

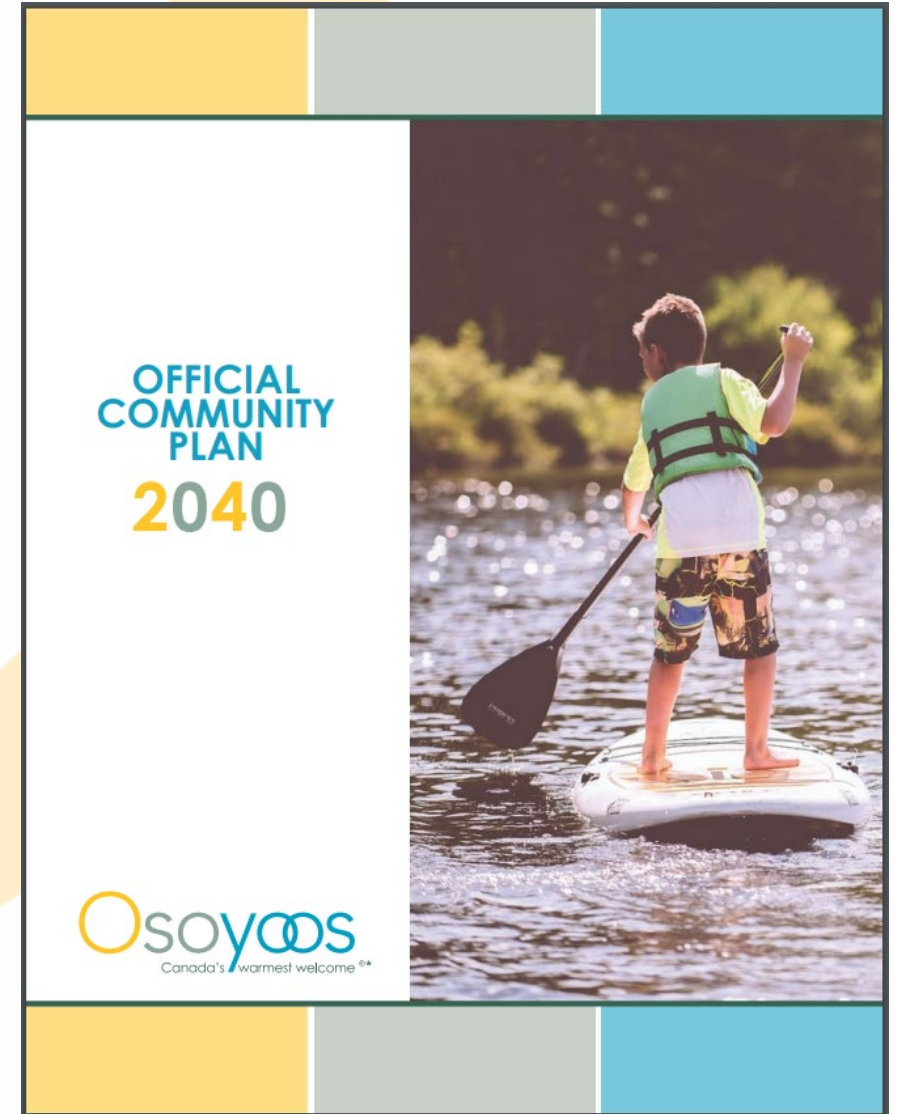
Zoning Bylaw No. 1395

Special Council Meeting

Thursday August 8, 2024

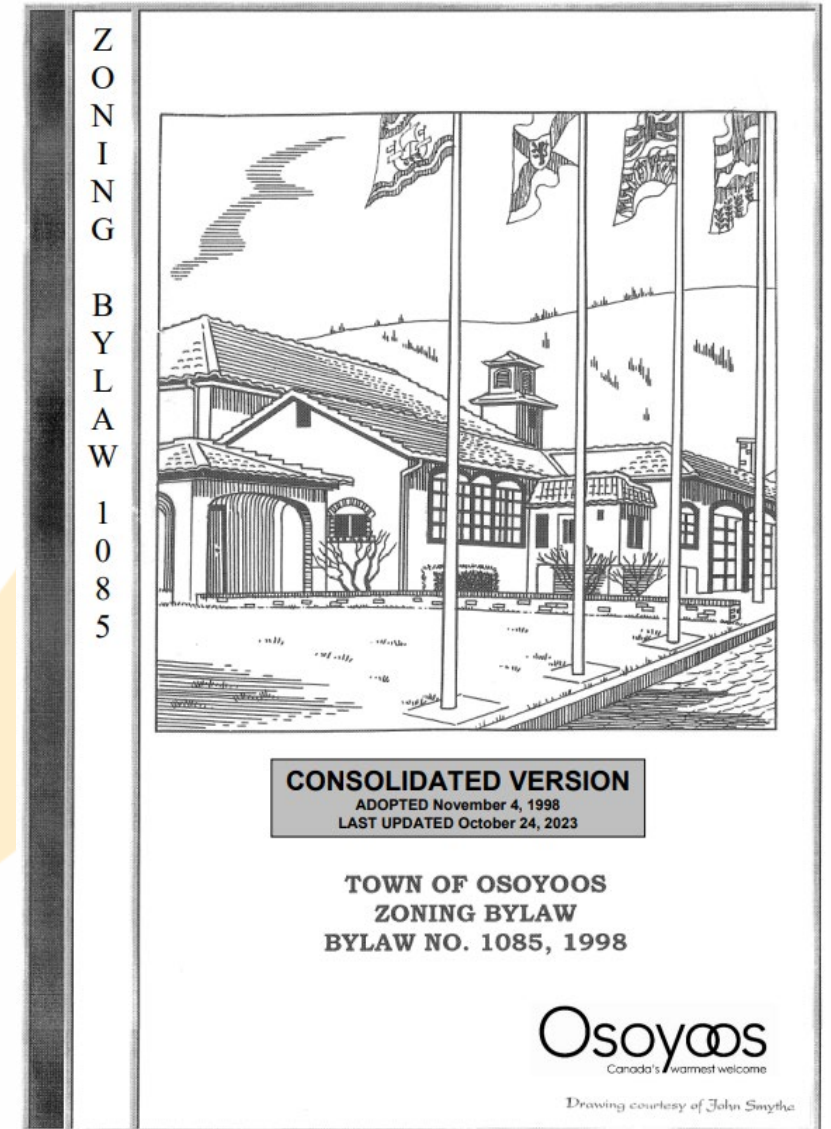
Zoning Bylaw No. 1395

- 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 No. 1395

- 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 No. 1395

- 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 No. 1395

- Multiple presentations to Council on zoning items (Feb. to May of 2024);
- Draft Zoning Bylaw presented at COTW meeting on June 11, 2024
- Public Engagement process outlined:
 - Posting of materials
 - Agency Referrals
 - Public Notification (info meetings)



ZONING BYLAW NO. 1395, 2024

DRAFT VERSION – 2024-06-11

DRAFT



