

Memo



Date: April 19, 2010

To: City Manager

From: Community Sustainability Division

File No: TA09-0006

Applicant: City of Kelowna

Purpose: Housekeeping amendments to the Zoning Bylaw No. 8000 with respect to general definitions, agri-tourist accommodation, and the A1 - Agriculture 1 zone.

(Supplemental Report No. 3)

Report Prepared by: Andrew Browne & Stephen Fleming

1.0 RECOMMENDATION

THAT Bylaw No. 10269 (TA09-0006) be amended at first reading as outlined in Schedule "1" and Schedule "2" of the report of the Land Use Management Department dated April 19, 2010;

AND THAT Bylaw No. 10269 (TA09-0006) be forwarded to a Public Hearing for further consideration.

2.0 COUNCIL DIRECTION

At the February 9, 2010 regular meeting of Council, the following resolution was adopted following the closure of the public hearing:

THAT Council defer consideration of Bylaw No. 10269 (TA09-0006) pending receipt of additional information from staff.

At the April 12, 2010 regular meeting of Council, the following resolution was adopted:

THAT Council re-open the Public Hearing for Bylaw No. 10269 (TA09-0006) in order to receive, at a later date, the requested additional information from staff.

3.0 BACKGROUND

3.1 Agriculture's contribution to food security and the economy

Agriculture is BC's third largest primary industry, generating \$2.4 billion annually in farm cash receipts and providing for approximately half of BC's food requirements.

Sustaining the best of the local farmland and supporting the activities of farming and ranching in the face of rapid population growth and associated urbanization has been a constant challenge. Even within active agricultural areas there is a diverse range of human and natural activities taking place which tend only to heighten the land use conflicts facing agriculture.

3.2 Non-farm land use conflicts within agricultural areas

Agri-tourism uses on ALR lands were introduced province-wide with the intent to allow farmers to create value-added ventures on their farming operations. However, it has become apparent that this has been enticing for many farm/rural property owners and the agri-tourist accommodation land use is now subject to widespread abuse. Many operators have abandoned the principles central to the concept: that the operation should maintain agricultural values, remain ancillary

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to the principal farm use, and can not limit the ability of the farmland to produce commodities in the future.

Under provincial legislation farmers have the *Right to Farm* in agricultural areas as long as they use “normal farming practices.” Local governments must allow agriculture and activities that relate to agriculture, such as processing, as uses on all ALR lands. But local governments still have significant authority to shape development and non-farm activities on agricultural land through zoning regulations.

The recent proliferation of agri-tourist accommodation uses has created a host of land use conflicts and aggravation to bona fide agricultural operations. Notably, these concerns relate to public and property safety, liability of adjacent farm operations, trespassing, permanent occupancy of RV pads, on/off-site disposal of raw sewage, complaints with respect to sprays/canons/farm equipment, and irreversible investments on agricultural land to accommodate non-farm uses.

Additionally, regulations for agri-tourist accommodations in other jurisdictions have been more tightly regulated or even outright prohibited. In considering the impact of agri-tourist accommodation, Staff deliberated on the following questions:

1. Does the agri-tourist accommodation use benefit or otherwise relate to agriculture?
2. Does the agri-tourist accommodation use increase the potential for land use conflict?
3. Does the agri-tourist accommodation use tend to destabilize the agricultural community?
4. Does the land in question have potential for an agricultural "after life" upon eventual removal of the non-farm use?
5. Can the agri-tourist accommodation use be satisfactorily accommodated in another location?

These proposed text amendments aim to provide more stringent regulations that strive for consistency with the surrounding agricultural area within which these uses are found in order to avoid further conversion of agricultural land and land uses that may:

- generate land use conflicts
- intensify demands on the local rural road networks
- escalate land prices through speculation
- demand the extension of a variety of infrastructure; or
- set off expectations of further non-farm land use change and/or subdivision.

As an alternative, local governments can specifically prohibit certain uses that are non-farm related to avoid potential conflict.

4.0 TECHNICAL COMMENTS

4.1 The ALC, Ministry of Agriculture (MAL), Interior Health Authority, Building and Permitting Branch, and Policy & Planning Department all advised they have no objections to the proposed amendments.

Furthermore, it was noted that both the ALC and MAL encourage progressive approaches by local government to implement customized regulations that provide clarity and integrity to allowable agricultural uses. Providing this clarity is the responsibility of local government.

4.2 Glenmore-Ellison Irrigation District (GEID)

Since 2003, GEID has had numerous agri-tourism development enquiries, 2 completed developments and several properties in initial stages of development. In addition to the concerns that affected City of Kelowna bylaws, such as traffic, agricultural buffers, and viability of farmland, the agri-tourism developments completed to date have posed problems in several areas of concern to water suppliers including:

- peak hour water demand
- fire protection
- backflow prevention and cross-connection concerns
- use of water licensed for agricultural irrigation, and water use outside of water season
- change in land use to commercial without corresponding zoning change

Although there has been discussion with various departments at the City of Kelowna, Kelowna Fire Department, Interior Health and the Ministry of Community Development it appears that there has not been any City of Kelowna or Regional District bylaws or policies established as yet to regulate these developments in a consistent manner, or restrict them from inappropriate locations.

We understand that other stakeholder agencies besides GEID have concerns regarding agritourism operations, including traffic impacts, sanitation and waste disposal, and business licensing. While these concerns are outside of GEID's scope, we raise them to note that we are not the only agency with concerns regarding these operations.

5.0 CORPORATE SERVICES DEPARTMENT COMMENTS

5.1 Non-conforming status of existing operations

Bylaw Services Staff contacted and conducted site visits to the fourteen (14) existing agri-tourism sites based on business licence records. Most of the owners contacted were both receptive and cooperative with the Staff contact, and many claimed not to be fully aware of all of the ALC regulations pertaining to agri-tourism operations. Most, but not all, indicated they would make changes as necessary to comply with ALR or City regulations.

Table of existing operations:

Location	# Sites	Stay Length	Site Coverage	Comply w/ ALC?	Notes
1*	9	30+ days	~ 7.5 %	No	Storing RVs.
2*	n/a	n/a	n/a	n/a	Business license with no operation existing.
3*	10	30+ days	~ 8.9 %	No	No intention to limit stays to 30 days.
4*	20	30+ days	~ 43.6 %	No	Previous owner put in 20 sites.

5*	10	30+ days	~ 8.3 %	No	Occupied permanently. No intention to limit stays to 30 days.
6	n/a	n/a	n/a	n/a	Preparing sites but not yet in operation.
7	6	30+ days	~ 5.4 %	No	
8*	2	30+ days	~ 0.5 %	No	Occupied permanently.
9	9	n/a	n/a	n/a	Preparing 9 sites but not yet in operation.
10	n/a	n/a	n/a	n/a	Business license with no operation existing.
11*	10	30+ days	~ 7.5 %	No	Storing RVs.
12*	10	30+ days	~ 10.9 %	No	Some sites permanent.
13	10	>30 days	n/a	Yes	Marked out 10 sites but not built or operating.
14	n/a	n/a	n/a	n/a	Business license with no operation existing.

* = Require changes to conform to current ALC regulations.

5.2 Bylaw enforcement process

Bylaw Services are able to enforce any City bylaw regulations pertaining to agri-tourist accommodations but must rely on the ALC to enforce any of their provisions.

5.3 Business license approvals

Any new business licence application for an agri-tourist accommodation business is reviewed to ensure compliance with City regulations. The current wording of the Business Licence Bylaw is not strong enough to require an owner be compliant with ALC regulations prior to the City issuing them a business licence.

All existing agri-tourist accommodation business licences would be reviewed by the City receiving a renewal application in 2011. Each existing business would be evaluated on a case-by-case basis to determine if they enjoyed any non-conforming status or not. However, each agri-tourist facility would be required to conform to the ALC regulations that currently exist.

Any new agri-tourist accommodation business licence application or any of the existing businesses that did not qualify for non-conforming status would be required to follow whatever regulations are in existence at the time of application.

6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

In accordance with Council's request for a discretionary public process, Staff are recommending that a rezoning be required in order to permit any future agri-tourist accommodation operations. Staff are proposing a "t" designation, similar to the secondary suite process, that would proceed

as a simple rezoning to Council and a subsequent public hearing. This is the only proposed change and the remainder of the text amendment is as previously heard and discussed by Council.

Council would have the option to initiate a re-zoning to down zone a property by removing their "t" designation should the property lose its farm status from BC Assessment, as this is a requirement in order to operate an agri-tourist accommodation facility. The property owner would not be entitled to compensation from the City.

Notably, the purpose of the C9 - Tourist Commercial zone is to designate and preserve land for the orderly development of commercial visitor accommodation, which includes 'tourist campsites' as a principal use. This commercial zone affords opportunities for tourist commercial and accommodation uses in locations where complimentary amenities are in place and where available infrastructure can service the uses appropriately. Agricultural and ALR lands should not be the primary landbase to serve tourist accommodation, and should always remain secondary and complimentary to the principal agricultural/farming activity.

