9</p>	<p>(i) food primary establishment – *Only applies to Lot A, Section 24, Township 26, ODYD, Plan EPP7145 located at 700 Hwy 33 E also known as the “Hillcrest Farm Market Cafe”.</p> <p>This existing cafe is subject to the Agricultural Land Commission (ALC) Resolution #101/2014 for application #53542 (City of Kelowna File A13-0007) and which conditionally approved this non farm use on the subject property subject to the following condition:</p> <p>i) The Cafe facility is limited to current size being 25.3m2 (272ft2) indoor and 34.6m2 (372ft2) outdoor and that there be submission of notification or an application to the ALC should there be plans in the future for</p>	<p>11.1.9 Site Specific Uses and Regulations</p> <p><i>Uses and regulations apply to the A1 – Agriculture 1 zone on a site specific basis as follows:</i></p> <table border="1" data-bbox="1102 803 1474 1372"> <tr> <td colspan="2" data-bbox="1102 803 1474 941"><i>Lot A, Section 24, Township 26, ODYD, Plan EPP7145 located at 700 Hwy 33 E</i></td> </tr> <tr> <td data-bbox="1102 941 1306 1372">food primary establishment</td> <td data-bbox="1306 941 1474 1372"><i>Subject to the restrictions of Agricultural Land Commission (ALC) Resolution #101/2014 for</i></td> </tr> </table>	<i>Lot A, Section 24, Township 26, ODYD, Plan EPP7145 located at 700 Hwy 33 E</i>		food primary establishment	<i>Subject to the restrictions of Agricultural Land Commission (ALC) Resolution #101/2014 for</i>	<p>Moving the location of this use in the bylaw, under the establishment of a section with 'Site Specific Uses and Regulations', which is more clear than a secondary use, which is not site specific.</p>
<i>Lot A, Section 24, Township 26, ODYD, Plan EPP7145 located at 700 Hwy 33 E</i>								
food primary establishment	<i>Subject to the restrictions of Agricultural Land Commission (ALC) Resolution #101/2014 for</i>							

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		any significant changes or plans to expand the current footprint.		<i>application #53542</i>	
	Replace 11.1.4 Buildings and Structures Permitted	<p>11.1.4 Buildings and Structures Permitted</p> <p>(a) one single detached house (which may contain a secondary suite);</p> <p>(b) one mobile home;</p> <p>(c) permitted accessory buildings or structures;</p> <p>(d) one carriage house (A1c only);</p> <p>(e) only one secondary dwelling unit is permitted (e.g. secondary suite or carriage house).</p> <p>(f) TFWH may be in one of the following structure types:</p> <p style="padding-left: 20px;">(ii) Existing structure with a Building Permit that was approved at least 2 years prior to TFWH application, to be converted into TFWH, on the parcel within the farm unit.</p>	<p>11.1.4 Buildings and Structures Permitted</p> <p>(a) one single detached house (which may contain a secondary suite);</p> <p>(b) one mobile home for immediate family;</p> <p>(c) permitted accessory buildings or structures;</p> <p>(d) only one secondary dwelling unit is permitted (e.g. secondary suite or mobile home for immediate family) not withstanding 11.1.4 (e);</p> <p>(e) TFWH may be in one of the following structure types:</p> <p style="padding-left: 20px;">(i) Existing structure with a Building Permit that was approved at least 2 years prior to TFWH application, to be converted into TFWH, on the parcel within the farm unit.</p> <p style="padding-left: 20px;">(ii) New TFWH must be in temporary structures on non-permanent foundations, such that it is designed to be</p>	<p>Agriculture Plan recommendation 1.3c "Require that mobile homes on farmland be occupied by the owner's immediate family, be located on a non-permanent foundation without basement excavation, and be removed from the property within 90 days when no longer occupied. The site must be restored to a condition suitable for agricultural use following removal of the mobile home."</p> <p>Note: a new definition for immediate family (see above) had to be added to achieve the recommendation. As well the requirements for the mobile home are in 11.1.7 "Other Regulations."</p> <p>Agriculture Plan recommendation 1.3d: "Remove "carriage house" as a permitted use within the A1 zone."</p> <p>Based on Council Policy 03: ALR Referrals, all carriage house applications are forwarded to the ALC. Since 2012, all applications for carriage houses on ALR land have been denied by the ALC.</p>	

