

CITY OF KELOWNA

BYLAW NO. 10300

Text Amendment No. TA10-0002 – City of Kelowna Urban Agriculture Amendments to the Zoning Bylaw No. 8000

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, 2.3 General Definitions**, sub-section 2.3.3 be amended by adding to its appropriate location the following definition:

“AGRICULTURE, URBAN means the cultivation of a portion of a parcel for the production of food including fruits, vegetables, nuts and herbs for human consumption only. This use is limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public. Activities that produce or emit hazards, odour, dust, smoke, noise, effluent, light pollution, glare, or other emission are prohibited. This definition does not include poultry and/or livestock.”

2. AND THAT **Section 9 – Specific Use Regulations**, be amended to add in a new sub-section **9.10 Agriculture, Urban** as follows in its appropriate location:

“9.10 – Agriculture, Urban

- 9.10.1 Where food is produced for consumption by residents of the subject parcel only, and is in association with an existing principal use – single family dwelling, **urban agriculture** must comply with the following:

- a) **greenhouses** are permitted to a maximum of 30m² in total floor area;
- b) **greenhouses** or **accessory structures** associated with urban agriculture must conform to the applicable zoning requirements for **accessory buildings** or **structures** and the relevant zone. A **greenhouse** is not included in the calculation of lot coverage for **accessory buildings** or **structures**;
- c) **greenhouses, accessory buildings** or **accessory structures** 10m² or larger require a building permit;
- d) construction of **greenhouses, accessory buildings** or **accessory structures** 10m² or larger must conform to BC Building Code regulations;
- e) **greenhouses, accessory buildings** or **accessory structures** cannot be heated using a wood heat source (i.e. wood stove);
- f) height of **greenhouses, accessory buildings** or **structures**, and **agricultural structures** for food production purposes must not exceed 3.5m; and

- g) a minimum Level 2 landscape buffer for all affected property lines must be achieved and maintained during food production.

9.10.2 Where food is produced for the purpose of commercial sale, trade, or distribution offsite, or where no single family dwelling exists, **urban agriculture** must comply with the following:

- a) **greenhouses** are permitted to a maximum of 30m² in total floor area;
- b) **greenhouses** are not included in the calculation of lot coverage for **accessory buildings** or **structures**;
- c) **greenhouses, accessory buildings** or **accessory structures** 10m² or larger require a building permit;
- d) construction of **greenhouses, accessory buildings** or **accessory structures** 10m² or larger must conform to BC Building Code regulations;
- e) height of **greenhouses, accessory buildings** or **structures**, and **agricultural structures** for food production purposes must not exceed 3.5m;
- f) **greenhouses, accessory buildings** or **accessory structures** for food production must meet minimum **accessory building** setbacks for applicable zones;
- g) **greenhouses, accessory buildings** or **accessory structures** cannot be heated using a wood heat source (i.e. wood stove);
- h) pedestrian or vehicular traffic or parking must not exceed that which is generally characteristic of the neighbourhood within which it is located;
- i) signs for the purpose of advertising the use or business is prohibited, unless in conjunction with an authorized **home based business**;
- j) secondary processing of food products produced on site in all urban/rural residential zones is prohibited unless in conjunction with an authorized **home based business**;
- k) a minimum Level 2 landscape **buffer** for all affected **property lines** must be achieved and maintained during food production;
- l) herbicide and pesticide use in accordance with the City's Pesticide Use Regulation Bylaw No. 9920 and provincial regulations;
- m) former contaminated sites must obtain a Certificate of Compliance prior to food production onsite;
- n) no **outdoor storage** of related equipment and materials;

- o) organic materials produced onsite must be composted on site in accordance with accepted practices and must not produce odours, or must be transported to a composting facility by an appropriate means such as the yard waste collection program administered by the City of Kelowna; and
 - p) operator(s) of the commercial production must obtain and maintain a valid business license to operate in the City of Kelowna.
- 3. AND THAT **Section 12 Rural Residential Zones, RR1 – Rural Residential 1/RR1s – Rural Residential 1 with Secondary Suite**, sub-section **12.1.6 Development Regulations** sub-paragraph (b) be deleted in its entirety and replaced with the following:
 - “(b) The maximum **height** is the lesser of 9.5 m or 2½ storeys, except it is 6.0 m for **accessory buildings** and **accessory structures**, and 13.0 m for **agricultural structures**.”
- 4. AND THAT **Section 12 – Rural Residential Zones, 12.3 RR3 – Rural Residential 3/RR3s – Rural Residential 3 with Secondary Suite**, sub-section **12.3.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
- 5. AND THAT **Section 13 – Urban Residential Zones, 13.1 RU1 – Large Lot Housing/ RU1s – Large Lot Housing with Secondary Suite/ RU1h – Large Lot Housing (Hillside Area)**; sub-section **13.1.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
- 6. AND THAT **Section 13 – Urban Residential Zones, 13.2 RU2 – Medium Lot Housing/ RU2s – Medium Lot Housing with Secondary Suite/ RU2h – Medium Lot Housing (Hillside Area)/RU2hs – Medium Lot Housing (Hillside Area) with Secondary Suite**; sub-section **13.2.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
- 7. AND THAT **Section 13 – Urban Residential Zones, 13.3 RU3 – Small Lot Housing /RU3hs – Small Lot Housing (Hillside Area) with Secondary Suite**; sub-section **13.3.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
- 8. AND THAT **Section 13 – Urban Residential Zones, 13.4 RU4 – Low Density Cluster Housing /RU4h – Low Density Cluster Housing (Hillside Area)**; sub-section **13.4.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
- 9. AND THAT **Section 13 – Urban Residential Zones, 13.5 RU5 – Bareland Strata Housing**; sub-section **13.5.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
- 10. AND THAT **Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing/ RU6b – Two Dwelling Housing with Boarding or Lodging House/RU6h – Two Dwelling Housing (Hillside Area)**; sub-section **13.6.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;