Staff continue to meet with and listen to passionate members of the public regarding the use and misuse of existing agri-tourist accommodation operations in the City. It is very clear that a good number of residents and legitimate farm operators have been negatively impacted by this use and eagerly await for a resolution on this matter.

Alternatively, there may be consensus that agri-tourist accommodation might not be appropriate under any circumstance and that consideration should be given to prohibiting the use outright (as has been done in order municipalities). Staff have included in the alternate recommendation, text amendments that would achieve this.

7.0 ALTERNATE RECOMMENDATION

THAT Bylaw No. 10269 (TA09-0006) be amended at first reading as outlined in Schedule "3" and Schedule "4" of the report of the Land Use Management Department dated April 19, 2010;

AND THAT Bylaw No. 10269 (TA09-0006) be forwarded to a Public Hearing for further consideration.

Danielle Noble
Manager, Urban Land Use

Stephen Fleming
City Clerk

Approved for inclusion:

Shelley Gambacort

Director, Land Use Management

Schedules

Option 1 - Adding A1t zone

Schedule "1" - Proposed Text Amendments to General Definitions (1 page)

Schedule "2" - Proposed Text Amendments to A1 - Agriculture 1 zone (4 pages + cover sheet)

Option 2 - Prohibiting agri-tourist accommodation use

Schedule "3" - Proposed Text Amendments to General Definitions (1 page)

Schedule "4" - Proposed Text Amendments to A1 - Agriculture 1 zone (4 pages + cover sheet)

Schedule "1" – Text Amendment No. TA09-0006 – Proposed Text Amendments

Zoning Bylaw No. 8000		
No.	Section	Proposed Text
1	<p>§2.3.3 General Definitions</p> <p>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.</p>	<p>GREENHOUSES AND PLANT NURSERIES means development used primarily for the raising cultivation, storage and sale of produce, bedding, household and ornamental plants, and trees, bushes, sod and related materials and may include the <u>accessory sale of landscaping and gardening products and materials such as tools, soil, and fertilizers, provided that this accessory use is limited to 400 m² on the lot. This use does not include landscaping, excavating or soil processing businesses or operations.</u></p> <p>AGRI-TOURISM means any agri-tourism activity defined under the <i>Agricultural Land Commission Act</i> and related regulation or policy, as amended from time to time.</p>
2	<p>§2.3.3 General Definitions</p> <p>nil</p>	<p>AGRI-TOURISM means any agri-tourism activity defined under the <i>Agricultural Land Commission Act</i> and related regulation or policy, as amended from time to time.</p>
3	<p>§2.3.3 General Definitions</p> <p>AGRI-TOURIST ACCOMMODATION means the accommodation for tourists on a farm, orchard, or ranch which is subordinate and secondary to the main use. Typical uses include but are not limited to guest ranches, farm inns, bed and breakfasts, and campsites/recreational vehicle pads.</p>	<p>AGRI-TOURIST ACCOMMODATION means the seasonal availability of short term accommodation for tourists on a farm, orchard, or ranch-vineyard in association with an agri-tourism activity which is subordinate and secondary to the main principal agricultural use. Typical uses include but are not limited to guest ranches, seasonal farm cabins inns, bed and breakfasts, and campsites/recreational vehicle pads-sites. Short term, in this instance, means the use of the accommodation by a tourist for not more than 30 days in a calendar year. Seasonal, in this instance, means the accommodation must not be available for use year-round.</p>
4	<p>§2.3.3 General Definitions</p> <p>nil</p>	<p>AGRI-TOURIST ACCOMMODATION UNIT means 1 recreational vehicle site, 1 campsite suitable for 1 camping party, 1 bedroom within a seasonal farm cabin, or 1 bedroom within a dwelling (including bed and breakfast sleeping units, if present).</p>
5	<p>§2.3.3 General Definitions</p> <p>nil</p>	<p>SEASONAL FARM CABIN means a small (maximum 2 bedroom) accessory structure providing bathroom(s) and sleeping accommodation for tourists as a permitted agri-tourist accommodation unit. A seasonal farm cabin is not permitted to contain a kitchen or to be used as a residence or dwelling.</p>

SCHEDULE "2"

Proposed Text Amendments

A1 – Agriculture 1 zone

(4 pages + cover sheet)

Section 11 – Agricultural Zones

11.1 A1 – Agriculture 1

A1s – Agriculture 1 with Secondary Suite

A1t – Agriculture 1 with Agri-tourist Accommodation

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. A maximum of one single dwelling house is permitted. In addition a secondary suite may be permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5.

