

## Section 9 – Specific Use Regulations

### 9.1 Application

- 9.1.1 The specific **use** regulations shall apply to all **development** unless otherwise exempted in this section.
- 9.1.2 Where these regulations may be in conflict with any **zone development** regulations or general regulations, these specific **use** regulations shall take precedence.

### 9.2 Home Based Businesses, Minor

- 9.2.1 All **minor home based businesses** shall be **secondary uses** and shall comply with the following:
  - (a) a minor home based business shall only be conducted within a principal dwelling unit and no exterior storage or exterior operation of the minor home based business shall be permitted;
  - (b) No variation from the residential character and appearance of land or **buildings** shall be permitted and no external structural change to any principal **building** or **structure** for the purpose of accommodating a **minor home based business** shall be permitted;
  - (c) No **nuisance** from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the **minor home based business** and, at all times, the privacy and enjoyment of **adjacent dwellings** shall be preserved and the **minor home based business** shall not adversely affect the amenities of the neighbourhood;
  - (d) The **minor home based business** shall not generate more than one client visit to the **site** from which the **business** is being operated on any given day; and
  - (e) This **use** does not include the repair or painting of **vehicles**, trailers or boats; cabinet making; welding or machine shops; **care centres**; or cutting and wrapping wild game.
- 9.2.2 No person other than residents of the principal residence shall be engaged in the **minor home based business**.
- 9.2.3 The **minor home based business** shall not occupy a required **parking space** and no parking of commercial **vehicles** larger than 4100 kg gross **vehicle** weight on or about the **site** is allowed for a **minor home based business**.
- 9.2.4 The total area of **minor home based businesses** shall not occupy more than 25% of the floor area of the **dwelling** up to a maximum area of 20 m<sup>2</sup>. The maximum floor area shall be limited to 10% if the **dwelling** also contains a bed and breakfast home.
- 9.2.5 General retail sales of products not produced on the **premises**, except for products incidental to the service or agricultural products, mail order sales, telephone sales, or goods where the customer does not enter the **premises** to inspect or pick up the goods, or products incidental to the service provided, shall not be permitted in a **minor home based business**.
- 9.2.6 No sign advertising the **minor home based business** is permitted.

- 9.2.7 A food catering **business** operating lawfully within a **dwelling** may establish one additional kitchen provided that its installation is required by the Health Authority and that the kitchen must be removed should that **home based business, minor** use cease. The additional kitchen is not permitted to be utilized to establish an additional **dwelling**.

### 9.3 Home Based Businesses, Major

- 9.3.1 All **major home based businesses** shall be **secondary uses** and must comply with the following:
- (a) A **major home based business** shall only be conducted within a principal **building** or one **accessory building or structure**;
  - (b) No exterior storage or operation of the **major home based business** shall be permitted;
  - (c) No variation from the residential character and appearance of land or **buildings** shall be permitted and no external structural change to any principal **building or accessory building or structure** for the purpose of accommodating a **major home based business** shall be permitted;
  - (d) No **nuisance** from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the **major home based business** and, at all times, the privacy and enjoyment of **adjacent dwellings** shall be preserved and the **major home based business** shall not adversely affect the amenities of the neighbourhood;
  - (e) The **major home based business** shall not generate more than two clients to the **site** from which the **business** is being operated at any given time; and
  - (f) This **use** does not include the repair or painting of **vehicles**, trailers or boats; cabinet making; welding or machine shops; **care centres**; or cutting and wrapping wild game.
- 9.3.2 No more than one person other than residents of the principal residence shall be engaged in the **major home based business**.
- 9.3.3 The **major home based business** shall not occupy more than 25% of the floor area of the **dwelling** unit, and in no case shall the combined area of the residence **used** for the **business** and an **accessory building used** for the **business** exceed 50 m<sup>2</sup>. This shall be limited to 10% if the **dwelling** also contains a bed and breakfast home.
- 9.3.4 General retail sales of products not produced on the **premises**, except for products incidental to the service or agricultural products, mail order sales, telephone sales, or goods where the customer does not enter the **premises** to inspect or pick up the goods, or products incidental to the service, provided shall not be permitted in a **major home based business**.
- 9.3.5 The **major home based business** shall not occupy a required **parking space** and no parking of commercial **vehicles** larger than 4100 kg gross **vehicle** weight on or about the **site** is allowed for a **major home based business**.
- 9.3.6 A **major home based business** shall not involve the sale or display of any goods on the **site** other than those goods constituting the finished principal product of the home based **business**.
- 9.3.7 A **major home based business** sign is permitted according to the provisions of Sign Bylaw No. 8235.

