

**TA18-0002 PACKAGE 1**  
**Amendments to Zoning Bylaw No. 8000 (Agriculture Plan Recommendations)**

No.	Section	Existing	Proposed	Explanation								
1	Section 1 – General Administration, 1.3 Zoning map Replace	<table border="1"> <tr> <th colspan="2">Section 11 – Agricultural Zones</th> </tr> <tr> <td>A1/A1 c</td> <td>Agriculture 1 / Agriculture 1 with Carriage House</td> </tr> </table>	Section 11 – Agricultural Zones		A1/A1 c	Agriculture 1 / Agriculture 1 with Carriage House	<table border="1"> <tr> <th colspan="2">Section 11 – Agricultural Zones</th> </tr> <tr> <td>A1</td> <td>Agriculture 1</td> </tr> </table>	Section 11 – Agricultural Zones		A1	Agriculture 1	Removal of carriage houses see amendment 3 for details. Agri-tourist accommodation for clarity, as it was removed in previous amendment package.
Section 11 – Agricultural Zones												
A1/A1 c	Agriculture 1 / Agriculture 1 with Carriage House											
Section 11 – Agricultural Zones												
A1	Agriculture 1											
2	Section 2.3.3 Interpretation  Add definition for Immediate Family		<p><b>IMMEDIATE FAMILY</b> 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>								
3	Section 9.5b Carriage House Regulations  Remove 9.5b.2 Development Regulations in Agricultural Zones	<p><b>9.5b.2 Development Regulations in Agricultural Zones</b></p> <p>(a) The maximum <b>site coverage</b> is 90 m<sup>2</sup>, except it is 100 m<sup>2</sup> if a <b>carriage house</b> is limited to one <b>storey</b>.</p> <p>(b) The maximum <b>net floor area</b> is the lesser of 90 m<sup>2</sup> or 75% of the <b>net floor area</b> of the principal <b>dwelling</b>.</p>	9.5b.2 [deleted]	<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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		<p>(c) The maximum <b>height</b> is 6.0 m.</p> <p>(d) The minimum <b>front yard</b> is 12.0 m except for <b>double fronting lots</b>. For <b>double fronting lots</b>, a <b>carriage house</b> shall be sited in accordance with the regulations for a <b>single detached house</b> in that zone.</p> <p>(e) The minimum <b>side yard</b> is 3.0 m, except it is 4.0 m from a <b>flanking street</b>.</p> <p>(f) The minimum <b>rear yard</b> is 3.0 m.</p> <p>(g) The minimum distance to a principal <b>dwelling</b> is 4.5 m and the maximum distance is 10.0 m.</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> <p>Carriage houses on A1 land do not align with OCP policies of walkability, and complete communities etc.</p>
4	<p>Section 9.5b Carriage House Regulations</p> <p>9.5b.3 Other Regulations Remove (g) and reletter</p>	<p>(g) A <b>mobile home</b> may be considered a <b>carriage house</b> only in agricultural <b>zones</b> where a <b>carriage house</b> is permitted.</p>	9.5b.3 (g) [deleted]	<p>Agriculture Plan recommendation 1.3d: "Remove "carriage house" as a permitted use within the A1 zone."</p> <p>Explanation provided in amendment 3 above.</p>
5	Remove from 11.1	<b>A1c – Agriculture 1 with Carriage House</b>		Remove the subzones titles from the A1 for A1c (per Agriculture Plan recommendation 1.3d: "Remove "carriage house" as a permitted use within the A1 zone." )
6	Remove in Section 11.1.3 Agricultural Zones – Secondary Uses	<p>The <b>secondary uses</b> in this <b>zone</b> are:</p> <p>(h) <b>carriage house</b> (A1c only)</p>	<p><b>11.1.10 Prohibited Uses</b></p> <p>The following uses are specifically prohibited in the A1 – Agriculture zone, in accordance with</p>	Agriculture Plan recommendation 1.3d: "Remove "carriage house" as

