

CITY OF KELOWNA

BYLAW NO. 11619

TA18-0003 –Agricultural Amendments based on the Agricultural Plan

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, 1.8 Undersized Lots, 1.8.3** be deleted that reads:

"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."

And replace it with:

"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 **RR3 zone** will apply."

2. AND THAT **Section 2 – Interpretation, 2.3 General Definitions**, be amended by:

- a) deleting the definition for **AGRICULTURE** that reads:

"**AGRICULTURE** means **development** or **use** for the primary production of farm products such as dairy products, poultry products, cattle, hogs, sheep or other animals, wheat or other grains, and vegetables, orchards or other field crops. This **use** is limited to one **dwelling**, and the processing and marketing of the products of the farm and those off-farm products permitted by the **Agricultural Land Commission**."

and replacing it with;

"**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."

- b) deleting the definition for **AGRICULTURAL STRUCTURES** that reads as follows:

"**AGRICULTURAL STRUCTURES** are those **buildings** or **structures** used for **agriculture** or **intensive impact agriculture**."

And replacing it with:

"**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**."

- c) adding a definition for **AGRI-TOURISM** that reads:

"**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."

- d) deleting the definition for **AGRICULTURAL AND GARDEN STANDS** that reads:
- "AGRICULTURAL AND GARDEN STANDS** means those accessory **buildings** and **structures** for retailing agricultural products on a farm."
- e) adding a new definition for **ALCOHOL PRODUCTION FACILITIES** that reads:
- "ALCOHOL PRODUCTION FACILITIES,** means facilities as defined by **breweries and distilleries, wineries and cideries, or meaderies."**
- f) adding a definition for **FARM RETAIL SALES STANDS** in its appropriate location that reads:
- "FARM RETAIL SALES STANDS** means those accessory **buildings** and **structures** for retailing agricultural products on a farm."
- g) deleting all references of **"AGRICULTURAL AND GARDEN STANDS"** and replacing it with **"FARM RETAIL SALES STANDS"**
- h) deleting the definition for **GREENHOUSES AND PLANT NURSERIES** that reads:
- "GREENHOUSES AND PLANT NURSERIES** means **development** used primarily for the raising, storage, and sale of produce, bedding, household, ornamental plants and related materials such as tools, soil, and fertilizers."
- And replace it with:
- "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."
- i) deleting the definition for **KENNELS AND STABLES** that reads:
- "KENNELS AND STABLES** means **premises** used for the breeding, buying, selling or overnight boarding of animals including individual dogs, cats, horses or other domesticated animals excluding livestock other than horses."
- j) adding a new definition for **KENNELS** that reads:
- "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."
- k) adding a new definition for **MEADERIES** that reads:
- "MEADERIES** means a meadery, as applicable, that is licensed under the *Liquor Control and Licensing Act* to produce mead."

- l) deleting the definition for **ON-FARM PROCESSING** that reads:

"ON-FARM PROCESSING means the undertaking of processes, including grading, packing, mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments, and biological treatments 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."

and replacing it with:

"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."

- m) adding a new definition for **STABLES** that reads:

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

- n) deleting the definition for **WINERIES AND CIDERIES** that reads:

"WINERIES AND CIDERIES means a farm winery, an estate winery, or an estate 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.'

And replacing it with:

'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."

3. Deleted by amendment at 1st reading

4. Deleted by amendment at 1st reading

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

- a) adding its appropriate location a new subsection in **Section 11.1.2 Principal Uses** for "stables";
- b) deleting sub-paragraph b in Section 11.1.2 **Principal Uses** that reads:

"(b) **animal clinics**, major where in existence prior to July 1st, 1998"

c) deleting **Section 11.1.3 Secondary Uses** that reads:

"11.1.3 The **secondary uses** in this zone are:

- (a) **agricultural dwelling(s) additional**
- (b) **agri-tourism**
- (c) [deleted]
- (d) **animal clinics, major**
- (e) **animal clinics, minor**
- (f) **bed and breakfast homes**
- (g) **child care centre, minor**
- (h) [deleted]
- (i) [deleted]
- (j) **forestry**
- (k) **group homes, minor**
- (l) **home based businesses, major**
- (m) **home based businesses, minor**
- (n) **home based businesses, rural**
- (o) **kennels and stables**
- (p) **secondary suite**
- (q) **wineries and cideries"**

And replace it with:

"The **secondary uses** in this zone for lots within the **Agriculture Land Reserve** are:

- (a) **agri-tourism**
- (b) **alcohol production facilities**
- (c) **bed and breakfast homes**
- (d) **child care centre, minor**
- (e) **farm retail sales stands**
- (f) **forestry**
- (g) **group homes, minor**
- (h) **home based businesses, major**
- (i) **home based businesses, minor**
- (j) **home based businesses, rural**
- (k) **kennels**
- (l) **mobile home for immediate family**
- (m) **on-farm processing**
- (n) **secondary suite**
- (o) **temporary farm worker housing**

The **secondary uses** in this zone for lots outside of the **Agriculture Land Reserve** are:

- (a) **agri-tourism**
- (b) **animal clinics, major**
- (c) **animal clinics, minor**
- (d) **bed and breakfast homes**
- (f) **child care centre, minor**
- (g) **group homes, minor**
- (h) **home based businesses, major**
- (i) **home based businesses, minor**
- (j) **home based businesses, rural**
- (k) **kennels**
- (l) **secondary suite**
- (m) **temporary farm worker housing"**

- d) Deleting subparagraph (b) in **Section 11.1.4 Buildings and Structures Permitted** that reads:
“(b) one **mobile home** for **immediate family**,”

and replace it with:

“(b) one **mobile home** for **immediate family**, where the **owner** lives on the same **lot**,”

- e) Deleting **Section 11.1.6 Development Regulations** that reads:

“(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 m². A second **residential footprint** up to 1,000 m² 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**.”