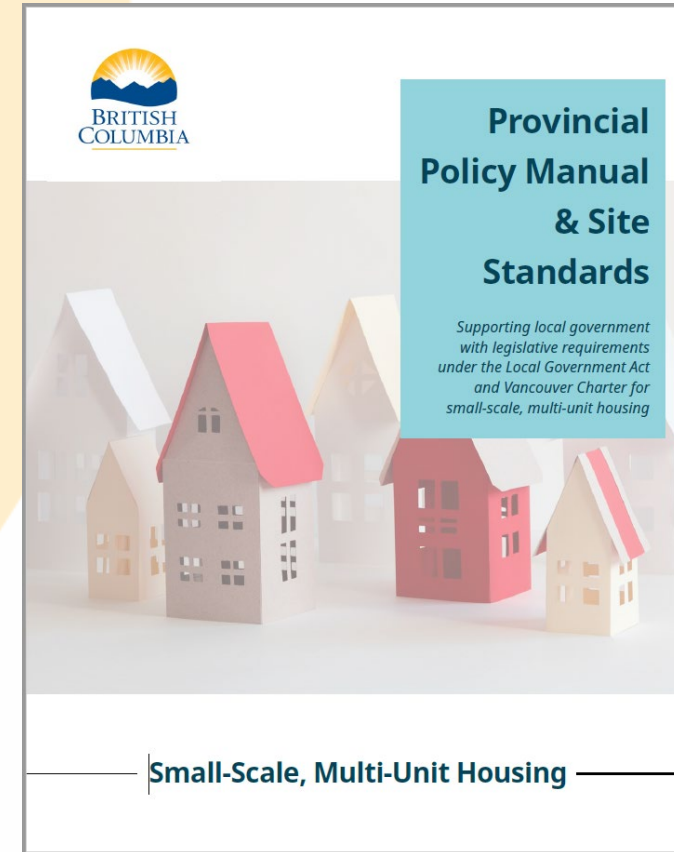
Zoning Bylaw No. 1395

**SSMUH Implementation
Extension Request**

Zoning Bylaw No. 1395

SSMUH Implementation Extension Request:

- the Town submitted a request to the Minister seeking an extension to the end of 2029;
- Provincial decision was to have been made by June 30, 2024, but has not been received yet.
- In response, it is proposed that maximum density in RS1 Zone be set at 2 dwelling units per parcel



Zoning Bylaw No. 1395

Maximum Density – RS1 Zone:


- “apartment building” and “townhouse” have been removed as permitted uses;
- allowance for 3-4 units/parcel based on land area has been removed;
- Amendments may be required after province makes decision on Extension Request.

