

District of Summerland Zoning Bylaw *(Consolidated Version)*



Schedule "A" to
Bylaw Number 2000-450

Adopted: September 12, 2011

Consolidated Up to: August 29, 2023

This is a consolidated copy to be used for convenience only. Users are asked to refer to the Zoning Bylaw as amended from time to time to verify accuracy and completeness.



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1 General Administration

1.1 Title

1.1.1 This Bylaw may be cited as the “Summerland Zoning Bylaw 2000-450”.

1.2 Purpose

1.2.1 This Bylaw is to provide regulations within the District of Summerland governing:

- (a) the *Use* of land, *Buildings* and *Structures*;
- (b) the *Density* of the *Use* of land, *Buildings* and *Structures*;
- (c) the siting, size and dimensions of *Buildings*, *Structures*, and parking;
- (d) the provision of *Landscaping* and screening;
- (e) the area, shape and dimensions of all parcels of land, *Lots*, or properties that may be created by subdivision; and
- (f) the requirements for parking and loading.

In addition to this Bylaw, a person is responsible for ascertaining and complying with requirements of all other applicable municipal bylaws, and Provincial or Federal statutes and regulations.

1.2.2 This Bylaw applies to all of the area within the District of Summerland except for:

- (a) District of Summerland road allowances and road right-of-ways;
- (b) land located within an Indian reserve as defined under the Indian Act;
- (c) land located in a Provincially marked secondary Highway right-of-way¹.

1.3 Application

1.3.1 This Bylaw shall take effect upon the date of adoption.

1.3.2 No land, *Building*, or *Structure* within the District of Summerland shall be developed, used, constructed, erected, modified, converted, enlarged, reconstructed, altered, placed or maintained except in conformity with the provisions of this Bylaw.

1.4 Enforcement

1.4.1 The *District’s Manager of Development Services*, Building Inspector, Bylaw Enforcement Officers, or any other employee authorized by Council are authorized to enter, at reasonable times, upon any property and into any building in order to ascertain whether

¹ Amendment Bylaw No. 2020-025 (December 14, 2020)

the Bylaw requirements are being met and the Bylaw regulations are being observed.

- 1.4.2 No person shall prevent or obstruct or seek to prevent or obstruct an authorized official from carrying out any official duty under this Bylaw.

1.5 Prohibitions and Penalties

- 1.5.1 No person shall contravene, cause, suffer or permit a contravention of this Bylaw.
- 1.5.2 No person shall commence or undertake a *Use* which is not permitted by this Bylaw.
- 1.5.3 Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by this Bylaw, shall be guilty upon summary conviction of an offence against this Bylaw and shall be liable to penalties set out in the Community Charter².
- 1.5.4 Each day that a violation of this Bylaw is permitted to exist shall constitute a separate offence.
- 1.5.5 Fines for an offence against this Bylaw may also be set out in the District of Summerland Ticketing Information Utilization Bylaw #95-030 and the Bylaw Notice Enforcement Bylaw #2000-375.
- 1.5.6 *Uses* not listed in respect of a particular zone or in [Section 4.1.1](#) of this Bylaw are prohibited.

1.6 Severability

- 1.6.1 If one or more provisions of this Bylaw are, for any reason, declared to be invalid by a court of competent jurisdiction, the invalid provision shall be severed and all remaining provisions shall remain in full force and effect.

1.7 Headings

- 1.7.1 For the purpose of this Bylaw, all headings and other references form part of this Bylaw and shall not be construed as being merely inserted for convenience and reference purposes unless otherwise specified in the Bylaw.

² Amendment Bylaw No. 2022-009 (April 25, 2022)

2 Definitions

2.1 Definitions and Terminology

2.1.1 All words, or phrases or terms in this Bylaw shall have their normal or common meaning unless specifically defined by the Local Government Act or by the definitions set forth in this section as follows.

A

Abattoir means a use that provides for the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating, storing and selling of the product on the premises³.

Abut or Abutting means contiguous to, or physically touching, and when used with respect to two Lots, means that the Lots share a common *Property Line*.

Accessory means a separate *Use, or a Building or Structure* not directly *Abutting* the *Principal Use*, which is located on the same *Lot* as the *Principal Use*. An accessory *Use, Building or Structure* must be normally incidental, subordinate, and exclusively devoted to the *Principal Use*⁴.

Adjacent, when used with respect to a *Lot*, means contiguous to, or physically touching, if not for a public right-of-way, easement or *Watercourse* other than a lake.

Agricultural Land Commission (ALC) means the governing body assigned to administer regulations and policies relating to the preservation and enhancement of designated *Agricultural Land Reserve (ALR)* land areas for the province, pursuant to the Agricultural Land Commission Act.

Agricultural Land Reserve (ALR) means agricultural land designated as an agricultural land reserve under the Agricultural Land Commission Act.

Agricultural Retail Sales means the retail sale of *Agriculture Products* if the *Agriculture Products* offered for sale are produced on the *Lot* on which the retail sales are taking place or if at least 50 percent of the retail sales area is limited to the sale of *Agriculture Products* produced on the *Lot* on which the retail sales are taking place and the total area, both indoors and outdoors, used for the retail sales of all *Agriculture Products* does not exceed 300m².

Agriculture, General means the *Use* of land for any of the following activities involved in carrying on a farm operation⁵:

- (a) growing, producing, raising or keeping animals or plants including bees, fowl, poultry, livestock and the primary products of those plants or animals;
- (b) cultivation in plantations of any specialty wood crops or specialty fibre crops prescribed by the Minister responsible for Agriculture;
- (c) turf production with approval under the Agricultural Land Commission Act, if

³ Amendment Bylaw 2013-008 (April 29, 2013)

⁴ Amendment Bylaw 2022-009 (April 25, 2022)

⁵ Amendment Bylaw 2018-027 (October 18, 2018)

required;

- (d) clearing, draining, irrigating or cultivating land;
- (e) using farm machinery, equipment, devices, materials and *Structures*;
- (f) applying fertilizers, manure, pesticides and biological control agents, including by ground and aerial spraying;

but does not include:

- (a) *Intensive Agriculture Uses*
- (b) raising or keeping game, within the meaning of the Game Farm Act, by a person licensed to do so under that Act;
- (c) raising or keeping fur bearing animals, within the meaning of the Fur Farm Act, by a person licensed to do so under that Act;
- (d) an activity, other than grazing or hay cutting, that constitutes a forest practice as defined in the Forest and Range Practices Act;
- (e) breeding pets, operating a *Commercial Kennel, or an Animal Shelter, Major*⁶;
- (f) growing, producing, raising or keeping exotic animals, except types of exotic animals prescribed by the Minister of Agriculture.
- (g) *Cannabis, Licensed Production* except where such production is considered a “Farm Use” as per [Section 7.15](#)⁷;

Agriculture, Intensive means the *Use* of land for the propagation of mushrooms, the confined rearing of livestock, poultry and/or fur-bearing animals, or for the operation of a feedlot.

Agriculture, Urban means the act of growing food on a *Lot* zoned for residential, institutional, or commercial *Use*; in addition to produce grown in a garden, this also includes community gardens, fruit and nut tree production, and the retail sale of produce from the urban agricultural *Use*, provided the retail sales area does not exceed 50m², and keeping of *Backyard Chickens*, but does not include the keeping of other poultry or bees^{8 9}.

Agriculture Products means a commodity that is produced from an *Urban Agriculture Use* or from an agricultural *Use*.

Agri-Tourism Accommodation means the provision of short term sleeping accommodations for tourists, on a property classified as farm under the BC Assessment Act. Typical *Uses* include but are not limited to farm bed & breakfasts, seasonal farm cabins, campsites/*Recreational Vehicle* sites.

Amenity Space means unobstructed area or areas developed for the common recreational use of all dwelling units on the *Lot* or private outdoor recreational areas equitably designated for

⁶ Amendment Bylaw No. 2000-459 (November 4, 2011)

⁷ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁸ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁹ Amendment Bylaw No. 2022-009 (April 25, 2022)

each dwelling unit¹⁰.

Amusement Establishment means any *Building*, room or area having table games or electronic games played by patrons for commercial entertainment as the *Principal Use*. This does not include carnivals, circuses or *Indoor Recreational Services*.

Animal Shelter – ~~deleted~~¹¹

Animal Shelter, Major means a *Use* which may include outdoor runs, pens or enclosures for the temporary accommodation of animals, may include *Animal Shelter, Minor*, but does not include *Commercial Kennels* or *Veterinary Clinics*¹².

Animal Shelter, Minor means a *Use* which may include indoor animal grooming, training, and daycare, but does not include *Animal Shelter, Major, Commercial Kennels, or Veterinary Clinics*. Animals are not to be kept overnight¹³.

Art Gallery & Museum means a *Building* or part of a *Building* where works of art, such as paintings, sculpture, pottery, glass or weaving, or historical artifacts are displayed for public viewing, sale or both¹⁴.

Auctioneering Establishment means a *Use* which provides for the temporary storage of goods and materials which are to be periodically sold on the *Premises* by public auction.

Autobody Repair Shop means a *Use* which provides for the repair of damage to motor vehicles and similar vehicles caused by collision, accident, corrosion or age including body repair, frame straightening, painting and upholstery.

Automobile Sales & Rentals means a *Use* where new or used automobiles or motorcycles are sold, leased or rented and may include the associated storage and servicing of vehicles to be sold, leased and rented as well as the sale of automotive parts.

Automotive & Equipment Repair Shop means a *Use* which provides for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. Typical *Uses* include, but are not limited to, transmission shops, muffler shops, and tire shops, but does not include autobody repair shops.

Awning means a roof-like covering of canvas or similar fabric material, which may or may not be retractable, projecting from and being entirely supported from the exterior wall of a *Building*. The projection of *Awnings* into required *Setbacks* is regulated in [Section 4.2](#).

B

Backyard Chickens means hens that are permitted under the District of Summerland's Animal

¹⁰ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹¹ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹² Amendment Bylaw No. 2000-459 (November 14, 2011)

¹³ Amendment Bylaw No. 2000-459 (November 14, 2011)

¹⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

and Pound Control Bylaw, and does not include roosters¹⁵.

Balcony means an unenclosed outdoor seating platform, projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing.

Bar, with respect to a *Dwelling*, means the *Use* of a room in a *Dwelling* for the dispensing of beverages that may contain a single sink, a fridge, a raised counter and up to 1.8m of cabinetry. A *Bar* may not contain a *Kitchen* or cooking facilities and does not include a dairy bar or a *Gas Bar*.

Basement means that portion of a *Building* located below the *First Storey*, that is 1.8 m or greater in height measured from the underside of the joists of *First Storey* floor to the ground slab or ground surface where no slab exists¹⁶

Bed & Breakfast Home – ~~deleted~~¹⁷

Bedroom means a room containing a window, located in a *Dwelling*, which, due to its design or location in the *Dwelling*, is or may be used primarily for sleeping.

Bicycle Parking, Class A means secure, long-term parking for bicycles that is provided in a separate, dedicated room or enclosure. The provision of minimum *Bicycle Parking* requirements must be in conformance with [Section 6.10](#).

Bicycle Parking, Class B means racks or *Structures* with spaces of a minimum width of 0.3m for each bicycle, constructed of sturdy theft-resistant material and shall have secure theft-resistant anchoring to the floor or ground. The provision of minimum *Bicycle Parking* requirements must be in conformance with [Section 6.10](#).

Boating means the recreational activity of using *Watercraft* whether propelled by mechanical means such as engines or by human power and shall include but not be limited to motorboats, sailboats, canoes, kayaks, personal watercraft, zodiacs, and pontoons¹⁸.

Boat Launch means a ramp that extends from an upland property or right-of-way across the foreshore and into the lake, the purpose of which is to facilitate lake placement and removal of boats and other *Watercraft*¹⁹.

Boat Lift means an uncovered *Structure*, attached to a *Dock*, which facilitates the removal of boats from the water, and which can allow for a boat to be stored above the high water level of the lake²⁰.

Broadcasting Studios means development used for the production and/or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios²¹.

¹⁵ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁷ Amendment Bylaw No. 2021-048 (February 28, 2022)

¹⁸ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁰ Amendment Bylaw No. 2020-025 (December 14, 2020)

²¹ Amendment Bylaw No. 2013-003 (March 11, 2013)

Buffer Strip means a landscaped area intended to visibly separate and screen one *Use* from another or to maintain and enhance natural drainage and wildlife movements.

Building means a *Structure* used or intended to be used for sheltering any *Use* which is wholly or partially covered by a roof supported by walls or columns.

Building Permit means the document authorizing the carrying out of any *Development*, alteration or other work in accordance with the Building Regulations Bylaw, the BC Building Code and any other applicable statute or regulation.

Bulk Fuel Depot means a facility for the storage and distribution of fuels and oils which may include key lock operations.

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 *Watercraft*²².

Business means the *Use* of land for a commercial, industrial or administrative purpose.

Business Support Service means a *Use* which provides support services to *Businesses* and is characterized by the *Use* of minor mechanical equipment for printing, duplicating, binding or photographic processing; secretarial services; *Office* maintenance or custodial services; *Office* security; and the sale and servicing of *Office* equipment, furniture and machines. Typical *Uses* include, but are not limited to, printing establishments, film processing establishments, janitorial firms, *Office* equipment establishments and sign shops.

C

Campground means the *Use* of a *Lot* occupied and maintained for the temporary accommodation of the travelling public in tents and *Recreational Vehicles* but not *Manufactured Housing*.

Cannabis means any plant of the genus *cannabis*, including²³:

- a) any part of a *cannabis* plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained

Cannabis, Licensed Production means the commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of *cannabis* or *cannabis* products as permitted by federal enactment, but excludes the growing of *cannabis* by an individual for their personal use and consumption²⁴.

