

**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 m<sup>2</sup>, 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

**Commented [CJG1]:** Proposes to delete the exclusion for “Areas in a dwelling unit that are occupied by fixed mechanical or electrical equipment” as it is causing confusion with interpretation of allowable floor area for accessory dwellings.

**Commented [CJG2]:** Proposes to replace reference to “establishment” in order to clarify number of structures that may be associated with winery use.

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.

**Commented [CJG3]:** Proposes to replace current reference to "A dock moorage platform shall not exceed a width of 3.0 metres." Intent is to provide clarity when there are multiple moorage platforms that comprise the surface area of the dock, other than the walkway area (e.g. when the dock has two 3.0 metre wide segments adjoining each other).

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.

**Commented [CJG4]:** Proposed new wording to clarify the length vs width of dock moorage platforms.

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;

**Commented [CJG5]:** Proposes to replace reference to "Rural Zones" with reference to "Resource Area, Agriculture, Large Holdings and Small Holdings". "Rural Zones" was an inadvertent carry-forward from the previous zoning bylaws.

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

**Commented [CJG6]:** Proposed new text intended to clarify that chain link fencing does not meet the visibility requirements associated with other types of open fencing such as wire mesh or strand.

vii) 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.

**Commented [CJG7]:** Proposes to amend current reference of "1,000 kg" to "4,600 kg" to better reflect current weight of vehicles.

viii) 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:

**Commented [CJG8]:** Proposes to replace incorrect reference to "Section 9.7".

ix) 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

**Commented [CJG9]:** This parking requirement for secondary suites was contained in the previous zoning bylaws, and should have been carried forward into Zoning Bylaw No. 2800.

- x) 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

**Commented [CJG10]:** Current parking formula considers outdoor and self-storage to be a “storage and warehouse” use for calculating required on-site vehicle parking (e.g. 1 space per 200 m<sup>2</sup> of gross floor area). The requires the provision of a significant amount of parking for a use that does not generate a lot of on-site visits. Proposed calculation is seen to provide a more reasonable requirement.

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

- a) 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.

**Commented [CJG11]:** Proposes to restore an existing provision which existed in the previous zoning bylaws and facilitates the strata subdivision of duplexes.

- xii) 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 m<sup>2</sup> for the purpose of subdivision of a *duplex dwelling* under the *Strata Property Act*, subject to Section 8.0; or

**Commented [CJG12]:** Proposes to replace existing requirement of 300 m<sup>2</sup> in order to allow for existing lots less than 600 m<sup>2</sup> in area to be able to be stratified.

- xiii) 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:

- a) 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.

**Commented [CJG13]:** Proposes to restore an existing provision which existed in the previous zoning bylaws and facilitates the strata subdivision of duplexes.

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

**Commented [CJG14]:** Addresses spelling mistake (e.g. “PENCITON”).

- xv) 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.

- xvi) 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.

**Commented [CJG15]:** Addresses location of the Naramata Yacht Club, whose occupation of the location was inadvertently rendered legally non-conforming with the introduction of the W1 Zone.



Figure 23.3.8(d)(i)

- 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 \_\_\_\_ day of \_\_\_\_\_, 2023.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 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.

Amendment Bylaw No. 2800.25, 2023  
(X2023.001-ZONE)

**DRAFT VERSION — 2023-01-24**

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\_\_\_\_\_  
For the Minister of Transportation & Infrastructure

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

DRAFT

# Regional District of Okanagan-Similkameen

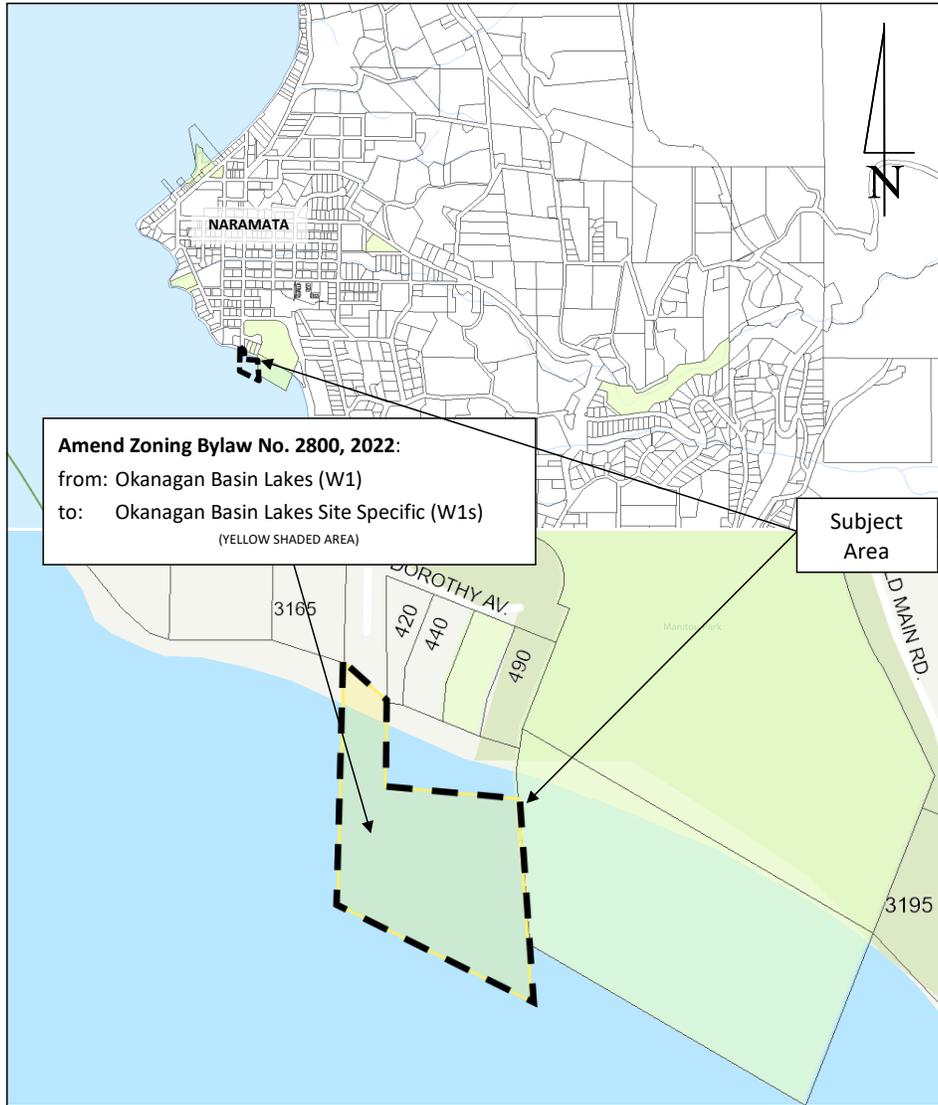
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2800.25, 2023

File No. X2023.001-ZONE

Schedule 'A'



Amendment Bylaw No. 2800.25, 2023  
(X2023.001-ZONE)

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