



Canada's warmest welcome

TOWN OF OSOYOOS

**FORESHORE AND LAKE
ZONING BYLAW NO. 1294, 2012**



TOWN OF OSOYOOS
FORESHORE AND LAKE ZONING BYLAW NO. 1294, 2012

WHEREAS the Town of Osoyoos wishes to adopt a Zoning Bylaw covering the foreshore and the portions of Osoyoos Lake that lie within the boundaries of the Town.

AND WHEREAS the Local Government Act provides that Council may adopt a Zoning Bylaw;

NOW THEREFORE the Council of the Town of Osoyoos in open meeting assembled enacts as follows:

1. This Bylaw may be cited as "*Foreshore and Lake Zoning Bylaw No. 1294, 2012*".
2. Schedule "A" Foreshore and Lake Zoning Map is attached hereto and forms part of Foreshore and Lake Zoning Bylaw No. 1294, 2012.

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SECTION 1 DEFINITIONS

All words and terms in this bylaw have their normal meaning, except that the following words and terms must be interpreted as defined below. For convenience, *italics* are used to cross-reference definitions in this Part and to reference definitions in other Parts.

BERTH is a moorage space for a single vessel at a *fixed or removable dock*, a *boat lift*, or a *private moorage buoy*.

BOAT means a vessel used for recreation or the transportation of people or goods but does not include any permanent residential or commercial accommodation.

BOATING means the use of *boats* for recreational and transportation purposes.

BOAT LAUNCH is a ramp into the lake that is used for the purpose of launching a *boat* or removing a *boat* from the water.

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BOAT LIFT is a structure supported from the bottom of Osoyoos Lake which facilitates the removal of a boat from the water and can allow for a boat to be stored above the water.

BUILDING INSPECTOR means the person appointed by the Town as the *Building Inspector*, and who is also an appointed *Bylaw Enforcement Officer* for the *Town*.

BYLAW ENFORCEMENT OFFICER a person appointed by *Council* for the purpose of enforcing this bylaw including the *Building Inspector*.

CAO means the Chief Administrative Officer for the Town or a person delegated by him to act on his behalf.

COUNCIL means the *Council* of the Town of Osoyoos.

DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES is the person appointed by *Council* to administer this bylaw, but may be substituted with another person by the *CAO* to administer this bylaw or parts of this bylaw.

FIXED DOCK is a structure made up of fixed or floating sections used for the purpose of mooring boat(s) which may include multiple *berths* and has permanent links to the lakebed, such as piles.

FIXED WALKWAY is a structure used for providing pedestrian access to and from a *fixed dock* with permanent physical links to shore.

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FORESHORE is the Crown land and all other lands between the *natural boundary* and low water levels of Osoyoos Lake.

GROUP MOORAGE FACILITY means one or more multi-*berth fixed or removable docks* for the personal use of a group or association of residents from a surrounding area and not for any commercial use.

HIGH WATER LINE (removed by Amendment Bylaw No. 1294.02, 2017)

MARINA is the use of land, buildings and structures for docking, berthing or mooring of *boats* for personal or commercial use, the rental of *boats* or *personal watercraft*, the sales of marine petroleum products, and the sale or rental of marine or fishing equipment and supplies, which may also include *boat* launching facilities.

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→ **NATURAL BOUNDARY** is the visible Natural Boundary of Osoyoos Lake where the presence and action of the water are so common and usual, and so long continued in all ordinary normal years as to mark on the soil of the bed of body of water a character distinct from that of its banks, in vegetation as well as in the nature of the soil itself.

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→ **PARCEL** is any lot, block or other area in which land is held or into which it is subdivided and includes strata lots.

PARK means a *park* or parkland as defined in the Local Government Act or any other land used for leisure or recreation which the Town owns or controls by means of a lease, licence, or other legal instrument, including the portions of the *foreshore* and Osoyoos Lake which are under tenure from the Crown for public recreation and *park* purposes.

PERSONAL WATERCRAFT means a recreational watercraft that the rider sits or stands on, rather than inside as in a *boat*, and may have an on inboard engine driving a pump jet that has screw-shaped impeller to create thrust for propulsion and steering. *Personal water craft* are often referred to by the brand names such as Jet Ski, Wave Runner or See-Do.

PIER is a publicly accessible platform that extends over the *foreshore* and the water that is designed and constructed in compliance with the Best Management Practices of the Province, which may allow for commercial use and limited moorage if supported by Council.

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→ **PRIVATE MOORAGE** includes a *fixed dock, removable dock, fixed walkway, removable walkway, boat lift, or private buoy*.

PRIVATE MOORAGE BUOY is a small floating structure used for the purpose of *boat* moorage, typically composed of rigid plastic foam or rigid molded plastic, and specifically manufactured for the intended use of *boat* moorage.

PUBLIC BUOY LEASE AREA is a lease area fronting public lands providing a limited number of *public moorage buoys*, to be determined by *Council*, for private property owners to each lease one *Town* owned *public moorage buoy* for their own use.

PUBLIC MOORAGE BUOY is a small floating structure specifically manufactured for the intended use of *boat* moorage which is owned by the Town and contains the Town's logo.

RECREATIONAL WATER ACTIVITIES means leisure activities that take place in areas associated with the water and water access, such as fishing, water skiing, boating, swimming, and diving.

REMOVABLE DOCK is a structure used for the purpose of mooring *boat(s)* which may include multiple *berths* but does not have permanent physical links to shore or lakebed such as a roll-a-dock.

REMOVABLE WALKWAY is a structure used for providing pedestrian access to and from a *fixed* or *removable dock* with no permanent physical links to shore.

SEMI-WATERFRONT PARCEL is a parcel of land that is only separated from the natural boundary of Osoyoos Lake by a Town owned right-of-way.

STRATA MOORAGE FACILITY means one or more multi-*berth fixed or removable docks* used by the residents of a waterfront strata development or shared interest development, and not for commercial use unless supported by *Council* and approved by the Province.

SWIMMING PLATFORM is a floating structure used for recreational activities, such as swimming, diving, and sun bathing, but not for *boat* moorage.

TOWN means the Town of Osoyoos.

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WATERFRONT PARCEL is a *parcel* having a boundary in common with the *natural boundary* of Osoyoos Lake.

SECTION 2

ADMINISTRATION AND ENFORCEMENT

2.1 APPLICATION

This bylaw applies to the areas below the *Natural Boundary* of Osoyoos Lake including the foreshore and the portions of Osoyoos Lake that lie within the boundaries of the Town.

2.2 PURPOSES

The purposes of this bylaw are to:

1. Promote environmental sustainability of Osoyoos Lake, foreshore and adjoining upland areas;
2. Protect safety of water users;
3. Avoid overloading and congestion of our finite resource base;
4. Ensure adequate access to the Lake by all user groups including residents, second home owners, and visitors;
5. Reclaim public lands and water for community benefit;
6. Promote the aesthetic appeal of Osoyoos as a resort community; and
7. Strengthen the Town's regulatory and enforcement powers.

2.3 GENERAL COMPLIANCE

1. Land, including the *foreshore*, the surface of the water, the lakebed below it, and structures may only be used, constructed, altered and located in conformity with this bylaw.
2. Federal and Provincial regulations and best management practices also apply as applicable in all zones.
3. If existing moorage structures complied with the regulations of the day, they are legal under Foreshore and Lake Zoning Bylaw No. 1294.
4. All works within or around Osoyoos Lake must only take place in accordance with BC *Water Sustainability Act*, Section 11 Notification or Approval.
5. All works on *private moorages* are subject to approval under the Town's Foreshore and Lake Development Permit Area (FLDPA).

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2.4 INSPECTION

Pursuant to Section 16 of the Community Charter the Bylaw Enforcement Officer is authorized with 24 hours notice given to the occupant or property owner to enter any *parcel* or onto land to ascertain whether the regulations of this bylaw are being observed

2.5 PENALTY

1. Any person who violates any provision of this bylaw commits an offence punishable on summary conviction and shall be liable to a fine not exceeding \$10,000.00 plus the cost of prosecution for each offence.
2. Each day that a contravention of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.
3. Specific fines for this bylaw are set out in the *Town's* Municipal Ticket Information Bylaw.
4. Notwithstanding the penalties above, the *Director of Planning and Development Services* has authority to direct to have a *boat* towed from areas fronting public lands should the owner not comply with requests to remove it, or fails to acknowledge any Municipal Ticket that may be issued within 24 hours of issue.
5. A *boat* towed or removed will not be released until the costs of the towing and applicable storage fees are paid by the owner.

2.6 SEVERABILITY

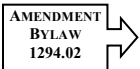
If any section, subsection, sentence, clause or phrase of this bylaw, which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this Bylaw without affecting the validity of the remaining portions of the Bylaw.

SECTION 3 GENERAL REGULATIONS

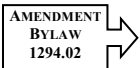
3.1 PROHIBITED USES AND STRUCTURES

1. The following uses are expressly prohibited in each and every zone:

- a) Houseboats used for residential use;
- b) *Swimming platforms* used for *boat* moorage;
- c) Beach houses, storage sheds, patios, sun decks, and hot tubs;
- d) Unauthorized placement of fill, or the dredging of aquatic land; and



e) Covered structures shall not be placed over any moorage facilities, including a *fixed* or *removable dock* or *walkway*, or *boat lift*.



f) No fences are permitted within the *foreshore* or within Osoyoos Lake

2. For clarity, commercial uses are only allowed in the W4 - Commercial Moorage Zone.

3.2 PRIVATE USE OF PUBLIC AREAS

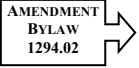
1. The private use of the *foreshore* or waters fronting public lands is prohibited without the *Town's* permission and the appropriate payment of fees.

3.3 MOORAGE BERTHS

1. The number of allowable *berths* shall be calculated by counting each:

- a) 8 m (26.2 feet) of the linear length of a *fixed* or *removable dock* to be used for the moorage of a single vessel unless occupied by a *boat lift*;
- b) *private moorage buoy*; and
- c) *boat lift*.

3.4 PEDESTRIAN ACCESS

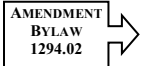


1. Moorage facilities shall be designed to maintain reasonable pedestrian access along the *foreshore* by either providing sufficiently level ground access around the facility, or by access walkways that are low enough to step onto and off, or by stairs on and off higher walkways.

3.5 PRIVATE SWIMMING AREAS

1. The perimeter of private swimming areas shall be roped off and marked with swimming buoys (like the Town but without the Town logo), that comply with the Transport Canada Regulations, and do not intrude into navigable waters.

3.6 BOAT LIFTS



1. *Boat lifts* shall only be accessible from a *fixed* or *removable dock* by being attached directly to such structure, or sited immediately adjacent within 0.5 m of such structure.

SECTION 4 ESTABLISHMENT OF ZONES

4.1 ZONES

1. The areas within the *Town* that lie within *the Natural Boundary* and the boundaries of the *Town* are divided into the zones described below:

<u>Short Form</u>	<u>Zone Designation</u>
W1	Public Water Use
W2	Private Moorage
W3	Group / Strata Moorage
W4	Commercial Moorage

4.2 LOCATION AND EXTENT OF ZONES

1. The location and extent of each zone is shown on Schedule “A” of Lake Zoning Bylaw No. 1294, 2012.
2. All zones extend from the *Natural Boundary* of Osoyoos Lake out to the boundary of the *Town*.

4.3 ZONE BOUNDARIES

The zone boundaries shown on Schedule “A” shall be interpreted as follows:

1. Zone boundaries are created by extending a property line of a *waterfront parcel* over the *foreshore* and the water out to the *Town* boundary; or
2. In the case of a *semi-waterfront parcel*, by extending a property line through a *Town* owned right-of-way, over the *foreshore*, the water, and out to the *Town* boundary; or
3. The zone boundaries extend perpendicular from the general trend of the *Town* boundary back to the property line of a *waterfront* or *semi-waterfront parcel*.

SECTION 5 ZONE REGULATIONS

5.1 W1 - PUBLIC WATER USE

W1

1.0 Permitted Uses

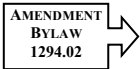
The following uses are permitted in the W1 zone:

1. *boating*
2. *recreational water activities*
3. *public buoy lease area*
4. *public swimming area*

2.0 Site Specific - Conditions of Use

Semi-waterfront parcel owners between Jasmine Drive and Acacia Court, legally described as Lots 4, 5, 6, 7, and 8, Plan 8385; Lots 1, 2, and 3, Plan 17104; Lots 17, 18, 19, 20, 21, and 22, Plan 10986; may apply to the *Town* as the upland owner and with Provincial approval for a lease allowing for the installation of any two of the following:

- a) *removable dock*
- b) *boat lift*
- c) *private moorage buoy*

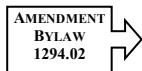


5.2 W2 - PRIVATE MOORAGE

1.0 Permitted Uses

The following uses are permitted in the W2 zone:

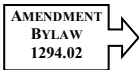
1. *boating*
2. *recreational water activities*
3. *fixed or removable dock*
4. *fixed or removable walkway*
5. *private moorage buoy*
6. *boat lift*



2.0 Private Moorage Regulations

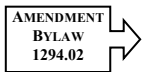
1. Density

- a) The maximum number of *berths* shall not exceed three (3) per *waterfront parcel*.



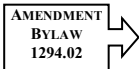
2. Size of Dock and Walkway

- a) *Fixed or removable dock* must not exceed 24m² (258.4 ft²) in total upward facing surface area, not including a *permanent* or *removable walkway*.
- b) *Fixed or removable dock* surfaces must not exceed 1.5 m (4.9 ft) in width for any portion of a walkway.
- c) *Fixed or removable walkway* surface must not exceed 1.8 m (6.0 ft) in width for any portion of the walkway.



3. Setbacks

- a) The minimum setback of structures is 5.0 m (16.4 ft) from the side parcel boundaries of that *waterfront parcel*, projected linearly onto the *foreshore* and Osoyoos Lake, except when adjoining a *park* or a public access where the minimum setback is 6.0 m (19.6 ft).



5.3 W3 - GROUP / STRATA MOORAGE

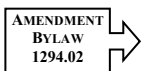
1.0 Permitted Uses

The following uses are permitted in the W3 zone:

1. *boating*
2. *recreational water activities*
3. *group moorage facility*
4. *strata moorage facility*
5. *boat lift*

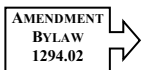
2.0 Group / Strata Moorage Regulations

1. Density



- a) The maximum number of *berths* in a *group moorage facility* shall not exceed one per *waterfront parcel* of each resident who is part of the group or association of residents from a surrounding area served by the facility, or shall not exceed one per two upland hotel / motel units served by the facility.
- b) The maximum number of *berths* in a *strata moorage facility* shall not exceed one per two upland residential strata units.
- c) In a *group* or *strata moorage facility* *berths* may be substituted on a one-to-one basis with *boat lifts* but not with *private moorage buoys*.

2. Size of Dock and Walkway



- a) *Group* or *strata moorage facilities* shall not extend a distance greater than 30.0 metres from the *Natural Boundary* of Osoyoos Lake.
- b) *Fixed* or *removable* walkway surfaces must not exceed 1.5 m (4.9 ft) in width for any portion of a walkway.
- c) *Permanent* or *removable* walkway surface must not exceed 1.8 m (6.0 ft) in width for any portion of a walkway.
- d) Different shaped *group* or *strata moorage facilities* are permitted, if the length of the *moorage facility* which is parallel to the shoreline does not exceed half the width of the frontage of the *waterfront parcel*.