11.0 LOW DENSITY RESIDENTIAL ZONES

11.1 SMALL-SCALE MULTI-UNIT RESIDENTIAL (RS1) ZONE

11.1.1 Permitted Uses:

Principal Uses:

- 
- a) *child care facility*, subject to Section 7.4;
 - b) *duplex dwelling*;
 - c) *single detached dwelling*;

Accessory Uses:

- d) *accessory building or structure*, subject to Section 7.1;
- e) *accessory dwelling*, subject to Section 7.2;
- f) *bed and breakfast operation*, subject to Section 7.3;
- g) *home occupation*, subject to Section 7.5; and
- h) *secondary suite*.


11.1.2 Minimum Parcel Size for Subdivision:

- a) 225.0 m² for the purpose of subdivision under the *Strata Property Act*, subject to Section 8.0; or
- b) 1,000 m², subject to Section 8.0.

11.1.3 Minimum Parcel Width for Subdivision:

- a) Not less than 25% of the *parcel depth*, subject to Section 8.0.

11.1.4 Maximum Number of Dwellings Permitted Per Parcel:

- 
- a) two (2) *dwelling units*, provided that both *dwelling units* are located in one (1) *residential building*; or
 - b) one (1) *secondary suite* in a *single detached dwelling*; or
 - c) one (1) *accessory dwelling* on the same parcel as one (1) *single detached dwelling*.



Zoning Bylaw No. 1395

Front Parcel Line Setback
RS1 Zone

Zoning Bylaw No. 1395

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



Setbacks

Zoning Bylaw Update

Draft RS1 Zone - Parcel Line Setbacks (Principal):

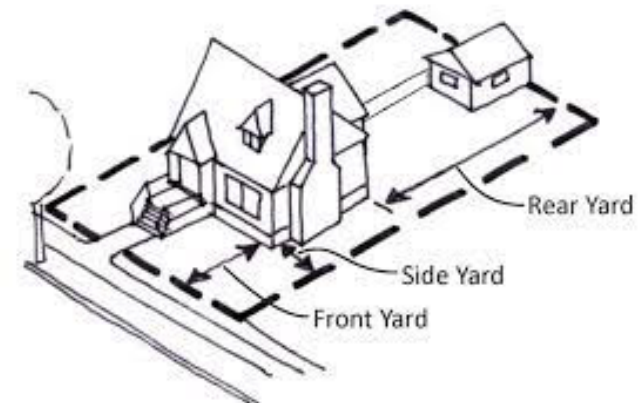
Current

- 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

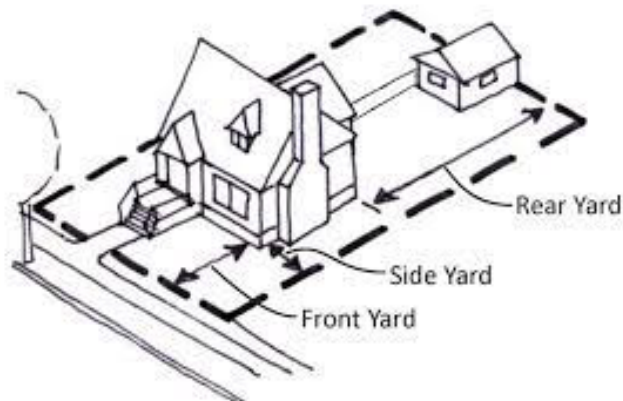


Zoning Bylaw Update

Draft RS1 Parcel Line Setbacks:

Proposed (RS1)

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



Local Gov.	Front	Rear	Interior	Exterior
Armstrong*	5.0 m	3.0 m	1.5 m	3.0 m
Achcroft	6.0 m	6.0 m	1.5 m	3.5 m
Barriere	6.0 m	6.0 m	1.5 m	4.5 m
Cache Creek	6.0 m	6.0 m	1.5 m	3.0 m
Chase	6.0 m	6.0 m	1.5 m	3.0 m
Clearwater	6.0 m	6.0 m	2.4 m	4.5 m
Clinton	6.0 m	6.0 m	1.5 m	3.0 m
Coldstream*	6.0 m	6.0 m	1.5 m	4.0 m
Enderby*	6.0 m	6.0 m	1.2 m	5.0 m
Kamloops*	4.5 m	6.0 m	1.5 m	4.5 m
Kelowna*	3.0 m	3.0 - 6.0 m	1.8 m	n/a
Keremeos	6.0 m	6.0 m	1.2 m	3.0 m
Lake Country*	4.0 m	3.0 m	1.5 m	4.0 m
Lillooet	3.0 m	3.0 m	1.5 m	3.0 m
Logan Lake	6.0 m	3.0 m	1.5 m	3.0 m
Lytton	3.0 m	3.0 m	1.5 m	3.0 m
Lumby*	4.5 m	6.0 m	2.0 m	4.5 m
Merritt*	5.0 m	3.0 m	1.2 m	n/a
Oliver*	3.0 m	3.0 m	1.2 m	3.0 m
Peachland*	6.0 m	4.5 m	1.5 m	4.5 m
Penticton*	4.5 m	6.0 m	1.2 m	4.0 m
Princeton	6.0 m	6.0 m	1.5 m	6.0 m
Revelstoke	6.0 m	7.5 m	1.5 m	3.0 m
Salmon Arm	6.0 m	6.0 m	1.5 m	6.0 m
Sicamous	5.0 m	4.0 m	1.5 m	4.5 m
Spallumcheen	8.0 m	8.0 m	2.0 m	5.0 m
Summerland*	3.0 m	3.0 m	1.2 m	3.0 m
Vernon*	4.0 m	1.5 m	1.5 m	3.0 m
West Kelowna*	3.5 m	1.5 m	1.2 m	2.5 m