²² Amendment Bylaw No. 2016-028 (October 24, 2016)

²³ Amendment Bylaw No. 2018-026 (October 18, 2018)

²⁴ Amendment Bylaw No. 2018-027 (October 18, 2018)

Cannabis Products means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption²⁵.

Cannery and Packing House means the processing, packaging and preparation of *Agricultural Products* for distribution purposes only. This use excludes the retail sale of *Agricultural Products*²⁶.

Canopy means a permanent roof-like *Structure* that extends outwards from a wall or a *Building*. The projection of *Canopies* into required *Setbacks* is regulated in [Section 4.2](#).

Carport means a roofed *Structure* to be used to shelter parked vehicles or equipment which is not enclosed on at least two sides, one being the side fronting the driveway.

Car Wash means the *Use* of land or a *Building* for the cleaning of passenger motor vehicles and single axle commercial trucks without trailers²⁷.

Cemetery means those areas of land that are set aside for the burial of human remains. Typical uses are memorial parks and burial grounds, including crematoriums²⁸.

Carriage House means a secondary *Dwelling* constructed in an *Accessory Building*. Specific *Use* regulations for *Carriage Houses* are in [Section 7.4](#).

Child Care Centre, Major means a *Use* which provides for the care of more than eight children according to the Child Care Licensing Regulation under the Community Care and Assisted Living Act. Specific *Use* regulations for *Child Care Centres* are in [Section 7.7](#).

Child Care Centre, Minor means the *Use* of a *Dwelling* unit for the care of not more than eight children, according to the Child Care Licensing Regulation under the Community Care and Assisted Living Act. Specific *Use* regulations for *Child Care Centres* are in [Section 7.7](#).

Club means a *Use* which provides for the meeting or social activities of a philanthropic, social service, non-profit, athletic, *Business* or fraternal organization for meetings, or social, educational, or recreational purposes. *Clubs* may include rooms for eating, drinking and general assembly, including incidental catering to the general public.

Commercial Kennel means a *Use* which may include outdoor runs, pens or enclosures for the boarding, breeding and raising of more than three domestic pets for profit or gain but does not include the boarding of animals in a *Veterinary Clinic* during the period of medical treatment.

Commercial Storage means a *Use* in a *Building* or group of *Buildings* providing lockers available for rent to the public for the indoor storage of personal goods.

Community Recreation Service means development for recreation, social or multi-purpose *Use* primarily intended for local community purposes. Typical *Uses* include but are not limited to community halls, non-profit social clubs, convention centres and community centres operated by a local residents association²⁹.

²⁵ Amendment Bylaw No. 2018-026 (October 18, 2018)

²⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁷ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁸ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

Concrete and Asphalt Plant means the processing, manufacturing and sale of concrete and asphalt, and includes the accessory manufacture and sales of products made from concrete or asphalt³⁰.

Contractor Service, General means a *Use* which provides *Building* and road construction services including concrete, electrical, excavation, drilling, plumbing and heating or similar services of a construction nature which requires either indoor or outdoor storage and warehouse space. Any sales, display, or *Office* areas shall be *Accessory* to the *Principal General Contractor Services Use* only.

Contractor Service, Limited means a *Use* which provides for the provision of electrical, plumbing, heating, painting and similar *Contractor Services* primarily to individual households. All required materials used to provide service shall be kept within an enclosed *Building* with no *Accessory* manufacturing activities or fleet storage of more than four vehicles being permitted.

Convenience Store means a *Use of a Building* as a retail commercial establishment, not exceeding 150m² in *Gross Floor Area*, which supplies groceries and other daily household necessities to area residents or employees. Typical *Uses* include, but are not limited to, foodmarts, drugstores and variety stores.

Craft Brewery/Distillery means a building *Used* for the production and retail sale of alcoholic beverages where the *Use* may involve the milling of grain, ride, mail or honey licensed under the *Liquor Control and Licensing Act* and includes a maximum gross floor area of 1,000 m²³¹.

D

Deck means an outdoor seating area supported by the ground being more than 0.6m above *Finished Grade* with no walls except for privacy partitions and railings. The projection of *Decks* into required *Setbacks* is regulated in [Section 4.2](#).

Density means the total amount of floor space permitted to be constructed on a *Lot* under the *Floor Area Ratio* calculation.

Derelict Motor Vehicle means an inoperative, physically wrecked or disabled motor vehicle. This does not include, in accordance with the [Farm Practices Protection \(Right to Farm\) Act](#), derelict farm vehicles, equipment, implements or parts thereof used in normal farm practice³².

Development means any *Use* or change in *Use*, construction, building, erection, installation, repair, alteration, addition, enlargement, reconstruction, demolition, removal, excavation or moving, locating, relocating, shoring to which the *District's* Building Bylaw applies or for which Development Permit Approval is required.

Development Site means an area of land consisting of a *Lot* or two or more *Abutting Lots*.

District means the Corporation of the District of Summerland.

District Official means the official or officials appointed by the *District* Council to administer and

³⁰ Amendment Bylaw No. 2020-025 (December 14, 2020)

³¹ Amendment Bylaw No. 2020-025 (December 14, 2020)

³² Amendment Bylaw No. 2022-009 (April 25, 2022)

enforce the provisions of the BC Building Code, the *District's* Building Regulations Bylaw and this Bylaw and includes a Building Inspector.

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 *Watercraft*³³.

Dormer - ~~deleted~~³⁴

Dormitory means a building containing sleeping units for occupancy by student or staff affiliated with an institution that is primarily of a non-commercial nature and which is regulated by such institution. A dormitory may contain communal kitchen facilities but shall exclude the preparation of meals within individual sleeping units³⁵.

Duplex Housing Suite means a self-contained, second *Dwelling* located within *Duplex Housing*³⁶.

Dwelling means one or more rooms which constitute a self-contained unit used or intended to be used for living and sleeping purposes and ~~limited to only includes~~ one *Kitchen* or the services for the installation of a *Kitchen* and at least one bathroom with a water closet, sink, shower or bath. This does not include a sleeping unit, *Motel*, *Hotel*, or *Recreational Vehicle*. A dwelling may contain a *Bar*^{37 38}.

Dwelling, Additional for Farm Help – ~~deleted~~^{39 40}.

E

Eating & Drinking Establishment means a *Use* where food and/or beverages are offered to the public for consumption within the *Premises* or off site. Typical *Uses* include, but are not limited to, restaurants, dairy bars, coffee shops, delicatessens, and licensed drinking establishments.

Education Service means a facility for instruction and education. Typical *Uses* include, but are not limited to, public and separate schools, language schools, art schools, community colleges, universities and technical, trade and vocational schools.

Equipment Rental means a *Use* which provides for the storage and rental of tools, appliances, *Office* machines, furniture and construction equipment, but does not include the rental of motor vehicles.

F

³³ Amendment Bylaw No. 2016-028 (October 24, 2016)

³⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

³⁵ Amendment Bylaw No. 2017-021 (August 28, 2017)

³⁶ Amendment Bylaw No. 2023-009 (April 3, 2023)

³⁷ Amendment Bylaw No. 2019-027 (October 15, 2019)

³⁸ Amendment Bylaw No. 2022-009 (April 25, 2022)

³⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁴⁰ Amendment Bylaw No. 2022-023 (August 22, 2022)

Commented [BD3]: Clarifying the wording here to make it clear that only one kitchen is permitted for each "dwelling unit". This will help staff in the enforcement and conformance of unpermitted constructed secondary suites.

Farm Equipment, Supplies, and Sales means premises used for the sale or rental of farm equipment, machinery, farm supplies, and/or products required to complete farming operations and activities on agriculture zoned properties⁴¹.

Farm Home Plate means a contiguous residential footprint area within a defined perimeter on a *Lot* that contains all *Principal and Accessory Uses, Building and Structures* associated with residential *Use*, but excludes *Temporary Farm Worker Accommodation*^{42 43}.

Farm Unit means an area of land used for a farm operation consisting of one or more *Lots* that may be owned, rented or leased, which form and are managed as a single farm⁴⁴.

Fence means a constructed barrier of any material or combination of materials erected vertically to provide visual screening or prevent vehicular or pedestrian access. A *Fence* does not include trees, a *Landscaped Strip*, a landscape screen, or a retaining wall.

Financial Service means a *Use* provided by a bank, trust company, credit union, or related *Business*.

Fleet Service means the *Use* of a *Lot* for a fleet of vehicles for the delivery of persons, goods or services where such vehicles are not available for sale or long term lease. Typical *Uses* include, but are not limited to, messenger services, courier services and taxi operations.

Floor Area, Gross means the total floor area of all *Storeys* of all *Buildings* or *Structures* with a clear ceiling *Height* of 1.8m or more, measured from the ~~inside face of the exterior walls or glazing line of windows~~ exterior walls. The *Gross Floor Area* maximum does not include *Carriage Houses* and enclosed or covered off-*Street* parking areas up to 46m² in area, enclosed garbage or refuse areas, enclosed off-*Street* loading spaces, floor areas devoted exclusively to mechanical or electrical equipment, *Basements, Lofts*, unenclosed *Balconies* and *Decks* and interior stairways⁴⁵.

Floor Area Ratio (FAR) means the quotient of the *Gross Floor Area* of all *Buildings* or *Structures* on a *Lot* divided by the *Lot Area* in the RSD1(i), RSD1, RSD2, RSD3 and RDH zones; and divided by the *Net Lot Area* in all other zones, of that *Lot*.

Foreshore means the Crown-owned land located between the high and low water marks of a stream, river or lake.

Frontage - deleted⁴⁶

Fruit Stand means an *Accessory Building* or *Structure* used for *Agricultural Retail Sales*⁴⁷.

Funeral Home means a *Premises* used for the preparation of the dead for burial or cremation and the holding of funeral services, but shall not include facilities for cremation.

Commented [BD4]: Hard to complete zone checks for new buildings. Interior area measurements rarely provided. Most new building have measurements of dimensions of the exterior of the building.

⁴¹ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁴² Amendment Bylaw No. 2020-025 (December 14, 2020)

⁴³ Amendment Bylaw No. 2022-023 (August 22, 2022)

⁴⁴ Amendment Bylaw No. 2022-009 (April 25, 2022)

⁴⁵ Amendment Bylaw No. 2024-011 (June XX, 2024)

⁴⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁴⁷ Amendment Bylaw No. 2020-025 (December 14, 2020)

G

Gas Bar means a *Use* which provides for the sale of motor fuels, lubricating oils and vehicle fluids and may contain a *Convenience Store* but does not include any facility for the servicing, repair or maintenance of vehicles.

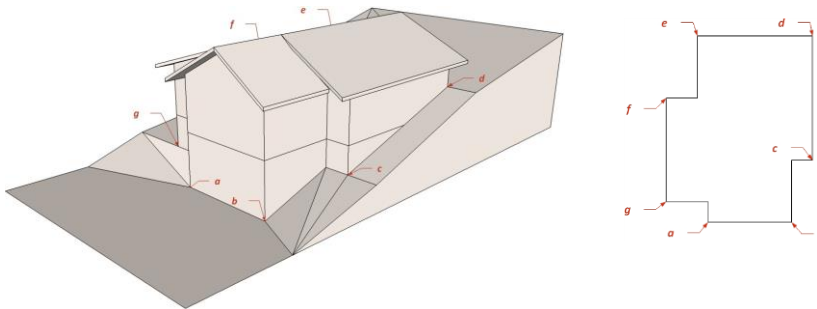
General Industrial Use means a *Use* which provides for the manufacturing, processing, assembling, fabricating, storing, transporting, distributing, testing, servicing or repairing of goods, materials, or things, excluding abattoirs and the processing of concrete and asphalt, and may include *Accessory Office* and *Retail Store Uses*. Typical *Uses* include, but are not limited to, processing of new materials, the manufacturing or assembly of semi-finished or finished goods, products or equipment; the storage, cleaning, servicing, repairing or testing of materials, goods and equipment; terminals for the storage of transshipping of materials, goods and equipment; and the distribution and sale of materials, bulk goods and equipment to *Businesses* for their own *Use* or resale to the general public at other locations⁴⁸.

Government & Utility Service Use means a *Use* which provides for the essential utility servicing of the *District* with water, sewer, electrical, natural gas, telephone, and/or similar utilities where such utilities are established by the *District*, by another government body or by a company operating under the Public Utilities Act. This *Use* does not include *Storage Yards*.

Grade means the elevation of the land adjoining the exterior wall of a building⁴⁹.

Grade, Approved means the grading elevation as identified on a lot grading plan, or where no such plan has been approved by the District, the *Natural Grade* elevation existing prior to construction which may include fill materials placed on the lot to raise the grade elevation up to, but not above, the *Natural Grade* elevation of adjacent lots⁵⁰.

Grade, Average Building, for the purpose of determining the *First Storey* or *Height of a Building or Structure*, means the mathematical average of *Approved Grade* measured at each of the outermost exterior corners of a *Building*⁵¹.



⁴⁸ Amendment Bylaw No. 2013-008 (April 29, 2013)

⁴⁹ Amendment Bylaw No. 2019-031 (October 28, 2019)

⁵⁰ Amendment Bylaw No. 2019-031 (October 28, 2019)

⁵¹ Amendment Bylaw No. 2020-025 (December 14, 2020)

Average Building Grade = average (a,b,c,d,e,f,g)

Grade, Building - deleted⁵²

Grade, Finished means the level of finished ground abutting a *Building, Structure*, or retaining wall, excluding any localized depressions or mounds. For the purposes of this Bylaw, a *Finished Grade* cannot exceed a 2:1 ratio except where engineered for slope stability^{53 54}.