3. Setbacks

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- a) The minimum setback of structures is 5.0 m (16.4 ft) from the side parcel boundaries of that *waterfront parcel*, projected linearly onto the *foreshore* and Osoyoos Lake, except when adjoining a *park* or a public access where the minimum setback is 6.0 m (19.6 ft).

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4. Group/Strata Moorage – Site Specific

For the portion of Foreshore and Osoyoos Lake adjacent to Lot 2, District Lot 43s, SDYD, Plan 12670, located at 5901 Main Street and known as Paradise Park RV Resort:

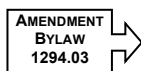
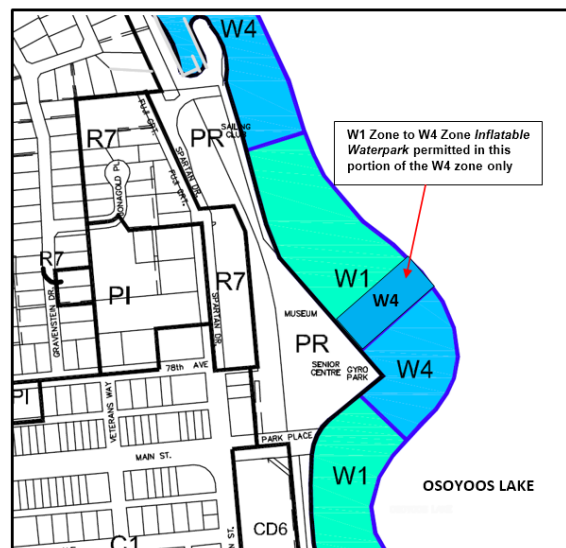
In addition to a *group/strata moorage facility* berthing up to 10 boats, an additional 15 private buoys are also permitted.

5.4 W4 - COMMERCIAL MOORAGE

1.0 Permitted Uses

The following uses are permitted in the W4 zone:

1. *boating*
2. *boat launch*
3. *marina*
4. *pier*
5. *yacht club*



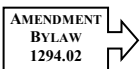
6. *inflatable waterpark* as a permitted use for the area show on the above map only.

2.0 Commercial Moorage Regulations

1. Density and Size

- a) *Piers* and *marinas* must be designed and constructed in compliance with the applicable Best Management Practices of the Province and supported by *Council*.

2. Setbacks



- a) The minimum setback of structures is 5.0 m (16.4 ft) from the side parcel boundaries of that *waterfront parcel*, projected linearly onto the *foreshore* and Osoyoos Lake.

Read a First time the 17th day of December, 2012.

Notice given in accordance with the Local Government Act and Community Charter by way of posting on the Notice Board on the 12th day of March, 2012 and by publication in the Osoyoos Times on the 6th day of March, 2012, and the 13th day of March, 2013.

Public Hearing this 19th day of March, 2013.

Read a Second time this 2nd day of April, 2013.

Read a Third time this 2nd day of April, 2013.

Adopted this 15th day of April 2013.

