

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 must comply with the following:
- (a) A **minor home based business** shall only be conducted within a principal dwelling unit or **secondary suite** and no exterior storage or 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 m². 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 m². 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** 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, major** use cease. The additional kitchen is not permitted to be utilized to establish an additional **dwelling**.

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 m² 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 m².
- 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**
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9.5 Secondary Suites

- 9.5.1 All secondary suites must comply with the following:
- (a) **Secondary suites**, when permitted, are to be located only in a converted **single detached housing** or an **accessory building**.
 - (b) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agriculture 1 with Secondary Suite zone. All such development shall be in compliance with the *British Columbia Agricultural Land Commission Act*, Regulations and Orders.
 - (c) No **structural alteration** or addition shall be undertaken that **alters** the existing low-**density** residential character of the neighbourhood.
 - (d) Where a **secondary suite** is located in an **accessory building** the principal dwelling unit shall be located between the **front yard** and the **accessory building** except for **double fronting lots** or for a lot in the A1s – Agriculture 1 with Secondary Suite zone. Where a **secondary suite** is located in an **accessory building** in the A1s – Agriculture 1 with Secondary Suite zone, the **accessory building** must be located at least two times the distance of the required **front yard** setback.
 - (e) An **accessory building** shall not be higher than the lesser of 4.5 m or the height of the existing principal **dwelling** unit on the same property, except in the A1(s) – Agriculture 1 with Secondary Suite Zone the maximum height of an **accessory building** containing a **secondary suite** shall be the lesser of 9.5 m or the height of the existing principal **dwelling** unit on the same property.
- 9.5.2 No more than one secondary suite shall be permitted per principal **dwelling** unit. It may be permitted within the principal **dwelling** unit or within an **accessory building**. It shall not be allowed in conjunction with a bed and breakfast home.
- 9.5.3 No secondary suite will be allowed without connection to a community sanitary sewer unless the **lot** is at least 830 m² and meets the requirements of the **City** and the Medical Health Officer for septic disposal capacity.
- 9.5.4 The maximum floor area of a secondary suite shall not exceed the lesser of 90 m² or 40% of the total floor area of the principal **building**. Where a secondary suite is located in an **accessory building**, the maximum floor area of the secondary suite shall not exceed the lesser of 90 m² or 75% of the total floor area of the principal **building**.
- 9.5.5 Parking and signs shall be in conformance with the regulations of this Bylaw and Sign Bylaw No. 8235.
- 9.5.6 Secondary **dwelling** units shall comply with all relevant **City** Bylaws, and the **Building Code**.
- 9.5.7 A secondary **dwelling** unit shall be located in a **building** and on a property which is a single real estate entity. No strata titling will be permitted.
- 9.5.8 In all urban and rural residential zones, a secondary **dwelling** unit is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.
- 9.5.9 The operators of secondary **dwelling** units shall be required to hold a valid **business** licence with the **City** of Kelowna.

- 9.5.10 Where a **secondary suite** is located in an **accessory building**, the **accessory building** must include a garage or carport for a minimum of one **vehicle**. Single storey accessory buildings containing secondary suites are not required to provide an attached garage or carport.
- 9.5.11 Where a secondary **dwelling** unit is permitted, a minimum area of 30m² of private open space shall be provided per **dwelling** unit.
- 9.5.12 Where a **secondary suite** is located in an **accessory building**, a lighted pathway must be provided between the **fronting** street and the **accessory building**, except for the A1s – Agricultural 1 with Secondary Suite zone.
- 9.5.13 A pathway is required from the on-site **secondary suite** parking stall(s) to the suite entrance.

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 m² 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 or a **bed and breakfast home** must reside in the **dwelling** in which the bed and breakfast operation is located.

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 Commission** General Order No. 1157/93 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 m² and the maximum **site coverage** shall be 30%;
 - (b) The minimum **site** area for a service station shall be 1,200 m² 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 m² 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 m² 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 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) **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 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.

Section 9 – Specific Use Regulations amended as follows:

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

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

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

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

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)