

CITY OF KELOWNA

BYLAW NO. 8760

Text Amendment No. TA01-005 – Miscellaneous Amendments

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 1 – General Administration** be amended by:

(i) Adding the following subsection:

"1.11 REVIEW OF AGRICULTURE ZONE

1.11.1 The City of Kelowna will initiate a review of the Agriculture zone, and related regulations, in conjunction with the Ministry of Agriculture, Food and Fisheries by no later than December 31, 2003."

2. AND 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 "**Agricultural Waste**", "**Confined Livestock Area**", "**Fur Bearing Animal**", "**Intensive Agriculture**", "**Mushroom Medium**", "**On-Farm Composting**", "**Poultry**", "**Livestock**", and "**Seasonal Feeding Area**" in the appropriate locations in **Subsection 2.3 General Definitions**:

"AGRICULTURAL WASTE means a by-product of agriculture and includes manure, used mushroom medium and agricultural vegetation waste.

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

FUR BEARING ANIMAL means an animal that is wild by nature kept in captivity, and whose pelt is commonly used for commercial purposes, but does not include a species excluded by regulation under the Fur Farm Act.

INTENSIVE AGRICULTURE means the use of a **confined livestock area**, buildings or structures by a commercial enterprise or an institution for:

- (a) the confinement of **poultry, livestock** (excluding horses) or **fur bearing animals**,
- (b) **on-farm composting** or more than five cubic metres of material;
- (c) production of **mushroom medium**.

LIVESTOCK means cattle, horses, sheep, goats, swine, rabbits, fish, farmed game and exotic animals as prescribed by the Minister responsible for the administration of the Farm Practices Protection (Right to Farm) Act.

MUSHROOM MEDIUM means a composted mixture that is used for growing mushrooms.

ON-FARM COMPOSTING means the composting of agricultural waste or raw materials, which may include manure, straw, vegetative waste, woodwaste, ground paper, other sources of carbon and nitrogen and bulking agents.

POULTRY means domesticated birds kept for eggs, meat, feathers, hide or cosmetic or medicinal purposes, and includes broilers, cornish, layers, breeding stock, replacement pullets, roasters, duck, geese, turkeys, game birds and ratites.

SEASONAL FEEDING AREA means an area:

- (a) used for forage or other crop production, and
- (b) used seasonally for feeding **livestock** or **poultry**.”

3. 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 **Land Reserve Commission**. The buffer area shall not be included in the required setback for **Rural** and **Urban Residential zones**.”

4. 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 **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) Adding the following of **Subsection 11.1.3 Secondary Uses** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone and renumbering the subsequent paragraphs:
“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 may apply, including, but not limited to, other sections of this Zoning Bylaw, and any applicable regulations or requirements of the **Land Reserve Commission**.”
 - (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 located only within those areas designated for Intensive Agricultural Use in accordance with Schedule “A” attached to this Bylaw.”
 - (vii) 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.
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 19th day of November, 2001.

Approved under The Highways Act this 30th day of November, 2001.

R.M. CLIFFORD

(Approving Officer - Ministry of Transportation & Highways)

Considered at a Public Hearing on the 5th day of February, 2002.

Read a second and third time by the Municipal Council this 11th day of February, 2002.

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"