* 3-4 units per parcel permitted



Zoning Bylaw No. 1395

**“Cooking Facilities” in
Motel Units**

Zoning Bylaw Update

Cooking Facilities in Motel Units:

Current definition of “hotel/motel”:

means a building or group of buildings for paid temporary accommodation for overnight or longer stays in units with their own complete sanitary facilities, which includes an on-site registration office and may include a lobby and/or restaurant.)

Zoning Bylaw Update



Zoning Bylaw Update

- Informal Survey of SILGA member zoning bylaws (motels)
 - cooking facilities permitted in motel unit: 52%
 - cooking facilities prohibited in motel unit: 34%
 - unclear: 14%
- Informal Survey of SILGA member zoning bylaws (hotels)
 - cooking facilities permitted in hotel unit: 24%
 - cooking facilities prohibited in hotel unit: 62%
 - unclear: 14%

Zoning Bylaw Update

Cooking Facilities in Motel Units:

Proposed definition of “motel” in Zoning Bylaw 1395:

means a building or buildings containing housekeeping and sleeping units each with an exterior entrance and designed to provide temporary accommodation for the travelling public and may include a bathroom and cooking facilities.



Zoning Bylaw No. 1395

Campground Zoning
C5 / CT2

Zoning Bylaw No. 1395

C5 Zone (1085) / CT2 Zone (1395):

- Queries regarding the placement and use of RVs, including “Park Models”, in campgrounds.
- Campground Zone Review has been deferred pending completion of new zoning bylaw.





Zoning Bylaw No. 1395

Foreshore & Lake Zoning Bylaw

Zoning Bylaw No. 1395

Proposal:

- That the current Foreshore and Lake Zoning Bylaw No. 1294, 2012, be consolidated into the new Zoning Bylaw No. 1395.
- Rationale:
 - reduce the number of land use bylaws currently maintained by the Town due to available resources; and
 - Improve consistency of interpretation and coherence between bylaws that generally regulate the same issues.