- 9.3.8 A food catering **business** shall contain one additional **kitchen**, provided it is required by the **Health Services**, which shall be removed should that **home based business, major use cease**. The additional **kitchen** is not permitted to be utilized to service an additional **dwelling** unit.

## 9.4 Home Based Businesses, Rural

- 9.4.1 All **rural home based businesses** shall be **secondary uses** and must comply with the following:
- (a) A **rural home based business** shall only be conducted within a principal **building** or one **accessory building** or **structure** and no exterior storage or operation of the **rural home based business** shall be permitted;
  - (b) No variation from the residential character and appearance of land or **buildings** shall be permitted and no external structural change to any principal **building** or **accessory building** or **structure** for the purpose of accommodating a **rural home based business** shall be permitted;
  - (c) No **nuisance** from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the **rural home based business** and, at all times, the privacy and enjoyment of **adjacent dwellings** shall be preserved and the **rural home based business** shall not adversely affect the amenities of the neighbourhood; and
  - (d) The **rural home based business** shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the neighbourhood within which it is located; and shall not generate more than two clients to the **site** from which the occupation is being operated at any given time."
- 9.4.2 No more than two persons other than residents of the principal residence shall be engaged in the **rural home based business**.
- 9.4.3 A **rural home based business** shall not occupy more than 100 m<sup>2</sup> of floor area.
- 9.4.4 A **rural home based business** shall not occupy a required **parking space**.
- 9.4.5 General retail sales of products not produced on the **premises** except for products incidental to the service or agricultural products, mail order sales, telephone sales, or goods where the customer does not enter the **premises** to inspect or pick up the goods, or products incidental to the service provided shall not be permitted in a **rural home based business**.
- 9.4.6 Not more than one commercial **vehicle** with a gross **vehicle** weight rating of no more than 3500 kg **used** in conjunction with the **rural home based business** shall be parked or maintained on the **site** of a **rural home based business**.
- 9.4.7 A **rural home based business** shall not involve the sale or display of any goods on the **site** other than those goods constituting the finished principal product of the home based **business**.
- 9.4.8 A **rural home based business** sign is permitted according to the provisions of Sign Bylaw No. 8235.
- 9.4.9 The minimum **lot area** required for a **rural home based business** is 4000 m<sup>2</sup>.
- 9.4.10 When a **rural home based business** involves the cutting and wrapping of wild game or any meat, it shall satisfy all requirements of the *Health Act*.

- 9.4.11 A food catering **business** operating lawfully within a **dwelling** may establish one additional kitchen provided that its installation is required by the Health Authority and that the kitchen must be removed should that **home based business, rural use** cease. The additional kitchen is not permitted to be utilized to establish an additional **dwelling**.