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	And replace with new Section 11.1.10 Prohibited Uses		the requirements of the ALC Regulations to prohibit explicitly: (a) agri-tourist accommodation, as defined by the ALC Regulation. (b) <b>carriage house</b>	a permitted use within the A1 zone."  Explanation provided in amendment 3 above.								
7	Replace in Section 11.1.3 Agricultural Zones – Secondary Uses  Replace the site specific use of the <b>food primary establishment</b> for the Hillcrest Café to new Section 11.1.9	(i) <b>food primary establishment</b> – *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".  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: i) The Cafe facility is limited to current size being 25.3m <sup>2</sup> (272ft <sup>2</sup> ) indoor and 34.6m <sup>2</sup> (372ft <sup>2</sup> ) outdoor and that there be submission of notification or an application to the ALC should there be plans in the future for any significant changes or plans to expand the current footprint.	<b>11.1.9 Site Specific Uses and Regulations</b> Uses and regulations apply to the A1 – Agriculture 1 zone on a site specific basis as follows: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th><i>Legal Description</i></th> <th><i>Civic Address</i></th> <th><i>Regulation</i></th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Lot A, Section 24, Township 26, ODYD, Plan EPP7145</td> <td>700 Hwy 33 E</td> <td><b>Food primary establishment.</b>                              This existing cafe is subject to the Agricultural Land Commission (ALC) Resolution #101/2014 for application #53542 which approved this non farm use subject to the following condition:                              i) The Cafe facility is limited to current size being 25.3m<sup>2</sup></td> </tr> </tbody> </table>		<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>	1.	Lot A, Section 24, Township 26, ODYD, Plan EPP7145	700 Hwy 33 E	<b>Food primary establishment.</b> This existing cafe is subject to the Agricultural Land Commission (ALC) Resolution #101/2014 for application #53542 which approved this non farm use subject to the following condition: i) The Cafe facility is limited to current size being 25.3m <sup>2</sup>	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.
	<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>									
1.	Lot A, Section 24, Township 26, ODYD, Plan EPP7145	700 Hwy 33 E	<b>Food primary establishment.</b> This existing cafe is subject to the Agricultural Land Commission (ALC) Resolution #101/2014 for application #53542 which approved this non farm use subject to the following condition: i) The Cafe facility is limited to current size being 25.3m <sup>2</sup>									

# Schedule C

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No.	Section	Existing	Proposed			Explanation
					(272ft <sup>2</sup> ) indoor and 34.6m <sup>2</sup> (372ft <sup>2</sup> ) outdoor and that there be submission of notification or an application to the ALC should there be plans in the future for any significant changes or plans to expand the current footprint.	
8	Replace 11.1.4 (b) Buildings and Structures permitted	(b) one <b>mobile home</b> ;	(b) one <b>mobile home for immediate family</b>			<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</p>

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No.	Section	Existing	Proposed	Explanation
				recommendation. As well the requirements for the mobile home are in 11.1.7 "Other Regulations."
9	Delete in Section 11.1.4 Buildings and Structures Permitted (d) and (e)	(d) one <b>carriage house</b> (A1c only);  (e) only one secondary dwelling unit is permitted (e.g. secondary suite or carriage house).		Agriculture Plan recommendation 1.3d: "Remove "carriage house" as a permitted use within the A1 zone."  Explanation provided in amendment 3 above.
10	Replace 11.1.5 Subdivision Regulations (b)	(b) The minimum <b>lot area</b> is 4.0 ha except the minimum <b>lot area</b> is 2.0 ha when located within the <b>Agricultural Land Reserve</b> . That Lot B, Section 34, Township 29, ODYD, Plan KAP66973 be exempted from the minimum <b>lot area</b> requirements of this zone for a period of 3 years, effective July 30, 2002.	(b) The minimum <b>lot area</b> is 4.0 ha.	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.  The wording "That Lot B, Section 34, Township 29, ODYD, Plan KAP66973...." has been removed as the effective period passed nearly 13 agos.
11	11.1.6 Development Regulations  Replace entire section	(a) The maximum <b>site coverage</b> is 10% for residential <b>development</b> (inclusive of <b>agri-tourist accommodation</b> ), and it is 35% for <b>agricultural structures</b> except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.	(a) For <b>lots</b> less than 0.4 ha, the maximum <b>site coverage</b> is 30%, unless section 1.7.1 applies.  (b) For <b>lots</b> 0.4 ha and greater, a <b>residential footprint</b> must be registered on title for any residential development triggered by a Farm Protection Development Permit. The maximum <b>residential footprint</b> is 2,000 m <sup>2</sup> . A second <b>residential footprint</b> may be registered on title	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 area of dwelling units. This includes establishing a