And replacing it with:

“(a) Development regulations are as per the regulations below and indicated in Table 11.1.

(b) For **lots** less than 0.4 ha, the maximum site coverage is 30%, unless section 1.7.1 applies.

(c) 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 m². A second **residential footprint** up to 1,000 m² may be registered for a **mobile home** for **immediate family** where permitted.

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

(e) Kennels may not exceed **building footprint** of 250m².

(f) Notwithstanding subsections 11.1.6(a), **confined livestock areas** and/or **buildings** housing more than 4 animals, or used for the processing of animal products, shall not be located any closer than 30.0 m from the **lot line** where the **lot line** borders a **residential zone**.”

- f) Adding a new Table 11.1 to **Section 11.1.6 Development Regulations** in its appropriate location that reads as Schedule D as attached to and forming part of this bylaw;
- g) Deleting **Section 11.1.7 Other Regulations** that reads:
- “(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.
 - (b) Major animal clinics or **kennels and stables** shall not be located on parcels less than 2.0 ha.
 - (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.
 - (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**.
 - (e) [deleted]
 - (f) Outside storage of recreational vehicles is not permitted, other than two (2) recreational vehicles that are registered to the property owner.
 - (g) [deleted]
 - (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.
 - (i) [deleted]
 - (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.”
 - (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.”

And replace it 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 0.33 ha.

- (b) **Major animal clinics**, where permitted, **kennels** and **stables** shall not be located on parcels less than 2.0 ha.
- (c) [deleted]
- (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 **Agriculture Land Commission**.
- (e) [deleted]
- (f) Outside storage of recreational vehicles is not permitted, other than two (2) recreational vehicles that are registered to the property owner.
- (g) deleted
- (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.
- (i) [deleted]
- (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.
- (k) **Mobile home for immediate family**, where permitted, must be located on a non-permanent foundation without basement excavation. When no longer occupied by **immediate family**, 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.
- (l) **Greenhouses and Plant Nurseries** may include the **accessory** sale of landscaping and gardening non-farm products provided that this accessory use is limited to 150 m² on the **lot**.

6. 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 28th day of May, 2018.

Considered at a Public Hearing on the 12th day of June, 2018.

Amended at first reading by the Municipal Council on the 12th day of June, 2018.

Read a second and third time, as amended, by the Municipal Council this 12th day of June, 2018.

Approved under the Transportation Act this 25th day of September, 2018.

Audrey Henry
(Approving Officer-Ministry of Transportation)

Minister of Agriculture Approval this 19th day of September, 2018.

Lana Popham
Minister of Agriculture

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A" – Deleted by amendment at first reading

Schedule B – Deleted by amendment at first reading

Schedule C – Deleted by amendment at first reading

Schedule D

Table 11.1 to accompany section 11.1.6 Development Regulations

Use	Gross Floor Area	Minimum setback distances			Height
		Front and Flanking Street	Yard	Side Yard	
Single detached housing on lots less than 0.4 ha, unless section 1.7.1 applies	see 11.1.6 (c)	6.0 m	3.0 m	10.0 m	Lesser of 9.5 m or 2 ½ storeys
Single detached housing on lots 0.4 ha or greater ^a	See 11.1.6 (b)	6.0 m	3.0 m	10.0 m	Lesser of 9.5 m or 2 ½ storeys
Accessory Buildings or Structures (including Garage / Carport)	130 m ²	6.0 m	3.0 m	3.0 m	6.0 m
Mobile Home for Immediate Family, where permitted (ALR only)	300 m ² , maximum 9 m wide	6.0 m	3.0 m	10.0 m	4.8 m
Agricultural Structures	see 11.1.6 (d)	4.5 m	3.0 m	3.0 m	16.0 m
Greenhouses and Plant Nurseries, with closed wastewater and storm water management systems	see 11.1.6 (d)	6.0 m	3.0 m	3.0 m	16.0 m
Farm Retail Sales Stands	300 m ^{2 a}	6.0 m	3.0 m	3.0 m	6.0 m
Kennel	500 m ²	15.0 m	15.0 m	15.0 m	Lesser of 9.5 m or 2 ½ storeys
Stables	see 11.1.6 (d)	15.0 m	15.0 m	15.0 m	16.0 m
On Farm Processing	see 11.1.6 (d)	6.0 m	3.0 m	3.0 m	16.0 m
Alcohol production facilities processing facility	Per ALC Regulation	6.0 m	3.0 m	3.0 m	Lesser of 9.5 m or 2 ½ storeys
Alcohol production facilities tasting facility or lounge	Per ALC Regulation	6.0 m	6.0 m	10.0 m	Lesser of 9.5 m or 2 ½ storeys

^{a)} **Farm Retail Sales Stands**, selling only produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. If non-farm products are being sold, then the total area, both indoors and outdoors, used for retail sales of all products must not exceed 300m² and at least 50 per cent of the that retail sales area must be for the sale of farm products produced on the farm.