



THE CORPORATION OF THE
DISTRICT OF SUMMERLAND
COUNCIL REPORT

DATE: September 12, 2016
TO: Linda Tynan, Chief Administrative Officer
FROM: Ian McIntosh, Director of Development Services
SUBJECT: Zoning Bylaw Amendment (Water Zoning Regulations) Bylaw No. 2016-028

STAFF RECOMMENDATION:

That Council pass the following resolution:

THAT Zoning Bylaw Amendment (Water Zoning Regulations) Bylaw No. 2016-028 be introduced and read for a first and second time;

AND THAT a Public Hearing be scheduled for October 11, 2016 to receive public feedback on Bylaw No. 2016-028.

PURPOSE:

To consider adding water zoning regulations to the zoning bylaw to control land use along the foreshore and out to the municipal boundary in Okanagan Lake.

BACKGROUND and DISCUSSION:

Staff discovered late in 2014 that the dock regulations in the zoning bylaw were unenforceable. This was due to the fact that zoning only covered existing legal lots. This excluded the foreshore and Okanagan Lake out to the municipal boundary.

At the Committee of the Whole meeting of May 9, 2016, Council directed staff to “...proceed with drafting zoning regulations that would cover the foreshore out to the municipal boundary.”

Staff prepared draft zoning regulations that were presented to Council on July 12, 2016. Council directed staff to hold a public open house for consultation on the proposed zoning bylaw amendment. A public open house was held on August 16, 2016 and the findings are noted below.

Public Open House

The public open house was held from 5:00pm until 8:00pm and included boards showing the proposed water zoning regulations. A presentation was given at 7:00pm to explain the proposal.

21 people attended the open house and 10 comment cards were filled out. Of the 10 written responses, 6 were in support of the proposed regulations, particularly with respect to control of mooring buoys. One response was completely opposed noting further dock control is unnecessary given provincial regulations. Three responses did not specify an opinion. The responses are included as Schedule C.

There was consensus with respect to the need to regulate moorage buoys. Three of the 10 respondents did not believe docks needed to be regulated. Members of the public pointed out that the newly zoned public park/beach areas in lower town did not propose WZ3 zoning. Staff are proposing that these areas not have WZ3 zoning at this point however a revision could be made should Council prefer intensive water use at these locations.

Proposed Zoning Amendments

The regulatory amendments are noted on Schedule A with the mapping amendments noted on Schedule B. The proposed regulations include:

- Creation of three water zones
 - One zone (WZ1) extending from the foreshore out 100m in front of residential properties
 - This zone would allow for docks and mooring buoys.
 - One zone (WZ2) extending from the 100m mark out to the municipal boundary (182m) in front of residential properties.
 - This zone would prohibit docks and mooring buoys and only permit recreational and navigational uses.
 - One zone (WZ3) extending from the foreshore out to the municipal boundary in front of commercial areas and public beaches.
 - This zone would permit limited commercial uses such as marinas, water craft rentals and fuel sales.
- New definitions would be inserted as noted below.
 - *Dock*, means a structure extending over the water, either floating or fixed to the lake bed, that is connected to the shoreline and can be used as a landing or wharfage place for water craft.
 - *Buoy*, means a float or similar object that is in turn anchored to the bed of the lake and can be used to moor a water craft.
 - *Moorage*, means the tying of a water craft to a buoy.
 - *Wharfage*, means the tying of a water craft to a dock.
 - *Water craft*, means a motor boat, sail boat, jet ski, canoe, kayak or other means of transportation supported by water

LEGISLATION and POLICY:

Section 7.5 Dock & Boat Lift Regulations (Zoning Bylaw 2000-450)

FINANCIAL IMPLICATIONS:

There is no financial impact specific to this bylaw amendment.

