

# CITY OF KELOWNA

## BYLAW NO. 10269

### Text Amendment No. TA09-0006 – City of Kelowna Agriculture 1 Zone Amendments to the Zoning Bylaw No. 8000

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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**, sub-section **2.3.3 General Definition** be amended by:
  - (a) adding a new definition **AGRI-TOURISM** as follows in it's appropriate location:

“**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.” and
  - (b) deleting the definition for **AGRI-TOURIST ACCOMMODATION** and replacing it with a new definition as follows:

“**AGRI-TOURIST ACCOMMODATION** means the seasonal availability of short term accommodation for tourists on a farm, orchard, or vineyard in association with an **agri-tourism** activity which is subordinate and secondary to the principal agricultural **use**. Typical **uses** include but are not limited **seasonal farm cabins**, and campsites/recreational vehicle 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 be available for use only between April 15 and October 15 of each year.” and
  - (c) adding a new definition **AGRI-TOURIST ACCOMMODATION UNIT** as follows in it's appropriate location:

“**AGRI-TOURIST ACCOMMODATON 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).” and
  - (d) Deleting the definition for **GREENHOUSE AND PLANT NURSERIES** and replacing it with the following new definition:

“**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, provided that this accessory use is limited to 400 m<sup>2</sup> on the **lot**. This use does not include landscaping, excavating or soil processing businesses or operations.” And
  - (e) adding a new definition **SEASONAL FARM CABIN** as follows in it's appropriate location:

“**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**.”

2. AND THAT pages A1-1/A1s-1 through to A1s-4/A1s-4 inclusively in **Section 11 – Agricultural Zone** be deleted and replaced with new pages A1-1/A1s-1 through to A1s-4/A1s-4 inclusively in **Section 11 – Agricultural Zone** as outlined in Schedule “A” attached to and forming part of this bylaw.
3. This bylaw may be cited as "Bylaw No. 10269, being Agricultural 1 Zone Amendment to the Zoning Bylaw No. 8000".
4. 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 11<sup>th</sup> day of January, 2010.

Considered at a Public Hearing on the 17<sup>th</sup> day of May, 2010.

Read a second and third time by the Municipal Council this 17<sup>th</sup> day of May, 2010.

Approved under The Highways Act this

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(Approving Officer - Ministry of Transportation)

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(Minister or Designate – Ministry of Agriculture and Lands)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

## 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 1<sup>st</sup>, 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 m<sup>2</sup>. 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 m<sup>2</sup>.
- (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**.
- (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**.

#### 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.