11.1.2 Principal Uses

The **principal uses** in this zone are:

- (a) **agriculture**
- (b) **animal clinics, major** where in existence prior to July 1st, 1998
- (c) **aquaculture**
- (d) **greenhouses and plant nurseries**
- (e) **intensive agriculture**
- (g) **single dwelling housing**
- (f) **utility services, minor impact**

11.1.3 Secondary Uses

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

- (a) **agricultural dwellings, additional**
- (b) **agri-tourist accommodation (A1t only)**
- (c) **animal clinics, major**
- (d) **animal clinics, minor**
- (e) **bed and breakfast homes**
- (f) **care centres, intermediate**
- (g) **forestry**
- (h) **group homes, minor**
- (i) **home based businesses, major**
- (j) **home based businesses, minor**
- (k) **home based businesses, rural**
- (l) **kennels and stables**
- (m) **wineries and cideries**
- (n) **secondary suite (A1s only)**

11.1.4 Buildings and Structures Permitted

- (a) one **single detached house** (which may contain a **secondary suite** in the A1s zone);
- (b) one **mobile home**;
- (c) permitted **accessory buildings** or **structures** (which may contain a **secondary suite** in the A1s zone).

11.1.5 Subdivision Regulations

- (a) The minimum **lot width** is 40.0 m.
- (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

11.1.6 Development Regulations

- (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.
- (b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 13.0 m for accessory **buildings** and 16.0 m for **agricultural 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**.
- (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**.

11.1.7 Other Regulations

- (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.
- (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) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of parent **zone**.
- (f) A "t" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of **agri-tourist accommodation** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "t" zoning classification on a property shall be established by rezoning the subject property to the "t" version of parent **zone**.
- (g) A **secondary suite**, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.
- (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) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agricultural 1 with Secondary Suite zone, provided that if the **lot** is in the **Agricultural Land Reserve**, the mobile home is for use only by immediate family as defined by the **Agricultural Land Commission**.

11.1.8 Other Regulations – Agri-tourist accommodation

- a) Purpose

Agri-tourist accommodation shall be **accessory** and subordinate to a legitimate **agriculture** operation. The intent is to augment or subsidize and not to replace or exceed farm income.

- b) Farm status

As per *Agricultural Land Commission* regulation, all or part of the **lot** on which the **use** is located must be classified as a farm under the *Assessment Act*.

- c) Site coverage

Site coverage for **agri-tourist accommodation** shall not exceed 5% inclusive of buildings, landscaping, access, and servicing/sanitary facilities.

- d) Minimum lot size

Agri-tourist accommodation shall not be located on **lots** smaller than 5.0 ha in size.

- e) Maximum number of agri-tourist accommodation units permitted

For **lots** larger than or equal to 5.0 ha in size, **agri-tourist accommodation** shall be permitted according to this formula: 1 **agri-tourist accommodation unit** per hectare, rounded down to the nearest whole hectare, to a maximum of 10 units. A table is provided below for clarity.

Lot size (hectares)	< 5.0	5.00 to 5.99	6.00 to 6.99	7.00 to 7.99	8.00 to 8.99	9.00 to 9.99	≥ 10.00
Bed and breakfast	✓	✓	✓	✓	✓	✓	✓
Agri-tourism	✓	✓	✓	✓	✓	✓	✓
Agri-tourist accommodation units *	✘	5 units	6 units	7 units	8 units	9 units	10 units
Recreational vehicle sites	✘	5 units	5 units	5 units	5 units	5 units	5 units

* Inclusive of recreational vehicle sites and bed and breakfast sleeping units, if present.

f) Recreational vehicles

Of the permitted number of **agri-tourist accommodation units**, no more than 5 shall be **recreational vehicle** sites or campsites. No structures are permitted at **recreational vehicle** sites or at campsites.

g) Bed & breakfasts

When a **bed and breakfast** is present on the **lot**, the number of **agri-tourist accommodation units** permitted shall be inclusive of the sleeping units of the **bed and breakfast** use.

h) Location

Agri-tourist accommodation shall be located so as to minimize the impacts on arable land, recognizing that the use is intended to support **agriculture** and not replace it. All **agri-tourist accommodation units** shall be located within 30.0 m of the road frontage for the **lot**, or within 30.0 m of the principal dwelling, or a location acceptable to the Director of Land Use Management. No **agri-tourist accommodation** shall be permitted to be located within 10.0 m of any lot line other than the front lot line.

i) Buffering and landscaping

Access driveways for agri-tourist accommodation shall be water permeable (i.e. not asphalt or concrete) and a Level 5 Landscape Buffer (incl. fencing) is required at an affected property line to mitigate the impact of agri-tourist accommodation on abutting properties.

j) Servicing

Agri-tourist accommodation shall be serviced according to the requirements of the City of Kelowna, the Health Authority, and the water purveyor or Irrigation District having authority, including but not limited to the following:

- i. A sanitary dump facility is to be provided on the property if the agri-tourist accommodation includes recreational vehicles.
- ii. Water and sewer connections are not permitted for individual recreational vehicle sites.
- iii. Adequate bathroom facilities with hot and cold running water are required for agri-tourist accommodation campsites.