CONCLUSION:

Council expressed a wish to control land uses along the foreshore out to the municipal boundary. An open house offering public input was attended by 21 people. The majority of those attending were in support of the proposed regulations with three supporting only the control of mooring buoys. The proposed zoning amendments create three water zones with permitted uses in each. Adopting this bylaw will make our current dock regulations enforceable and allow Council the discretion to issue variances to dock and/or moorage regulations. The dock regulations should not add an extra layer of process as they mirror the provincial regulations. The main benefit to creating water zoning is the ability for the District to control and enforce uses on the water out to the municipal boundary. The benefit to regulating docks in particular is the ability to enforce infractions and the ability of Council to issue variances to dock length and width. It is therefore recommended that Council give readings to the proposed bylaw and schedule a public hearing.

OPTIONS:

1. Move the motion as recommended by staff.
2. Refer back to staff for other options.

Respectfully Submitted,



Ian McIntosh
Director of Development Services

Approved for Agenda



Linda Tynan, CAO

Schedule A – Proposed Water Zoning Regulations

1. Add the following to Section 2.0 Definitions and re-organize alphabetically:
 - a. *Buoy*, means a float or similar object that is in turn anchored to the bed of the lake and can be used to moor a water craft.
 - b. *Dock*, means a structure extending over the water, either floating or fixed to the lake bed, that is connected to the shoreline and can be used as a landing or wharfage place for water craft.
 - c. *Moorage*, means the tying of a water craft to a buoy.
 - d. *Water craft*, means a motor boat, sail boat, jet ski, canoe, kayak or other means of transportation supported by water.
 - e. *Wharfage*, means the tying of a water craft to a dock.
2. Amend Table 3.1: Establishment of Zones to:
 - a. Add “Water Zones” to Column 1 after “Site Specific”
 - b. Add WZ1 - Recreational Water Use Zone 1, and WZ2 - Recreational Water Use Zone 2, and WZ3 - Intensive Water Use Zone to Column 2
3. Amend Section 7.5.1 as follows:
 - a. change the word “Moorage” to “Wharfage” so the section reads “Wharfage facilities consisting of docks, and...”
 - b. add the following as 7.5.1(l)
“Only 1 mooring buoy is permitted per 10m of the upland property line that fronts the lake, to a maximum of 3 mooring buoys per property”
 - c. add the following as 7.5.1(k)
“temporary moorage is defined as no longer than 72 hours of continuous moorage without a minimum of 24 hours between periods of temporary moorage.”
4. Add the following as Section 15.0 Water Zones:

15.0 Water Zones

15.1 WZ1 – Recreational Water Use Zone 1

15.1.1 Purpose

To provide a zone that allows for the recreational enjoyment of upland property owners and foreshore public access while minimizing impacts on fish, wildlife, and vegetation communities.

15.1.2 Principle Uses

The following Uses and no other Uses shall be permitted Principal Uses in this zone subject to all applicable regulations of this Bylaw:

- a) boating
- b) foreshore public access (including public boat launches adjacent to public roads)
- c) recreational water activities
- d) uses permitted by Provincial Crown Lands
- e) public utilities (municipal, provincial or federal)

15.1.3 Accessory Uses (if a principle use is occurring on the upland lot)

- a) docks
- b) boat lifts if part of a dock
- c) temporary moorage

15.1.4 Subdivision Regulations

N/A

15.1.5 Development Regulations

N/A

15.1.6 Other Regulations

- a) In addition to the regulations listed above, other regulations may apply. These include Section 7.5 Dock & Boat Lift Regulations
- b) Boating activity is restricted to those areas not marked as swimming areas by the placement of buoys approved by local, provincial or federal governments.

15.2 WZ2 – Recreational Water Use Zone 2

15.2.1 Purpose

The purpose is to provide a zone that allows for the recreational enjoyment of the lake but prohibits moorage or docks beyond 100m.

15.2.2 Principle Uses

The following Uses and no other Uses shall be permitted Principal Uses in this zone subject to all applicable regulations of this Bylaw:

- a) boating
- b) recreational water activities
- c) uses permitted by Provincial Crown Lands
- d) public utilities (municipal, provincial or federal)

15.2.3 Accessory Uses (if a principle use is occurring on the upland lot)

N/A

15.2.4 Subdivision Regulations

N/A

15.2.5 Development Regulations

N/A

15.2.6 Other Regulations

- a) Boating activity is restricted to those areas not marked as swimming areas by the placement of buoys approved by local, provincial or federal governments.