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		(iii) New TFWH must be in temporary structures on non-permanent foundations, such that it is designed to be removed by a truck or vehicle. Concrete pads or foundations are not permitted.	removed by a truck or vehicle. Concrete pads or foundations are not permitted.	<p>Carriage houses are also limited to properties on non-ALR A1 properties that are only above 1.0 ha to meet septic requirements, in accordance with Zoning Bylaw Section 9.5b.2.</p> <p>Based on above, there are 176 properties zoned A1 that would qualify for an A1c designation.</p> <p>Carriage houses do not align with OCP policies of walkability, and complete communities etc.</p>
	Replace 11.1.5 Subdivision Regulations (b)	(b) The minimum lot area is 4.0 ha except the minimum lot area is 2.0 ha when located within the Agricultural Land Reserve . That Lot B, Section 34, Township 29, ODYD, Plan KAP66973 be exempted from the minimum lot area requirements of this zone for a period of 3 years, effective July 30, 2002.	(b) The minimum lot area is 4.0 ha.	<p>Agriculture Plan recommendation 1.3e: "Update zoning bylaw subdivision regulations to increase the minimum lot size in the ALR from 2.0ha to 4.0ha in order to create a consistent minimum lot size of 4.0 ha for all the A1 zone.</p> <p>The wording "That Lot B, Section 34, Township 29, ODYD< Plan KAP66973...." has been removed as the effective period passed nearly 13 agos.</p>
	11.1.6 Development Regulations Replace entire section	(a) The maximum site coverage is 10% for residential development (inclusive of agri-tourist accommodation), and it is 35% for agricultural structures except it may be increased to 75% for greenhouses with closed	(a) For lots less than 0.4 ha, the maximum site coverage is 30%, unless section 1.7.1 applies. (b) For lots 0.4 ha and greater, a maximum residential footprint applies. The maximum residential	Agriculture Plan Recommendation 1.2a "Adopt Residential Footprint policies as per the Non-Farm Use White Paper (see Appendix G) in accordance with provincial standards including residential footprint size, building setbacks, and total floor

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		<p>wastewater and storm water management systems.</p> <p>Site coverage of accessory buildings or structures and carriage house shall not exceed a combined 14%. The maximum floor area of a carriage house shall be 90 m² or 75% of the total floor area of the principal building. The maximum floor area of a carriage house may increase to a maximum of 100 m² only if the carriage house is limited to one (1) storey in height and is less than 75% of the total floor area of the principal building.</p> <p>(b) The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 16.0m for agricultural structures and 6.0m for accessory buildings or structures.</p> <p>(c) The minimum front yard is 6.0 m.</p> <p>(d) The minimum side yard is 3.0 m, except it is 4.0 m from a flanking street.</p>	<p>footprint is 2,000 m². The residential footprint size may be increased by up to 1,000 m² for each mobile home for immediate family where permitted.</p> <p>(c) The maximum site coverage is 35% excluding the residential footprint. The maximum combined site coverage excluding the residential footprint may be increased to 75% for greenhouses and plant nurseries with closed wastewater and storm water management systems.</p> <p>(d) The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 16.0m for agricultural structures and 6.0m for accessory buildings or structures.</p> <p>(e) The minimum front yard is 6.0 m.</p> <p>(f) The minimum side yard is 3.0 m, except it is 4.0 m from a flanking street.</p> <p>(g) The minimum rear yard is 10.0 m, except it is 3.0 m for accessory buildings.</p> <p>(h) Notwithstanding subsections 11.1.6(c) to (e), confined livestock</p>	<p>area of dwelling units. This includes establishing a maximum specific floor area for the Residential Footprint of 2,000 m² (0.2ha) within the ALR / A₁ zone.”</p> <p>Residential footprint based on Provincial “Guide for Bylaw Development in Farming Areas”</p> <p>Additional notes:</p> <ul style="list-style-type: none"> • Zoning regulation 1.8.3 states “Where a lot is created with Agricultural Land Commission approval for severance of a home-site or a lot to be used in lieu, then the regulations of the RR₂ zone will apply.” Homesite severances are typically between 0.2ha - 0.4 ha, so would not be subject to the gross floor area maximum (also note previously this is proposed to be changed to RR₃ regulations) This is addressed in Package 2. • Zoning regulation 1.7.1 Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU₁, RU₁(c), or RU₁(h) zones which have a