## 9.5 Secondary Suite- and Carriage House

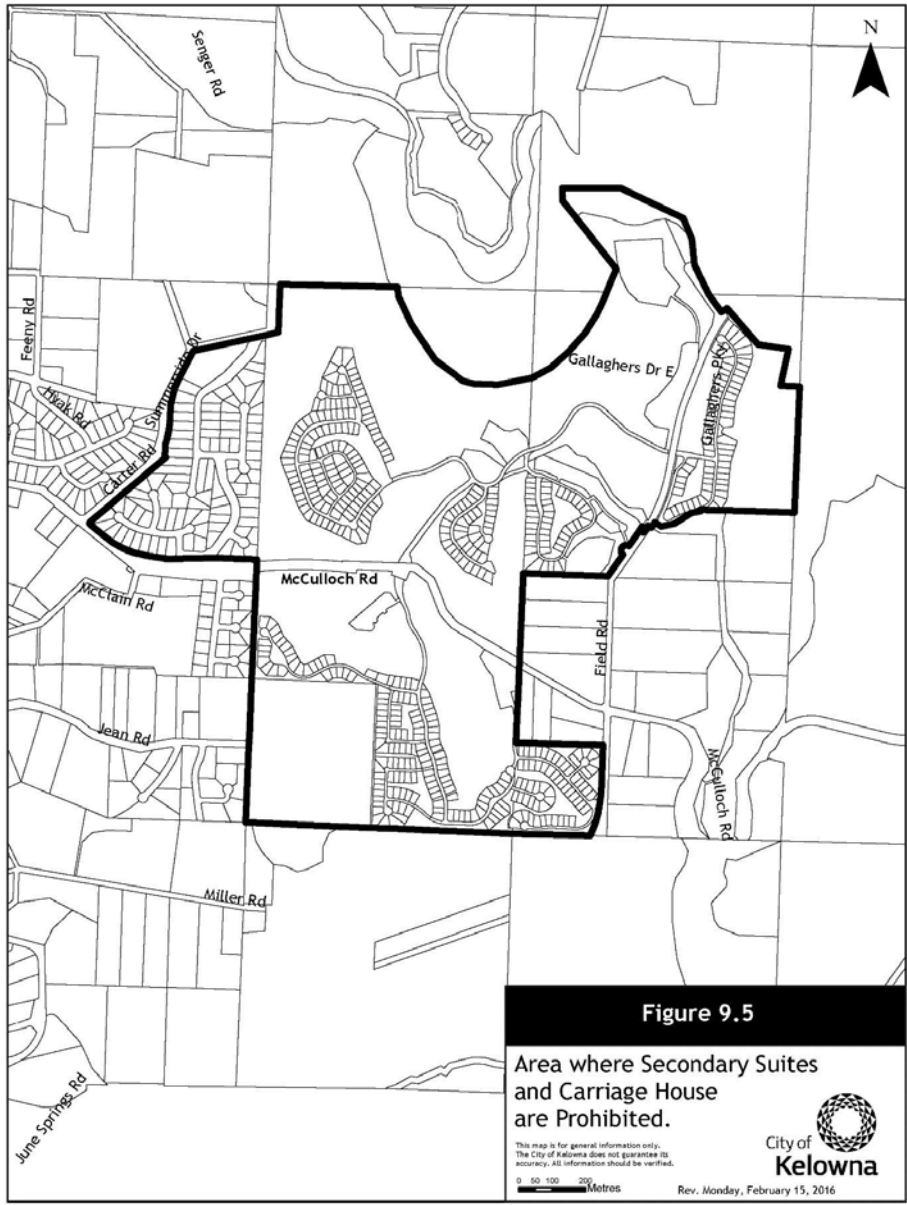
- 9.5.1 **Secondary suites and Carriage Houses** are prohibited in the area identified in Figure 9.5

### 9.5a Secondary Suite Regulations

- 9.5a.1 A **Secondary suite** is to be located only in **single detached housing**.
- 9.5a.2 No secondary suite will be allowed without connection to a community sanitary sewer unless the **lot** is at least 830 m<sup>2</sup> and meets the requirements of the **City** and the Medical Health Officer for septic disposal capacity.
- 9.5a.3 The maximum floor area of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 40% of the total floor area of the principal **building**.
- 9.5a.4 Parking and signs shall be in conformance with the regulations of this Bylaw and Sign Bylaw No. 8235 as replaced or amended.
- 9.5a.5 Secondary **dwelling** units shall comply with all relevant **City** Bylaws, and the **Building Code**.
- 9.5a.6 A **bed and breakfast home, a boarding or lodging house and/or group home minor/major** shall not be permitted to operate within a **secondary suite**.
- 9.5a.6a A **secondary suite** shall not be permitted on a parcel which also has a **bed and breakfast, a boarding or lodging house or a group home, major/minor**.
- 9.5a.7 [deleted]
- 9.5a.8 Where a **secondary suite** is permitted, a minimum area of 30 m<sup>2</sup> of private open space shall be provided per **dwelling** unit.
- The **private open space** shall:
- i. have a direct connection to a **secondary suite** entrance; and
  - ii. be defined from other **private open space** and yard with the use of **landscaping**.
- 9.5a.9 A lighted pathway is required from the on-site **secondary suite** parking stall(s) to the suite entrance.

**BL11850 deleted**

- 9.5a.10 [deleted]