15.3 WZ3 – Intensive Water Use Zone

15.3.1 Purpose

The purpose is to provide for a diverse and concentrated range of water activities of a public or commercial nature, consistent with the upland use, maintaining foreshore public access, and minimizing impacts on fish, wildlife, and vegetation communities.

15.3.2 Principal Uses

- a) boat launches
- b) boat lifts
- c) boating
- d) docks
- e) fish hatcheries
- f) foreshore public access
- g) marinas
- h) marina equipment rentals
- i) public utilities (municipal, provincial or federal)
- j) recreational water activities
- k) temporary moorage
- l) uses permitted by Provincial Crown Lands
- m) water feature installations

15.3.3 Accessory Uses

- a) marine fuel facilities
- b) marine sani-dump facilities

15.3.4 Subdivision Regulations

N/A

15.3.5 Development Regulations

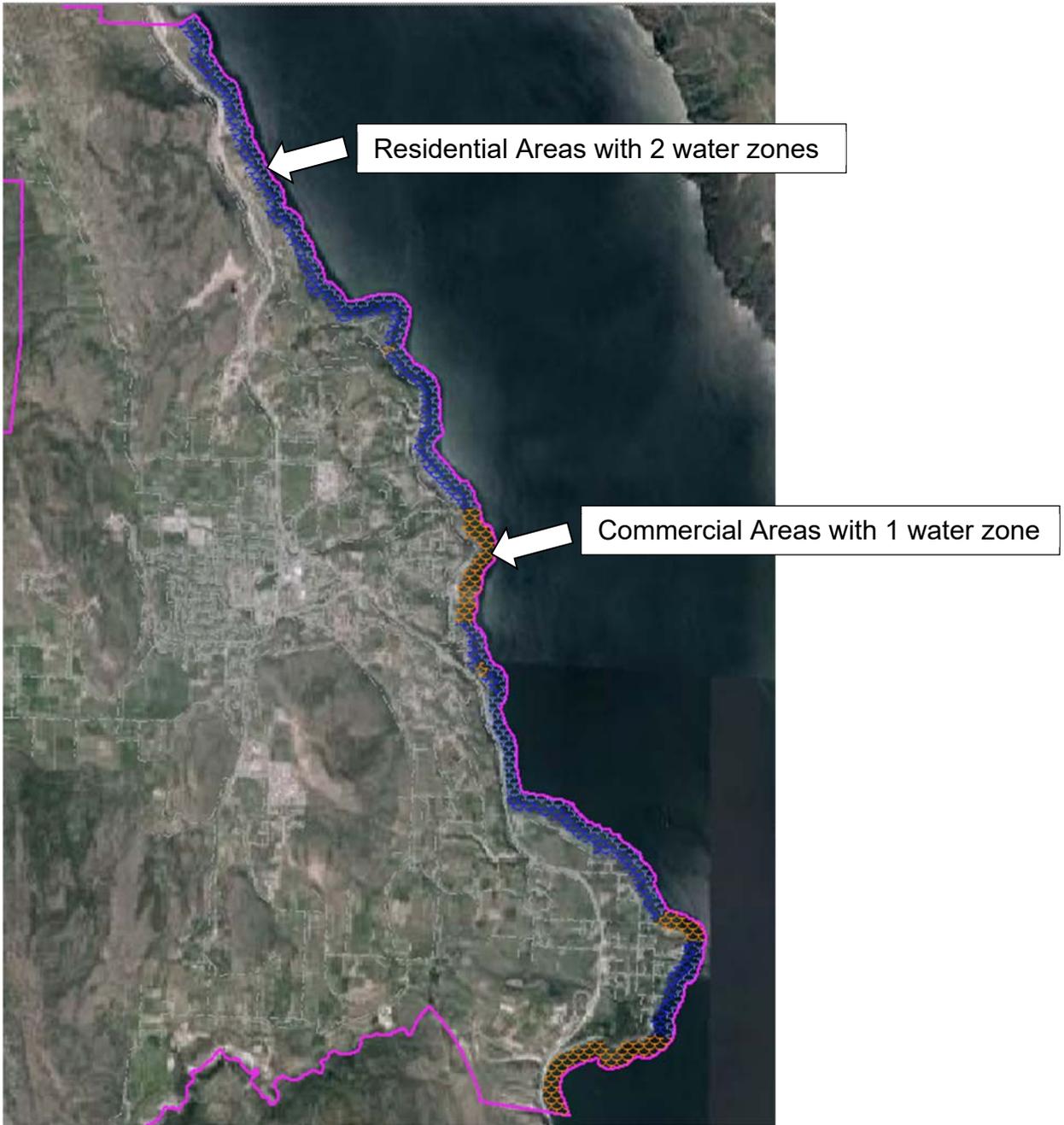
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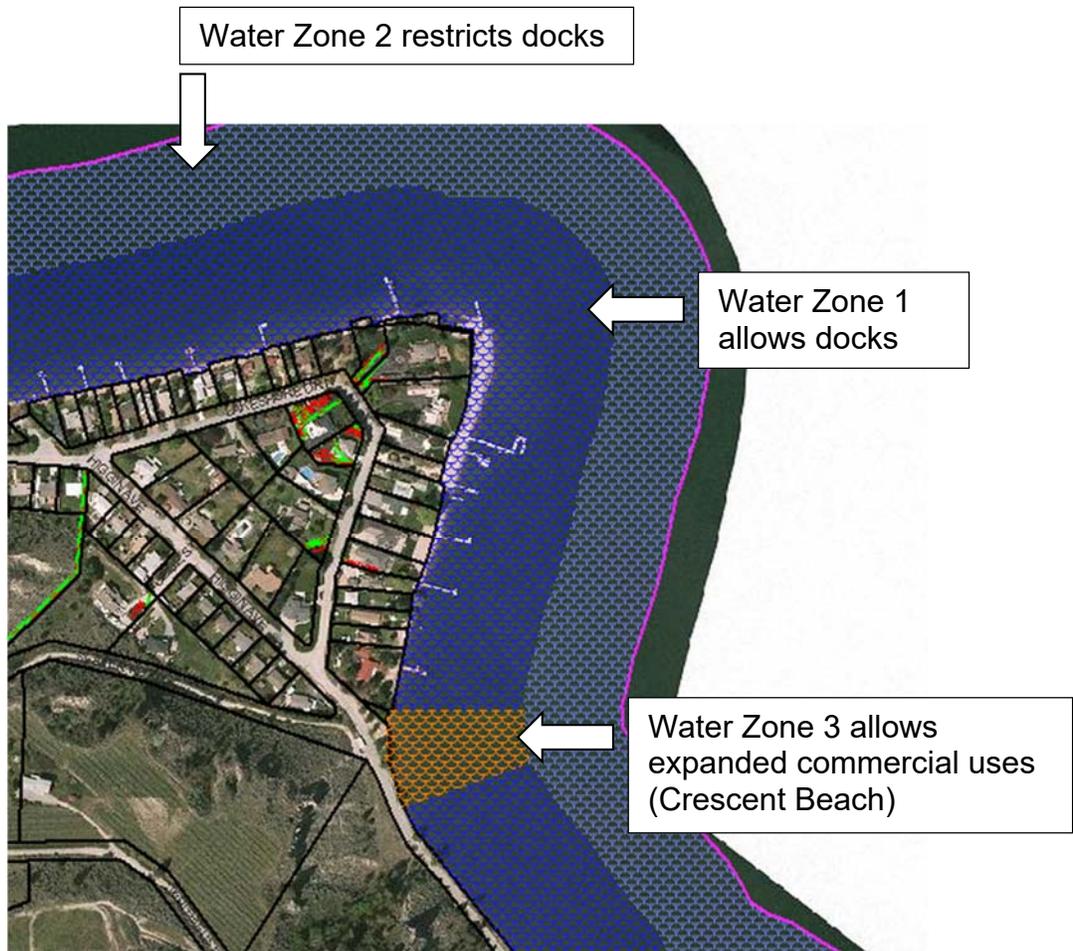
15.2.6 Other Regulations

- a) In addition to the regulations listed above, other regulations may apply. These include Section 7.5 Dock & Boat Lift Regulations
- b) Boating activity is restricted to those areas not marked as swimming areas by the placement of buoys approved by local, provincial or federal governments.

