

**DISTRICT OF LANTZVILLE  
BYLAW NO. 60.23**

**A Bylaw to Amend District of Lantzville Zoning Bylaw No. 60, 2005**

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The Council of the District of Lantzville, in open meeting assembled, enacts as follows:

A. **Schedule 'A'** of "District of Lantzville Zoning Bylaw No. 60, 2005", is hereby amended as follows:

1. **PART 2 INTERPRETATION Section 2.1 Definitions** is hereby amended by adding definitions of "compost" immediately following the definition of "community water system"; "composting" immediately following the definition of "compost"; "raw manure" immediately following the definition of "railway"; and "urban food garden" immediately following the definition of "unattended public utility use" and preceding the definition of "use" as follows:

**Compost** means the product of a carefully managed aerobic process by which non-synthetic materials are digested by microorganisms. Organic materials for compost shall be managed appropriately to reach temperatures for the duration necessary to effectively stabilize nutrients and kill human pathogens;

**Composting** means a carefully managed aerobic process by which non-synthetic materials are digested by microorganisms. Organic materials for compost shall be managed appropriately to reach temperatures for the duration necessary to effectively stabilize nutrients and kill human pathogens;

**Raw manure** means livestock feces, urine and other excrement and bedding used (or soiled) by livestock and that have not been composted;

**Urban food gardens** means the use of lands not zoned for **agriculture** on a small scale limited by the regulations below for the growing, harvesting and wholesaling of fruits, vegetables, bees (and bee products), flowers, and edible plants for commercial purposes, including sales from the parcel as permitted under the **General Regulations** outlined in this bylaw;

2. **PART 3 LAND USE REGULATION Section 3.3 General Regulations** is hereby amended by adding a new subsection **3.3.12 Urban food gardens** including the regulations that follow:
  - a. **Urban food gardens** means the use of lands not zoned for **agriculture** on a small scale for the commercial growing, harvesting and wholesaling of fruits, vegetables, and edible plants but does not include the growing of foods for personal consumption which is permitted without restriction in any zone.
  - b. On parcels where *urban food gardens* is a permitted use, the following activities shall be permitted:
    - i) Growing and harvesting of fruits, vegetables, and edible plants;
    - ii) Wholesale sales of produce grown on that parcel; and
    - iii) Accessory buildings relating to urban food gardens and/or other uses on the parcel are permitted to the maximum floor area applicable to each zone.

- c. Despite Section 3.3.12 b), the following activities are prohibited under the definition of *urban food gardens*:
- i) Mushroom farming;
  - ii) Smoking of foods;
  - iii) Slaughtering or butchering; and
  - iv) Activities that meet the definition of *restaurant* or *fast food outlet* as defined in this bylaw.
- d. The uses and activities surrounding *urban food gardens* must meet the following regulations:
- i) May be conducted by the permanent residents of the parcel or by an individual with the expressed written permission of the owners of the parcel;
  - ii) No artificial lighting that is required for growing purposes shall be permitted between 7:00 pm and 7:00 am;
  - iii) No artificial fertilizers, pesticides or herbicides shall be used but specifically excludes organic pesticides and herbicides endorsed by the Canadian General Standards Board;
  - iv) Composting shall be contained and limited only to organic plant matter generated on the parcel and shall not create odour detectable off the property or create a nuisance for surrounding properties or uses;
  - v) Sufficient quantities of fully composted materials necessary to support the commercial urban food garden production on each parcel can be imported but specifically not raw manure.
  - vi) Must not create noise, vibration, glare, fumes, odours, dust, glare, fire hazards, electrical interference, smoke, or any other hazard to any greater or more frequent extent than that which would usually be experienced by properties within that zone under normal circumstances where no urban agricultural use or activity exists;
  - vii) The maximum number of non-resident persons permitted to be engaged in the *urban food gardens* occupation on any single parcel is 1; however, notwithstanding 11E (Home Based Business Section of the Bylaw) a land owner engaged in urban food gardening may apply to the District of Lantzville Council for 2 additional non-resident employees for a specific limited time to support activities such as planting or harvesting, with consideration being given to the size of the lot in question.
  - viii) For parcels where *urban food gardens* is a permitted use, the total area under cultivation and/or storage and/or activities within buildings and structures shall not exceed the greater of 600 square metres or 30% of the parcel area, but specifically excludes the planting of fruit and nut trees which are permitted and not included in the parcel area calculation;
  - ix) Fruits, vegetables, or edible plants produced for sale or exchange are not available on the parcel for retail sale to the general public;
  - x) Properties growing food for more than the personal use of occupants on that parcel shall not use water from the District of Lantzville community water system for irrigation purposes;
  - xi) Off street parking on the parcel must be provided for all non-resident workers and/or employees (employees as defined under the *Home Based Business* provisions of this bylaw), to a maximum of 4 parking spaces per parcel;

- xii) All setback requirements for buildings and structures as defined in this bylaw must be met, including those for watercourses; urban food gardening must take place within the current building envelope, recognizing setbacks as outlined in the bylaw and *urban food gardens* must also remain a sufficient distance away from watercourses, septic fields and water wells as recommended by provincial regulations, guidelines and best practices;
  - xiii) All business related materials, including machinery, shall be stored within a building and shall not be visible at any time on any lot on which an urban food garden exists other than when the materials or machinery are being used for the production of foodstuffs; and
  - xiv) A maximum of one (1) non-illuminated business sign per parcel is permitted, provided that the sign:
    - i) does not exceed .75m<sup>2</sup> in sign face area;
    - ii) is displayed on the exterior wall face of a dwelling unit, accessory building or fence, or as a free standing sign;
    - iii) if freestanding, does not exceed 1.5 metres in height;
    - iv) if freestanding, is sited within required setbacks of the applicable zone;
    - v) if a Home Based Business is also conducted from the parcel, this sign must combine with the Home Based Business sign into a single sign not exceeding any of the above noted regulations.
- e. All provisions of section **3.3.5 Keeping of Animals** also applies to lands where the keeping of animals is permitted.
- f. All provisions of section **3.3.11 Home Based Business** also applies to lands where a Home Based Business is a permitted use.
3. **Section 3.4.41 Public 1 (PU1)** is amended by adding a new permitted use g) Urban food gardens to the section titled **Permitted Uses and Minimum Site Area** immediately following f) School, as follows:

**Section 3.4.41**

P U B L I C 1		P U 1		
Permitted Uses and Minimum Site Area				
Permitted Uses	Required Site Area with:			
	Community Water & Sewer System	Community Water System	No Community Services	
a) Personal Care	4000 m <sup>2</sup>	600 m <sup>2</sup>	8000 m <sup>2</sup>	
b) Personal Care Unit	400 m <sup>2</sup>	1600 m <sup>2</sup>	1.0 ha	
c) Public Assembly Use	4000 m <sup>2</sup>	600 m <sup>2</sup>	8000 m <sup>2</sup>	
d) Public Utility Use	60 m <sup>2</sup>	1000 m <sup>2</sup>	160 m <sup>2</sup>	
e) Residential Use	n/a	n/a	n/a	
f) School	4000 m <sup>2</sup>	600 m <sup>2</sup>	8000 m <sup>2</sup>	
g) Urban food gardens	n/a	n/a	n/a	

4. **Section 3.4.61 Residential 1 (RS1)** is amended by adding a new permitted use Urban food gardens to the section titled **Permitted Uses and Minimum Site Area** immediately following Residential Use, as follows:

**Section 3.4.61**

R E S I D E N T I A L 1		R S 1		
Permitted uses and Minimum Site Area				
Permitted Uses	Required Site Area with:			
	Community Water & Sewer System	Community Water System	No Community Services	
Home Based Business	n/a	n/a	n/a	
Residential Use	n/a	n/a	n/a	
Urban food gardens	n/a	n/a	n/a	

5. **Section 3.4.62 Residential 2 (RS1)** is amended by adding a new permitted use Urban food gardens to the section titled **Permitted Uses and Minimum Site Area** immediately following Residential Use – per dwelling unit, as follows:

**Section 3.4.62**

<b>R E S I D E N T I A L 2</b>		<b>RS2</b>		
<b>Permitted uses and Minimum Site Area</b>				
<b>Permitted Uses</b>	<b>Required Site Area with:</b>			
	<b>Community Water &amp; Sewer System</b>	<b>Community Water System</b>	<b>No Community Services</b>	
Home Based Business	n/a	n/a	n/a	
Residential Use				
- per dwelling unit	2000 m <sup>2</sup>	2000 m <sup>2</sup>	1.0 ha	
Urban food gardens	n/a	n/a	n/a	

B. This Bylaw may be cited as “District of Lantzville Zoning Bylaw No. 60, 2010, Amendment Bylaw No. 60.23, 2011”.

**READ A FIRST TIME** this 11<sup>th</sup> day of April, 2011.

**READ A SECOND TIME** this 4<sup>th</sup> day of October, 2011.

Notice published pursuant to Section 892 of the *Local Government Act* on the \_\_\_\_\_ day and the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**PUBLIC HEARING** held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**READ A THIRD TIME** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**RECONSIDERED AND FINALLY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Director of Corporate Administration

I hereby certify that the above is a true and correct copy of “District of Lantzville Zoning Bylaw No. 60, 2005, Amendment Bylaw No. 60.23, 2011”, as adopted by Council of the District of Lantzville on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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 Director of Corporate Administration