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		<p><b>Site</b> coverage of accessory <b>buildings</b> or <b>structures</b> and <b>carriage house</b> shall not exceed a combined 14%. The maximum floor area of a carriage house shall be 90 m<sup>2</sup> 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 m<sup>2</sup> 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 <b>height</b> is the lesser of 9.5 m or 2½ <b>storeys</b>, except it is 16.0m for <b>agricultural structures</b> and 6.0m for <b>accessory buildings</b> or <b>structures</b>.</p> <p>(c) The minimum <b>front yard</b> is 6.0 m.</p> <p>(d) The minimum <b>side yard</b> is 3.0 m, except it is 4.0 m from a <b>flanking street</b>.</p> <p>(e) The minimum <b>rear yard</b> is 10.0 m, except it is 3.0 m for <b>accessory buildings</b> and a <b>carriage house</b>. A <b>carriage house</b> must be located no closer than 4.5 m to the principal <b>dwelling</b> and no further than 10m from the principal <b>dwelling</b>.</p>	<p>up to 1,000 m<sup>2</sup> for a <b>mobile home</b> for <b>immediate family</b> where permitted.</p> <p>(c) The maximum <b>site coverage</b> is 35%. The maximum combined <b>site coverage</b> may be increased to 75% for <b>greenhouses and plant nurseries</b> with closed wastewater and storm water management systems.</p> <p>(d) The maximum <b>height</b> is the lesser of 9.5 m or 2½ <b>storeys</b>, except it is 16.0m for <b>agricultural structures</b> and 6.0m for <b>accessory buildings</b> or <b>structures</b>.</p> <p>(e) The minimum <b>front yard</b> is 6.0 m.</p> <p>(f) The minimum <b>side yard</b> is 3.0 m, except it is 4.0 m from a <b>flanking street</b>.</p> <p>(g) The minimum <b>rear yard</b> is 10.0 m, except it is 3.0 m for <b>accessory buildings</b>.</p> <p>(h) Notwithstanding subsections 11.1.6(e) to (g), <b>confined livestock areas</b> and/or <b>buildings</b> housing more than 4 animals, or used for the processing of animal products or for <b>agricultural and garden stands</b>, shall not be located any closer than 15.0 m from any <b>lot line</b>, except where the <b>lot line</b> borders a <b>residential zone</b>, in which case the area, <b>building</b> or stand shall not be located any closer than 30.0 m from the <b>lot line</b>.</p>	<p>maximum specific floor area for the Residential Footprint of 2,000 m<sup>2</sup> (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"> <li>• Zoning regulation 1.8.3 states "Where a <b>lot</b> is created with Agricultural Land Commission approval for severance of a home-site or a <b>lot</b> to be used in lieu, then the regulations of the RR2 <b>zone</b> 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.</li> <li>• 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)</li> </ul>

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		(f) Notwithstanding subsections 11.1.6(c) to (e), <b>confined livestock areas</b> and/or <b>buildings</b> housing more than 4 animals, or used for the processing of animal products or for <b>agricultural and garden stands</b> , shall not be located any closer than 15.0 m from any <b>lot line</b> , except where the <b>lot line</b> borders a <b>residential zone</b> , in which case the area, <b>building</b> or stand shall not be located any closer than 30.0 m from the <b>lot line</b> .		<p>zones which have a maximum site coverage of 40% and together with driveways and parking not to exceed 50%.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <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>
12	Section 11.1.7 Other Regulations  Replace (a)	(a) Notwithstanding subsection 11.1.4(b), when a <b>home based business, rural</b> involves the cutting and wrapping of wild game or any meat, the <b>lot</b> must have a minimum <b>lot area</b> greater than 0.33 ha.	(a) When a <b>home based business, rural</b> involves the cutting and wrapping of wild game or any meat, the <b>lot</b> must have a minimum <b>lot area</b> greater than 0.33 ha.	For (a) removed "notwithstanding subsection 11.1.4(b), as the reference is no longer applicable.
13	Section 11.1.7 Other Regulations  Delete (e)	(e) A "c" notation shown on Schedule "A" as part of the identified <b>zone</b> classification indicates that a <b>secondary use</b> in the form of a <b>carriage house</b> is permitted on the properties so designated, subject to meeting the conditions of <b>use</b> of the <b>zone</b> . A "c" zoning classification on a property		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 "carriage house" as a permitted use within the A1 zone."

# Schedule C

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No.	Section	Existing	Proposed	Explanation
		shall be established by rezoning the subject property to the "c" version of parent <b>zone</b> .		
14	Section 11.1.7 Other Regulations  Add new policy as (k)		<b>(k) Mobile home for immediate family</b> , 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 <b>lot</b> within 90 days and the site must be restored to a condition suitable for agricultural use.	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)