Grade, Natural, means the elevation of the ground surface in its natural state, before human alteration⁵⁵.

Greenhouse and Plant Nurseries means premises *Used* primarily for the cultivation, storage and sale of produce, bedding, household and ornamental plants, trees, bushes, sod and related materials and may include the accessory sale of landscaping and gardening products and gardening materials such as tools, soil, and fertilizers. This *Use* does not include landscaping, excavating or soil processing businesses or operations⁵⁶.

Group Home, Major means the *Use* of land, *Buildings*, and *Structures* for the provision of care, as defined by the Community Care and Assisted Living Act, for more than six residents, excluding staff, which are vulnerable because of family circumstances, age, disability, illness or frailty, and are dependent on caregivers for continuing assistance or direction. Specific *Use* regulations for *Group Homes* are in [Section 7.8](#).

Group Home, Minor means the *Use* of a *Single Detached House* for the provision of care, as defined by the Community Care and Assisted Living Act. The character of the *Use* is that the occupants live with the facility operators as a single household group using a common *Kitchen*. Specific *Use* regulations for *Group Homes* are in [Section 7.8](#).

H

Hard Surfacing means a durable ground surface, constructed of cast-in-place concrete, brick or concrete unit pavers, turfstone, asphalt or similar materials but excludes gravel, sand and clay.

Health Service means the provision of physical and mental *Health Services* on an outpatient basis. Typical *Uses* include, but are not limited to, medical and dental *Offices*, chiropractic *Offices*, health clinics and mental health counselling services.

Height, when used with reference to a *Building* or *Structure*, means the vertical distance measured from the *Average Building Grade* to the highest point of a non-sloping roof, or the mid-point of a sloping roof⁵⁷.

Highway means a public *Street*, road, or other public way which provides principal access to a *Lot*.

⁵² Amendment Bylaw No. 2020-025 (December 14, 2020)

⁵³ Amendment Bylaw No. 2019-031 (October 28, 2019)

⁵⁴ Amendment Bylaw No. 2022-009 (April 25, 2022)

⁵⁵ Amendment Bylaw No. 2019-031 (October 28, 2019)

⁵⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁵⁷ Amendment Bylaw No. 2019-031 (October 15, 2019)

Home Occupation means an occupation, *Business*, or professional practice conducted for remuneration and contained entirely within a *Dwelling* or its *Accessory Buildings* which is clearly subordinate to the *Principal Use* as a *Dwelling* and where the proprietor is also a resident of the *Dwelling* where the *Home Occupation* occurs. This does not include *Uses* such as *Automotive & Equipment Repair Shops, Autobody Repair Shops, Eating & Drinking Establishments, Commercial Kennels, Veterinary Clinics, Animal Shelters (Major and Minor), Group Homes, Child Care Centres, Health Services, Retail Cannabis Sales, and Cannabis Production*. Specific Use Regulations for Home Occupations are in [Section 7.6](#)⁵⁸.

Hotel means a *Use* which provides exclusively for the temporary accommodation of the travelling public. Access to guestrooms is by way of interior corridors connected to a main lobby that contains a central check-in facility. The *Hotel* may include *Eating & Drinking Establishments*, banquet/meeting rooms, *General Retail Stores* or boutiques, beer and wine stores, personal service facilities and *Indoor Recreational Services* or fitness centres.

Housing, Apartment means a *Building* comprised of more than four *Dwellings* which have principal access from a common interior corridor, and which are not *Townhouses*⁵⁹.

Housing, Cluster means a cluster of residential *Buildings* comprised of not less than ~~three-four~~ *Dwelling* units and may contain a mix of *Single Detached Housing, Duplex Housing, Multi-Unit Housing, Townhouse Housing, Apartment Housing,* and *Manufactured Housing – Type 1*⁶⁰.

Housing, Duplex means a *Building* containing two *Dwellings* divided horizontally or vertically by a common party wall, and each *Dwelling* having a separate, but not necessarily at *Grade*, exterior entrance. ~~This does not include *Secondary Suites*.~~

Commented [BDS]: Secondary Suites permitted in a Duplex

Housing, Employee means a *Dwelling* unit *Accessory* to a non-agricultural *Principal Use*, intended for occupation by an employee of the *Principal Use*, such as a manager, watchman, or caretaker.

Housing, Manufactured means a *Building* containing one *Dwelling* for occupancy by one household, built in a factory environment in one or more sections, intended to be occupied in a place other than its manufacture. All manufactured homes shall be constructed to either the CAN/CSA A277 (Modular Home) standard or CAN/CSA Z240 (Mobile Homes).

Housing, Manufactured - Type 1 means a manufactured home constructed to the CAN/CSA A277 (Modular Homes) standard, built in two or more sections to be assembled on a permanent foundation in accordance with the [BC Building Code](#).

Housing, Manufactured - Type 2 means a manufactured home constructed to the CAN/CSA Z240 (Mobile Home) standard, capable of being moved from place to place and which conforms to the [BC Building Code](#) or the CSA Z240.10.1 standard including skirting.

Housing, Manufactured Community means the *Use* of the land for more than two *Manufactured Housing Lots* either individually owned or leased.

Housing, Manufactured Lot means any surveyed or unsurveyed *Lot*, which has been shown on a plan or title to be occupied or intended to be occupied by a manufactured house, within a

⁵⁸ Amendment Bylaw No. 2018-026 (October 18, 2018)

⁵⁹ Amendment Bylaw No. 2013-003 (March 11, 2013)

⁶⁰ Amendment Bylaw No. ~~2019-008 (March 11, 2019)~~ 2024-011 (June XX, 2024)

Manufactured Housing Community.

Housing, Multi-Unit means a Building containing between two and up to and including four Dwelling Units divided horizontally or vertically by a common party wall, and each Dwelling having a separate entrance, but not necessarily at Grade⁶¹.

Housing, Single Detached means a Principal Building containing one Dwelling. A Secondary Suite can be included in Single Detached Housing where specifically defined as an Accessory Use in this Bylaw. Housing, Single Detached does not include Manufactured Housing - Type 2⁶².

Housing, Townhouse means a Building containing more than ~~four~~ two-Dwellings⁶³ where each Dwelling shares at least one party wall, and each Dwelling has a separate, but not necessarily at Grade, entrance.

I

Industrial High Technology Research and Product Design means the research and/or design, including the manufacture and/or distribution, of products used in the fields of computer software and programming, electronics, telecommunications, aeronautics, precision engineering, robotics, biochemistry, health care, and related industries. Related Industries may include business services such as data storage, provision of server space, and servicing of computer equipment. This use may include up to 25% of the space to be used for an office component⁶⁴.

K

Kitchen means facilities intended or used for the preparation or cooking of food, and includes any room or portion of a room containing cooking appliances including, without limitation, stoves or ovens. Plumbing or wiring or provision for a stove or oven constitutes the existence of such appliances.

L

Landscaped Screen means a landscaped area used to screen and buffer land Uses and is comprised of a dense planting of evergreen vegetation which has a minimum Height of 1.2m at the time of planting and may only be broken for driveways and Walkways.

Landscaped Strip means a landscaped area used to physically separate differing land Uses and meets the specifications required in Section 5.4.5⁶⁵.

Landscaping means changing, modifying or enhancing the visual external appearance of a Development including reshaping the earth, planting vegetation, adding walks, Patios, Fencing or other ornamental features, and includes the retention of existing trees and plants where

Commented [BD6]: New Multi-Unit definition to comply with bill 44.

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Commented [BD7]: Townhouse definition changed reflective with change to Multi-unit. Townhouse to stay in Medium Density and High Density

⁶¹ Amendment Bylaw No. 2024-011 (June XX, 2024)

⁶² Amendment Bylaw No. 2020-025 (December 14, 2020)

⁶³ Amendment 2024-011 (June XX, 2024)

⁶⁴ Amendment Bylaw No. 2013-003 (March 11, 2013)

⁶⁵ Amendment Bylaw No. 2020-025 (December 14, 2020)

appropriate. This does not include *Hard Surfaced* areas for vehicle parking or the alteration of a site for the purposes of determining *Average Building Grade*. *Landscaping* regulations are in [Section 5](#).

Live-Work Unit means a *Premise* for a commercial *Use*, where an owner or employee of said *Principal Use* is permitted to occupy a *Dwelling* within that same *Premise*⁶⁶.

Loft means an open space located wholly within a sloping roof of a residential *Dwelling*.

Lot means any parcel, block or other area in which land is held or into which it is subdivided, but does not include a *Highway*.

Lot Area means the total horizontal area within the *Property Lines* of a *Lot*.

Lot Area, Net means, unless defined elsewhere in this Bylaw, the total area of a *Lot* ~~excluding any area of the Lot which exceeds a 30 percent slope or has been protected as an environmentally sensitive area by a Section 219 covenant or Development permit;~~⁶⁷

Lot, Corner means a *Lot* situated at the intersection of two or more *Streets*, or a *Lot* *Abutting* a *Street* which substantially changes direction at any point *Abutting* that *Lot*.

Lot Coverage means the percentage of the *Lot Area* in the RSD1(i), RSD1, RSD2, RSD3 and RDH zones; and percentage of the *Net Lot Area* in all other zones, that may be built upon including *Accessory Buildings* or *Structures* (including *Carports*, covered *Patios* and *Decks* larger than 23m²) excluding steps, eaves, cornices, cantilevered *Balconies* and similar projections.

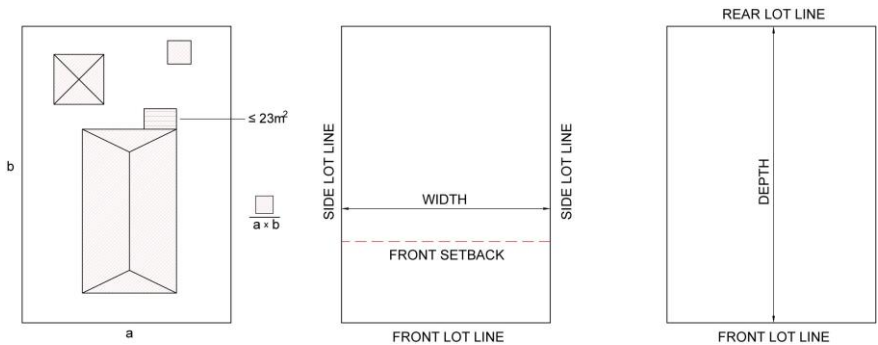
Lot Depth means the horizontal distance measured between the midpoints of the *Front* and *Rear Property Lines*.

Lot, Strata means a lot shown on a strata plan according to the *Strata Property*

*Act*⁶⁸. *Lot, Through* means a *Lot* bounded on two opposite sides by a *Street*.

Lot Width means the horizontal distance of a *Lot* measured between the *Side Property Lines* at the minimum *Front Setback*.

Commented [BD8]: Subtraction of 30 percent slope areas and Section 219 covenants from lot area resulting in the need for more variances being requested for site coverage. Recommend changing to allow for allowed size depending on parcel size.



⁶⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁶⁷ Amendment Bylaw No. 2024-011 (June XX, 2024)

⁶⁸ Amendment Bylaw No. 2019-009 (March 11, 2019)

M

Manager of Development Services, or successors in title, means a person appointed by the Chief Administrative Officer to administer this Bylaw⁶⁹.

Marina means a commercial or public establishment, containing docking facilities or mooring facilities where boats and other water vessels are berthed, stored, serviced, constructed or kept for sale or rent. Facilities for the sale of marine fuels, lubricants, and liquids; accessory boating retail sales; and wastewater pumping facilities may also be provided.

Motel means a *Use* which provides exclusively for the temporary accommodation of the travelling public. Access to each guestroom is directly from the outside and the required parking is located at *Grade*. Each guestroom may include a *Kitchen*. The *Motel* may also include indoor or outdoor pools, an *Eating & Drinking Establishment*, and *Employee Housing*.

Moorage, means the tying of a *Watercraft* to a *Buoy*⁷⁰.

N

Natural Boundary means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and visual, and so long continued in all ordinary years as to mark the soil of the bed of the body of water and also includes the edge of dormant side channels of any lake, river, stream or other body of water.

Natural Resource Extraction includes the quarrying, processing, removal and sale of sand, gravel, earth or mineralized rock found on or under the *Lot*.

O

Office means a *Use* which provides for the provision of professional, management, administrative or consulting services in an *Office* setting. Typical *Uses* include, but are not limited to, the *Offices* of lawyers, accountants, travel agents, real estate and insurance firms, investment planners, clerical and secretarial agencies. This *Use* does not include *Financial Services*.

Outdoor Park means any public outdoor land specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, environmentally sensitive areas, band shells, forest reserve, wildlife sanctuary, greenbelts, conservation areas, buffers, nature interpretation areas, and similar land uses. It includes all natural and man-made landscaping, facilities, playing fields, access, trails, buildings and structures consistent with the general purpose of public park land⁷¹.

P

Parking Lot means a *Use* of a *Building* or *Lot* or part of a *Lot* for the temporary parking of more

⁶⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁷⁰ Amendment Bylaw No. 2016-028 (October 24, 2016)

⁷¹ Amendment Bylaw No. 2020-025 (December 14, 2020)

than one vehicle by customers, residents, employees and/or the public at large.

Parking Space means an off-Street space of the size and dimensions to park one vehicle in conformance with [Section 6](#) of this Bylaw exclusive of driveways, aisles, loading spaces, ramps or obstructions.

Patio means a surfaced open space meant for support of people or materials, located at or less than 0.6m above *Finished Grade*. The projection of *Patios* into required *Setbacks* is regulated in [Section 4.2](#).

