

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2800.25, 2023

A Bylaw to amend the Okanagan Valley Zoning Bylaw No. 2800, 2022

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the “Okanagan Valley Zoning Bylaw Amendment Bylaw No. 2800.25, 2023.”
2. The “Okanagan Valley Zoning Bylaw No. 2800, 2022,” is amended by:
 - i) replacing the definition of “gross floor area” under Section 4.0 (Definitions) in its entirety to read as follows:

“gross floor area” means the total floor area of a building measured to the outer limit of the exterior walls of a building, but excludes:

 - parking areas to a maximum floor area exclusion of 45.0 m², unless such parking is a principal use in which case no exclusion shall be permitted;
 - a swimming pool;
 - unenclosed front entry porches, balconies, decks, patios, terraces, courtyards or stairways; and
 - crawl spaces or attics.
 - ii) replacing the definition of “winery” under Section 4.0 (Definitions) in its entirety to read as follows:

“**winery**” means the use of land, *buildings* or *structures* involved in the manufacturing, packaging, storing and sales of grape and fruit-based wines, including a wine bar, food & beverage lounge and an eating and drinking establishment; and

- iii) replacing Section 6.2.5 (Dock, Boatlift & Swimming Platform Regulations) under Section 6.0 (General Regulations) in its entirety with the following
 - .5 despite sub-section .4, a dock moorage platform or other surface area shall not exceed a width of 3.0 metres.
- iv) adding a new Section 6.2.9 under Section 6.2 (Dock, Boatlift & Swimming Platform Regulations) at 6.0 (General Regulations) to read as follows:
 - .9 An L or T shaped dock structure is permitted if the length of the structure which is parallel to the shoreline does not exceed the lesser of:
 - a) 10.0 metres; or
 - b) one half the width of frontage of the upland lot.
- v) replacing Section 6.4.1(a) (Fence Heights) under Section 6.0 (General Regulations) in its entirety with the following:
 - a) in the Resource Area, Agriculture, Large Holdings and Small Holdings zones all fences may be up to 1.8 metres in *height*, and in the Industrial zones all fences may be up to 2.4 metres in *height*;
- vi) replacing Section 6.4.1(d) (Fence Heights) under Section 6.0 (General Regulations) in its entirety with the following:
 - d) deer *fences* shall not be limited in *height*, provided such *fences* are constructed of material that permits visibility, such as wire mesh or wire strand, but excluding chain link; and
- vii) replacing Section 6.7.1(c) (Metal Storage Containers) under Section 6.0 (General Regulations) in its entirety with the following:
 - c) Despite sub-section 6.7.1(a) and (b), metal storage containers are prohibited on parcels in the Low Density Residential West Bench (RS5) and Small Holdings West Bench (SH5) zones.
- viii) replacing Section 7.6.4 (Home Occupations) under Section 7.0 (Specific Use Regulations) in its entirety with the following:
 - 4. No vehicle exceeding 4,600 kg in vehicle weight and associated with or used in the conduct of a *home occupation* shall be parked or otherwise located outside of an unenclosed *building*.
- ix) replacing the first sentence under Section 9.5.1 (Signage Exemptions) under Section 9.0 (Signage Regulations) in its entirety with the following:
 - .1 The following types of signs are exempt from the requirements contained in Section 9.2 through to Section 9.4 of this bylaw:

- x) adding a new reference to “secondary suites” in the “Residential” section of Table 11.2 (Required Off-Street Vehicle Parking Spaces) under Section 11.0 (Vehicle Parking & Loading Regulations) to read as follows:

secondary suite | 1 per *dwelling unit*

- xi) adding a new row under the “Industrial” section of Table 11.2 (Required Off-Street Vehicle Parking Spaces) to read as follows:

USE	REQUIRED NUMBER OF SPACES
<i>outdoor storage and self-storage</i>	5 per business

- xii) adding a new Section 16.6.5(c) (Minimum Setbacks) under Section 16.6 (Low Density Residential Duplex (RD1) Zone) to read as follows:

- c) Despite Section 16.6.5(a)(iii), in the case of a side-by-side duplex being subdivided for the purposes of creating individual ownership, an interior side parcel line setback between dwelling units shall not be required, provided the property line follows the centre line of the common property wall.

- xiii) replacing Section 16.7.2(a) (Minimum Parcel Size for Subdivision) under Section 16.7 (Low Density Residential Apex Duplex (RD2) Zone) in its entirety with the following:

- a) 225.0 m² for the purpose of subdivision of a *duplex dwelling* under the *Strata Property Act*, subject to Section 8.0; or

- xiv) adding a new Section 16.7.5(c) (Minimum Setbacks) under Section 16.6 (Low Density Residential Apex Duplex (RD2) Zone) to read as follows:

- c) Despite Section 16.7.5(a)(iii), in the case of a side-by-side duplex being subdivided for the purposes of creating individual ownership, an interior side parcel line setback between dwelling units shall not be required, provided the property line follows the centre line of the common property wall.

- xv) renaming the title of Section 20.5 to “Penticton Speedway (CT5) Zone”.