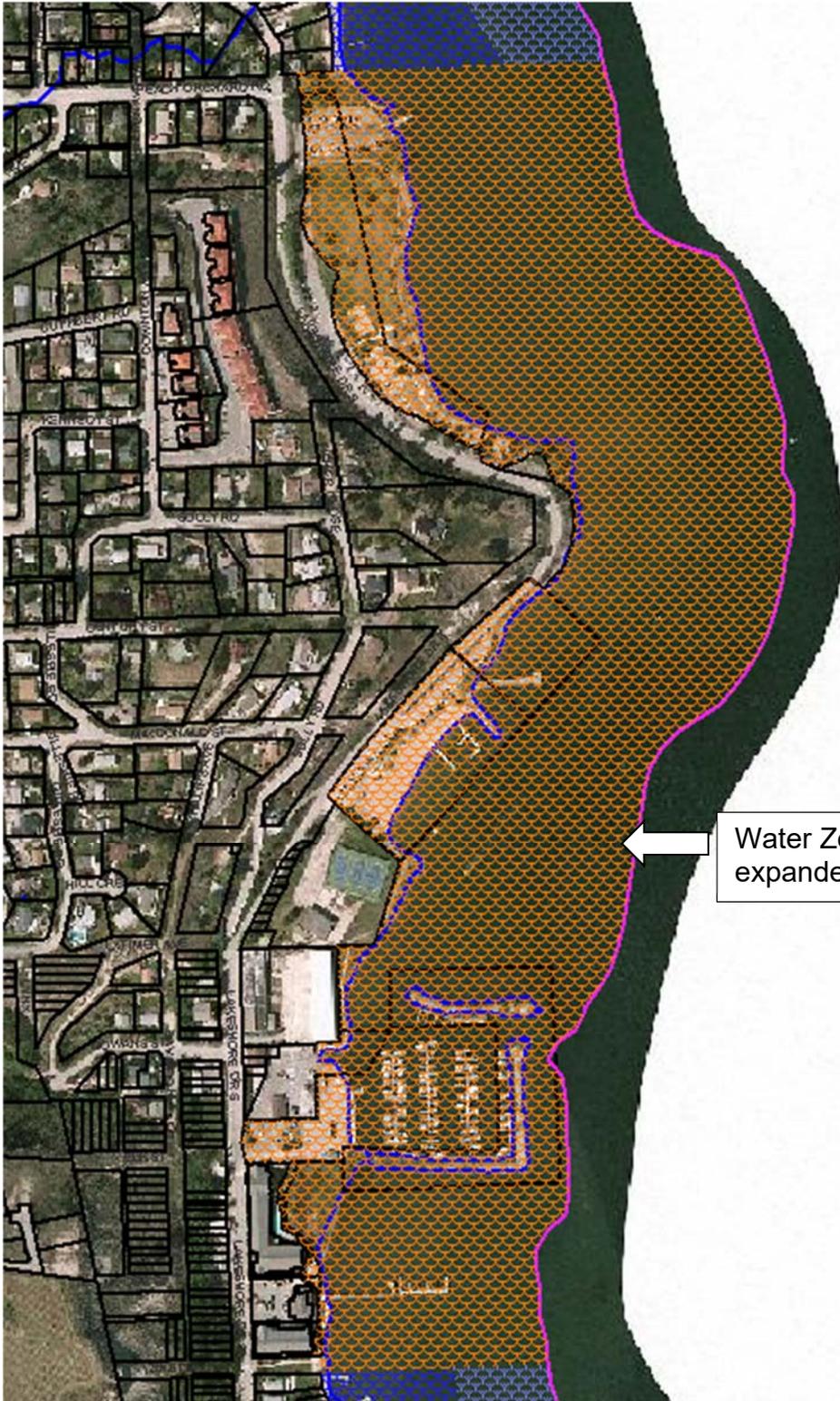
Schedule B – Proposed Zoning Map Amendments

water zone (overview)