Personal Service Establishment means a *Use* which provides personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical *Uses* include, but are not limited to, barber shops, beauty salons, acupuncture clinics, massage therapists, tailors, dress makers, shoe repair shops, laundry and dry cleaning establishments but do not include *Health Services*.

Place of Worship means a *Use* by members of a religious faith for meetings, study and worship and may include manses or rectories and recreational, social, charitable, philanthropic, cultural, or educational activities.

Porch means a roofed *Structure* projecting from the exterior wall of a *Building* with walls which open or are screened to facilitate *Use* as a seasonal outdoor living area. The projection of *Porches* into required *Setbacks* is regulated in [Section 4.2](#).

Premise means that part of a *Building* being used to carry on a *Business*.

Primary Residence means the *dwelling unit* that a person resides in for the majority of the year and declares for legal purposes as their principal home. For the purposes of this bylaw, a person cannot have more than one *Primary Residence* within the District of Summerland⁷².

Principal Use means the main or primary *Use* of land, *Buildings* or *Structures* which is provided for in the list of permitted *Principal Uses* in the zones of this Bylaw.

Property Line means a legal boundary of a *Lot*.

Property Line, Exterior Side means a *Property Line* other than a *Front* or *Rear Property Line* and is separating the *Lot* from the *Flanking Street* or across route in a bare land strata plan.

Property Line, Front means the *Property Line* separating the *Lot* from the *Street* or highwater mark of a river or lake, and:

- (a) on a *Corner Lot* or *Through Lot*, the shortest *Property Line Abutting a Street* shall be deemed the *Front Property Line*, and
- (b) where a lot *Abuts* both a *Street* and the high-water mark of a river or lake, the *Property Line Abutting* the high-water mark shall be considered the *Front Property Line*⁷³.

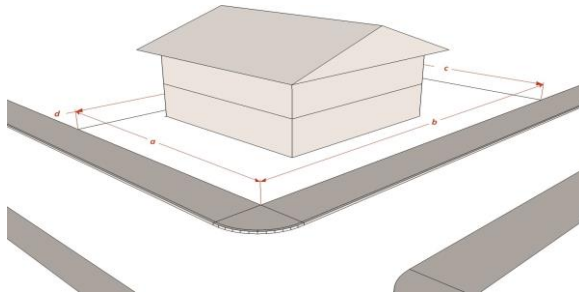
Property Line, Interior Side means a *Property Line* other than a *Front, Rear, or Exterior Side*

⁷² Amendment Bylaw No. 2021-048 (February 28, 2022)

⁷³ Amendment Bylaw No. 2020-025 (December 14, 2020)

Property Line.

Property Line, Rear means the *Property Line* or point of intersection of the *Side Property Lines* farthest from and opposite to the *Front Property Line*.



a = Front Property Line; b = Exterior Side Property Line; c = Rear Property Line; d = Interior Side Property Line

Property Line, Strata means a legal boundary of a *Strata Lot*⁷⁴.

Protective and Emergency Service means a *Use* which provides emergency services to the general public. Typical *Uses* include, but are not limited to, fire, police and ambulance stations.

R

Recreation, Openland means a *Use* of a natural landscape for low-impact recreational activities that are consistent with the preservation and protection of natural areas in the community and includes the *Development* of trails.

Recreational Service, Indoor means a *Use* contained wholly within an enclosed *Building* for sports and active recreation where patrons are predominantly participants. Typical *Uses* include, but are not limited to, athletic *Clubs*, health and fitness *Clubs*, swimming pools, curling *Clubs*, hockey rinks and racquet *Clubs*.

Recreation Service, Outdoor means a *Use* available to the general public for sports and active recreation conducted outdoors. Typical *Uses* include, but are not limited to, golf courses, ball fields, athletic fields, and lawn bowling facilities.

Recreational Vehicle means a vehicle which provides sleeping and other facilities for short periods of time while travelling or vacationing, designed to be towed behind a motor vehicle or self-propelled, and which includes such vehicles commonly known as tent trailers, travel trailers, campers, coaches, motorized homes or other similar vehicles.

Recreational Vehicle Sales means the retail sale or rental of new or used *Recreational Vehicles*, bicycles, motorcycles, snowmobiles, boats or similar light recreational equipment, together with maintenance services, storage, and sales of parts⁷⁵.

⁷⁴ Amendment Bylaw No. 2019-009 (March 11, 2019)

⁷⁵ Amendment Bylaw No. 2020-025 (December 14, 2020)

Recreational Water Activities means leisure activities that could not take place in areas other than the water. Examples include but are not limited to jet skiing, fishing, water skiing, *Boating*, swimming, and diving. Recreational water activities do not include residential or commercial facilities⁷⁶.

Recycle Drop-Off Centre means a *Use* which provides for the collection and temporary storage of recyclable materials which are periodically removed and taken to a permanent recycling facility for final processing. This does not include *Recycling Depots*.

Recycling Depot means a *Use* which provides for the buying, collecting, sorting and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed *Building*. This does not include *Recycle Drop-Off Centres*.

Research Centre and Laboratory means premises used for the research, testing and analyzing of agriculture products, strains, chemicals, and other goods for research purposes only. This use does not include the retail sale of researched products⁷⁷

Retail Store, Licensed Cannabis means a *Use*, that is a provincially licensed premises where recreational cannabis products, obtained from the BC Liquor Distribution Branch, are offered for sale at retail to the general public, in accordance with applicable provincial and federal regulations and enactments, and does not include medical *Cannabis* products⁷⁸.

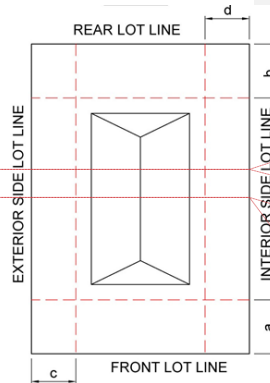
Retail Store, General means a use where goods, merchandise and other materials are offered for sale at retail to the general public. Typical *Uses* include, but are not limited to, grocery, hardware, pharmaceutical, appliance, sporting goods stores, and alcohol sales. This *Use* excludes warehouse sales, sale of gasoline, heavy agricultural, industrial equipment sales, and cannabis sales⁷⁹.

S

Secondary Suite means a self-contained, second *Dwelling* located within a ~~Single Detached House, Duplex Housing unit, Multi-Unit Housing unit or Townhouse unit.~~ This Use does not include Duplex Housing, Townhouses, or Carriage Houses. Specific Use regulations for *Secondary Suites* are in [Section 7.3](#)⁸⁰.

Service Station means a *Use* which provides for the servicing, washing or maintenance of vehicles, and the sale of motor fuels and lubricants, other vehicle petroleum products, and a limited range of vehicle parts and accessories. Specific Use regulations for *Service Stations* are in [Section 7.9](#)

Setback means the distance between a specified property line and a building or structure⁸¹.



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- Commented [BD9]: Secondary Suites allowed in Duplex and Townhouse units and consistent with BC Building Code
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Setbacks
a = Front Setback
b = Rear Setback
c = Exterior Side Setback
d = Interior Side Setback

⁷⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁷⁷ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁷⁸ Amendment Bylaw No. 2018-026 (October 18, 2018)

⁷⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁸⁰ ~~Amendment Bylaw No. 2024-011 (June XX, 2024)~~ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁸¹ Amendment Bylaw No. 2019-001 (February 11, 2019)

Shopping Centre means a Use whereby one or more Buildings containing more than six Premises exceeding 2,500m² of Gross Floor Area share common services, parking and other facilities on one or more Lots.

Short-Term Rental means the use of a *dwelling unit* for the temporary accommodation (less than ~~28-90~~ consecutive days) of the travelling public for remuneration. Specific Use regulations for *Short-Term Rentals* are in [Section 7.2](#)⁸².

Site Triangle means the triangular space formed by the *Front* and *Exterior Side Property Lines* of a *Corner Lot* or *Property Lines* of a *Lot* abutting a *Street* and lane intersection and a line drawn from a point on one *Property Line* to a point on the other *Property Line*, each such point being 7.0 m from the point of intersection of the *Property Lines*. Landscaping within the Site Triangle is regulated in Section 5.3.1⁸³.

Solar Energy Devices means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy⁸⁴.

Storage Yard means a *Use* which provides for the outdoor storage of equipment, goods and materials where such storage of goods and materials does not always involve the erection of permanent *Buildings* or *Structures* or require major alterations to the existing state of the land. Typical *Uses* include, but are not limited to, pipe yards, contractor yards or utility works yards.

Storey means that part of a *Building* other than a *Basement* or *Loft* which is situated between the top of any floor and the top of the next floor above it and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Storey, First means the lowest *Storey* which has a finished floor elevation not more than 1.2 m above the *Average Building Grade*.

Street means a *Highway* other than a lane which affords the principal access to a *Lot*.

Street, Flanking means a *Street* that *Abuts* an *Exterior Side Property Line*.

Structure means a construction of any kind whether fixed to or supported by or sunk into land or water including, but not limited to, towers, flag poles, swimming pools, *Docks*, signs and tanks, but excluding areas of *Hard Surfacing*.

Commented [BD10]: Increasing amount of days to be considered a Short Term Rental to less than 90 days to be consistent with same definition provided for in Bill 35.

⁸² [Amendment Bylaw No. 2024-011 \(June XX, 2024\)](#) ~~[Amendment Bylaw No. 2021-048 \(February 28, 2022\)](#)~~

⁸³ Amendment Bylaw No. 2022-009 (April 25, 2022)

⁸⁴ Amendment Bylaw No. 2018-033 (December 10, 2018)

T

Tandem Parking means two *Parking Spaces*, one behind the other, with a common or shared point of access to a driving aisle or *Highway*.

Temporary Farm Worker Accommodation means a *Use* within a *Building* or *Buildings* designated specifically to provide temporary housing for seasonal farm workers employed by a farm operation on the *Lot* or a *Farm Unit* where the *Lot* forms part of the farm operation. *Temporary Farm Worker Accommodation* may include sleeping facilities, bathrooms, communal kitchen facilities and other common areas. Specific Use Regulations for *Temporary Farm Worker Accommodation* are in [Section 7.13](#)^{85 86}.

Theatre means a *Use* contained wholly within an enclosed *Building* designed specifically for the presentation of live performances or the showing of motion pictures. Typical *Uses* include, but are not limited to, cinemas, and performing art and concert halls.

U

Urban Containment Boundary means the urban growth boundary established in the District's Official Community Plan, and amended from time to time, where new urban residential growth is encouraged and where *Full Urban Services* are existing or planned to be connected⁸⁷.

Urban Services, Full means the provision of utility infrastructure consisting of a community water system, a community sanitary sewer collection system, an *Abutting paved Street* and electrical and/or gas connection capabilities.

Use means the purposes for which land or a *Building*, or a *Structure* is arranged or intended, or for which either land, a *Building*, or a *Structure* is, or may be, occupied and maintained.

V

Vehicle mean any vehicle as defined in the Motor Vehicle Act⁸⁸.

Veterinary Clinic means a *Use* which provides for the medical and surgical treatment for domestic pets, animals and birds which shall include indoor short-time boarding of pets during the period of medical treatment⁸⁹.

W

Walkway means a right-of-way intended to accommodate pedestrian movements, except that a *Walkway* may be designed to accommodate occasional access for emergency vehicles.

Warehouse Sales Establishment means a *Use* which provides for the wholesale or retail sale of a limited range of bulky goods from within an enclosed *Building* where the size and nature of the

Commented [BD11]: Bill 44 requires a new need to link the Zoning Bylaw to the Urban Growth Boundary (UGB) in the OCP, as new residential zones will be required to prescribe a level of density on whether the zone is placed within the UGB or not. If it is within the UGB, Bill 44 requires a minimum level of 4 units.
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Commented [BD12]: Recommendation from bylaw enforcement to add a definition for 'vehicle' to make it clear what can be considered a vehicle for purposes of zoning bylaw (i.e. derelict vehicles)
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⁸⁵ Amendment Bylaw No. 2020-025 (December 14, 2020)

⁸⁶ Amendment Bylaw No. 2022-009 (April 25, 2022)

⁸⁷ [Amendment Bylaw No. 2024-011 \(June XX, 2024\)](#)

⁸⁸ [Amendment Bylaw No. 2024-011 \(June XX, 2024\)](#)

⁸⁹ Amendment Bylaw No. 2000-459 (November 14, 2011)

principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Typical *Uses* include, but are not limited to, the sale of furniture, carpet, major appliances, and building materials. This *Use* does not include a *General Retail Store* or an *Eating or Drinking Establishment*.

Watercraft, means a motor boat, sail boat, jet ski, canoe, kayak or other means of transportation supported by water⁹⁰

⁹⁰ Amendment Bylaw No. 2016-028 (October 24, 2016)

Watercourse means any natural depression with visible banks, which contains water at some time, and includes any lake, river, stream, creek, spring, ravine, swamp, gulch, coulee, wetland, or surface source of water, whether containing fish or not, including intermittent streams, and drainage works which contain fish.

Wharfage, means the tying of a water craft to a dock⁹¹.

Winery & Cidery means a winery or cidery licensed under the Liquor Control and Licencing Act to produce wine or cider. It may include the processing, storing and retail sales of the wine or cider produced, tours and tastings, and an *Eating & Drinking Establishment*⁹².

Wrecking Yard means a *Use* which provides for the collection, demolition, dismantlement, storage, salvage, recycling or sale of waste materials including scrap metal, vehicles, parts, machinery and other discarded materials.