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		<p>(e) The minimum rear yard is 10.0 m, except it is 3.0 m for accessory buildings and a carriage house. A carriage house must be located no closer than 4.5 m to the principal dwelling and no further than 10m from the principal dwelling.</p> <p>(f) Notwithstanding subsections 11.1.6(c) to (e), confined livestock areas and/or buildings housing more than 4 animals, or used for the processing of animal products or for agricultural and garden stands, shall not be located any closer than 15.0 m from any lot line, except where the lot line borders a residential zone, in which case the area, building or stand shall not be located any closer than 30.0 m from the lot line.</p>	<p>areas and/or buildings housing more than 4 animals, or used for the processing of animal products or for agricultural and garden stands, shall not be located any closer than 15.0 m from any lot line, except where the lot line borders a residential zone, in which case the area, building or stand shall not be located any closer than 30.0 m from the lot line.</p>	<p>maximum site coverage of 40% and together with driveways and parking not to exceed 50%.</p> <ul style="list-style-type: none"> ALC has a regulation that any parcel less than 2 acres PRIOR to the ALR being formed in 1972, the ALC/ALR Regulations do not apply. <p>All references to carriage house have been removed as per above based on Agriculture Plan Recommendation 1.3d: "Remove "carriage house" as a permitted use within the A1 zone."</p>
	<p>Replace 11.1.7 Other Regulations</p> <p>Replace section</p>	<p>(a) Notwithstanding subsection 11.1.4(b), when a home based business, rural involves the cutting and wrapping of wild game or any meat, the lot must have a minimum lot area greater than 0.33 ha.</p>	<p>(a) When a home based business, rural involves the cutting and wrapping of wild game or any meat, the lot must have a minimum lot area greater than 0.33 ha.</p> <p>(b) Major animal clinics or kennels and stables shall not be located on parcels less than 2.0 ha.</p>	<p>For (a) removed "notwithstanding subsection 11.1.4(b), as the reference is no longer applicable.</p> <p>Removed all references to carriage house (as it is proposed to be removed as a use above) which helps achieve "Agriculture Plan Recommendation 1.3d: "Remove</p>

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No.	Section	Existing	Proposed	Explanation
		<p>(b) Major animal clinics or kennels and stables shall not be located on parcels less than 2.0 ha.</p> <p>(c) Agricultural and garden stands selling only produce grown on the site or another site operated by the same producer do not have a maximum area. The maximum gross floor area of stands selling produce that is produced off-site shall be 50.0 m². For sites within the Agricultural Land Reserve, the maximum gross floor area of agricultural and garden sales for produce produced off-site or off-farm products shall be the lesser of one-third of the total floor area of the agricultural and garden sales stand or 100.0 m².</p> <p>(d) In addition to the regulations listed above, other regulations may apply, including, but not limited to, other sections of this Zoning Bylaw, and any applicable regulations or requirements of the Land Reserve Commission.</p>	<p>(c) Agricultural and garden stands selling only produce grown on the site or another site operated by the same producer do not have a maximum area. The maximum gross floor area of stands selling produce that is produced off-site shall be 50.0 m². For sites within the Agricultural Land Reserve, the maximum gross floor area of agricultural and garden sales for produce produced off-site or off-farm products shall be the lesser of one-third of the total floor area of the agricultural and garden sales stand or 100.0 m².</p> <p>(d) In addition to the regulations listed above, other regulations may apply, including, but not limited to, other sections of this Zoning Bylaw, and any applicable regulations or requirements of the Land Reserve Commission.</p> <p>(e) Outside storage of recreational vehicles is not permitted, other than two (2) recreational vehicles that are registered to the property owner.</p> <p>(f) Intensive Agriculture uses shall be located only within those areas designated for Intensive Agricultural</p>	<p>"carriage house" as a permitted use within the A1 zone."</p> <p>Agriculture Plan recommendation 1.3c "Require that mobile homes on farmland be occupied by the owner's immediate family, be located on a non-permanent foundation without basement excavation, and be removed from the property within 90 days when no longer occupied. The site must be restored to a condition suitable for agricultural use following removal of the mobile home." This also complies with ALC Regulation and Policy L-08 (October 2016) and</p>

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		<p>(e) A "c" notation shown on Schedule "A" as part of the identified zone classification indicates that a secondary use in the form of a carriage house is permitted on the properties so designated, subject to meeting the conditions of use of the zone. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of parent zone.</p> <p>(f) Outside storage of recreational vehicles is not permitted, other than two (2) recreational vehicles that are registered to the property owner.</p> <p>(g) A carriage house must not be closer than 3.0m to an existing principal building.</p> <p>(h) Intensive Agriculture uses shall be located only within those areas designated for Intensive Agricultural Use in accordance with Schedule "A" attached to this Bylaw.</p> <p>(i) A mobile home may be considered a carriage house only</p>	<p>Use in accordance with Schedule "A" attached to this Bylaw.</p> <p>(g) Bed and breakfast homes or group homes, minor in combination with a secondary suite shall not be located on parcels less than 2.0 ha in size.</p> <p>(h) Mobile home for immediate family, where permitted, must be located on a non-permanent foundation without basement excavation. When no longer occupied, the mobile home must be removed from the lot within 90 days and the site must be restored to a condition suitable for agricultural use.</p>	

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		<p>in an A1c – Agricultural 1 with Carriage House zone.</p> <p>(j) Bed and breakfast homes or group homes, minor in combination with a secondary suite shall not be located on parcels less than 2.0 ha in size.</p>		