## 9.5b Carriage House Regulations

### 9.5b.1 Development Regulations in Residential, Health District and Comprehensive Development Zones

- (a) In urban residential, health district and comprehensive development **zones**, where all **accessory buildings** or **carriage houses** are one **storey** in height, the maximum combined **site coverage** of a **carriage house** and all **accessory buildings or structures** is the lesser of 20% or 130 m<sup>2</sup> and the maximum footprint is 100 m<sup>2</sup> for a **carriage house** and the maximum footprint is 50 m<sup>2</sup> for all **accessory buildings or structures**.
- (b) In urban residential, health district and comprehensive development **zones**, where any carriage houses or accessory structures are greater than one storey in height, the maximum combined **site coverage** of a **carriage house** and all **accessory buildings or structures** is the lesser of 14% or 90 m<sup>2</sup>.
- (c) In rural residential **zones**, where all **accessory buildings** or **carriage houses** are one **storey** in height, the maximum combined **site coverage** of a **carriage house** and all **accessory buildings or structures** is the lesser of 20% and the maximum footprint is 100 m<sup>2</sup> for a **carriage house** and the maximum footprint is 50 m<sup>2</sup> for all **accessory buildings or structures**.
- (d) In rural residential **zones**, where any carriage houses or accessory structures are greater than one storey in height, the maximum combined **site coverage** of a **carriage house** and all **accessory buildings or structures** is 14%.
- (e) The maximum **net floor area** is the lesser of 100 m<sup>2</sup> for a single storey carriage house, or 90 m<sup>2</sup> for a carriage house greater than 1 storey, to a maximum of 75% of the **net floor area** of the principal **dwelling**.
- (f) The maximum upper storey floor area is 75% of the carriage house footprint area..
- (g) The maximum **height** is the lesser of 4.8 m or the **height** of the principal **dwelling**, as measured to the midpoint, except it is the lesser of 6.0 m or the **height** of the principal **dwelling**, as measured to the midpoint in the RR1 **zone**.
- (h) The minimum **front yard** is 9.0 m, except in the RR1c, RR2c and RR3c zones the minimum **front yard** is 12.0 m. For **double fronting lots**, the minimum **front yard** shall be in accordance with the regulations for a principal **building** in that **zone**.
- (i) The minimum **side yard** is 1.5 m.
- (j) The minimum **rear yard** is 1.5 m, except where there is a rear **lane** the minimum **rear yard** is 0.9 m, and in the RR1c and RR2c **zones** the minimum **rear yard** is 3.0 m.
- (k) The minimum distance to a principal **dwelling** is 3.0 m.

### 9.5b.2 [Deleted]

- (a) [deleted]
- (b) [deleted]
- (c) [deleted]
- (d) [deleted]
- (e) [deleted]
- (f) [deleted]
- (g) [deleted]

### 9.5b.3 Other Regulations

- (a) A **carriage house** shall be connected to a community sanitary sewer unless the **lot** is at least 1.0 ha and meets the requirements of the **City** and the Medical Health Officer for septic disposal capacity.
- (b) A **carriage house** shall not be stratified.
- (c) In **residential zones**, a **carriage house** shall not be permitted on the same **lot** as a **boarding and lodging house**, a **bed and breakfast home** or a **group home**.
- (d) A minimum of 30 m<sup>2</sup> of **private open space** shall be provided per **dwelling** unit. The **private open space** shall have a direct connection to a **carriage house** entrance and be defined from other **private open space** with the use of **landscaping**.
- (e) A lit pathway shall be provided between the **front lot line** and a **carriage house** entrance, except it is not required in **agricultural zones** or **rural residential zones**.
- (f) A pathway shall be provided between the on-site **carriage house parking space** and a **carriage house** entrance.
- (g) [deleted]
- (h) In addition to the regulations listed in this Section, other regulations may apply. These include the general **development** regulations of Section 6, the **landscaping** and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific **use** regulations of Section 9.

## 9.6 Bed and Breakfast Homes

- 9.6.1 Bed and breakfast homes shall comply with the following regulations:
- (a) The **bed and breakfast home** shall be operated as a secondary use only within the principal **building**, with a maximum 4 **sleeping units** with accommodation for a maximum of two guests per **sleeping unit**, of a minimum area of 11 m<sup>2</sup> each; and
  - (b) Bed and breakfast homes shall not change the principal residential character or external appearance of the **dwelling** involved.
  - (c) The licensed operator of a **bed and breakfast home** must reside in the **dwelling** in which the bed and breakfast operation is located and be on site when the **bed and breakfast** home is operating.
- 9.6.2 One sign is permitted according to the provisions of Sign Bylaw No. 8235.
- 9.6.3 All **bed and breakfast** homes shall comply with the other provisions of this Bylaw, the BC Building Code, the Agricultural Land Reserve Use, Subdivision and Procedure Regulation where applicable, and other fire and health regulations.
- 9.6.4 Parking areas and **open space** to be used by guests of a **bed and breakfast home** shall be oriented away from abutting development to minimize the impact of the operation on neighbouring properties.
- 9.6.5 All parking area and **open space** to be used by guests of a **bed and breakfast home** have to be visually screened from abutting properties by opaque fencing or landscaping.