Y

Yard, Exterior Side means the entire area between the front and rear property lines extending from the exterior side property line to the nearest wall or supporting member of a *Principal Building or Structure*⁹³.

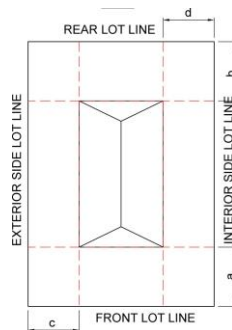
Yard, Front means the entire area between the *Side Property Lines* extending from the front property line to the nearest wall or supporting member of a *Principal Building or Structure*.

Yard, Interior Side means the entire area between the *Front and Rear Property Lines* extending from the *Side Property Line* to the nearest wall or supporting member of a *Principal Building or Structure*⁹⁴.

Yard, Rear means the entire area between the *Side Property Lines* extending from the *Rear Property Line* to the nearest wall or supporting member of a *Principal Building or Structure*⁹⁵.

Yard, Side – ~~deleted~~⁹⁶

Zone means the areas into which the District is divided in accordance with the map(s) attached as Schedule “B” of this Bylaw and for which specific regulations are outlined herein for each area



Yards
a: Front Yard
b: Rear Yard
c: Exterior Side Yard
d: Interior Side Yard

⁹¹ Amendment Bylaw No. 2016-028 (October 24, 2016)
⁹² Amendment Bylaw No. 2022-009 (April 25, 2022)
⁹³ Amendment Bylaw No. 2019-001 (February 11, 2019)
⁹⁴ Amendment Bylaw No. 2019-001 (February 11, 2019)
⁹⁵ Amendment Bylaw No. 2019-001 (February 11, 2019)
⁹⁶ Amendment Bylaw No. 2019-001 (February 11, 2019)

3 Establishment of Zones

3.1 Establishment of Zones

- 3.1.1 The area of the District of Summerland shall be divided into zones identified in Column 2 of Table 3.1.
- 3.1.2 The correct name of each zone provided for in this Bylaw is set out in Column 2 of Table 3.1 with the corresponding general zoning category contained in Column 1 of the same Table.

Table 3.1: Establishment of Zones⁹⁷

| Column 1 | Column 2 |
|-------------------------|--|
| Agricultural Zones | A1 Agricultural Small Acreage Zone A2 Agricultural Large Acreage Zone |
| Rural Residential Zones | CR1 Country Residential Zone |
| Urban Residential Zones | RSD1 Residential Medium Lot Zone RSD1(i) Residential Single Detached Intensive Zone RSD2 Residential Large Lot Zone RSD3 Residential Estate Lot Zone RDH Residential Duplex Housing Zone RSH Residential Strata Housing Zone RU1 Residential Urban Infill Zone RU2 Residential Urban Zone RU3 Residential Sub-Urban Zone RMD Residential Medium Density Zone RHD Residential High Density Zone RMH Residential Manufactured Housing Zone |

Commented [BD13]: Consolidating the “restricted” zones as identified in Bill 44 to three new ‘residential urban’ zones that have varying parcel sizes. RU3 can be applied within or outside of Urban containment boundary

⁹⁷ Amendment Bylaw No. 2022-009 (April 25, 2022)

| | |
|---|---|
| Commercial Zones | CN Neighbourhood Commercial Zone CT1 Tourist Commercial Zone CH Highway Commercial Zone CT2 Campground Zone CB1 Central Business Zone CB2 Shopping Centre Zone CM Heavy Commercial Zone MX1 Mixed Use Zone |
| Industrial Zones | M1 Light Industrial Zone M1A Business Industrial Zone M2 Heavy Industrial Zone M3 Agri-Industrial Zone M4 Resource Industrial Zone |
| Parks, Openland and Institutional Zones | PR1 Parks and Recreation Zone FG Forestry Grazing Zone PP Preservation & Protection Zone I Institutional Zone |
| Water Zones ⁹⁸ | WZ1 Recreational Water Use Zone 1 WZ2 Recreational Water Use Zone 2 WZ3 Intensive Water Use Zone |
| Site Specific | CD Comprehensive Development Zone |

3.2 Zone Boundaries

3.2.1 The location of each zone is defined on Schedule “B” of this Bylaw entitled “District of Summerland Official Zoning Map” which is attached to and forms part of this Bylaw.

3.2.2 The boundaries of a zone shown on Schedule “B” shall be interpreted as follows:

- (a) where the zone boundary follows a *Highway*, pipeline, powerline, utility right-of-way, railway line, or easement, it follows the centreline, unless otherwise clearly indicated on the map;
- (b) where the zone boundary is shown as approximately following the *District* boundary or a *Property Line*, it follows the *District* boundary or *Property Line*;

⁹⁸ Amendment Bylaw No. 2016-028 (October 24, 2016)

- (c) where the zone boundary is shown as following a topographic contour line or a geographic feature, it follows that line. In the event of change of the topographic contour line or geographic feature, it shall move with that line;
- (d) where the zone boundary is shown as approximately following the edge of a *Natural Boundary* of a *Watercourse*, it follows the *Natural Boundary*. In the event of change in the *Natural Boundary* of a *Watercourse*, it shall move with the *Natural Boundary*;
- (e) where a zone boundary is shown as approximately following the *Agricultural Land Reserve* boundary, it follows that boundary; and
- (f) in circumstances not covered by any of the above statements, the zone boundary shall be determined by scaling the zoning map.

3.3 Undersized Lots

- 3.3.1 Where a *Lot* is reduced in size as a result of taking for public *Use* by the *District*, provincial or federal government, or a public utility by dedication, expropriation, or purchase, the *Lot*, *Buildings* and *Structures* thereon are deemed to conform with the provisions of this Bylaw and the *Lot* shall be considered to exist as it did prior to the taking.
- 3.3.2 Minimum *Lot Area* and minimum *Lot Width* for subdivision requirements of this Bylaw do not apply to *lot* consolidations or *lot* line adjustments provided that:
 - (a) no additional *Lot* is created;
 - (b) the altered *lot* line does not infringe on required setbacks for a *Building* or *Structure*;
and
 - (c) the *Lot Area* or *Lot Width* are no smaller than the smallest *Lot* prior to the alteration⁹⁹.

3.4 Uses and Regulations

- 3.4.1 Subject to Section 3.3.1, all *Uses*, *Buildings* and *Structures* in each zone shall be in accordance with the *Uses* and regulations applying in that zone, as well as all other regulations and requirements of the Bylaw.

⁹⁹ Amendment Bylaw No. 2022-009 (April 25, 2022)

4 General Regulations

4.1 Uses Permitted in All Zones

4.1.1 The following *Uses* are permitted in all zones:

- (a) *Government and Utility Service Uses;*
- (b) *Highways;*
- (c) *parks;*
- (d) *conservation areas; and*
- (e) *Urban Agriculture.*

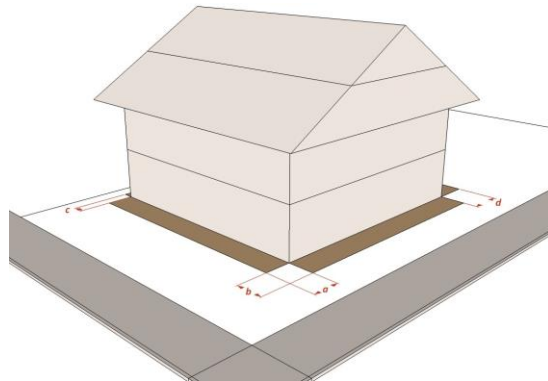
4.2 Projections into Setbacks

4.2.1 No *Building* or *Structure* other than the following shall be located in the *Setbacks* required in this Bylaw. This section is not applicable to the setbacks stated in Section 4.7.1 – Setbacks from Highways and Major Streets:

- (a) chimneys, cornices, leaders, eaves, gutters, pilasters, belt courses, sills, bay windows and similar features may project into a required *Setback* provided such projections do not exceed 0.6m measured horizontally (*a, b, c, and d* in the figure below);
- (b) fencing and retaining walls subject to the regulations of this Bylaw;
- (c) unenclosed *Decks, above grade patios, Balconies, Porches* or steps, *Canopies, Awnings* and *Solar Energy Devices* may project into a required *Setback* provided such projections do not exceed 1.5 m in the case of a *Front Yard* or an *Exterior Side Yard* (*b* and *c* in the figure below); 0.6 m in the case of an *Interior Side Yard* (*c* in the figure below); or 2.0 m in the case of a *Rear Yard* (*d* in the figure below)¹⁰⁰¹⁰¹;
- (d) ramps providing an accessible route for individuals with disabilities with a slope greater than 1:20 but not more than a slope of 1:12 and constructed in accordance with the British Columbia Building Code; and
- (e) utilities, cisterns, storage tanks, underground parking and similar *Structures* constructed entirely beneath the surface of the ground may project into the required *Interior Side* or *Rear Setbacks* provided such underground projections are covered by sufficient soil depth to accommodate *Landscaping* and/or are *Hard Surfaces* to accommodate access needs.

¹⁰⁰ Amendment Bylaw No. 2015-009 (May 11, 2015)

¹⁰¹ Amendment Bylaw No. 2022-009 (April 25, 2022)



Projections into Setbacks

4.3 Height of Buildings and Structures

4.3.1 Any of the following *Structures* may exceed the maximum *Height* regulations of this Bylaw:

- (a) chimneys;
- (b) *Place of Worship* spire, belfry, steeple, dome, cupola;
- (c) communication towers, antennas or masts;
- (d) transmission towers;
- (e) utility poles;
- (f) mechanical appurtenances constituting not more than 10 percent of the total roof area of a *Building* provided that the appurtenance is screened;
- (g) flagpoles for federal, provincial or municipal flags; and
- (h) farm silos for the storage of *Agriculture Products* or wind machines intended for frost protection and not the generation of electricity.
- (i) Solar Energy Devices¹⁰²

4.3.2 Where a rooftop patio is proposed the *Height* of the *Building* shall be measured to the top of the guard rail, privacy wall, or other appurtenances not exempt under Section 4.3.1.¹⁰³

¹⁰² Amendment Bylaw No. 2018-033 (December 10, 2018)

¹⁰³ Amendment Bylaw No. 2019-031 (October 28, 2019)

4.4 Heritage Designated Buildings

4.4.1 Heritage designated *Buildings* shall be subject to Part 15¹⁰⁴ of the Local Government Act.

4.5 Accessory Buildings and Structures

4.5.1 Where a *Building* or *Structure* on a *Lot* shares an integrated roof *Structure* with the principal *Building* on the *Lot* and has not more than 9.5m between their closest exterior walls, it is part of the principal *Building* and is not an *Accessory Building*.

4.5.2 Shipping/cargo containers defined as a prefabricated metal container or box specifically constructed for the transport of goods by rail, ship, or transport truck are not permitted within residential zones and agricultural zoned properties less than 1.0 Ha in size¹⁰⁵.

~~Previous sections 4.5.3, 4.5.4, and 4.5.6 - deleted~~¹⁰⁶

4.5.3 *Accessory Buildings* and *Structures* may not contain *Bedrooms*, *Kitchen*, or sleeping facilities unless they are a *Carriage House*, Multi-Unit Housing or *Temporary Farm Worker Accommodation*, except as expressly permitted in this Bylaw^{107,108}.

4.5.4 A permanent *Accessory Building* or *Structure* may be erected only after a principal *Building* has been completed on the same *Lot*, except where that *Accessory Building* or *Structure* is a *Carriage House* intended for temporary living accommodation during the construction of the principal *Building*, provided that a Building Permit has been issued for both the principal *Building* and *Carriage House*.

4.5.5 For *Accessory Buildings* and *Structures* that contain a garage door that faces a rear lane, the *Accessory Building* shall have a setback from the *Rear Property Line* that is less than 1.5 m or greater than 6.0 m.¹⁰⁹

4.6 Vehicle Storage

4.6.1 Exterior storage or parking of more than two (2) unlicensed Vehicles is prohibited in all zones, except for¹¹⁰:

(a) Industrial Zones

(b) Agricultural zoned properties greater than 1.0 Ha in size

(c) The following Uses in Commercial Zones

Commented [BD14]: Recommendation from bylaw enforcement. Some residential use only properties are zoned agriculture in the ALR, but are less than 1.0 hectare in size. This will help with unsightly properties where seacans are being used.

Commented [BD15]: This change to allow flexibility in formats of Multi-Unit Housing to meet Provincial guidelines of restricted zones. Could have two Multi-unit buildings, with two suites inside.

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¹⁰⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁰⁵ ~~Amendment Bylaw No. 2024-011 (June XX, 2024)~~

¹⁰⁶ Amendment Bylaw No. 2019-031 (October 28, 2019)

¹⁰⁷ ~~Amendment Bylaw No. 2020-025 (December 14, 2020)~~

¹⁰⁸ ~~Amendment Bylaw No. 2024-011 (June XX, 2024)~~ Amendment Bylaw No. 2022-023 (August 22, 2022)

¹⁰⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹¹⁰ ~~Amendment Bylaw No. 2024-011 (June XX, 2024)~~

i. Autobody Repair Shop

ii. Automobile Sales & Rentals

iii. Automotive & Equipment Repair Shop

~~4.6.1~~
~~3.1~~ other than industrial, commercial or agricultural zones described in Column 1 of Table

4.6.2 Exterior storage or parking of a *Derelict Motor Vehicle* for more than 30 consecutive days is prohibited in all zones, except in conjunction with a *Wrecking Yard*, or *Autobody Repair Shop*¹¹¹.

4.7 Setbacks from Highways and Major Streets

4.7.1 All *Buildings* and *Structures* shall be located a minimum distance of 15.0m from any *Property Line Abutting Highway #97*.