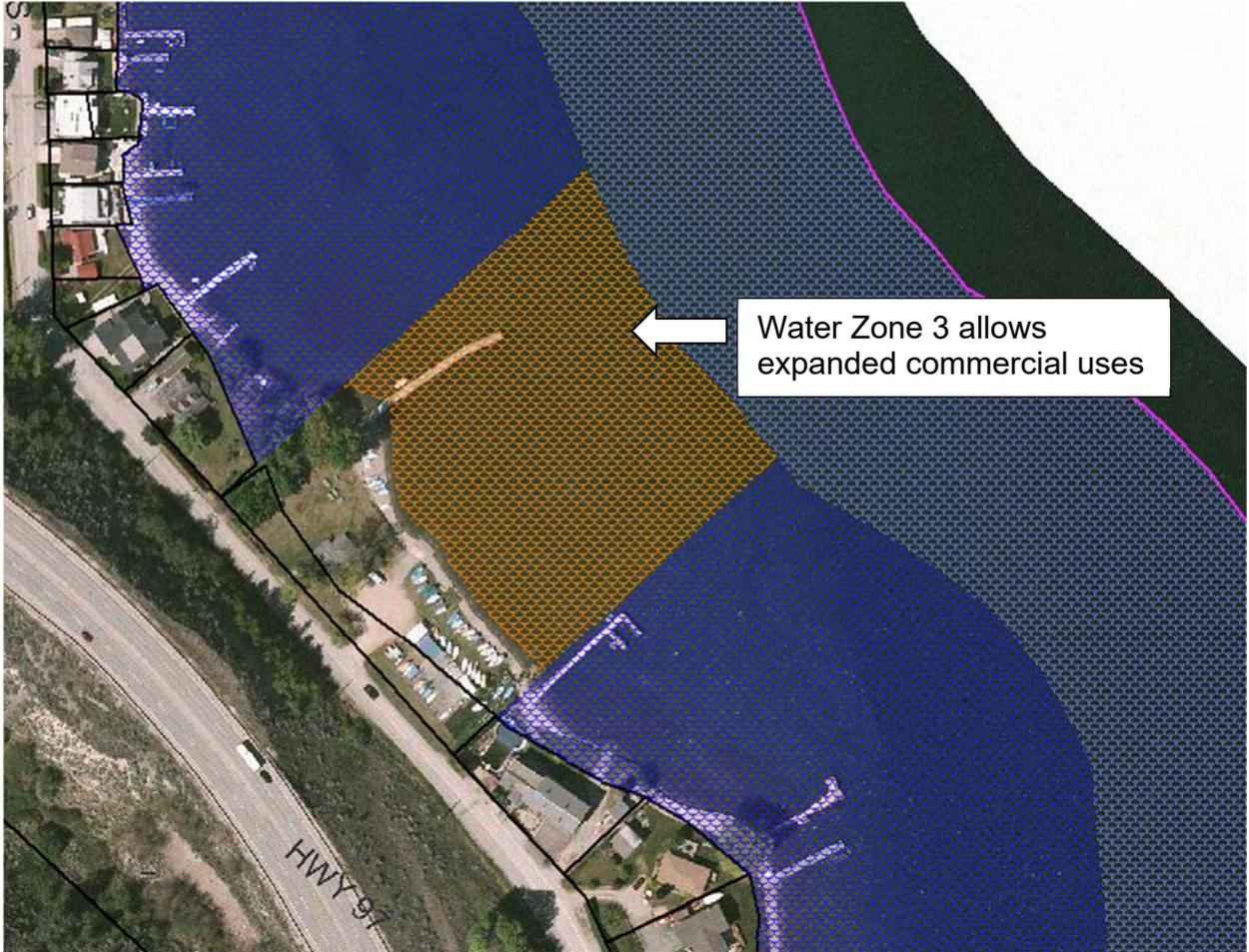


Typical water zones adjacent to residential areas
(includes a small commercial zone adjacent Crescent Beach)