## 9.7 Vehicular Oriented Uses

- 9.7.1 Vehicular-oriented **uses** shall not adversely affect the functioning of surrounding public roadways or adversely impact on any **adjacent** residential **uses**.
- 9.7.2 The minimum **site** width for a vehicular-oriented **use** shall be 30.0 m.
- 9.7.3 **Site** area shall be provided as follows:
- (a) The minimum **site** area for any **development** incorporating a vehicular-oriented **use** shall be 930 m<sup>2</sup> and the maximum **site coverage** shall be 30%;
  - (b) The minimum **site** area for a service station shall be 1,200 m<sup>2</sup> and the maximum **site coverage**, including pump islands, shall not exceed 30%;
  - (c) The minimum **site** area for a drive-through **vehicle** service shall be 140 m<sup>2</sup> of **site** area not covered by **buildings** for each service bay.
  - (d) Where two or more of these **uses** are part of a mixed **use development** on the same **site**, the total **site** area requirements shall be the sum of the requirements of the **uses** computed separately, unless there is a complementary **use** of space which would warrant a reduction in **site** area requirement.
- 9.7.4 Queuing space shall be provided as follows:
- (a) For drive-through **vehicle** services, excluding car washes, a minimum of three in-bound and two out-bound queuing spaces shall be provided for each service bay.
  - (b) Each queuing space shall be a minimum of 6.0 m long and 3.0 m wide. Queuing **lanes** shall provide sufficient space for turning and manoeuvring.
- 9.7.5 Service stations and gas bars shall adhere to the following:
- (a) All pump islands shall be located at least 6.0 m from any **property line** or parking area on the **site**, or laneways intended to control traffic circulation on the **site**;
  - (b) A **canopy** over a pump island shall not extend to within 3.0 m of the **property line** of the **site**;
  - (c) The **canopy** area for a service station or gas bar shall not constitute part of the **site coverage**; and
  - (d) Where the **canopy** is a sign, it must comply with the provisions of Sign Bylaw No. 8235.

## 9.8 Car Washes

- 9.8.1 Car washing establishments shall provide upstream **vehicle** storage for a minimum of 5 **vehicles** per washing bay except it is a minimum of 2 **vehicles** where the washing bay is coin operated and the **vehicle** is manually washed by an occupant of the **vehicle**.
- 9.8.2 Upstream storage spaces shall be a minimum of 6.5 m long and 3.0 m wide.
- 9.8.3 The minimum **site** area and coverage for a car wash shall be determined on the basis of 370 m<sup>2</sup> of space not covered by **buildings** for each car wash bay.

## 9.9 Dock and Boatlift Regulations

- 9.9.1 Non-moorage **uses** such as beach houses, storage sheds, patios, sundecks, and hot tubs shall not be permitted.
- 9.9.2 The placement of fill, or the dredging of aquatic land, is not permitted. Natural habitat and shoreline processes shall not be altered.
- 9.9.3 Public access along the **foreshore** shall not be impeded.
- 9.9.4 Development shall be in conformance with federal and provincial regulations, best management practices and guidelines. Prior to construction on the Crown foreshore, permission must be obtained from the pertinent provincial and federal agencies.
- 9.9.5 Moorage facilities consisting of docks and boat lifts shall be permitted if developed consistently with the following regulations or as approved by the pertinent provincial and federal agencies:
  - (a) The owner of the moorage facilities is the owner of the upland property or is the holder of a Crown land residential lease for the upland property.
  - (b) Dock access ramps and walkways shall not exceed a width of 1.5m. Any other surface of the dock shall not exceed a width of 3.0m.
  - (c) L or T shaped dock **structures** are permitted if the length of the **structure** which is parallel to the shoreline does not exceed the lesser of 10 m or one half the width of **frontage** of the upland parcel.
  - (d) Docks shall not impede pedestrian access along the **foreshore**. In cases where the dock platform is raised by more than 0.3 m above any point on the public **foreshore**, steps must be provided for public access over the dock and this access must not be blocked by **fences** or other means.
  - (e) Setback from the side property line of the upland parcel, projected onto the foreshore, shall be a minimum of 5.0m.
  - (f) Setback from the side **property line** of the upland parcel, projected onto the **foreshore**, shall be a minimum of 6.0 m where the **adjacent** property is a right-of-way beach access or is in a P3 **zone**.
  - (g) Siting of the dock shall be undertaken only in a manner that is consistent with the orientation of neighbouring docks, that is sensitive to views and other impacts, and that avoids impacts on access to existing docks and adjacent properties.

- (h) No roof, overhead or covered structures shall be placed on the dock.
- (i) No roof or covered **structures** shall be placed on the dock.
- (j) In addition to the requirements of paragraph 7.5.7 of this bylaw, no fences will be allowed on docks other than fences running parallel to the foreshore where the intent of such a fence would be to prevent public access onto the dock from the foreshore.