4.7.2 All *Buildings* and *Structures* on *Lots Abutting a Street* designated as part of the Major Street Network Plan in the District's Official Community Plan shall have a *Building* line *Setback* of not less than the amount equal to the *Setback* required within the zoning of the Lot plus any amount specified as being required by the *District's* Subdivision and Development Servicing Bylaw to widen the *Street* in the future.

4.8 Swimming Pools and Artificial Bodies of Water

4.8.1 Swimming pools, wading pools, fish ponds and other artificial bodies of water, with a depth of more than 0.6m at any point, and an area larger than 5.0m² in area:

- (a) shall not be located in any *Front Yard* or *Exterior Side Yard*;
- (b) shall be sited not less than 1.8m from any *Interior Side Property Line* and *Rear Property Line*;
- (c) **deleted**¹¹²

4.9 Building Envelope

4.9.1 No Residential Lot shall be created unless it contains a Building envelope with minimum area of 100 m². Properties zoned ~~RSD1(i) Residential Single Detached Intensive Zone~~RU1 Residential Urban Infill Zone, are exempt from the requirement to have a 100 m² building envelope. The Building envelope must be located such that it does not encroach into the Property Line setbacks as required under the provisions of this bylaw.¹¹³

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Commented [BD16]: Recommendation from bylaw enforcement. Require agricultural properties less than a 1.0 hectare (which are mostly only used for rural residential) to only have two unlicensed vehicles. Also, exclude commercial uses, like in the downtown, except where unlicensed vehicles is a business need.

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¹¹¹ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹¹² Amendment Bylaw No. 2020-025 (December 14, 2020)

¹¹³ ~~Amendment Bylaw No. 2024-011 (June XX, 2024)~~ ~~Amendment Bylaw No. 2017-028 (October 10, 2017)~~

4.10 Setbacks for Strata Subdivisions¹¹⁴

4.10.1 The setback requirements of the bylaw shall apply to bare land strata lots, exempt in the case of properties zoned Residential Medium Density where bare land strata lot setbacks are defined¹¹⁵.

4.10.2 Where more than one (1) setback requirement may be applied the most restrictive setback shall be required.

4.11 Farm Home Plate¹¹⁶

4.11.1 A *Farm Home Plate*, where required in this Bylaw, shall comply with the following regulations:

- (a) Only one (1) *Farm Home Plate* is permitted on a *Lot*.
- (b) A *Farm Home Plate* shall immediately abut a *Highway*.
- (c) Notwithstanding 4.11.1(b), a *Farm Home Plate* may be located on lands assessed by an agrologist as containing soil conditions not suitable for farming.
- (d) Notwithstanding 4.11.1(b), an existing *Farm Home Plate* established for a *Dwelling* or *Dwellings* previously constructed on a *Lot*, shall be permitted to be used so that it remains the *Farm Home Plate*.
- (e) No portion of a *Dwelling*, *Accessory Building*, *Structure*, and/or area for residential *Use*, including but not limited to, lawns, patios, landscaping, parking areas and storage areas, shall extend beyond the *Farm Home Plate*, except a driveway.
- (f) The maximum lot coverage for all *Buildings* and *Structures* within the *Farm Home Plate* is 45%.
- (g) A *Farm Home Plate* shall include four sides to create a shape typical of a residential *Lot*.

4.12 Solid Waste Storage Facilities¹¹⁷

4.12.1 The location of a communal garbage and recycling storage space should be:

- (a) on the lot of the ***Building or Structure*** served;
- (b) in an area such that noise and odour impacts to building occupants and neighbouring developments are minimized;
- (c) at ground level, or no more than one storey below grade;
- (d) if not adjacent, the recycling storage space should be close to the garbage storage space.

4.12.2 A communal garbage and recycling storage space should not be located in any of the following positions:

- (a) in alleys or other publicly owned rights-of-way where it may disrupt traffic circulation patterns;

Commented [BD17]: This RSH - Residential Strata Housing Zone is proposed to be amalgamated into the Residential Medium Density Zone. However, can stratify any of the proposed zones into a bare land strata, instead of fee simple.

Commented [BD18]: A new general regulation section specifically for communal waste storage spaces on apartment and mixed use development sites. This will aid the District's waste collection contractors being able to access these sites for garbage collection.

¹¹⁴ Amendment Bylaw No. 2019-009 (March 11, 2019)

¹¹⁵ Amendment Bylaw No. 2024-011 (June XX, 2024)

¹¹⁶ Amendment Bylaw No. 2022-023 (August 22, 2022)

¹¹⁷ Amendment Bylaw No. 2024-011 (June XX, 2024)

- (b) between a street-facing facade of the structure and the street if the area is located outdoors;
- (c) in any required driveways, parking aisles, or parking spaces for the structure;
- (d) in any location that may block or impede fire exits, public rights-of-ways or pedestrian and vehicular access.

4.12.3 Notwithstanding the location specifications of sub-sections 4.12.1 and 4.12.2, any garbage and recycling storage space should be located so as to comply with applicable building codes, fire codes, safety requirements, or other building requirements of the specific municipality.

4.12.4 The collection Vehicle access route for Apartment or Mixed-Use developments, whether intended to be indoors or outdoors, should:

- (a) be configured in such a way as to allow a collection vehicle to drive up to the loading area, collect the garbage and/or recycling, and leave the site in a forward motion, or via the use of a turnaround area allowing for a three-point turn of not less than one truck length;
- (b) be situated in a location that will minimize interface with pedestrian traffic and public vehicular access to the building's main parking area, including underground garage and visitor parking area;
- (c) be constructed to accommodate the weight of a 28-tonne collection vehicle;
- (d) provide a minimum width of 4.5 m throughout the vehicle access route
- (e) maintain a minimum vertical clearance of 4.4 m throughout the entire access route;
- (f) provide the collection vehicle a minimum turning radius of 12.5 m throughout the entire access route;
- (g) ensure that the slope of the access route does not exceed 6%.

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5 Landscaping Regulations

5.1 Landscape Requirements

- 5.1.1 Screening and *Landscaping* shall be provided and maintained in accordance with the regulations detailed in the Landscape and Screening Schedule (Table 5.1) of this Bylaw. Where two or more standards apply, the more restrictive requirement shall prevail.
- 5.1.2 In cases where property is to be developed in phases, *Landscaping* need only be provided on that portion of the property to be developed in each phase. *Landscaping* shall be required in each subsequent phase as that property is redeveloped.

5.2 Landscaping and Screening

- 5.2.1 Where *Landscaping* is required by this Bylaw, every application for *Development* shall include a Landscaping plan which illustrates:
- (a) the location or proposed footprint of all *Buildings* and *Structures* on the property;
 - (b) positioning of any vegetation to be retained;
 - (c) proposed plant species including sizes, numbers and locations;
 - (d) method of irrigation;
 - (e) the location of all *Hard Surfaced* areas such as driveways, parking areas and sidewalks;
 - (f) existing or proposed *Finished Grades*; and
 - (g) site lighting and *Fencing*.
- 5.2.2 Any changes to an approved *Landscape* plan must be authorized by the District's *Manager of Development Services* or the *District's* Building Inspector.

5.3 Landscape Restrictions

- 5.3.1 On *Corner Lot* or *Lot* contiguous to a *Street* and lane intersection, no vegetation in any form shall be allowed at a Height greater than 0.9 m within the *Site Triangle*¹¹⁸.

¹¹⁸ Amendment Bylaw No. 2022-009 (April 25, 2022)

5.4 Landscape Standards

- 5.41 For the purposes of this Bylaw, the following surfaces are not permeable:
- (a) *Buildings* and *Structures* with the exception of *Buildings* and *Structures* with green roofs that reduce stormwater discharge by more than 25 percent (rate and quantity);
 - (b) asphalt;
 - (c) concrete; and
 - (d) grouted pavers.
- 5.42 Water surfaces of *Structures* designed to retain water, including swimming pools, reflecting pools, and ornamental ponds, are considered permeable.
- 5.43 For all *Landscaped Strips*, *Landscape Screens*, or other landscaped areas required by this Bylaw, the following landscape requirements shall apply:
- (a) existing landscaped areas of healthy woody plants (trees and shrubs) shall be preserved and protected during construction unless demonstrated to the satisfaction of the *Manager of Development Services* or Building Inspector that removal is required to accommodate a *Use, Building or Structure* on the *Lot* or that the plants pose a safety hazard;
 - (b) new landscape plantings, required by this Bylaw, shall consist of native xeric or water-conserving herbaceous and/or woody plant species proven to be enduring in the District of Summerland.
 - (c) appropriate means of irrigation, with an emphasis on high-efficiency water reducing systems, shall be provided by the owner of the *Lot* with particular attention paid to adequate watering during the establishment period to ensure survival of the newly planted areas required by this Bylaw.
- 5.44 Notwithstanding Section 5.4.3(b), landscape screening required *Adjacent* to the *Agricultural Land Reserve* may be non-native plant material if required.
- 5.45 For all *Landscaping Strips*, the following specifications shall apply¹¹⁹:
- (a) trees shall be planted at a maximum spacing of 5.0m on centre and shall be a minimum of 2.0m in *Height* at time of planting;
 - (b) shrubs and ground cover shall be provided for a minimum of 50 percent of the *Landscaped Strip* area;
 - (c) shrubs shall be planted at a maximum spacing of 1.0 m on centre and shall be a minimum 2.0 gallon pot size at time of planting; and
 - (d) the *Landscaped Strip* may be broken only for driveways and *Walkways*.

¹¹⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

546 Notwithstanding the regulations contained in [Section 5.4.3](#), the *Agricultural Land Commission* may require greater *Landscaping* and screening provisions as part of any application requiring their direct approval.¹²⁰

Table 5.1: Landscape & Screening Schedule¹²¹

| Use ¹²² | Location of Landscaping & Screening Requirements | Actual Landscape & Screening Requirements |
|--|--|--|
| All <i>Uses</i> with the exception of <i>Agricultural and Country Residential Uses</i> in all zones. ¹²³ | <i>Property Lines Abutting</i> lands within the <i>Agricultural Land Reserve</i> . | 4.6m wide <i>Landscaped Strip</i> , plus a 1.8m high <i>Fence</i> . |
| All <i>Uses</i> within an industrial zone. | <i>Property Lines Abutting</i> all urban or rural residential zoned properties. | 4.6m wide <i>Landscaped Strip</i> , plus a 1.8m high <i>Fence</i> . |
| All off- <i>Street</i> parking or outdoor storage areas within a commercial, industrial, or institutional zone. | The entire perimeter of all off- <i>Street</i> parking and/or outdoor storage areas. | 3.0m wide <i>Landscaped Strip</i> . Landscape islands within the parking areas shall be provided so as to avoid having more than 20 vehicle <i>Parking Spaces</i> in a continuous row. |
| All <i>Uses</i> in all zones other than the production of agricultural crops. | <i>Property Lines Abutting</i> Highway #97. | 4.6m wide <i>Landscaped Strip</i> . |
| All commercial <i>Uses</i> in the Trout Creek Development Permit Area as defined in the District's Official Community Plan | <i>Property Lines Abutting</i> non-commercial zoned properties. | 3.0m wide <i>Landscaped Strip</i> . |
| Outdoor storage facilities for more than five <i>Recreational Vehicles</i> and/or boats in all urban residential zones. | <i>Property Lines Abutting</i> a public <i>Highway</i> or neighbouring <i>Lot</i> . | 1.6m wide <i>Landscaped Screen</i> or 1.8m high <i>Fence</i> . |

Commented [BD19]: Clarity when an agricultural landscaped buffer is required for being adjacent to the ALR.

¹²⁰ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹²¹ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹²² Amendment Bylaw No. 2000-465 (December 12, 2011)

¹²³ Amendment Bylaw No. 2024-011 (June XX, 2024)

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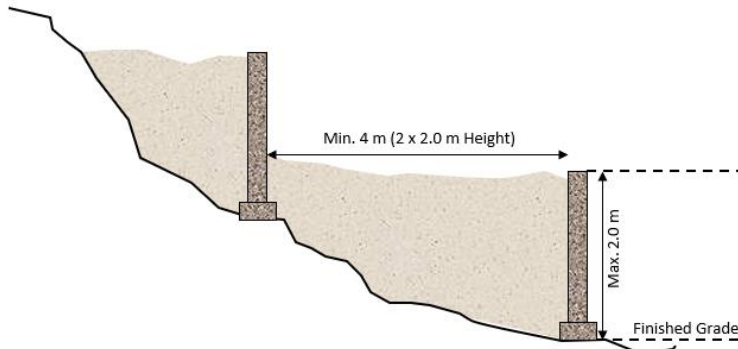
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| | | |
|---|--|---------------------------------------|
| Autobody Repair Shops, Wrecking Yards and outdoor storage facilities. | Surrounding outdoor storage and/or dismantling facilities. | 2.4m high Landscaped Screen or Fence. |
|---|--|---------------------------------------|

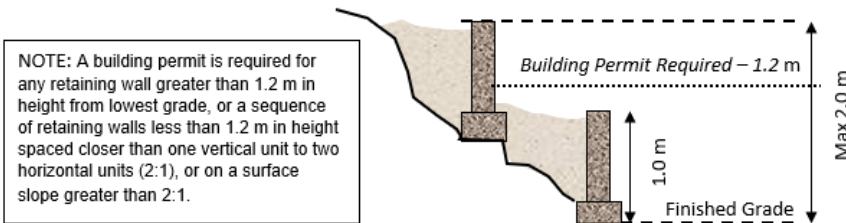
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Fences & Retaining Walls¹²⁴

- 5.5.1 The *Height* of a retaining wall shall be measured from the *Finished Grade* on the lowest side of the wall.
- 5.5.2 The minimum horizontal separation between retaining walls on the same parcel, as measured from the outer face of each retaining wall, shall be a minimum of two times (2 multiplied by “x” *Height*) the *Height* of the lowest retaining wall¹²⁵.



