

# CITY OF KELOWNA

## BYLAW NO. 11617

### TA18-0002 –Agricultural Amendments based on the Agricultural Plan

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 1 – General Administration, 1.3 Zoning Map** be amended by deleting:

Section 11 – Agricultural Zones	
A1/A1 c	Agriculture 1/Agriculture 1 with Carriage House

And replace it with:

Section 11 – Agricultural Zones	
A1	Agriculture 1

2. AND THAT **Section 2.3.3 Interpretation** be amended by adding a new definition for **IMMEDIATE FAMILY** in its appropriate location that reads as follows:

"**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."

3. AND THAT **Section 9.5b Carriage House Regulation Secondary Suite and Carriage House**, be amended by:

- a) Deleting sub-section **9.5b.2 Development Regulations in Agricultural Zones** that reads:

**"9.5b.2 Development Regulations in Agricultural Zones**

- (a) The maximum **site coverage** is 90 m<sup>2</sup>, except it is 100 m<sup>2</sup> if a **carriage house** is limited to one **storey**.
- (b) The maximum **net floor area** is the lesser of 90 m<sup>2</sup> or 75% of the **net floor area** of the principal **dwelling**.
- (c) The maximum **height** is 6.0 m.
- (d) The minimum **front yard** is 12.0 m except for **double fronting lots**. For **double fronting lots**, a **carriage house** shall be sited in accordance with the regulations for a **single detached house** in that zone.
- (e) The minimum **side yard** is 3.0 m, except it is 4.0 m from a **flanking street**.
- (f) The minimum **rear yard** is 3.0 m.
- (g) The minimum distance to a principal **dwelling** is 4.5 m and the maximum distance is 10.0 m."

- b) Deleting from sub-section **9.5b.3 Development Regulations in Agricultural Zones** sub-paragraph (g) that reads:

“(g) A **mobile home** may be considered a **carriage house** only in agricultural **zones** where a **carriage house** is permitted.”

4. AND THAT **Section 11 – Agricultural Zones** be amended by:

- a) deleting “**A1c – Agriculture 1 with Carriage House** from the title;
- b) deleting sub-paragraph (c) and (h) in **Section 11.1.3 Secondary Uses** as follows and renumber sub sequential subparagraphs:

“(h) **carriage house (A1c only)**”

- c) delete in **Section 11.1.3 Secondary Uses** sub-paragraph (i) that reads:

“(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”.

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.”

- d) Delete in **Section 11.1.4 Buildings and Structures Permitted** subparagraphs (b) that read:

“(b) one **mobile home;**”

And replace with

“(b) one **mobile home for immediate family;**”

- e) delete in **Section 11.1.4 Buildings and Structures Permitted** subparagraphs (d) and (e) that read:

“(d) one **carriage house (A1c only);**

(e) only one secondary dwelling unit is permitted (e.g. secondary suite or carriage house).”

- f) delete in **Section 11.1.5 Subdivision Regulations** sub-paragraph (b) that reads:

“(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.”

and replace with:

"(b) The minimum **lot area** is 4.0 ha."

g) delete in **Section 11.1.6 Development Regulations** that reads:

"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 wastewater and storm water management systems.

**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 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.

(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**.

(c) The minimum **front yard** is 6.0 m.

(d) The minimum **side yard** is 3.0 m, except it is 4.0 m from a **flanking street**.

(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**.

(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**."

and replace with:

"(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 **residential footprint** must be registered on title for any residential development triggered by a Farm Protection Development Permit. The maximum **residential footprint** is 2,000 m<sup>2</sup>. A second **residential footprint** up to 1,000 m<sup>2</sup> may be registered for a **mobile home** for **immediate family** where permitted.

(c) The maximum **site coverage** is 35% . The maximum combined **site coverage** may be increased to 75% for **greenhouses and plant nurseries** with closed wastewater and storm water management systems.

(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**.

(e) The minimum **front yard** is 6.0 m.

(f) The minimum **side yard** is 3.0 m, except it is 4.0 m from a **flanking street**.

(g) The minimum **rear yard** is 10.0 m, except it is 3.0 m for **accessory buildings**.

(h) Notwithstanding subsections 11.1.6(e) to (g), **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**."

h) delete in **Section 11.1.7 Other Regulations subparagraph (a)** that reads:

"(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."

And replace with:

"(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 0.33ha."

i) delete in **Section 11.1.7 Other Regulations subparagraph (e)** that reads:

"(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**."

j) Add in its appropriate location a new subparagraph (k) in **Section 11.1.7 Other Regulations subparagraph (e)** that reads:

"(k) **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."

h) add a new Section **11.1.9 Site Specific Uses and Regulations** in its appropriate location that reads as follows:

**"11.1.9 Site Specific Uses and Regulations**

Uses and regulations apply to the A1 – Agriculture 1 zone on a site specific basis as follows:

	<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	<p><b>Food primary establishment</b></p> <p>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:</p> <p>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.</p>

- i) Adding a new **Section 11.1.10 Prohibited Uses** in its appropriate location that reads as follows:

**"11.1.10 Prohibited Uses**

The following uses are specifically prohibited in the A<sub>1</sub> – Agriculture Zone, in accordance with the requirements of the **ALC** Regulations to prohibit explicitly:

- (a) agri-tourist accommodation, as defined by the **ALC** Regulation.
- (b) **carriage house"**

5. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28<sup>th</sup> day of May, 2018.

Considered at a Public Hearing on the 12<sup>th</sup> day of June, 2018.

Read a second and third time by the Municipal Council this 12<sup>th</sup> day of June, 2018.

Approved under the Transportation Act this 19<sup>th</sup> day of June, 2018.

Audrie Henry

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(Approving Officer-Ministry of Transportation)

Minister of Agriculture Approval this 19<sup>th</sup> day of September, 2018.

Lana Popham

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Minister of Agriculture

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk