

Zoning Bylaw Update

Public Information Meeting

Tuesday July 30, 2024

Zoning Bylaw Update

Presentation

- Project Context
- Legislative Overview (Small-Scale Multi-Unit Housing)
- “Restricted Zone” (*Local Government Act*)
- Proposed Residential Zoning Changes
- Other Proposed Zoning Changes
- Questions



Zoning Bylaw Update

Project Context

Zoning Bylaw Update

Regional Growth Strategy Bylaw

Regional Land Use Policies / Osoyoos “Primary” Growth Area



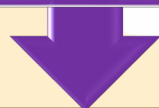
Official Community Plan Bylaw

Council’s Land Use Objective and Policies



Zoning Bylaw

Detailed Land Use Regulations



Subdivision & Development Servicing Bylaw

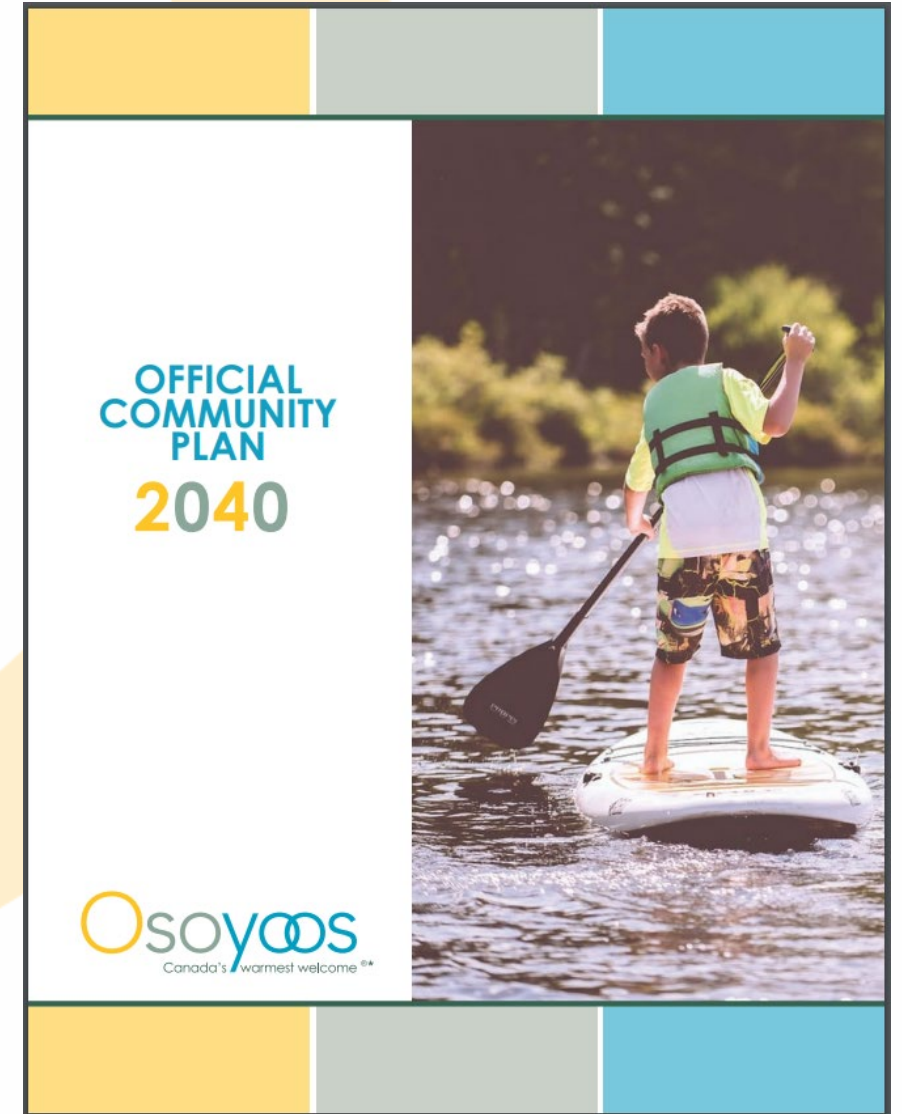
Infrastructure Requirements (water, sewer)

Policies/
Objectives

Regulations

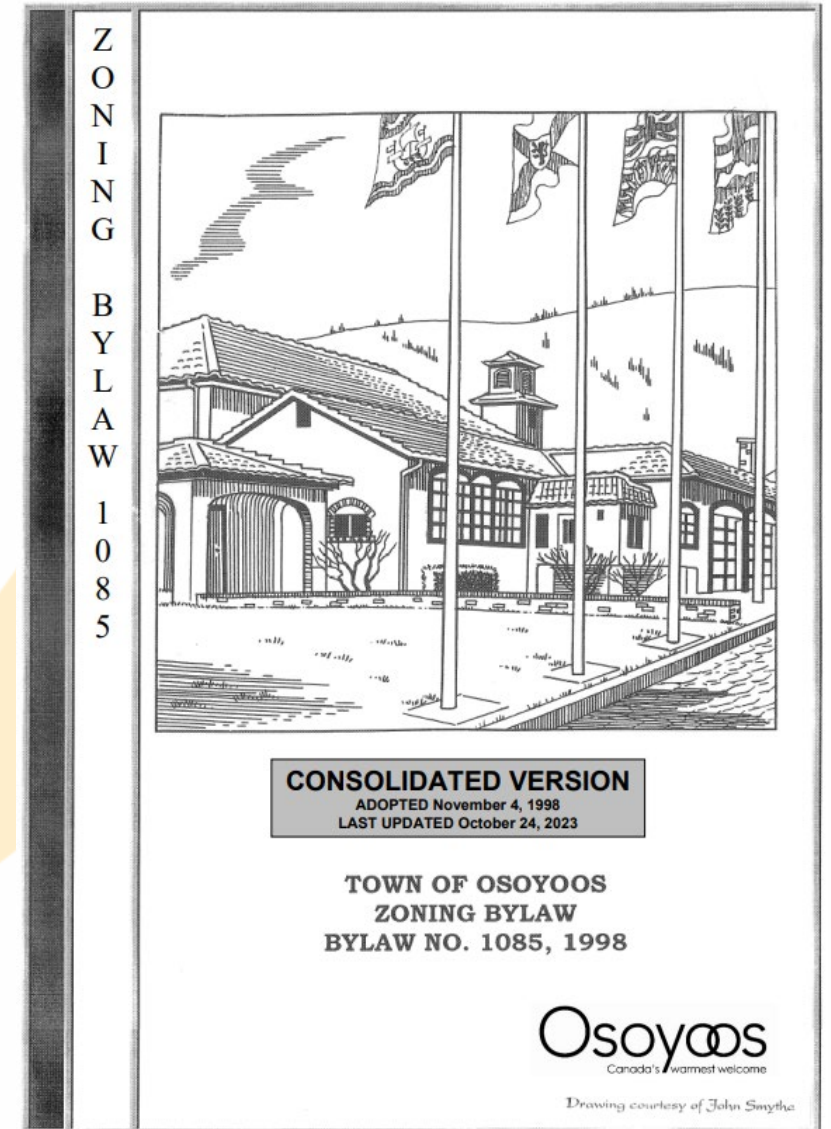
Zoning Bylaw Update

- The Town completed a review of its OCP Bylaw in April of 2022.
- The OCP identified an update of the Zoning Bylaw as a short-term priority in order “to reflect the direction of this OCP”.
- The OCP included specific zoning recommendations, such as allowing “accessory dwellings” in residential zones.



Zoning Bylaw Update

- The Town's current Zoning Bylaw No. 1085 was adopted in 1998;
- The bylaw has been amended approximately 150 times in 26 years;
- extensive amendments can, over time, impact the effectiveness of a bylaw as internal inconsistencies and conflicts are introduced;
- regular reviews of zoning bylaws are considered to be good practice.



Zoning Bylaw Update

- Preparation of a new zoning bylaw has been on-going since late 2022;
- There were two other components to the review (Foreshore & Lake Zoning and Short-Term Rentals);
- In light of recent legislative changes, it was decided to prioritize the completion of the new zoning bylaw.
- Short-Term Rentals is now a separate project.



Zoning Bylaw No. 1085

Zoning Bylaw No. 1085 regulates how land within different zones of the community can be used.



Foreshore & Lake Zoning Bylaw No. 1294

Foreshore & Lake Zoning Bylaw No. 1294 regulates what activities are permitted within the foreshore and adjacent areas of Osoyoos Lake that lie within the Town's boundaries.



Short-Term Rentals

Short-term rentals are currently not permitted in Osoyoos. The Town is considering the regulation of short-term rentals in the community.



Zoning Bylaw Update

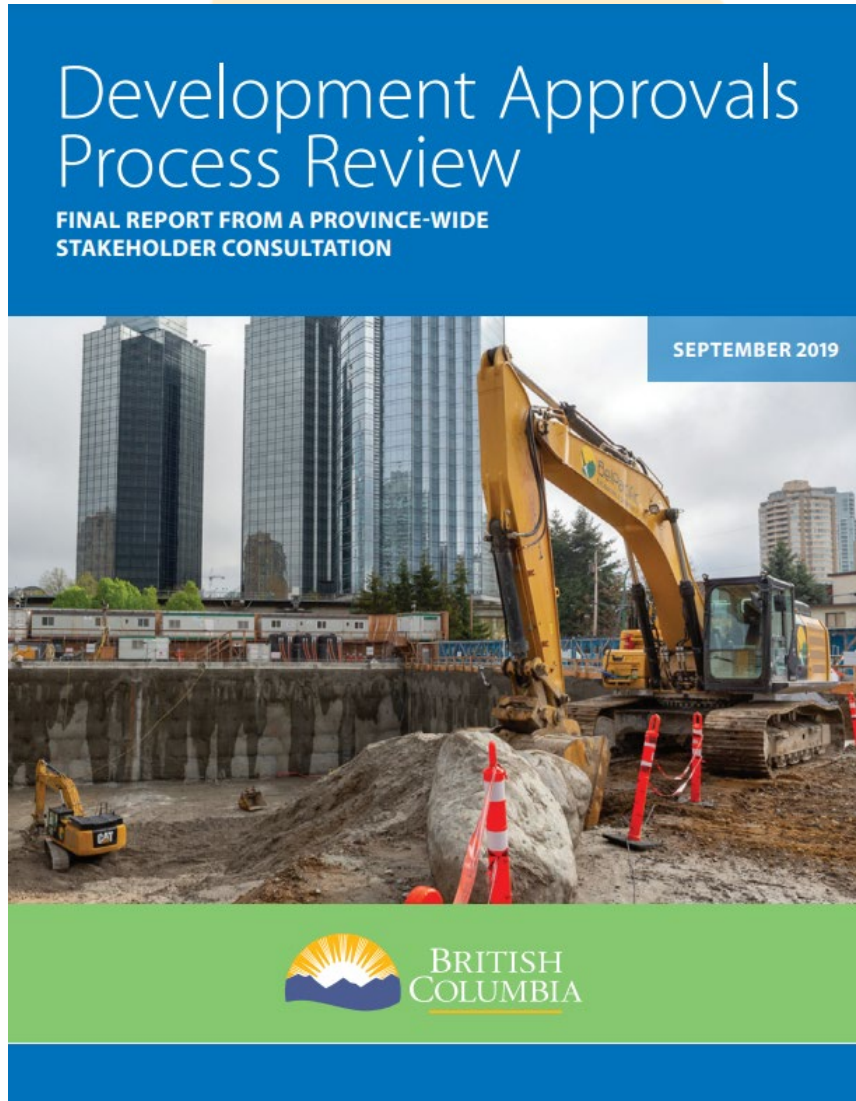
Legislative Overview
Small-Scale Multi-Unit Housing

Zoning Bylaw Update



- Housing affordability raised as an issue in the 2017 provincial election;
- Local governments are identified by the province in 2018 as playing an important role in housing affordability;
- Local government approval processes are further identified as a potential challenge to improving affordability;
- Province undertakes *Development Approvals Process Review* (2018-19).

Zoning Bylaw Update



DAPR (2019) “Key Insights”:

- development finance tools (e.g. CACs);
- subdivision approvals;
- provincial referrals;
- application processes; and
- approval processes:
 - public input (public hearings); and
 - delegating authority.

Zoning Bylaw Update

Legislative Amendments (2021)

- first round of changes implemented.
- new local government authorities include:
 - ability to delegate DVP approvals;
 - new Public Hearing requirements; and
 - new notification requirements.



Zoning Bylaw Update

Legislative Amendments (2023)

- second round of changes implemented:
 - new housing needs reporting requirements;
 - increases to residential densities;
 - requires OCPs be updated more frequently;
 - requires pre-zoning to accommodate a 20-year housing supply; and
 - changes to public hearing requirements.



Zoning Bylaw Update

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 - new housing needs reporting requirements;
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Zoning Bylaw Update

“Restricted Zone”
(Local Government Act)

Zoning Bylaw Update

SSMUH Requirements :

- *Local Government Act* now includes the concept of a “restricted zone” .
- A “restricted zone” is one in which a local government has only allowed the following:
 - single family dwelling;
 - duplex;
 - secondary suite; or
 - accessory dwelling.



Zoning Bylaw Update

R1 – SINGLE FAMILY RESIDENTIAL

.1 Permitted Uses

The following uses and no others are permitted in the R1 zone:

- .1 one single family dwelling;
- .2 accessory buildings;
- .3 church;
- .4 home occupation;
- .5 *(Removed by Amendment Bylaw No. 1085.105)*



R3 – LOW DENSITY RESIDENTIAL

.1 Permitted Uses

The following uses and no others are permitted in the R3 zone:

- .1 one two family dwelling;
- .2 one single family dwelling;
- .3 church;
- .4 home occupation;
- .5 accessory buildings;
- .6 *(Removed by Amendment Bylaw No. 1085.105)*



R2 – SINGLE FAMILY RESIDENTIAL SMALL LOT

.1 Permitted Uses

The following uses and no others are permitted in the R2 zone:

- .1 one single family dwelling;
- .2 accessory buildings;
- .3 church;
- .4 home occupation;
- .5 *(Removed by Amendment Bylaw No. 1085.105)*



RSS – SINGLE-FAMILY RESIDENTIAL STRATA ZONE

.1 General Permitted Uses

The following uses and no others are permitted in the RSS zone:

- .1 single family dwelling
- .2 home occupation
- .3 accessory building

Zoning Bylaw Update

SSMUH Requirements :

- If a local government has a “restricted zone” in its zoning bylaw the Act states that it **must**, by June 30, 2024, use its zoning powers to do one of the following:
 - allow 2 dwelling units per parcel; or
 - allow 3-4 dwelling units per parcel.



Zoning Bylaw Update

SSMUH Requirements:

- requirement to allow 2 dwelling units per parcel applies to all communities within the province.
- requirement to allow 3-4 dwelling units per parcel applies to the following:
 - municipality with a population greater than 5,000;
 - lands within an RGS “urban containment boundary”; and
 - serviced by local government water and sewerage systems.

Zoning Bylaw Update

SSMUH Requirements:

- Allowing 3-4 dwelling units per parcel can be in one of the following forms:
 - apartment building (3-4 units);
 - townhouse (3-4 units);
 - duplex with secondary suites (2-4 units); or
 - single detached dwelling with a secondary suite and accessory dwelling (1-3 units).

Zoning Bylaw Update

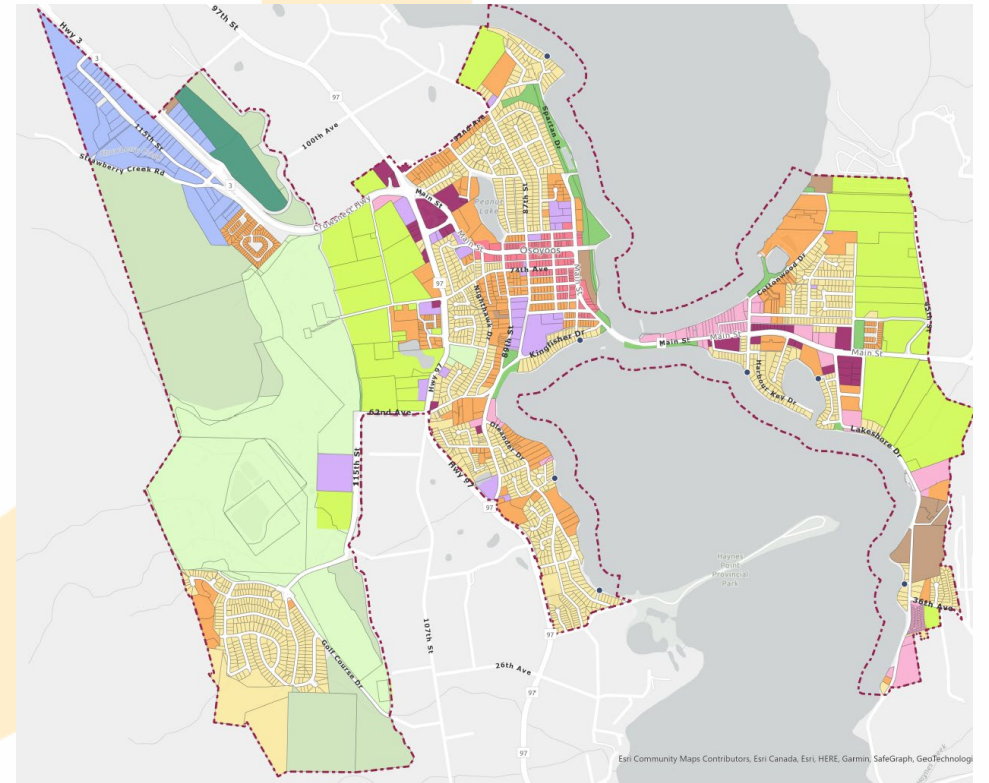
SSMUH Requirements:

- determining if a parcel is to be permitted 3 or 4 units is to be based on the following criteria:
 - parcel size:
 - ❖ less than 280 m^2 = 3 units
 - ❖ greater than 280 m^2 = 4 units

Zoning Bylaw Update

SSMUH Requirements:

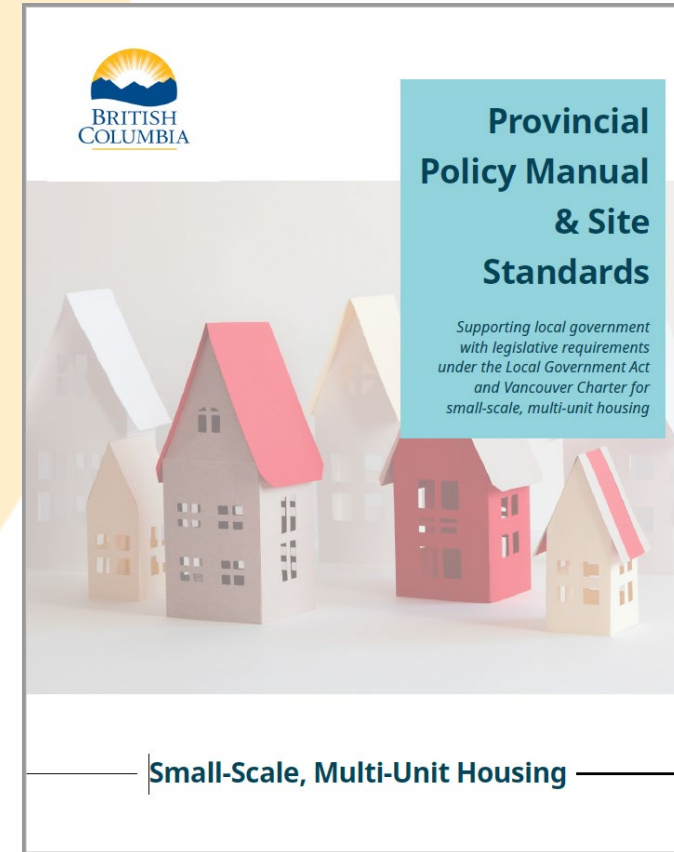
- requirement to zone for 3-4 units is seen to apply to almost all residential (“RS”) zones in Osoyoos.
- will affect parcels currently zoned R1, R2, R3, RSS, R5 & IRD.
- exception *may* be parcels recently incorporated within the Town’s boundary at 87th Street.



Zoning Bylaw Update

Provincial Policy Manual:

- Council “must consider applicable guidelines” made by the Minister;
- Provincial Manual includes recommended approaches to building types, density, setbacks, height, parcel coverage, vehicle parking, etc.
- Council should create “a favourable regulatory environment” for new building forms in areas traditionally reserved for detached single-family and duplex homes.



Zoning Bylaw Update

Provincial Policy Manual:

We will be undertaking a comprehensive evaluation of the implementation of the legislation by local governments, including consideration of how recommended provincial standards have been applied [emphasis added], to ensure it is effective at creating the conditions across BC to get more housing built and does not deter building much needed homes for people.

Minister of Housing (July 24, 2024)

Zoning Bylaw Update

SSMUH Implementation Extension:

- a “time-based extension” was announced in Feb. 2024.
- local governments could apply to have the deadline for SSMUH Compliance extended beyond June 30, 2024, *if*:
 - infrastructure upgrades are being completed;
 - increased density is a risk to health, public safety or the environment in that area; or
 - extraordinary circumstances exist.

Zoning Bylaw Update

SSMUH Implementation Extension:

- the Town has submitted a 5 year Extension request in order to allow infrastructure improvements to be completed.
- If approved, zoning would be updated to permit two (2) dwelling units per parcel instead of 3-4 units/parcel.
- Submission of extension request provides the Town with 90 days from the provincial decision to update zoning bylaw (i.e. June 30th deadline no longer applies).
- Province has not yet made a decision on the Town's request.



Zoning Bylaw Update

Proposed Residential Zoning Changes

(SSMUH Implementation)

Zoning Bylaw Update

Proposed Zone “Flexibility”:

- Zoning of residential parcels must allow 3-4 units/parcel:

CURRENT “RS” ZONES	PROPOSED “RS” ZONES
Single Family Residential (R1)	Small-Scale Multi-Unit Residential (RS1)
Single Family Residential Small Lot (R2)	
Low Density Residential (R3)	
Single Family Residential Strata (RSS)	
Manufactured Home Strata Development (R5)	
Intensive Residential Development (IRD)	
Manufactured Home Park (R4)	Residential Manufactured Home Park (RSM)

Zoning Bylaw Update

Draft RS1 Zone – Permitted Uses:

Principal

- apartment building
- duplex dwelling;
- single detached dwelling;
- townhouse;

Accessory

- accessory buildings & structure;
- accessory dwelling;
- bed and breakfast operation;
- home occupation; and
- secondary suite.

Zoning Bylaw Update

Draft RS1 Zone – Permitted Density:

- a) For parcels less than 280 m² in area, the maximum number of principal and accessory dwelling units shall not exceed three (3);
- b) For parcels 280 m² and greater, the maximum number of principal and accessory dwelling units shall not exceed four (4);
- c) despite sub-sections (a) & (b), the maximum number of single detached dwellings on a parcel shall not exceed one (1).

Zoning Bylaw Update



Setbacks

Zoning Bylaw Update

Draft RS1 Zone - Parcel Line Setbacks (Principal):

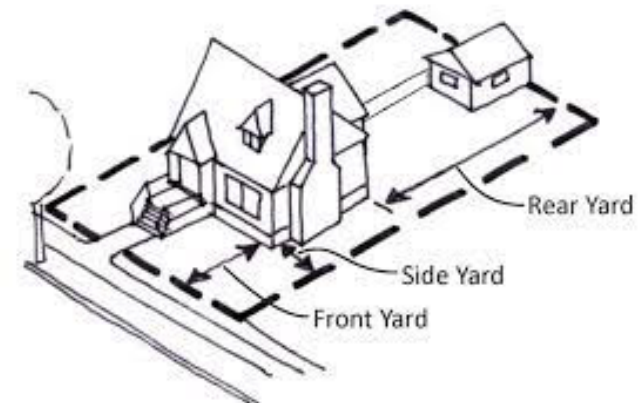
Current

- 3.5 – 6.0 metres (front)*
- 1.5 – 6.0 metres (rear)*
- 1.5 metres (side)
- 1.5 – 3.0 metres (ext. side)

Proposed (RS1)

- 2.0 metres (front)
- 1.5 metres (rear)
- 1.2 metres (side)
- 3.0 metres (exterior side)

* setbacks vary by zone



Zoning Bylaw Update

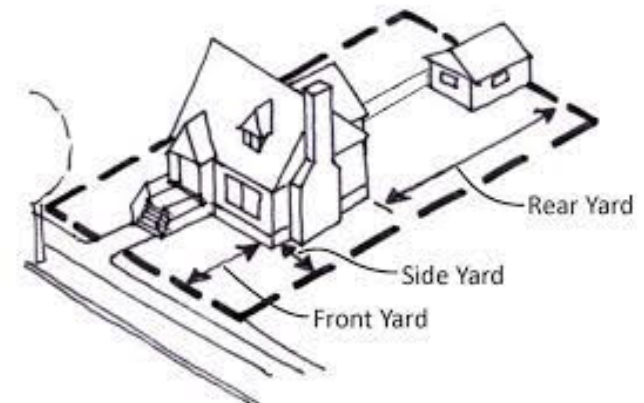
Draft RS1 Zone - Parcel Line Setbacks (Accessory):

Current

- [not allow in front yard]
- 1.2 metres (rear)
- 1.2 metres (side)
- 3.0 metres (exterior side)

Proposed (RS1)

- 2.0 metres (front)
- 1.5 metres (rear)
- 1.2 metres (side)
- 3.0 metres (exterior side)



Zoning Bylaw Update

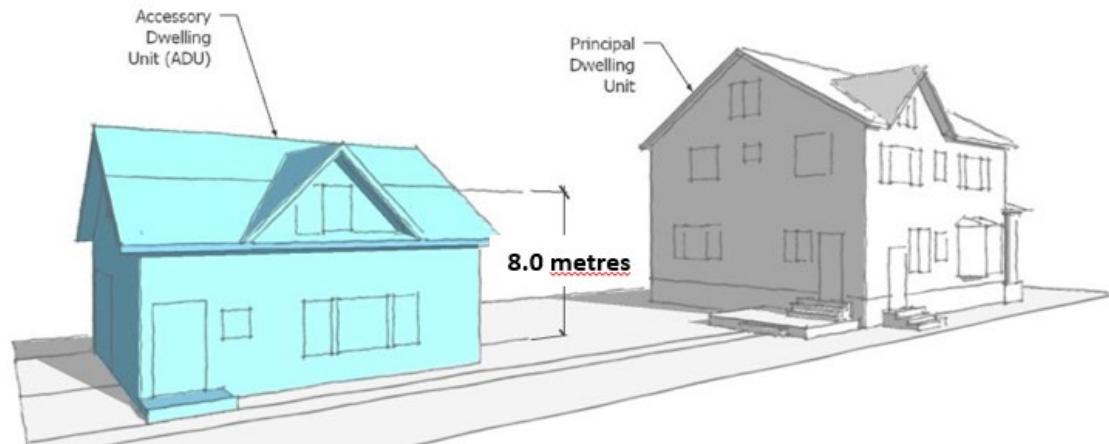
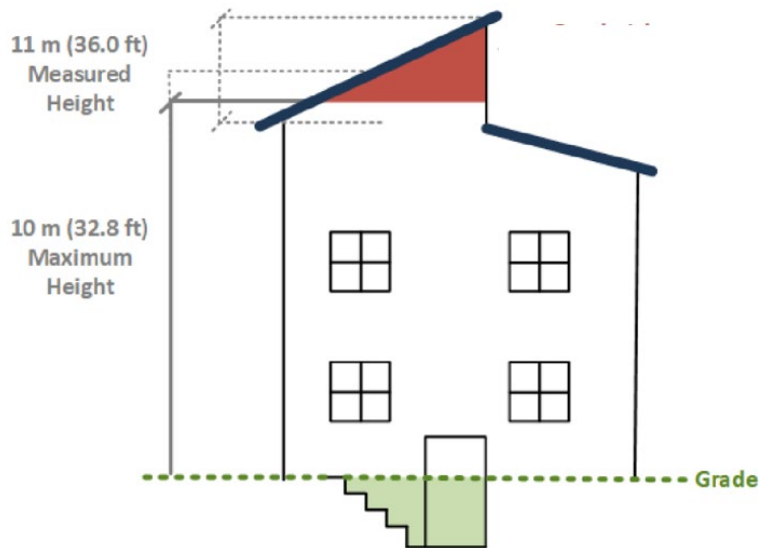
Draft RS1 Zone – Building Height:

Current

- 6.0-9.0 metres (principal)
- 4.5 metres (accessory)

Proposed

- 11.0 metres (principal)
- 4.5 metres (accessory)
- 8.0 metres (accessory dwelling)



Zoning Bylaw Update

RM1 Zone – Building Height:

Current

- 9.0-10.0 metres (principal)

Proposed

- 15.0 metres (principal)



4 storeys = 13-14 metres (approx.)