Water Zone 3 allows expanded commercial uses

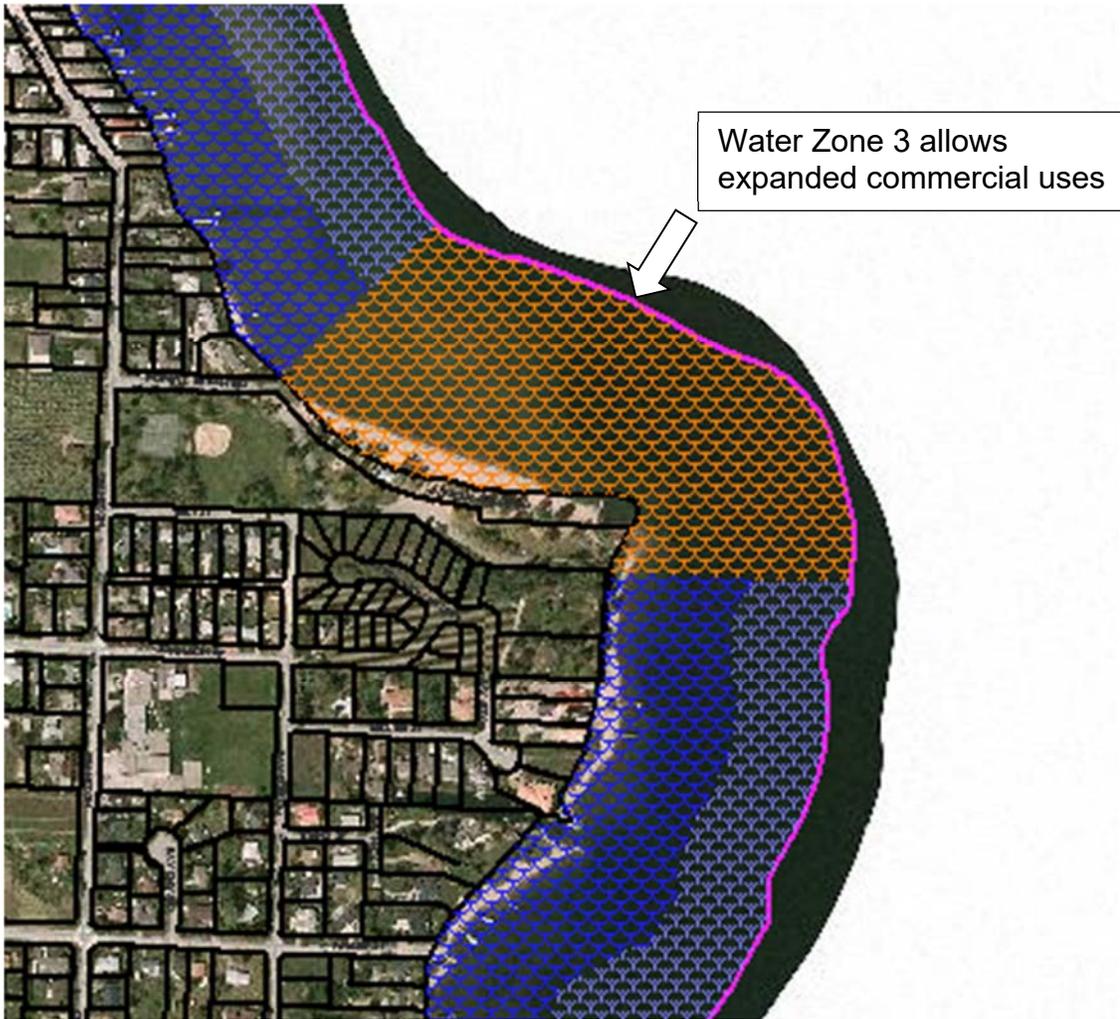
Commercial water zone adjacent boat launch, public beach and waterfront hotel.