9.9.6 No roof or covered **structures** shall be used, constructed, or maintained for **boat lifts**.

## 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 30m<sup>2</sup> in total floor area;
- b) **greenhouses, accessory buildings or structures** associated with urban agriculture shall conform to the applicable zoning requirements for **accessory buildings or structures** and the relevant **zone**. A **greenhouse** is not included in the calculation of **site coverage** for **accessory buildings or structures**;
- c) **greenhouses, accessory buildings or accessory structures** 10m<sup>2</sup> or larger require a building permit;
- d) construction of **greenhouses, accessory buildings or accessory structures** 10m<sup>2</sup> 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) **greenhouses, accessory buildings or accessory structures** must maintain a minimum Level 2 landscape **buffer** for all affected property lines.

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 30m<sup>2</sup> in total floor area;
- b) **greenhouses** are not included in the calculation of **site coverage** for **accessory buildings or structures**;
- c) **greenhouses, accessory buildings or accessory structures** 10m<sup>2</sup> or larger require a building permit;

- d) construction of **greenhouses, accessory buildings** or **accessory structures** 10m<sup>2</sup> 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.

## 9.11 Multi-Residential Shared Garden

- 9.11.1 A **Multi-residential shared garden** must be solely for the use of the residents on the parcel. **Multi-residential shared gardens** shall:
  - (a) be screened from adjacent **streets** and/or parking area by **landscaping**;
  - (b) be integrated into the overall **landscape** design;
  - (c) be located on a parcel where exposure to sunlight is optimal;

- (d) have no outdoor storage of equipment and materials related to the **multi-residential shared garden** kept on the parcel;
- (e) not have equipment, building or structures of any sort within 3m of a property line flanking a street;
- (f) an **accessory building or structure** may be constructed to support a **multi-residential shared garden** which may be no larger than 30m<sup>2</sup> ;
- (g) have an easily accessible water source;
- (h) not block emergency routes or access;
- (i) follow the City of Kelowna's Pesticide Use Regulation Bylaw No. 9920;
- (j) not take up a designated vehicle parking or loading spaces; and
- (k) provide an onsite location for odour-free organic waste disposal or transport organic waste to a suitable disposal facility.

9.11.2 **Multi- residential Shared Gardens** shall provide a minimum of one garden plot that is universally accessible, a minimum of 0.75m high and located closest to the principal building and/or **multi-residential shared garden** entrance.

## 9.12 Community Garden

9.12.1 In order to be permitted on a parcel a **Community Garden** shall:

- (a) conform to the applicable zoning requirements for **accessory buildings or structures**, or **greenhouse** when accommodating these structures in conjunction with a **community garden**;
- (b) be delineated from adjacent **streets** and/or parking areas by **landscaping**;
- (c) have no or materials related to the **community garden** stored outside on the parcel;
- (d) not have any equipment, building or structures of any sort within 3m of an adjacent street;
- (e) have an easily accessible water source;
- (f) follow the City of Kelowna's Pesticide Use Regulation Bylaw No. 9920;
- (g) provide an onsite location for odour-free organic waste disposal or transport organic waste to a suitable disposal facility;
- (h) not take up designated vehicle parking or loading spaces; and
- (i) be limited to one **freestanding sign** or a fence mounted **sign** that is a maximum of 2.0m high and a maximum of 3.0m<sup>2</sup> sign area that displays the name of the **community garden**.

## 9.13 Temporary Farm Worker Housing

9.13.1 The following requirements must be met prior to the issuance of a permit for a **Temporary Farm Worker Housing (TFWH)** structure:

- (a) Farm Classification for the parcel, as determined by the *BC Assessment Act*.
- (b) Minimum farm unit size is 3.8 ha.
- (c) The need for **temporary farm worker housing** onsite to house **temporary farm workers** must be demonstrated through documentation such as a contract with the federal government through a migrant worker program, such as the Seasonal Agricultural Worker Program, farm receipts and / or previous employment records, and/or a farm plan prepared by a professional agrologist.
- (d) New **TFWH** structures shall include a communal kitchen.
- (e) The **TFWH** shall be occupied only during the **farm unit's** growing, harvesting and pruning periods.
- (f) A statutory declaration must be filed with the City of Kelowna annually, by January 31<sup>st</sup>, stating that the building will be used only for **TFWH** and specify the time(s) of year when the **TFWH** will be occupied. The specified period of time may be no greater than ten months of that calendar year.
- (g) If the **temporary farm worker housing** is vacant for two consecutive growing seasons, the owner will remove, at their expense, any temporary structures for **temporary farm worker housing**, and remove or decommission any existing buildings that had been repurposed for **temporary farm worker housing** purposes, by December 31<sup>st</sup> of the second year of vacancy.