Zoning Bylaw Update

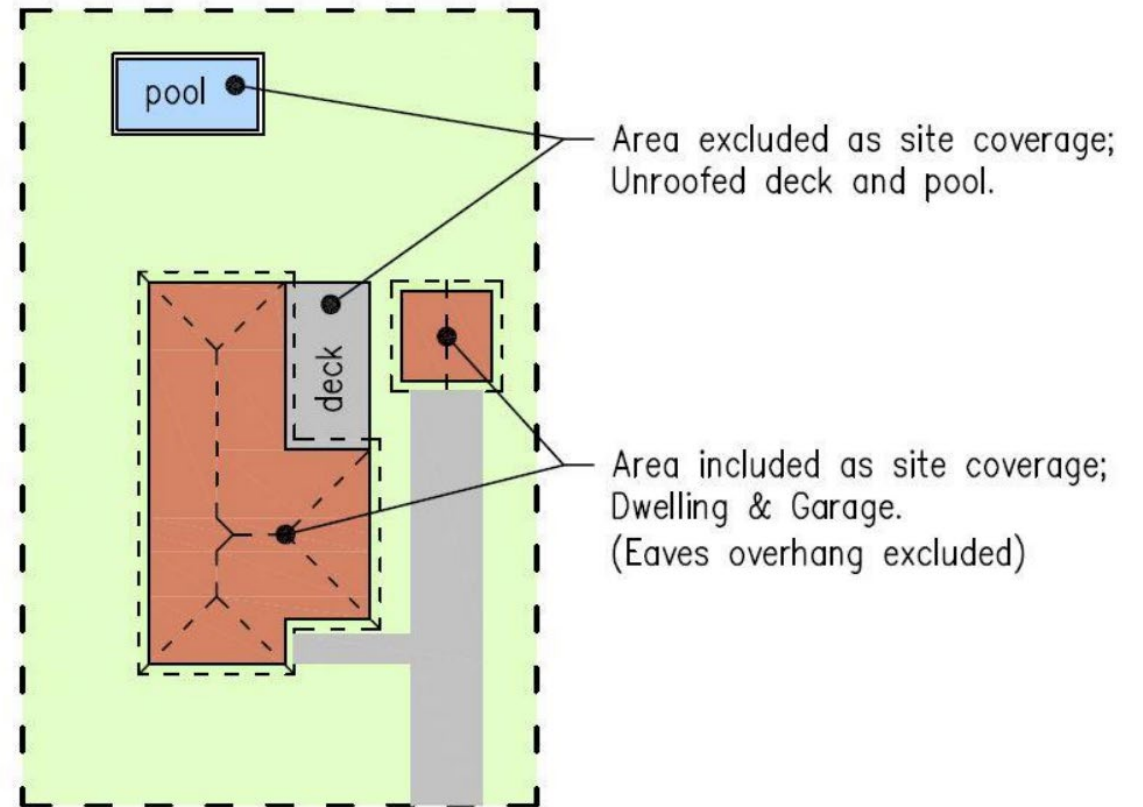
Draft RS1 Zone – Parcel Coverage:

Current

- Not specified

Proposed

- 50%



Zoning Bylaw Update

Draft RS1 Zone – Parcel Size for Subdivision:

Current

- 325 m² to 835 m²

Proposed

- 1,000 m²

“Land Assembly” is commonly used to increase the overall size of a project or to enhance the development potential (“density”) of a particular site.



Zoning Bylaw Update

Zone Title	Total Land Area	Number of Existing Parcels	Average Parcel Size	Minimum Parcel Size Subdivision	Potential New Lots
R1	173.3 ha	1,471	912.4 m ²	665 m ²	208*
R2	14.5 ha	173	569.6 m ²	325 m ²	56*
R3	7.5 ha	51	1,287.3 m ²	557 m ²	6*
R5	7.3 ha	75	658.1 m ²	325 m ²	57*
RSS	2 ha	37	439.4 m ²	325 m ²	4*
R8	1.5 ha	1	14,278.4 m ²	140 m ²	100*
RS3	0.5 ha	4	1,259.1 m ²	1,000 m ²	0
TOTAL	206.6 ha	1,812	-	-	431*

* Presumes perfect site efficiency can be achieved

Zoning Bylaw Update

Secondary Suite Floor Area:

Current

- 100 m²

Proposed

- No restriction



Up to
90 m²

Pre-2019 Suite Floor
Area Restriction: 90 m²
or 40% of principal
dwelling floor area.

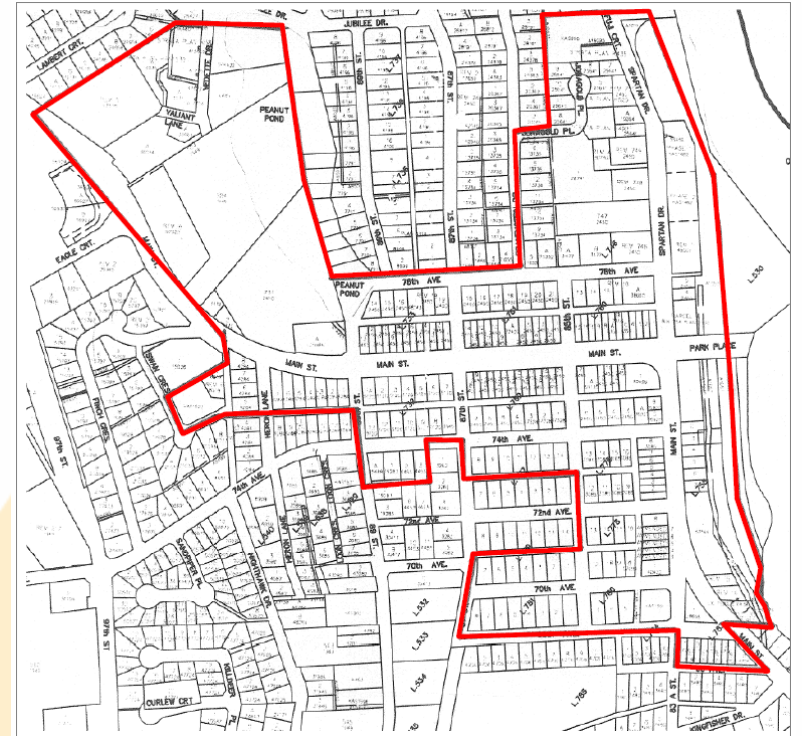
Zoning Bylaw Update

On-site Vehicle Parking Requirements:

Current

RESIDENTIAL

Single Family Dwelling	2 per dwelling unit
Two Family Dwelling	2 per dwelling unit
Multi-Family Dwelling	
non core area as defined	
in Figure 2.	1.75 per dwelling unit
core area as defined	
in Figure 2.	1 per dwelling unit
Secondary Dwelling	1 per dwelling unit
Bed and Breakfast	1 per bedroom
Home Occupation	see Section 4.6



Proposed

- 1 space per single family, duplex and accessory dwelling; and
- 1.5 spaces per apartment or townhouse unit outside “core area”



Zoning Bylaw Update

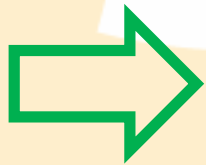
Other Proposed Zoning Changes

Zoning Bylaw Update

Definitions (Section 4.0)

- Definitions have been reviewed and updated;
- Will assist with the understanding of terms used else in bylaw (i.e. permitted uses in zones and for General Regulations);
- Should improve the ability to enforce zoning regulations;

“arcade” means a business that contains arcade games and may provide snack items.



“indoor recreation” means a facility within an enclosed building intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include amusement arcades, bingo halls, health and fitness centres ...

Zoning Bylaw Update

Uses:

- proposed that “**cannabis sales**” be considered a “**retail**” use;
- proposed that new use of “**agriculture, indoor**” be introduced and allows cannabis production in the General Industrial (M1) Zone;
- a more flexible approach to “**home occupations**” be applied;
- “**bed and breakfast**” be addressed as its own use class;
- that “**Mobile Vendors**” be permitted in specified zones;
- residential uses be permitted on the ground floor of structures not fronting Main Street in the Town Centre (TC) Zone;

Zoning Bylaw Update

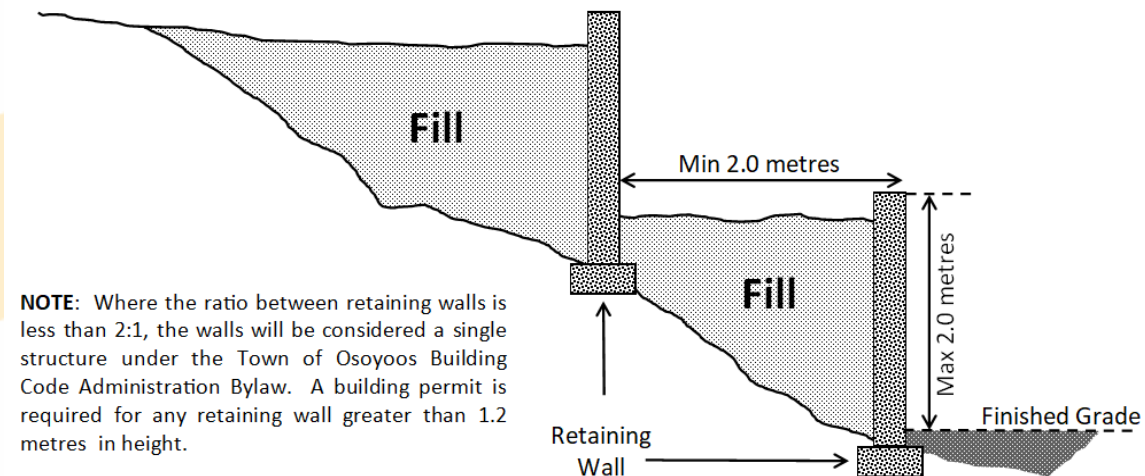
Occupancy of an RV During Construction

- An RV may be lived in during the construction of a new house on the same parcel, and for a period of two years, subject to:
 - a) it is incidental to the construction of a new house;
 - b) a valid building permit has been issued;
 - c) the RV meets zoning regulations for siting (setbacks); and
 - d) it is removed within thirty (30) days of an Occupancy Permit being issued for the new house.

Zoning Bylaw Update

Retaining Walls

- Proposed regulations would limit the height of wall to 2.0 metres and encouraging “stepping” of subsequent walls.
- In a parcel line setback area, max. wall height would be 1.2 metres in order to avoid impact on adjacent property.
- Proposed regs are consistent with other local government approaches in Okanagan.
- Over-height walls subject to DVP.



Zoning Bylaw Update

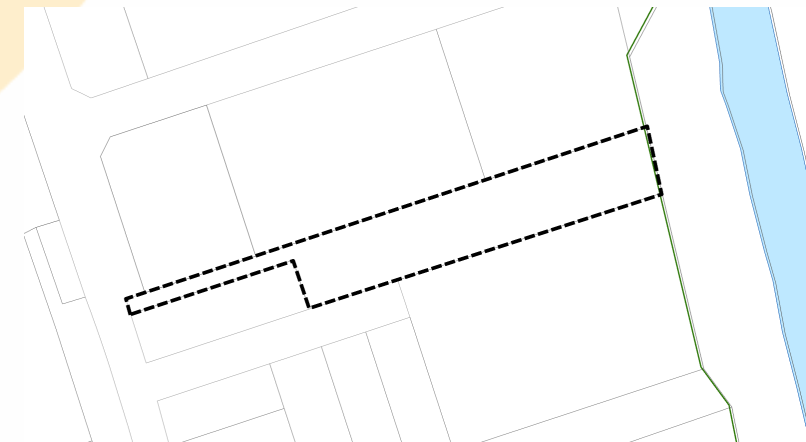
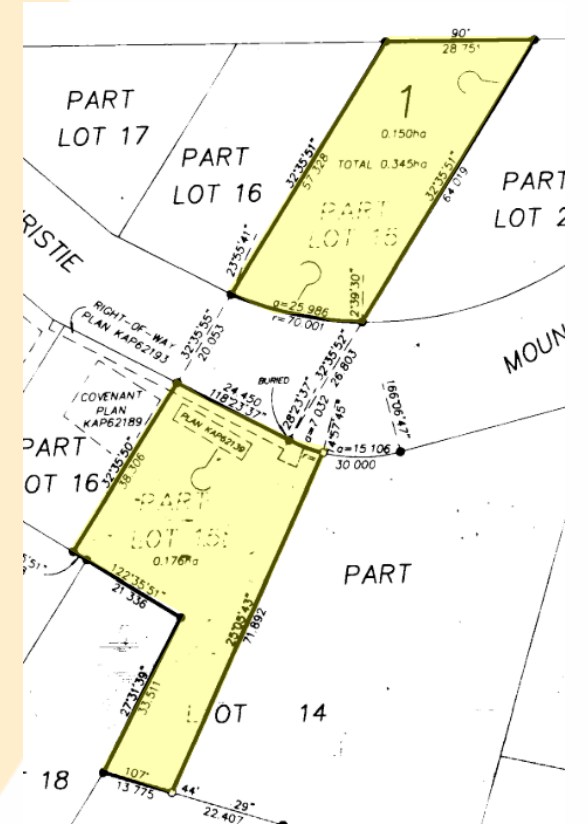
Waterfront Facilities

- Proposes to introduce regulations for docks, boat lifts and swimming platforms (NOTE: these are currently contained in the Foreshore and Lake Zoning Bylaw).
- Examples of proposed regulations include:
 - max. surface area of 24.0 m² and 3 berths (docks) – no change
 - max. distance of 42 metres (group moorage) – change from 30 m
 - one (1) swimming platform per upland parcel – clearer guidance

Zoning Bylaw Update

Subdivision Regulations

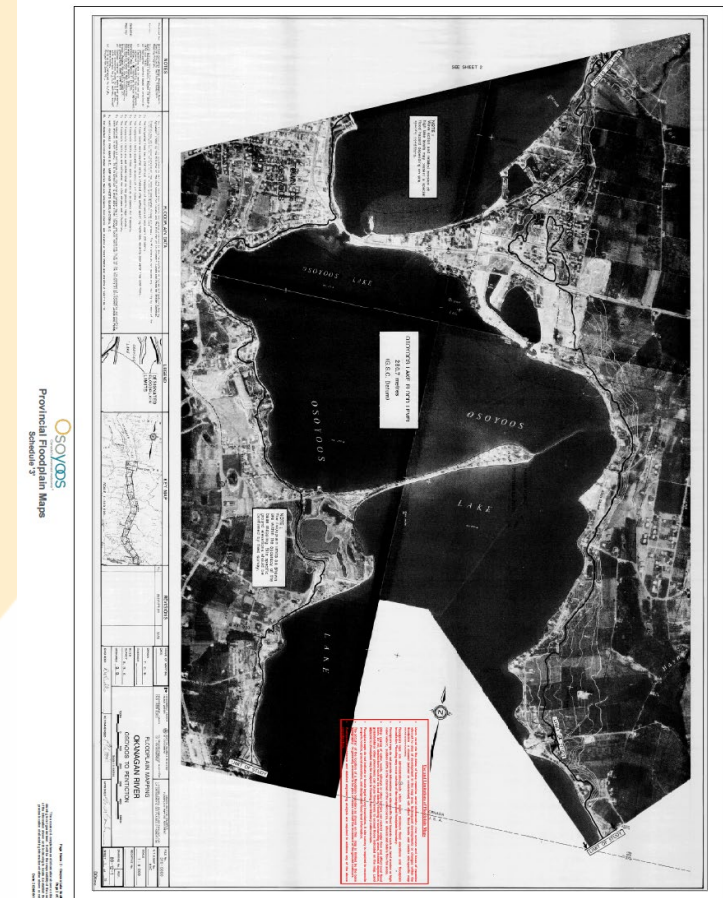
- Proposed to prohibit creation of “hooked” parcels
- Proposed to limit the size of a “panhandle” access as follows:
 - minimum width of 8.0 metres;
 - maximum length of 20 metres;
 - not count towards parcel area; and
 - max. of two (2) abutting panhandles.



Zoning Bylaw Update

Floodplain Regulations

- Proposes to improving consistency with provincial legislation (e.g. s. 528 of the *Local Government Act*).
- Removing 25% floor area exemption related to adoption of current zoning bylaw (not seen to be consistent with provincial requirements).
- Introducing provincial floodplain mapping – interim provision.*



Zoning Bylaw Update

A new “Service Commercial One (CS1) Zone” be created and applied to existing “service station” sites.



Zoning Bylaw Update

Vacation Rentals

- Short-Term Rental Accommodations (“vacation rentals”) are permitted in the CR, CD5, CD6, CD7, CD9 & CD11 Zones.
- Proposed to transition these to a new CT4 Zone in which “resort residential building” is permitted and allows for STRs.
- The Town’s “Vacation Rental Review” is being completed as a separate project from the new Zoning Bylaw.
- It is anticipated that further amendments to the OCP & Zoning Bylaws *may* be required as a result of this Project.

Zoning Bylaw Update

Residential Occupancy of Campgrounds:

- residential occupancy of RVs, including “Park Models”, in campgrounds was to be addressed in new zoning bylaw.
- due to legislative changes, this issue has been deferred pending completion of new zoning bylaw.



Zoning Bylaw Update

Next Steps

- In-person meetings by appointment (at Town office).
- Council Consideration (Tentative August 8th meeting).

Zoning Bylaw Update

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