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2	<p>§2.3.3 General Definitions</p> <p>nil</p>	<p>AGRI-TOURIST ACCOMMODATION means the seasonal availability of short term accommodation for tourists on a farm, orchard, or ranch vineyard in association with an <u>agri-tourism</u> activity which is subordinate and secondary to the main <u>principal agricultural use</u>. Typical uses include but are not limited to guest ranches, seasonal farm cabins, inns, bed and breakfasts, and campsites/recreational vehicle pad <u>sites</u>. Short term, in this instance, means the use of the accommodation by a tourist for not more than 30 days in a calendar year. Seasonal, in this instance, means the accommodation must not be available for use year-round.</p>
3	<p>§2.3.3 General Definitions</p> <p>AGRI-TOURIST ACCOMMODATION means the accommodation for tourists on a farm, orchard, or ranch which is subordinate and secondary to the main use. Typical uses include but are not limited to guest ranches, farm inns, bed and breakfasts, and campsites/recreational vehicle pads.</p>	<p>AGRI-TOURIST ACCOMMODATION means the seasonal availability of short term accommodation for tourists on a farm, orchard, or ranch vineyard in association with an <u>agri-tourism</u> activity which is subordinate and secondary to the main <u>principal agricultural use</u>. Typical uses include but are not limited to guest ranches, seasonal farm cabins, inns, bed and breakfasts, and campsites/recreational vehicle pad <u>sites</u>. Short term, in this instance, means the use of the accommodation by a tourist for not more than 30 days in a calendar year. Seasonal, in this instance, means the accommodation must not be available for use year-round.</p>

###

SCHEDULE “4”

(alternate recommendation)

Proposed Text Amendments

A1 – Agriculture 1 zone

(4 pages + cover sheet)

Section 11 – Agricultural Zones

11.1 A1 – Agriculture 1 A1s – Agriculture 1 with Secondary Suite

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. A maximum of one single dwelling house is permitted. In addition a secondary suite may be permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5.

11.1.2 Principal Uses

The **principal uses** in this zone are:

- (a) **agriculture**
- (b) **animal clinics, major** where in existence prior to July 1st, 1998
- (c) **aquaculture**
- (d) **greenhouses and plant nurseries**
- (e) **intensive agriculture**
- (g) **single dwelling housing**
- (f) **utility services, minor impact**

11.1.3 Secondary Uses

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

- (a) **agricultural dwellings, additional**
- (c) **animal clinics, major**
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- (e) **bed and breakfast homes**
- (f) **care centres, intermediate**
- (g) **forestry**
- (h) **group homes, minor**
- (i) **home based businesses, major**
- (j) **home based businesses, minor**
- (k) **home based businesses, rural**
- (l) **kennels and stables**
- (m) **wineries and cideries**
- (n) **secondary suite (A1s only)**

11.1.4 Buildings and Structures Permitted

- (a) one **single detached house** (which may contain a **secondary suite** in the A1s zone);
- (b) one **mobile home**;
- (c) permitted **accessory buildings** or **structures** (which may contain a **secondary suite** in the A1s zone).

11.1.5 Subdivision Regulations

- (a) The minimum **lot width** is 40.0 m.

- (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

11.1.6 Development Regulations

- (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.
- (b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 13.0 m for accessory **buildings** and 16.0 m for **agricultural 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**.
- (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**.

11.1.7 Other Regulations

- (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.
- (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) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of parent **zone**.

- (f) A **secondary suite**, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.
- (g) **Intensive Agriculture** uses shall be located only within those areas designated for Intensive Agricultural Use in accordance with Schedule "A" attached to this Bylaw.
- (h) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agricultural 1 with Secondary Suite zone, provided that if the **lot** is in the **Agricultural Land Reserve**, the mobile home is for use only by immediate family as defined by the **Agricultural Land Commission**.
- (i) **Agri-tourist accommodation** is not permitted, however **bed and breakfast homes** are permitted within a dwelling when in compliance with related regulation in this Bylaw.