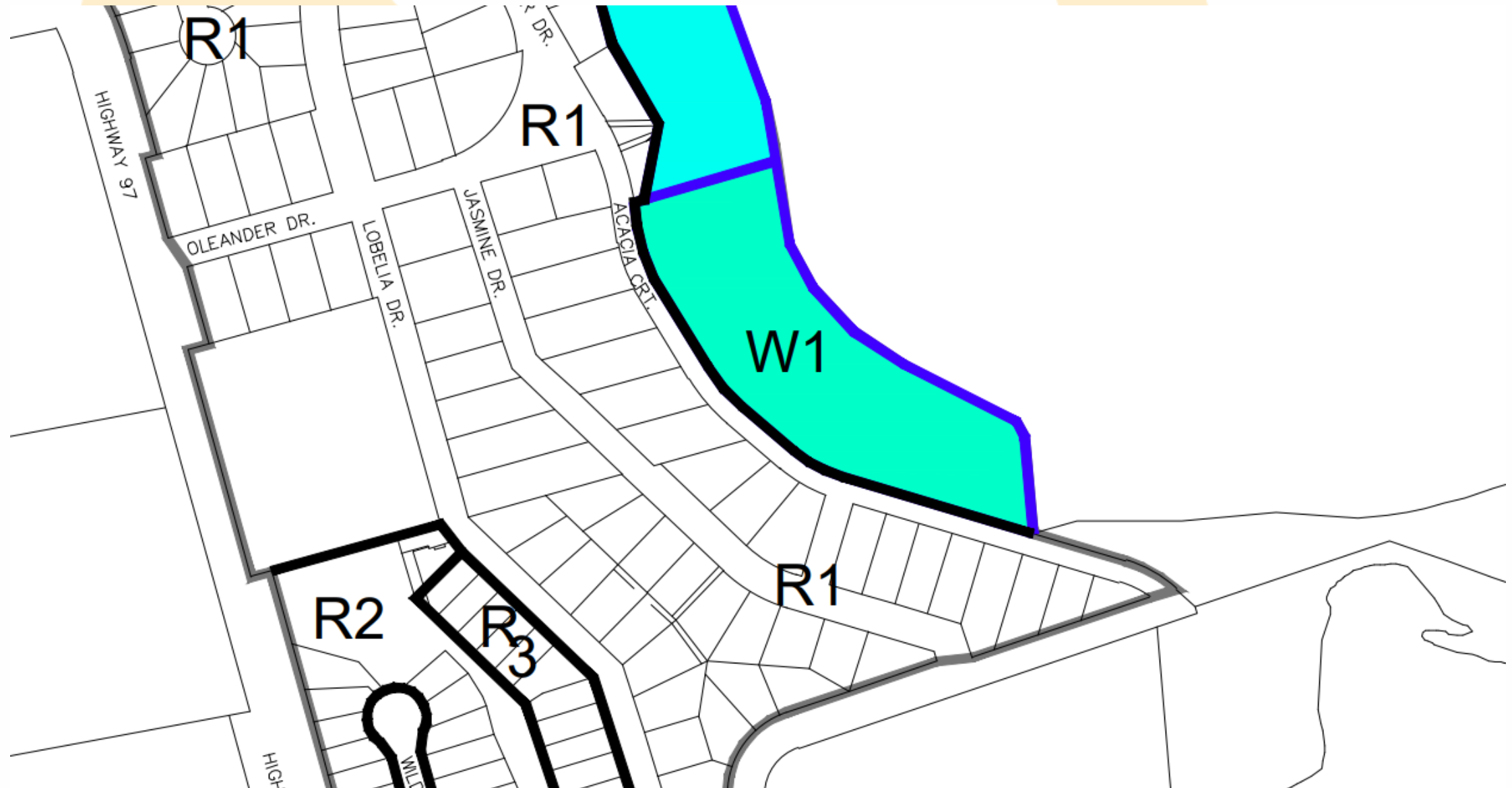


Zoning Bylaw No. 1395

Issue:

- The Foreshore and Lake Bylaw includes a definition for a “semi-waterfront parcel”, which is defined as meaning:
a parcel of land that is only separated from the natural boundary of Osoyoos Lake by a Town owned right-of-way
- A zone under this bylaw is to be established – in certain circumstances - by extending a perpendicular line from the municipal boundary back to the property line of a “semi-waterfront parcel”.

Zoning Bylaw No. 1395



This aerial map displays a residential neighborhood with a yellow dashed line boundary and a green line boundary. The yellow dashed line outlines a large area that includes several streets and numerous houses. The green line outlines a smaller area on the right side of the map, adjacent to a large body of water. The map shows numerous houses with address labels, streets like OLEANDER DR, JASMINE DR, LOBELIA DR, and HIBISCUS COURT, and a large body of water on the right. A yellow dashed line outlines a large area, and a green line outlines a smaller area on the right side of the map.

Zoning Bylaw No. 1395

Issue:

- “semi-waterfront parcel” owners between Jasmine Drive and Acacia Court ... 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*

(Section 5.1.2 of Bylaw 1294, 2012)

Zoning Bylaw No. 1395

Considerations:

- Section 460 of the *Local Government Act* requires that a local government that has implemented a zoning bylaw must define procedures on how a property owner may apply for a bylaw amendment or a permit.
- Bylaw No. 1294 is a “Zoning” Bylaw.
- Osoyoos Lake is Crown land (e.g. province is the “owner”).
- “semi-waterfront parcels” do not appear to be impacted by Bylaw No. 1294.

Zoning Bylaw No. 1395

Considerations:

- It is not clear that Section 5.2.1 is a zoning regulation:
 - appears to be an application requirement that should be in the Town's Land Use Procedure Bylaw; or
 - it *could* be construed as a policy statement indicating an openness by Council to consider applications from upland owners, subject to provincial approval.
- No approvals have been granted by the Town for “semi-waterfront parcels” to install docks or buoys in the lake.

Zoning Bylaw No. 1395

Recommendation:

- Definition of “semi-waterfront parcel” not be carried into Zoning Bylaw No. 1395.
- Future policy direction regarding private use of public foreshore areas be resolved through completion of proposed “Lake Health Assessment” and possible amendments to the OCP Bylaw – and that this not be done by zoning regulation.