- 5.5.3 Notwithstanding Section 5.5.2, a series of retaining walls may be configured with a horizontal separation of less than 2:1, provided such walls are considered a single retaining wall for the purposes of determining the *Height* of the retaining wall¹²⁶.



NOTE: A building permit is required for any retaining wall greater than 1.2 m in height from lowest grade, or a sequence of retaining walls less than 1.2 m in height spaced closer than one vertical unit to two horizontal units (2:1), or on a surface slope greater than 2:1.

¹²⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹²⁵ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹²⁶ Amendment Bylaw No. 2022-009 (April 25, 2022)

5.5.4 A retaining wall shall not exceed 2.0 m in *Height*, except:

- a) On a *Corner Lot* or *Lot* contiguous to a *Street* and lane intersection, no retaining wall is permitted within the *Site Triangle*¹²⁷.

5.5.5 Despite sub-section 5.5.4(a), a retaining wall is permitted within the *Site Triangle* where the *Finished Grade* at the base of the retaining wall is lower than the *Finished Grade* of the abutting *Street* or lane, and provided no part of the retaining wall extends above the *Finished Grade* of the abutting *Street* or lane¹²⁸.

5.5.6 Except as otherwise specifically stated in this Bylaw:

- a) no *Fence* shall exceed 1.8m in *Height* other than wildlife fencing constructed with wire mesh in agricultural zones which may not exceed 2.4m in *Height*;
- b) no *Fence* situated in the *Front Yard* or the *Exterior Side Yard* of any residential or commercial zoned *Lot* shall exceed a *Height* of 1.2m;
- c) no *Fence* located on a *Corner Lot* contiguous to a *Street* or lane intersection shall exceed a *Height* greater than 0.9m within the *Site Triangle*;
- d) no *Fence* shall be placed closer than 1.8m to the edge of a swimming pool or other artificial body of water;
- e) no *Fence* shall use barbed wire except in agricultural and industrial zones; and
- f) no *Fence* shall use razor wire.

5.5.7 *Fences* for *Outdoor Recreational Services* shall not be limited in *Height* provided such *Fences* are constructed of material that permits visibility such as wire mesh.

¹²⁷ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹²⁸ Amendment Bylaw No. 2022-009 (April 25, 2022)

6 Parking & Loading Regulations

6.1 Vehicle Parking and Loading Provisions

6.11 When any new *Development* is commenced or when any existing *Development* is enlarged, or *Use* changed, vehicle parking and loading spaces shall be provided and maintained by the property owner for parking and loading in accordance with the standards of this section.

For properties having or proposing direct access to Highway #97, additional vehicle parking and loading spaces may be required in accordance with the Ministry of Transportation and Infrastructure standards.

6.12 Where the calculation of the total number of vehicle parking and loading spaces results in a fractional number, the next highest whole number shall be required where such calculation results in a fraction of 0.5 or greater. In no case shall the vehicle parking and loading space provisions be less than 1 space.

6.13 Where a particular *Development* is not specifically identified in terms of its vehicle parking and loading requirements, the *Use* class or combination of *Use* classes most representative of the proposed *Development* shall be used to determine the on-site vehicle parking and loading requirements.

6.14 The minimum number of all off-*Street* vehicle parking and loading spaces shall be in accordance with the Parking & Loading Schedule (Table 6.1) of this Bylaw. Visitor *Parking Spaces* shall be clearly designated as “Visitor Parking”.

6.15 Notwithstanding Section 6.1.1, no additional parking shall be required in the case of a change of commercial *Use* in an existing *Building* within the Central Business (CB1) zone and Downtown Commercial designated areas of the OCP, as long as there is no net increase in the amount of commercial floor area¹²⁹.

Table 6.1: Parking & Loading Schedule^{130 131 132}

| Category of Use | Required Vehicle Parking Spaces | Required Loading Spaces |
|--|--|-------------------------|
| <i>Agriculture, General or Intensive</i> | 5 per 100m ² of <i>Gross Floor Area</i> for any packaging, processing or retail sales <i>Buildings</i> including produce stands | NIL |

¹²⁹ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹³⁰ Amendment Bylaw No. 2021-048 (February 28, 2022)

¹³¹ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹³² Amendment Bylaw No. 2022-023 (August 22, 2022)

| Category of Use | Required Vehicle Parking Spaces | Required Loading Spaces |
|---|---|--|
| <i>Animal Shelters</i> | 2 per 100m ² of <i>Gross Floor Area</i> , minimum of 4 | NIL |
| <i>Amusement Establishments</i> <i>Art Gallery & Museum</i> <i>Libraries</i> | 1 per 40m ² of <i>Gross Floor Area</i> | NIL |
| <i>Auctioneering Establishments</i> | 5 per 100m ² of <i>Gross Floor Area</i> | 1 |
| <i>Autobody Repair Shops</i> | 2 per service bay | NIL |
| <i>Automobile Sales & Rentals</i> <i>Automotive & Equipment Repair Shops</i> <i>Equipment Rental</i> <i>Farm Equipment, Supplies, and Sales</i> <i>Concrete & Asphalt Plants</i> <i>Recreational Vehicle Sales</i> | 2.5 per 100m ² of <i>Gross Floor Area</i> | 1 per 1,500m ² of <i>Gross Floor Area</i> |
| <i>Natural Resource Extraction</i> <i>Recycle Drop-Off Centres</i> <i>Storage Yards</i> <i>Wrecking Yards</i> | 2 per <i>Business</i> occupant | NIL |
| <i>Broadcasting Studio</i> | 2.5 per 100m ² of <i>Gross Floor Area</i> | NIL |
| <i>Business Support Services</i> <i>Personal Service</i> <i>Establishments</i> | 2.5 per 100m ² of <i>Gross Floor Area</i> | NIL |
| <i>Cannery & Packing House</i> <i>Commercial</i> <i>Storage Sawmills</i> <i>Bulk Fuel Depots</i> <i>Warehouse Sales Establishments</i> <i>Wineries & Cideries</i> | 0.5 per 100m ² of <i>Gross Floor Area</i> | 1 per 1,500m ² of <i>Gross Floor Area</i> |
| <i>Recycling Depots</i> | | |

| Category of Use | Required Vehicle Parking Spaces | Required Loading Spaces |
|---|--|-------------------------|
| <i>Child Care Centre, Major</i> | 2 per 10 children, minimum of 4 spaces | NIL |
| <i>Place of Worship</i> | A minimum of one (1) <i>Parking Space</i> for every 10 seats or 6.0 linear meters of pew or bench, or per 20m ² of floor space used for assembly purposes, whichever is greater. | 1 |
| <i>Community Recreational Services Recreational Services, Indoor Clubs Theatres</i> | 2.5 per 100m ² of <i>Gross Floor Area</i> of assembly <i>Use space</i> | 1 |
| <i>Contractor Services, General or Limited</i> | 2 per 100m ² of <i>Gross Floor Area</i> | NIL |
| <i>Convenience Stores Gas Bars Service Stations Car Washes</i> | 2.5 per 100m ² of <i>Gross Floor Area</i> and 3 per service bay | NIL |
| <i>Eating & Drinking Establishments other than within the CB1 and CB2 zones</i> | 1 per 4 seats. Unenclosed outdoor seating used on a seasonal basis is exempt from parking provided that the outdoor seating is not greater than 50 percent of the total number of approved indoor seats. | NIL |

| Category of Use | Required Vehicle Parking Spaces | Required Loading Spaces |
|--|--|--|
| <i>Education Service, Private or Public</i> | 2 per elementary or intermediate classroom; 4 per secondary classroom; 10 per college, commercial school or other post secondary classroom | NIL |
| <i>Financial Services Health Services</i> | 2.5 per 100m ² of <i>Gross Floor Area</i> | NIL |
| <i>Fleet Services</i> | 2 per 100m ² of <i>Gross Floor Area</i> ; minimum of 3 | NIL |
| <i>Funeral Homes</i> | 6.0 per 100m ² of <i>Gross Floor Area</i> for chapel, plus 2.5 per 100m ² of <i>Gross Floor Area</i> | 1 |
| <i>General Industrial Uses</i> | 1 per 200m ² of <i>Gross Floor Area</i> | 1 per 1,500m ² of <i>Gross Floor Area</i> |
| <i>Greenhouses and Plant Nurseries</i> | 1 per 1,500m ² of <i>Gross Floor Area</i> | NIL |
| <i>Group Homes, Major or Minor</i> | 1 per 2 persons licensed occupancy | NIL |
| Hospital | 1 per 4 beds | 1 |
| <i>Hotel</i> | 1 per 2 sleeping units | 1 |
| <i>Housing – Multi-Unit Housing, Duplex, Townhouse, Apartment</i> ¹³³ | 1 per studio-Dwelling unit ¹³⁴ ; 1.25 per 1-Bedroom-Dwelling; 1.5 per 2-Bedroom-Dwelling; 2 per 3 or more Bedroom Dwelling For Apartments only, 1 | NIL |

¹³³ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹³⁴ Amendment Bylaw No. 2024-011 (June XX, 2024)

| Category of Use | Required Vehicle Parking Spaces | Required Loading Spaces |
|---|---|---|
| <i>Housing- Single Detached, Duplex or Manufactured</i> | 2 per Dwelling unit | NIL |
| <i>Housing - Dwelling Units, Apartments located in the Central Business CB1 zone</i> | 1 per Dwelling unit ¹³⁵ | NIL |
| <i>Housing - Temporary Accommodation for Farm Help</i> | 1 per 3 sleeping units | NIL |
| <i>Housing - Secondary Suites, Carriage Houses, Live-Work Unit</i> | 1 per Dwelling unit | NIL |
| <i>Marinas</i> | 1 per 2 boat spaces | NIL |
| <i>Motel</i> | 1 per sleeping unit | NIL |
| <i>Offices, Research Centre and Laboratories, High Technology Research and Product Design</i> | 2.5 per 100m ² of Gross Floor Area | 1 per 1,500m ² of Gross Floor Area |
| <i>Recreational Services, Outdoor</i> | 1 per golf hole, 0.25 per participant, or 6 per hectare Lot Area, whichever is greater; | NIL |
| <i>Retail Stores, General Shopping Centres Fruit Stands</i> | 2.5 per 100m ² Gross Floor Area | 1 per 1,500m ² Gross Floor Area |
| <i>Short-Term Rental¹³⁶</i> | 1 stall in addition to parking requirements for dwellings | NIL |

Commented [BD20]: Multi-Unit, Duplex, Townhousing and Apartment Housing all moving to one parking stall per residential unit (Provincial recommendation from the policy standards manual). Apartment Housing to continue to include additional visitor parking calculation

Commented [BD21]: Policy recommendation from planning staff - to reduce parking minimums within the Downtown core to encourage new residential growth. Parking should be determined by project location, site characteristics, and demand for parking. District is seeing an increase in the number of parking variances requested in the Downtown core for new mixed-use and residential projects. As well, in the CB1 zone - 0 lot line setbacks mean limited ability for surface parking. Maintain the cash-in-lieu parking payment for commercial parking uses only.

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¹³⁵ Amendment Bylaw No. 2024-011 (June XX, 2024)

¹³⁶ Amendment Bylaw No. 2021-048 (February 28, 2022)

| | | |
|--|--|-----|
| Downtown Town Centre -Non-residential Uses (CB1 zones and Downtown Commercial in OCP) | 2 per 100m ² Gross Floor Area | NIL |
|--|--|-----|

6.2 Designated Parking Spaces

- 6.2.1 Parking areas shall designate *Parking Spaces* as parking for persons with disabilities as required by the British Columbia Building Code;
- 6.2.2 Where *Parking Spaces* are designated for the *Use* of motorcycles or scooters, such designated motorcycle/scooter *Parking Spaces* shall:
- (a) have a minimum width of 1.4m and a minimum clear length of 2.4m;
 - (b) be marked with both a vertical sign of at least 300mm wide x 450mm high and be centre mounted 1.5m to 2.5m above the surface of the parking area, and have a sign painted on the surface of the parking area, and each sign shall be the sign approved by the Transportation Association of Canada or be approved by the *District*;
 - (c) each be counted as the provision of 0.5 required vehicle *Parking Spaces*, to a maximum of 15 percent of required *Parking Spaces*.
- 6.2.3 A minimum of 10 percent of the *Parking Spaces* required according to the *Use* categories *Townhouse Housing* and *Apartment Housing* on Table 6.1, excluding visitor *Parking Spaces*, shall include receptacles to accommodate *Use* by electric vehicle charging equipment.