- xvi) replacing Section 24.3.2 (Location) under Section 24.3 (Twin Lake Acres Comprehensive Development (CD4) Zone) in its entirety with the following:

The property is situated at Twin Lakes with a frontage to the northern shore of Twin Lakes.

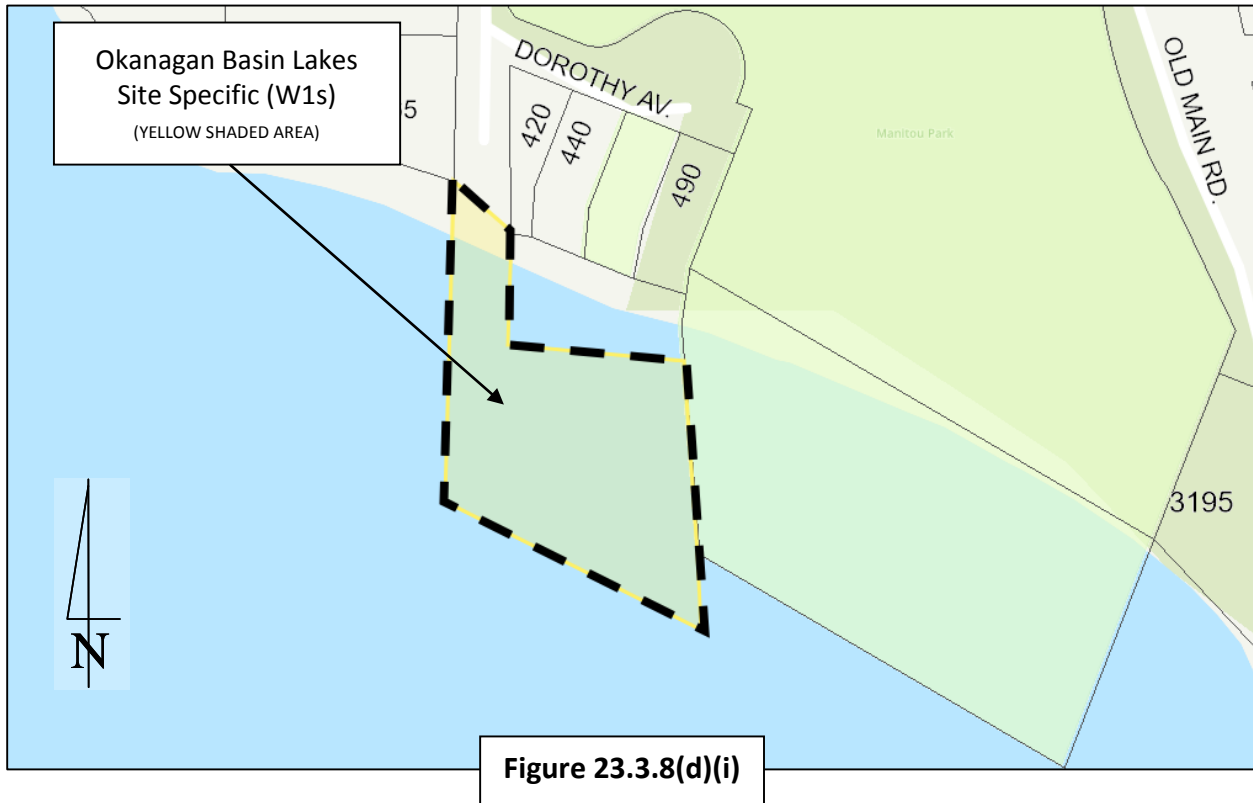
- xvii) replacing Section 24.4.7 (Maximum Number of Dwellings Permitted per Parcel) under Section 24.4 (Maple Street Comprehensive Development (CD5) Zone) in its entirety with the following:

- a) 10 *principal dwelling units*; and

b) one (1) *secondary suite* per principal dwelling unit.

xviii) replacing Section 23.3.8(d)(i) (Site Specific Regulations) under Section 23.3 (Okanagan Basin Lakes (W1) Zone) in its entirety with the following:

- i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 23.3.1:
 - .1 *marina*, but excluding accessory facilities for the sale of marine fuels and lubricants, eating and drinking establishment, boating accessory retail sales and wastewater pumping facilities.



- 3. The Official Zoning Map, being Schedule '2' of the "Okanagan Valley Zoning Bylaw No. 2800, 2022", is amended by changing the land use designation of an approximately 0.6 ha area shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Okanagan Basin Lake (W1) to Okanagan Basin Lake Site Specific (W1s).

READ A FIRST AND SECOND TIME this 6th day of April, 2023.

PUBLIC HEARING held on this 20th day of April, 2023.

READ A THIRD TIME this ____ day of _____, 2023.

I hereby certify the foregoing to be a true and correct copy of the "Okanagan Valley Zoning Bylaw Amendment Bylaw No. 2800.25, 2023", as read a Third time by the Regional Board on this ____ day of _____, 2023.

Dated at Penticton, BC this ____ day of _____, 2023.

Corporate Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this ____ day of _____, 2023.

For the Minister of Transportation & Infrastructure

ADOPTED this ____ day of _____, 2023.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

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Amendment Bylaw No. 2800.25, 2023

File No. X2023.001-ZONE

Schedule 'A'