Zoning Bylaw No. 1395

8000 Cottonwood Drive

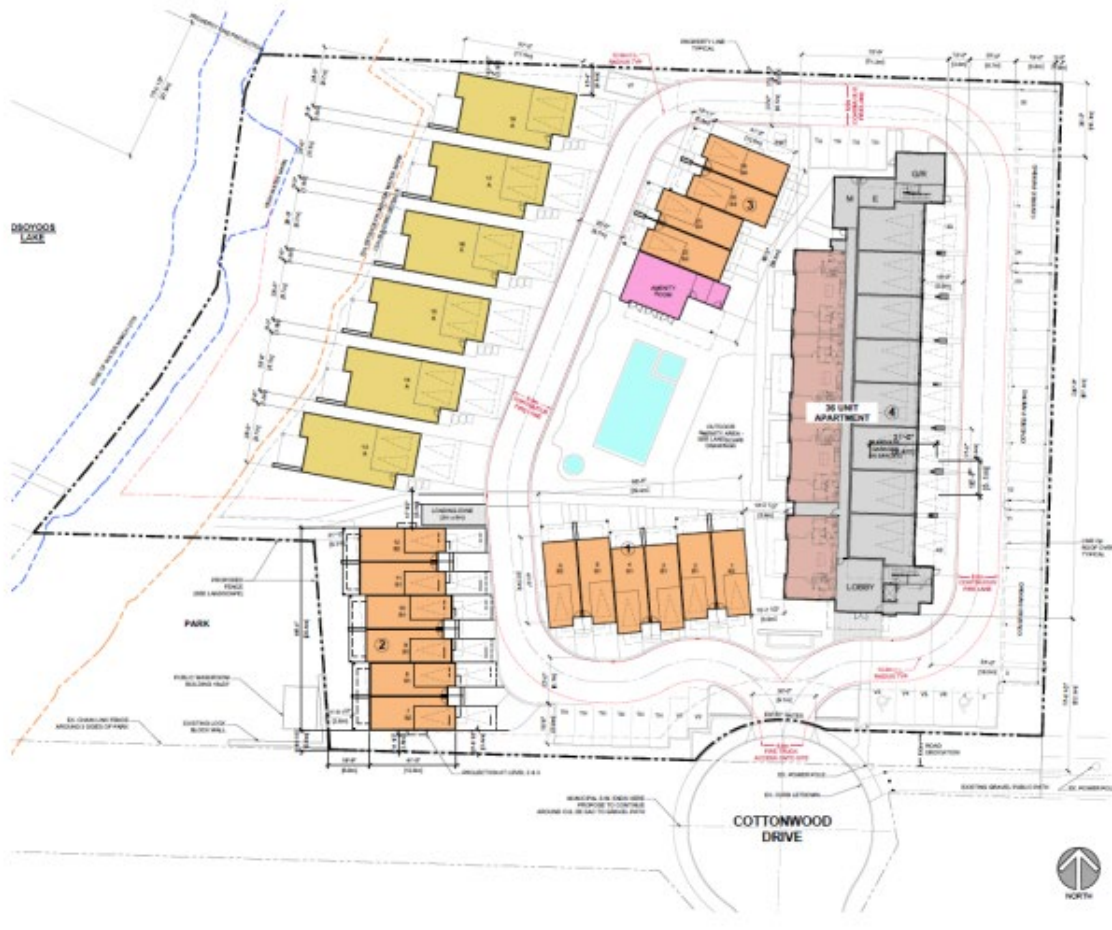
Zoning Bylaw No. 1395

Issue – CD Zone Transition:

- Property is currently zoned CD11, which allows for a range mixed-residential densities.
- Specific CD11 Zone regulations include:
 - 24 metre height allowance;
 - reduced setbacks; and
 - reduced vehicle parking requirements



Zoning Bylaw No. 1395



CD11 Zone Site Map



Proposed Site Development

Zoning Bylaw No. 1395

Proposed Dock:

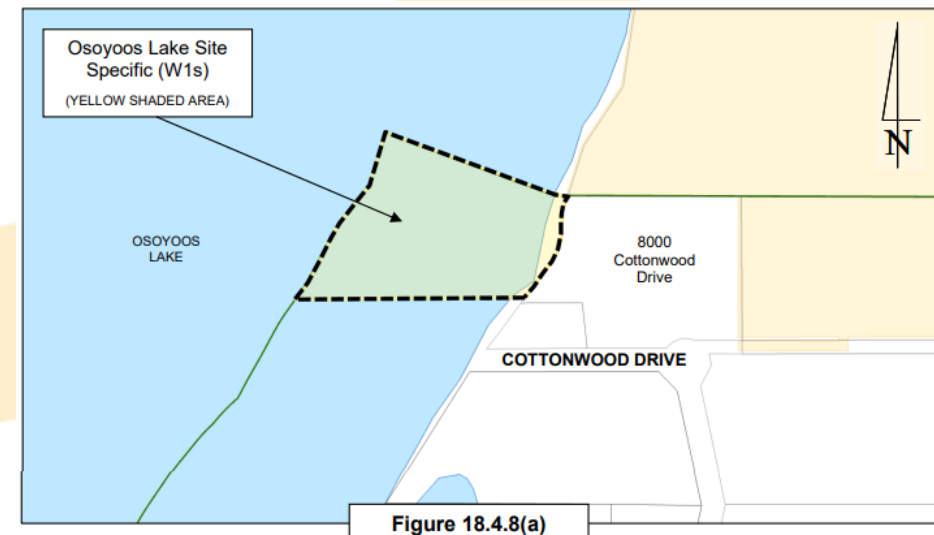
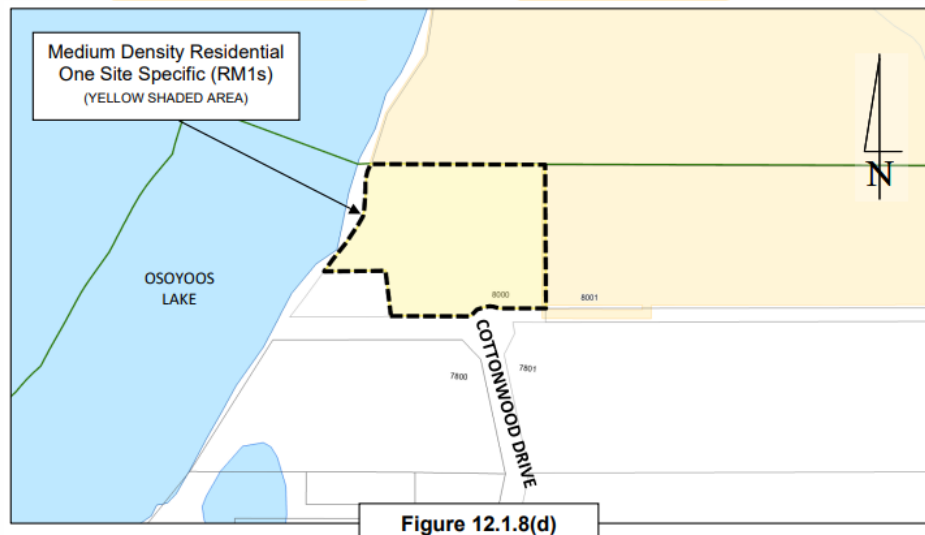
Foreshore and Lake Zoning Bylaw was amended in 2022 to allow for a 60-berth dock.



Zoning Bylaw No. 1395

Issue:

- Proposed RM1 Zone to be applied to property does not include elements of CD11 Zone.
- Proposed to use a site specific regulation to restore 24 metre height allowance and 60-berth dock.





Zoning Bylaw No. 1395

32 Empire Street

Zoning Bylaw No. 1395

Issue – CD Zone Transition:

- Property is currently zoned CD10, which is intended to encourage startup businesses by providing for a live-work opportunity.
- Businesses seeking to locate at the site are not always industrial.
- Fire Resistance Rating (FRR) of building prevents some industrial uses.



Zoning Bylaw No. 1395

Proposal:

- Draft of Zoning Bylaw 1395 proposed to transition CD10 Zone to the new General Industrial (I1) Zone.
- Owner is requesting consideration for Service Commercial Two (CS2) Zone with site specific allowances for “personal service establishment” and “office”.

14.4 SERVICE COMMERCIAL TWO (CS2) ZONE

14.4.1 Permitted Uses:

Principal Uses:

- a) *alcohol production facility;*
- b) *car wash;*
- c) *construction supply centre;*
- d) *fleet services;*
- e) *food and beverage processing;*
- f) *manufacturing, provided the use is entirely contained within a building;*
- g) *recycling materials depot and drop-off centre;*
- h) *service industry establishment;*
- i) *self-storage;*
- j) *vehicle sales and rentals;*
- k) *veterinary establishment;*
- l) *wholesale business;*

Accessory Uses:

- m) *accessory building or structure, subject to Section 7.1;*
- n) *accessory dwelling, subject to Section 7.2; and*
- o) *eating and drinking establishment; and*
- p) *retail.*



Zoning Bylaw No. 1395

8000 Vedette Drive

Zoning Bylaw No. 1395

Issue:

- Property was rezoned in 2019 to allow for a 54-unit townhouse development with 28 secondary units (basement suites).
- Drafting oversight in zoning bylaw resulted in suites being omitted as a permitted use/density.
- Proposed to rectify this in Zoning Bylaw No. 1395.





Zoning Bylaw No. 1395

OCP Amendments

Zoning Bylaw No. 1395

Issue:

- Earlier amendments to the OCP Bylaw (No. 1375.04) did not apply development permit area designations to CD zoned properties.
- Proposed to rectify this as part of the adoption of the new Zoning Bylaw.



Zoning Bylaw No. 1395

Issue:

- 4413 Lakeshore Drive is an unfinished strata phase.
- Currently zoned CD2, and was to comprise commercial component of development (e.g. hotel).
- Currently the subject of a rezoning application to allow a residential development.



Zoning Bylaw No. 1395

Proposal:

- Proposed to apply the following as part of transition to new zoning bylaw
 - Medium Density Residential (RM) land use designation;
 - Multi-Family Residential DP Area;
 - RM1 Zone.
- Would negate the need for the rezoning application.



Zoning Bylaw No. 1395

Issue:

- The property remains in the Agricultural Land Reserve (ALR).
- Change in zoning does not preclude need for ALC approval of residential development.
- Proposal to exclude property from the ALR is being prepared by staff.