Original signed by

Original signed by

SCHEDULE "A"
 FORESHORE AND LAKE ZONING MAP
 BYLAW NO. 1294, 2012

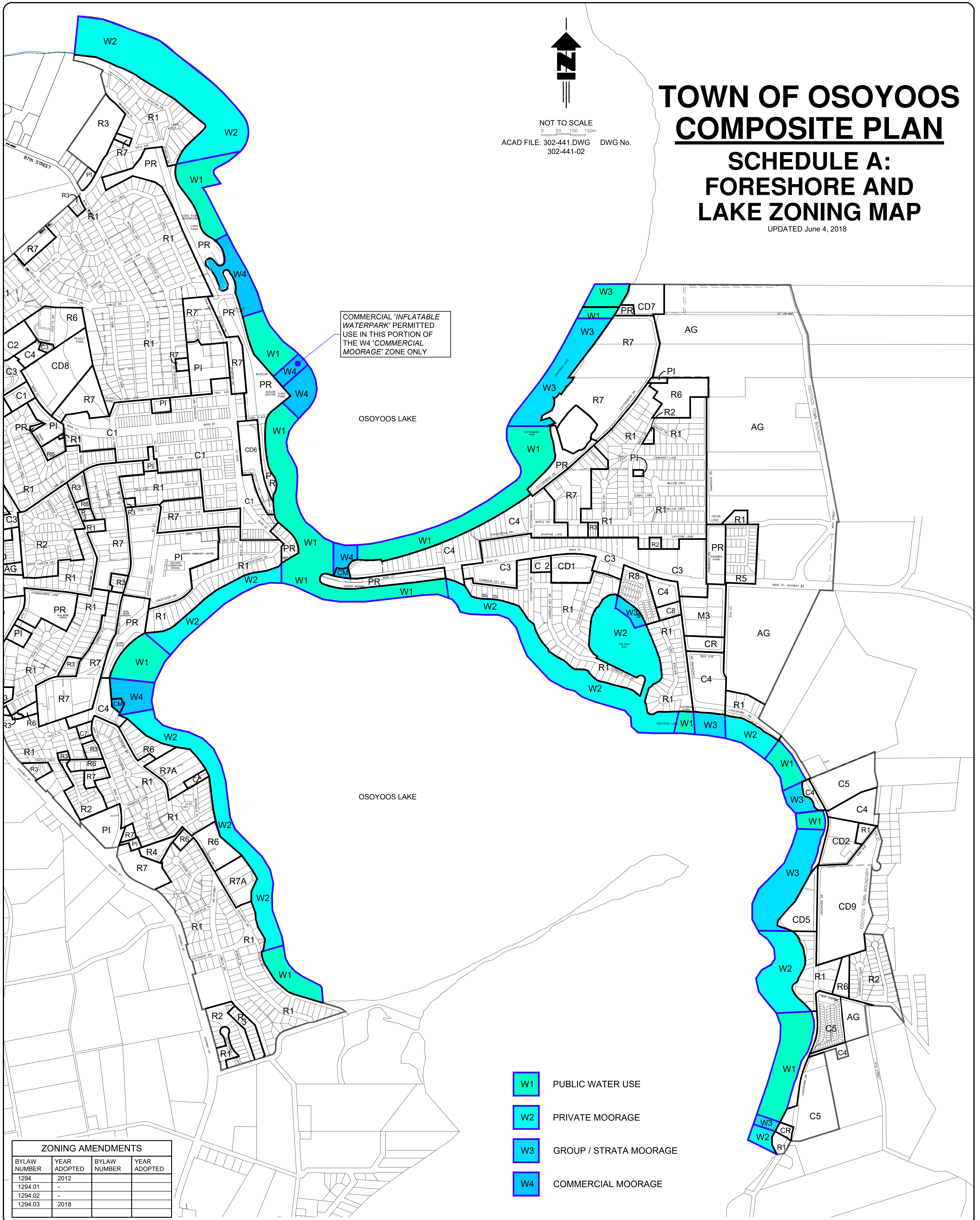


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 302-441-02

**TOWN OF OSOYOOS
 COMPOSITE PLAN**

**SCHEDULE A:
 FORESHORE AND
 LAKE ZONING MAP**

UPDATED June 4, 2018



COMMERCIAL 'INFLATABLE WATERPARK' PERMITTED USE IN THIS PORTION OF THE W4 'COMMERCIAL MOORAGE' ZONE ONLY

OSOYOOS LAKE

OSOYOOS LAKE

- W1 PUBLIC WATER USE
- W2 PRIVATE MOORAGE
- W3 GROUP / STRATA MOORAGE
- W4 COMMERCIAL MOORAGE

ZONING AMENDMENTS			
BYLAW NUMBER	YEAR ADOPTED	BYLAW NUMBER	YEAR ADOPTED
1294	2012		
1294.01	-		
1294.02	-		
1294.03	2018		