9.13.2 **TFWH Footprint Size**

- (a) **TFWH footprint** may not exceed 0.20 ha for **structure(s)** to accommodate a maximum of forty **temporary farmworkers** and may not exceed 0.30 ha for **structure(s)** to accommodate a maximum of sixty **temporary farm workers**.

9.13.3 **TEMPORARY FARMWORKER ALLOCATION**

- (a) **Structure(s)** to accommodate a maximum of **forty temporary farm workers** per each city sector as identified on **Official Community Plan Map 5.4** for parcels up to eight hectares. For parcels eight hectares or more, **structure(s)** to accommodate a maximum of sixty **temporary farm workers** per each city sector as identified on **Official Community Plan Map 5.4**.
- (b) **Farm units** with **greenhouses** and/or **on-farm processing** structures may increase allowable number of workers by 1 worker per each 1000 m<sup>2</sup> of **greenhouse** and/or **on-farm processing** structures.
- (c) Where a **farm unit** comprises multiple parcels of land, a restrictive covenant shall be registered on all **farm unit** parcels within the same sector of the **temporary farm worker housing** as identified on **Official Community Plan Map 5.4** restricting the development of further **TFWH** on said parcels within that sector.

#### 9.13.4 Site Specific Regulations

Regulations apply for Temporary Farm Worker Housing on a site specific basis as follows:

	<b>Legal Description</b>	<b>Civic Address</b>	<b>Regulation</b>
1.	Lot 20 Section 34 Township 23 ODYD Plan 500 Except Plan KAP45154 Lot 19 Section 34 Township 23 ODYD Plan 500 Except Plan KAP45154	4085 Shanks Road 4133 Shanks Road	For the purposes of <b>Temporary Farm Worker Housing</b> , these parcels shall be considered one <b>farm unit</b> , and the following regulations shall apply to this <b>farm unit</b> only. Notwithstanding section 9.13.2(a) TFWH Footprint Size, the <b>TFWH footprint</b> may not exceed 0.70 ha for <b>structures</b> to accommodate a maximum of 140 <b>temporary farmworkers</b> . Notwithstanding section 9.13.3(a) and 9.13.3(b) Temporary Farmworker Allocation, <b>structures</b> to accommodate a maximum of 140 <b>temporary farm workers</b> shall be permitted on this <b>farm unit</b> in this city sector as identified on <b>Official Community Plan Map 5.4</b> .
2	Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Road, Kelowna, BC to existing table: 'Regulations apply for Temporary Farm Worker Housing on a site-specific basis as follows:'  Notwithstanding section 9.13.2(a) TFWH Footprint Size, the TFWH footprint may not exceed 0.95 ha for structures to accommodate a maximum of 130 temporary farmworkers.	2975 Gallagher Road	The following regulations shall apply to this farm unit only. Notwithstanding section 9.13.2(a) TFWH Footprint Size, the TFWH footprint may not exceed 0.95 ha for structures to accommodate a maximum of 130 temporary farmworkers.

#### 9.14 MICRO SUITE HOUSING

9.14.1 Micro-suite housing is only permitted on lots where the use is permitted in the zone, in the following areas:

- Urban Centers as defined in the Official Community Plan
- The University South Village Center as defined in the Official Community Plan

9.14.2 Micro-Suite Housing must be located within 400 m of a bus stop or transit station.

#### 9.15 CANNABIS PRODUCTION FACILITIES

9.15.1 **Cannabis Production Facilities** may not be located within 60 metres of any **lot** that has a residential use as a principal use, measured from closest **lot** line to closest **lot** line.