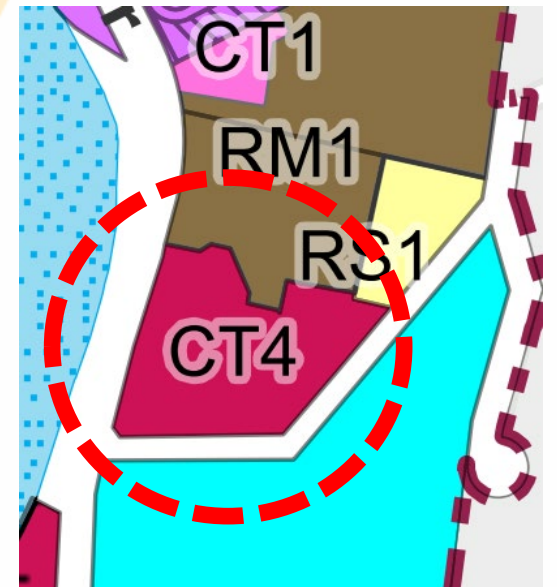
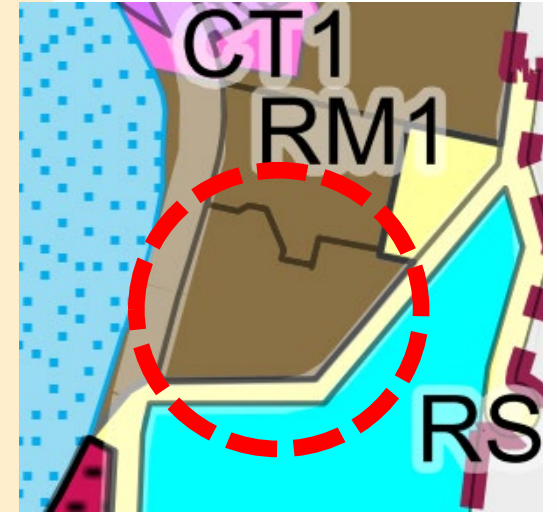
Zoning Bylaw No. 1395

Misc

Zoning Bylaw No. 1395

Issue:

- 4300 Lakeshore Drive comprises the residential component of a mixed-use development authorized by a CD2 zoning.
- Draft of Zoning Bylaw No. 1395 proposed to transition this site to RM1.
- Property owners have requested the CT4 Zone given historical use of the development for tourist accommodation purposes.



Zoning Bylaw No. 1395

Issue:

- Minor typo at Section 11.1 of Draft Zoning Bylaw No. 1395.
- Typo at Schedule 'D' of Amendment Bylaw No. 1375.06.

11.0 LOW DENSITY RESIDENTIAL

11.1 SMALL-SCALE **MULIT**-UNIT R

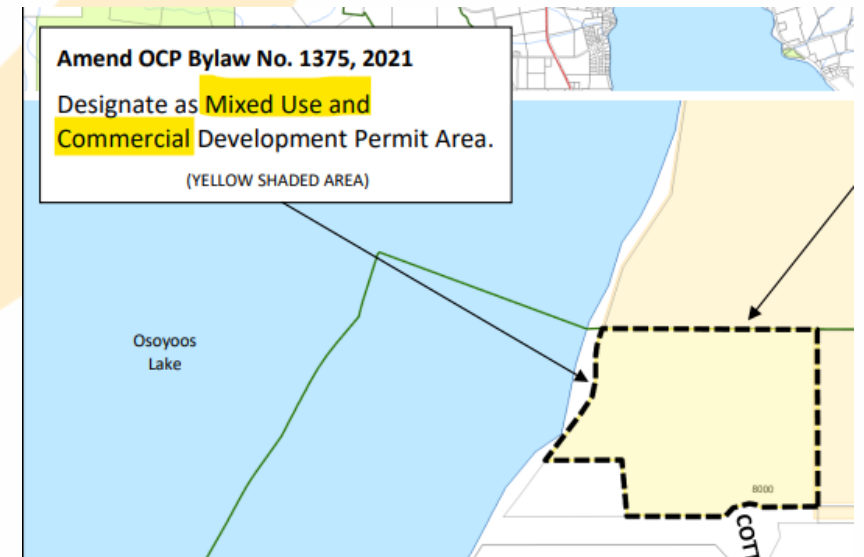
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- c) *single detached dwelling*;

Accessory Uses:

- d) *accessory building or structure*, subje
- e) *accessory dwelling*, subject to Sectic
- f) *bed and breakfast operation*, subje



Zoning Bylaw No. 1395

Next Steps

- Council consideration of 1st reading (August 8, 2024);
- Scheduling of a Public Hearing (September 10, 2024*);
- Council consideration of 3rd reading (Sept. 10, 2024*);
- Ministry of Transportation and Infrastructure approval (TBD);
- Council consideration of adoption (TBD).

(* tentative)



Zoning Bylaw No. 1395

Questions?