11. AND THAT **Section 13 – Urban Residential Zones, 13.7 RM1 – Four Dwelling Housing**; sub-section **13.7.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
12. AND THAT **Section 13 – Urban Residential Zones, 13.8, RM2 – Low Density Row Housing/RM2h – Low Density Row Housing (Hillside Area)** ; sub-section **13.8.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
13. AND THAT **Section 13 – Urban Residential Zones, 13.9, RM3 – Low Density Multiple Housing** ; sub-section **13.9.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
14. AND THAT **Section 13 – Urban Residential Zones, 13.10, RM4 – Transitional Low Density Housing** ; sub-section **13.10.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
15. AND THAT **Section 13 – Urban Residential Zones, 13.11 RM5 – Medium Density Multiple Housing** ; sub-section **13.11.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
16. AND THAT **Section 13 – Urban Residential Zones, 13.12 RM6 – High Rise Apartment Housing** ; sub-section **13.12.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
17. AND THAT **Section 13 – Urban Residential Zones, 13.13 RM7 – Mobile Home Park** ; sub-section **13.13.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
18. AND THAT **Section 14 – Commercial Zones, 14.1 C1 – Local Commercial** ; sub-section **14.1.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
19. AND THAT **Section 14 – Commercial Zones, 14.2 C2 – Neighbourhood Commercial/C2rls – Neighbourhood Commercial (Retail Liquor Sales)** ; sub-section **14.2.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
20. AND THAT **Section 14 – Commercial Zones, 14.3 C3 – Community Commercial/C3lp/rls – Community Commercial (Liquor Primary/Retail Liquor Sales)**; sub-section **14.3.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
21. AND THAT **Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial/C4rls – Urban Centre Commercial(Retail Liquor Sales)/C4lp – Urban Centre Commercial (Liquor Primary)/C4lp/rls – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)** ; sub-section **14.4.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;

22. AND THAT **Section 14 – Commercial Zones, 14.5 C5 – Transition Commercial** ; sub-section **14.5.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
23. AND THAT **Section 14 – Commercial Zones, 14.6 C6 – Regional Commercial/C6rls – Regional Commercial (Retail Liquor Sales)/C6lp – Regional Commercial (Liquor Primary)**; sub-section **14.6.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
24. AND THAT **Section 14 – Commercial Zones, 14.7 C7 – Central Business Commercial/C7rls – Central Business Commercial (Retail Liquor Sales)/C7lp – Central Business Commercial (Liquor Primary)/C7lp/rls – Central Business Commercial (Liquor Primary/Retail Liquor Sales)** ; sub- section **14.7.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
25. AND THAT **Section 14 – Commercial Zones, 14.8 C8 – Convention Hotel Commercial/C8rls – Convention Hotel Commercial (Retail Liquor Primary)/C8lp – Convention Hotel Commercial (Liquor Primary)**, sub-section **14.8.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
26. AND THAT **Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial/C9rls – Tourist Commercial (Retail Liquor Sales)/C9lp – Tourist Commercial (Liquor Primary)/ C9lp/rls – Tourist Commercial (Liquor Primary/Retail Liquor Sales)** ; sub-section **14.9.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
27. AND THAT **Section 14 – Commercial Zones, 14.10 C10-Service Commercial/C10lp-Service Commercial (Liquor Primary)/C10lp/rls – Service Commercial (Liquor Primary/Retail Liquor Sales)** ; sub- section **14.10.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
28. AND THAT **Section 15 – Industrial Zones, 15.1 – Business Industrial** ; sub-section **15.1.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
29. AND THAT **Section 15 – Industrial Zones, 15.2 – General Industrial** ; sub-section **15.2.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
30. AND THAT **Section 15 – Industrial Zones, 15.3 – Heavy Industrial** ; sub-section **15.3.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
31. AND THAT **Section 15 – Industrial Zones, 15.4 – Central Industrial** ; sub-section **15.4.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
32. AND THAT **Section 15 – Industrial Zones, 15.5 – Extraction** ; sub-section **15.5.3 Secondary Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
33. AND THAT **Section 16 – Public & Institutional Zones, 16.1 – P1 – Major Institutional/P1lp – Major Institutional (Liquor Primary)** ; sub-section **16.1.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;

34. AND THAT **Section 16 – Public & Institutional Zones, 16.2 – P2 – Education and Minor Institutional** ; sub-section **16.2.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
35. AND THAT **Section 16 – Public & Institutional Zones, 16.3 – P3 – Parks and Open Space/P3lp – Parks and Open Space (Liquor Primary)** ; sub-section **16.3.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
36. AND THAT **Section 16 – Public & Institutional Zones, 16.4 – P4 - Utilities**; sub-section **16.4.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
37. AND THAT **Section 16 – Public & Institutional Zones, 16.5 – P5 – Municipal District Park/P5lp – Municipal District Park (Liquor Primary)**; sub-section **16.5.2 Principal Uses** be amended by adding the words “**agriculture, urban**” to the appropriate location and renumbering all subsequent subparagraphs;
38. This bylaw may be cited as "Bylaw No. 10300 being Urban Agriculture Amendments to the Zoning Bylaw No. 8000".
39. 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 8th day of March, 2010.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under The Highways Act this

(Approving Officer - Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk