

CITY OF KELOWNA

BYLAW NO. 8760

Text Amendment No. TA01-005 – Miscellaneous Amendments for Farm Bylaw

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 that City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Section 2 - Interpretation** be amended by:

- (i) Replacing the definition of "**Agriculture**" in **Subsection 2.3 General Definitions** with the following:

"**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 **Land Reserve Commission**."

- (ii) Replacing the definition of "**Agricultural Land Commission (ALC)**" in **Subsection 2.3 General Definitions** with the following in the appropriate location:

"**LAND RESERVE COMMISSION (LRC)** means the provincial governing body assigned to administer regulations and policies which relate to the preservation of agricultural land. The LRC was previously referred to as the Agricultural Land Commission (ALC), and references as such in this Bylaw should be deemed to now refer to the **Land Reserve Commission (LRC)**, as applicable."

- (iii) Adding the following definitions of "Confined Livestock Area", "Farm Bylaw", "Intensive Agriculture", "On-Farm Composting", and "Livestock" in the appropriate location in **Subsection 2.3 General Definitions**:

"**CONFINED LIVESTOCK AREA** means an outdoor, non-grazing area where livestock, poultry or farmed game is confined by fences, other structure or topography, and includes feedlots, paddocks, corrals, exercise yards, and holding areas, but does not include a seasonal feeding area.

FARM BYLAW means City of Kelowna Farm Bylaw No. 8694 as amended or replaced from time to time.

INTENSIVE AGRICULTURE means the use of land, buildings and structures by a commercial enterprise or an institution for:

- (a) the confinement of poultry, livestock or fur bearing animals, or
(b) on-farm composting.

ON-FARM COMPOSTING means the composting of waste originating on, or transported to, an agriculture operations site, where a minimum of 20% of the finished compost is produced and used on the same legal parcel where the agricultural operation is located.

LIVESTOCK means cattle, horses, sheep, goats, swine, rabbits, and fish."

2. AND THAT **Subsection 7.6 – Minimum Landscape Buffers** of **Section 7 – Landscaping and Screening** be amended by replacing paragraph 7.6.1(e) with the following:

“7.6.1 (e) **Level 5:** a landscape buffer is required for all land **abutting ALR** land where non-farm **uses** exist. The minimum buffer shall be 3.0m wide and include an opaque barrier located on the **ALR** side of the buffer. This standard may be replaced or modified as a result of conditions of a decision by the **Agricultural Land Commission**. The buffer area shall not be included in the required setback for **Rural** and **Urban Residential zones**.”
3. AND THAT **Section 11 - Agricultural Zones** be amended by:
 - (i) Replacing **Subsection 11.1.1 Purpose** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone with the following:

“**11.1.1 Purpose**
The purpose is to provide a **zone** for rural areas and agricultural **uses** as well as other complementary **uses** suitable in an agricultural setting.”
 - (ii) Adding the following paragraph to of **Subsection 11.1.2 Principal Uses** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone and renumbering the subsequent paragraphs:

“**intensive agriculture**”
 - (iii) Replacing paragraph (g) to of **Subsection 11.1.3 Secondary Uses** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone with the following:

“**forestry**”
 - (iv) Replacing paragraph (f) of **Subsection 11.1.5 Development Regulations** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone with the following:

“(f) Notwithstanding subsections 11.1.5(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**.”
 - (v) Replacing paragraphs (a) and (g) of **Subsection 11.1.6 Other Regulations** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone with the following:
 - “(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.
 - (g) In addition to the regulations listed above, other regulations, including, but not limited to, other sections of this Zoning Bylaw, any applicable regulations or requirements of the **Land Reserve Commission**, and the **Farm Bylaw**.”

- (vi) Adding the following paragraph (j) to **Subsection 11.1.6 Other Regulations** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone:
 - “(j) **Intensive Agriculture** uses shall be required to meet the requirements of the Farm Bylaw.”
 - (vii) Adding the following paragraph (k) to **Subsection 11.1.6 Other Regulations** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone:
 - “(k) **Intensive Agriculture** uses shall be located only within those areas designated for Intensive Agricultural Use in accordance with Schedule “A” attached to this Bylaw.”
 - (viii) That **Section 11.2 A2 - Agriculture 2** zone be deleted in its entirety and that all references to the A2- Agriculture 2 zone throughout the Zoning Bylaw be deleted.
3. 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

Approved under The Highways Act this

(Approving Officer - Ministry of Transportation & Highways)

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Received the Approval of the Minister of Agriculture, Food and Fisheries this

(Approving Officer - Ministry of Agriculture, Food and Fisheries)

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule "A"