## 9.16 RETAIL CANNABIS SALES ESTABLISHMENTS

- 9.16.1 Any **Retail Cannabis Sales Establishment** must be set back a minimum distance of 500 metres from another **Retail Cannabis Sales Establishment**, measured from closest **lot** line to closest **lot** line.
- 9.16.2 No more than one **Retail Cannabis Sales Establishment** may exist per **lot**.
- 9.16.3 Any **Retail Cannabis Sales Establishment** must be set back a minimum distance of 150 metres from any public elementary school, measured from closest **lot** line to closest **lot** line.
- 9.16.4 Any **Retail Cannabis Sales Establishment** must be set back a minimum distance of 500 metres from any public middle or secondary school, measured from closest **lot** line to closest **lot** line.
- 9.16.5 Any **Retail Cannabis Sales Establishment** must be set back a minimum distance of 150 metres from the following parks, measured from closest **lot** line to closest **lot** line:
- a) Ben Lee Park
  - b) Bluebird Beach Park
  - c) Boyce-Gyro Beach Park
  - d) City Park
  - e) East Kelowna Park
  - f) Glenmore Recreation Park
  - g) Kasugai Gardens
  - h) Kinsmen Park
  - i) KLO Sports Field
  - j) Lombardy Park
  - k) Mission Recreation Park
  - l) Munson Pond Park
  - m) Parkinson Recreation Park
  - n) Recreation Avenue Park
  - o) Rotary Beach Park
  - p) Rutland Centennial Park
  - q) Rutland Recreation Park
  - r) Sarsons Beach Park
  - s) Stuart Park
  - t) Sutherland Bay Park
  - u) Waterfront Park
- 9.16.6 Mobile sales, drive-in retail sales and/or delivery of cannabis are not a permitted form of **Cannabis Retail Sales Establishments**.
- 9.16.7 In Industrial zones the maximum **gross floor area** for **Cannabis Retail Sales Establishments** is 250 m<sup>2</sup>



### 9.16.8 Site Specific Regulations

Regulations apply for Retail Cannabis Sales Establishments on a specific basis as follows:

	<b>Legal Description</b>	<b>Civic Address</b>	<b>Regulation</b>
1.	Lot B, District lot 139, ODYD, Plan 5934	1636-1652 Pandosy St.	To allow for a retail cannabis sales establishment within 500M of the approved retail cannabis sales establishment located at 547-559 Bernard Avenue.

### 9.17 Short-Term Rental Accommodation

- 9.17.1 Where short-term rental accommodation is a secondary use, it must be secondary to a dwelling unit as a principal use and must be operated by a resident who resides for more than 240 days of the year at that dwelling unit.
- 9.17.2 Short-term rental accommodation is not permitted in a secondary suite or carriage house.
- 9.17.3 Short-term rental accommodation is not permitted in combination with a bed and breakfast home.
- 9.17.4 No more than one booking or reservation for short-term rental accommodation is permitted in each dwelling unit at one time.
- 9.17.5 No more than two adults may occupy a sleeping unit used for short-term rental accommodation.
- 9.17.6 The maximum number of sleeping units that may be used for short-term rental accommodation in each dwelling unit is specified in Table 9.17.1.

**Table 9.17.1 Maximum Sleeping Units for Short-Term Rental Accommodation**

<b>Use</b>	<b>Maximum number of sleeping units</b>
Single dwelling housing Two dwelling housing Multiple dwelling housing (including apartment housing) as a principal use	3
Three dwelling housing Four dwelling housing Multiple dwelling housing (including apartment housing) as a secondary use	2

- 9.17.7 Parking must be provided in accordance with the parking and loading regulations of Section 8. **Short-term rental accommodation** may not use required visitor **parking spaces**.

Section 9 – Specific Use Regulations amended as follows:

Sub-Section 9.2 Home Based Businesses, Minor – BL8654, BL9120, BL10235, BL11140

Sub-Section 9.3 Home Based Businesses, Major – BL8654, BL10235, BL11140

Sub-Section 9.4 Home Based Businesses, Rural – BL8367, BL8654, BL10235

Sub-Section 9.5 Secondary Suites – BL8888, BL9003, BL9119, BL9120, BL9399, BL9431, BL9532, BL9953, BL10510, BL10686, BL11140, BL11263, BL11333, BL11369, BL11617, BL11850

Sub-Section 9.6 Bed and Breakfast Homes – BL8820, BL9120, BL8367, BL11766

Sub-Section 9.7 Vehicular Oriented Uses – BL8367

Sub-Section 9.8 Car Washes – BL8654

Sub-Section 9.9 Dock and Boatlift Regulations – BL8400, BL9120, BL10613

Sub-Section 9.10 Agriculture, Urban – BL10300 (added this section), BL11140

Sub-Section 9.11 Multi-Residential Shared Garden – BL11096 added section

Sub-Section 9.12 Community Garden – BL11096 added section

Sub-Section 9.11 Multi-Residential Shared Garden – BL11096

Sub-Section 9.13 – Temporary Farm Worker Housing - BL11374, BL11983

Sub-Section 9.14 - Micro Suite Housing – BL11131, BL11551

Sub-Section 9.15 - Cannabis Production Facilities – BL11659

Sub-Section 9.16 - Retail Cannabis Sales Establishments - BL11659, BL11959

Sub-Section 9.17 Short Term Rental Accommodation – BL11766