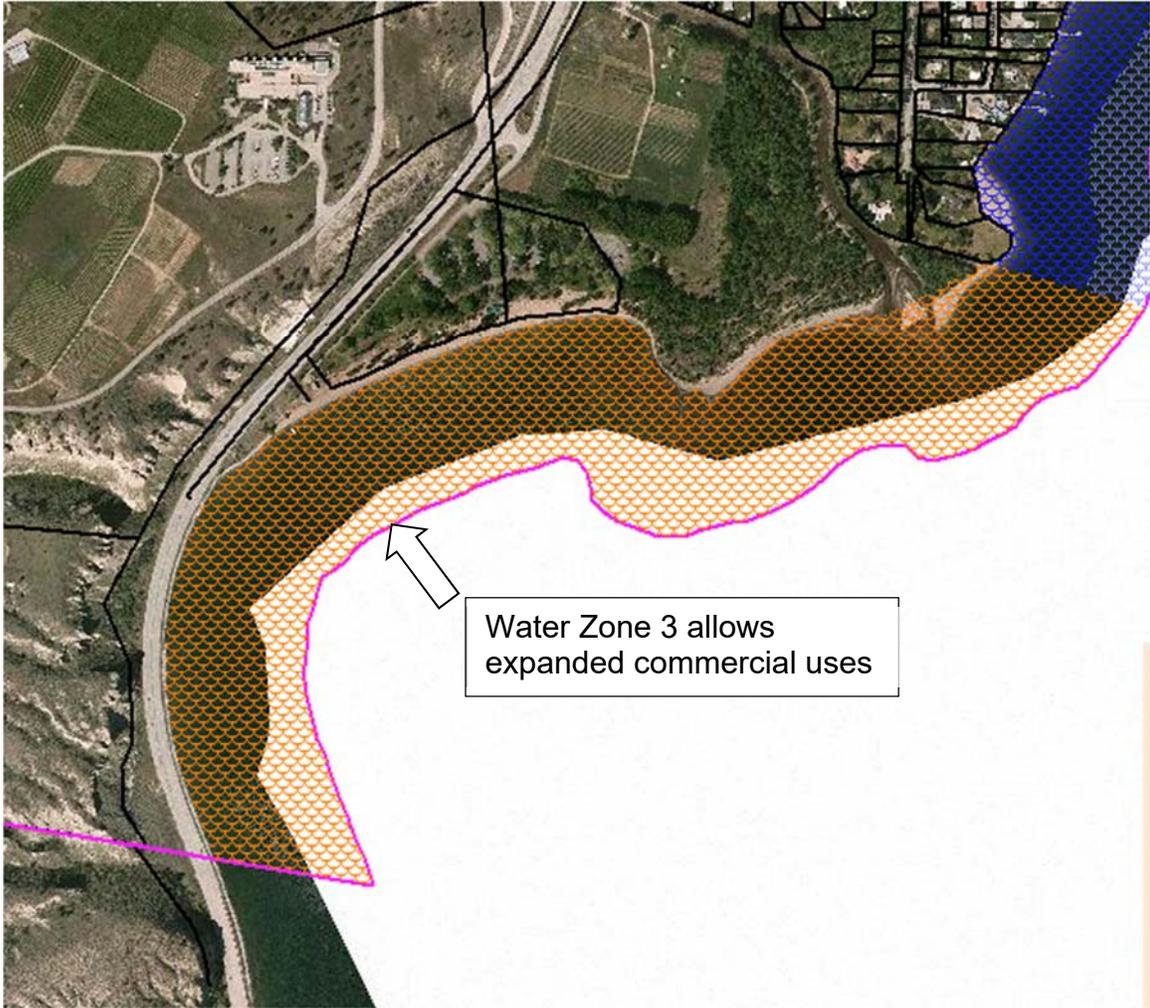
Commercial water zone adjacent South Okanagan Sailing Association.



Water zone prohibiting docks adjacent Highway 97.



Commercial water zone adjacent Powell Beach.



Commercial water zone adjacent Sunoka Beach