6.3 Shared ~~and Off Site~~ Parking

- 6.3.1 Where a *Development Site* is occupied by multiple *Uses*, the off-*Street* vehicle *Parking Space* requirements of this Bylaw may be reduced according to the results obtained through the application of the ~~Shared Parking Schedule (Table 6.2), by~~ following the steps below:
- (a) Determine the off-*Street* vehicle parking requirements for each *Use* separately, based on the requirements of Table 6.1;
 - (b) ~~Complete a technical analysis of occupancy periods for each *Use*, from a traffic engineering professional.~~
 - (c) ~~Calculate the new peak and off-peak off-*Street* vehicle Parking demand for the *Development Site*.~~
 - (d) ~~Submit technical report to the District of Summerland with the total combined shared vehicle parking required for the *Development Site*.~~
 - (e) ~~In all cases, the District retains the right to received a third party technical review of~~

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- the analysis completed to determine the shared parking requirement.¹³⁷
- (b) Apply the off-Street vehicle parking requirements for each Use obtained in the previous step to the corresponding percentages set out in each of the occupancy periods in the Shared Parking Schedule (Table 6.2);
 - (c) Add the resulting reduced parking requirements by occupancy period column, for each column;
 - (d) The highest occupancy period column total represents the off-Street shared vehicle parking requirement

Table 6.2: Shared Parking Schedule

| Classes of Use | Occupancy Period | | | | | |
|---------------------------------|------------------|-------------|------------|------------|-------------|------------|
| | Weekday | | | Weekend | | |
| | 8:00-17:00 | 18:00-24:00 | 24:00-6:00 | 8:00-17:00 | 18:00-24:00 | 24:00-6:00 |
| Residential | 60% | 100% | 100% | 80% | 100% | 100% |
| Office / Warehouse / Industrial | 100% | 20% | 5% | 5% | 5% | 5% |
| Other Commercial | 90% | 80% | 5% | 100% | 70% | 5% |
| Hotel | 70% | 100% | 100% | 70% | 100% | 100% |
| Food primary establishment | 70% | 100% | 10% | 70% | 100% | 20% |
| Theatre | 40% | 80% | 10% | 80% | 100% | 10% |
| Entertainment | 40% | 100% | 10% | 80% | 100% | 50% |
| Conference / convention | 100% | 100% | 5% | 100% | 100% | 5% |
| Institutional | 100% | 20% | 5% | 10% | 10% | 5% |
| Religious | 10% | 5% | 5% | 100% | 50% | 5% |

Commented [BD22]: Shared Parking table has limited uptake and are confusing for staff to interpret. Staff are also not monitoring or enforcing business hours to ensure businesses are being consistent with what is applied for. Prefer to just ensure each business has sufficient parking for each proposed use as per parking requirements in Table 6.1

6.3.2 Where an arrangement for shared parking is or has been calculated in accordance with Section 6.3.1:

- (a) No Business license shall be issued to authorize a Use of the Lot unless the new Use continues to comply with Section 6.3.1; and
- (b) Shared off-Street vehicle Parking Spaces shall not be reserved for the Use of any specific owner, customer, or visitor of the Uses sharing the Parking Spaces.

6.4 Fee in Lieu of Parking

6.4.1 In the CB1 – Central Business Zone and the CT – Commercial Tourist Zone described in

¹³⁷ Amendment Bylaw No. 2024-011 (June XX, 2024)

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Column 1 of Table 3.1, the on-site vehicle *Parking Space* requirements of this Bylaw, ~~for commercial uses, other than for Dwellings,~~ may be met by payment to the District of Summerland of \$13,000 per required off-Street Parking Space pursuant to Parking Reserve Fund Establishment Bylaw 96-037.

~~6.4.1~~

~~6.4.1 Each required *Parking Space* provided through payment in lieu of off-Street provision counts as the provision of 1.5 required off-Street Parking Spaces. deleted¹³⁸~~

Commented [BD23]: Council direction to increase the cash-in-lieu of parking amount to be more reflective of cost of providing parking. \$13,000 is mid-range of Okanagan comparables and is equal to the City of Penticton's cash-in-lieu amount. Given that Residential requirements is NIL in CB1 - specific to only commercial uses.

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Commented [BD24]: This section was considered a further subsidy to the cash-in-lieu amount required as it could count per 1.5 stalls, as opposed to a per stall basis.

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6.5 Vehicle Parking Space Design Standards

6.5.1 ~~deleted¹³⁹~~

6.5.2 Unless otherwise permitted in Section 6 of this Bylaw, each vehicle *Parking Space* shall have a minimum width of 2.6m and a minimum clear length of 5.5m exclusive of access driveways or aisles, ramps and columns. For parallel parking, the length of the *Parking Space* shall be increased to 7.0m, except that an unobstructed end *Parking Space* shall be a minimum length of 5.5m.

6.5.3 All access driveways and aisles shall be a minimum of 7.2m wide for 90 degree parking, 5.5m wide for 60 degree parking, 4.0m wide for 45 degree parking and 4.0m wide for 30 degree parking. Where the parking angle is less than 90 degrees, the access driveways or aisles shall be demarcated as one-way.

6.5.4 Parking areas containing four or more vehicle *Parking Spaces* may designate up to 25 percent of the total vehicle *Parking Spaces* as small car parking. The small car *Parking Spaces* shall have a minimum width of 2.5m and a minimum clear length of 4.9m and be clearly designated as "Small Car Parking".

6.5.5 Vehicle *Parking Spaces* may be configured in tandem for *Single Detached Housing*, ~~*Multi-Unit*~~, and *Duplex Housing*. Tandem configured *Parking Spaces* are permitted for all *Developments* in the CB1 - Central Business Zones provided access to the *Parking Spaces* is from a public lane.

Commented [BD25]: Tandem allowed for Multi-Unit housing

6.5.6 All parking areas containing more than five vehicle *Parking Spaces*, shall install curbs or wheel stops to prevent vehicles from overhanging the *Property Lines*, landscaped areas or walking corridors.

6.5.7 Except for *Single Detached Housing*, ~~*Multi-Unit Housing*, *Townhousing*~~, or *Duplex Housing*, the parking layout shall contain adequate provisions to ensure that manoeuvre movements into and out of *Parking Spaces* is carried out on-site.

Commented [BD26]: It would be unfeasible to allow for multi-unit housing, or townhousing on existing urban residential lots and requiring turn-around areas on-site. It should be expected that parking stalls can be accessed directly off the road/lane for these forms of housing.

6.5.8 Every vehicle parking area shall be graded in a manner so as to contain and dispose of all

¹³⁸ Amendment Bylaw No. 2024-011 (June XX, 2024)

¹³⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

surface water on-site as approved by the District's Building Inspector. If on-site disposal is not possible, then all surface water must drain to a *District* storm sewer system or other approved drainage facility.

6.5.9 All parking areas serving *Apartment Housing*, ~~*Townhouse Housing*~~, ~~*Cluster Housing*~~, mixed-Use, or non-residential Developments shall:

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- (a) be surfaced with a permanent hard surface of asphalt; concrete; permeable/porous pavement, such as open-jointed pavers, turf/gravel grids or porous concrete/ asphalt; interlocking paving stones, or similar hard surface treatment so as to provide a surface that is durable and dust-free for the purpose intended;
- (b) be designed with a minimum of one designated pedestrian path from each *Abutting Street* to the primary entrance(s) to such *Buildings*. Pedestrian access shall be distinct from the vehicle access, visibly delineated, and designed to be safe and convenient. Specifically, internal pedestrian *Walkways* shall be distinguished from driving surfaces through the use of raised sidewalks, special pavers, bricks, or scored/stamped coloured concrete or other approved hardscape material;
- (c) provide and maintain internal shade trees at a minimum ratio of one tree planted for every five *Parking Spaces* supplied, ensuring that no *Parking Space* is more than 30m from a tree; and
- (d) incorporate and maintain landscaped areas within the *Parking Lot*, including islands at each end of every parking row measuring at least 3.55m by 5.5m. Parking rows may not be longer than 20 *Parking Spaces*.

6.6 Vehicle Parking Space Location and Access Standards

- 6.6.1 All access points to a parking area from a public *Highway* shall be in accordance with the Summerland Driveway Access Bylaw. Where alternative access to a lane or *Flanking Street* is available, access may be denied to a collector roadway or other public *Highway* at the discretion of the Director of Works & Utilities.
- 6.6.2 For all parking areas containing more than 20 parking stalls, no entrance to an individual *Parking Space* shall be permitted within 6.0m of the driving lane of the *Highway* used for access purposes.
- 6.6.3 For all *Uses* except for *Single Detached Housing*, *Duplex Housing*, or parking areas located within CB1- Central Business Zone, or the CB2 –Shopping Centre Zone, no off-*Street* vehicle *Parking Spaces* shall be located closer than 3.0m to the *Front Property Line*, no closer than 1.6m to the *Interior Side Property Line* or *Rear Property Line* or closer than 3.0m of any *Exterior Side Property Line*.
- 6.6.4 All required off-*Street* vehicle *Parking Spaces* shall be located on the *Development Site* requiring the vehicle *Parking Spaces*, except as provided for in [Section 6.3](#) and [Section 6.4](#) of this Bylaw.

6.7 Loading Space Standards

- 6.7.1 Each off-*Street* loading space shall not be less than 28.0m² in area, less than 3.0m in width, or have less than 4.0m in overhead clearance.
- 6.7.2 All off-*Street* loading spaces in all Commercial Zones and Site Specific CD - Comprehensive Development Zones described in column 1 of Table 3.1, unless otherwise noted, shall be surfaced with a permanent hard surface of asphalt; concrete; permeable/porous pavement, such as open-jointed pavers, turf/gravel grids or porous concrete/asphalt; interlocking paving stones, or similar hard surface treatment so as to provide a surface that is durable and dust-free for the purpose intended, and delineated with pavement markings or signage as a "Loading Zone".
- 6.7.3 All off-*Street* loading spaces shall be graded in a manner so as to contain and dispose of all surface water on-site as approved by the District's Building Inspector. If on-site disposal is not possible, then all surface water must drain to a *District* storm sewer system or other approved drainage facility.
- 6.7.4 All off-*Street* loading spaces shall conform to Section 5: Landscape & Screening Regulations of this Bylaw.
- 6.7.5 All required off-*Street* loading spaces shall be located on the *Development Site* requiring the loading spaces.

6.8 Loading Space Location Standards

- 6.8.1 Access to off-*Street* loading spaces shall be provided, wherever possible, internally to the *Development* or from a lane *Abutting* the *Development*. Backing up movements of vehicles into off-*Street* loading spaces from *Abutting Highways* shall be avoided.

6.9 Lighting

- 6.9.1 Any outdoor lighting shall be located and arranged in such a manner that no direct ray of light is directed at *Abutting* or *Adjacent Lots*, upwards, or interferes with the effectiveness of any traffic control device.

6.10 Bicycle Parking Space Standards

- 6.10.1 Bicycle parking shall be provided as indicated in the Bicycle Parking Schedule (Table 6.3):

Table 6.3: Bicycle Parking Schedule

| Uses | Requirements |
|------|--------------|
|------|--------------|

| | |
|--|--|
| Apartment and/or Townhouse <i>Dwelling</i> | 2 'Class A' spaces per <i>Dwelling</i> unit Minimum of 6 'Class B' spaces for any <i>Development</i> with ten or more <i>Dwelling</i> units |
| All other non-residential <i>Uses</i> | 1 'Class A' space per 500m ² <i>Gross Floor Area</i> Minimum of 6 'Class B' spaces for any <i>Development</i> with a <i>Gross Floor Area</i> of 1,000m ² or greater |

6.10.2 Bicycle parking facilities shall meet the following requirements:

- (a) All bicycle parking shall include a rack or *Structure* securely anchored to the ground which shall support the bicycle frame above the centre of gravity and shall enable the bicycle frame and front wheel to be locked to the rack with a U-style bicycle lock.
- (b) *Class A Bicycle Parking* shall be provided inside a secure room or enclosure accessible only with a separate lock and key or programmed entry system and available only to users whose bicycles are stored in the room or enclosure.
- (c) *Class B Bicycle Parking*, space, racks or *Structures* shall be provided in a convenient, well-lit location that provides visual surveillance by occupants of the *Building* the racks are intended to serve.

6.10.3 The owner or occupier of land in commercial zones for which 'Class B' Bicycle Parking Spaces are required, rather than provide the required spaces on site or off site, may contribute to the District a sum of \$200 per required bicycle space.

7 Specific Use Regulations

7.1 Application

7.1.1 The specific *Use* regulations shall apply to all *Development* in the District of Summerland. Where these regulations may be in conflict with any specific regulations of an individual zone or [Section 4](#) of this Bylaw, the special *Use* regulations shall take precedence.

7.2 Short-Term Rental¹⁴⁰

7.2.1 Every *Short-Term Rental* use shall comply with the following regulations:

- (a) only one (1) *Dwelling* on a Lot ~~or a Strata Unit~~ may be used or occupied for *Short-Term Rentals* in any calendar year.
- (b) a *Short-Term Rental* use is only permitted on a Lot ~~or a Strata Unit~~ with a *Primary Residence*.
- (c) a *Short-Term Rental* use is only permitted in the following types of dwellings: a *Single Detached Dwelling*, ~~*Duplex Housing*, *Multi-Unit Housing*~~, *Secondary Suite*, *Carriage House*, *Manufactured Housing – Type 1*, or *Manufactured Housing – Type 2*.
- (d) a *Short-Term Rental* shall be either the rental of sleeping units that are part of a *Primary Residence* in which common areas are shared with the primary resident, or the rental of an entire *dwelling unit*; ~~that is not a *Primary Residence*~~;
- (e) the *Short-Term Rental* shall be operated by a person residing in and occupying the *Primary Residence* on the lot. For clarity, the *Primary Residence* may be within a principal or accessory dwelling.
- (f) ~~Notwithstanding Section 7.2.1(e), for the short term rental of an entire dwelling unit that is not a *Primary Residence*, a *Short-Term Rental* may be operated by a licenced property management company provided the *Short-Term Rental* use complies with all other provisions of this bylaw; deleted¹⁴¹~~
- (g) no more than four (4) *Bedrooms* in a *Dwelling* shall be used for *Short-Term Rentals*;
- (h) the maximum number of *Short-Term Rental* guests shall be eight (8); and
- (i) a *Bedroom* that includes a *Kitchen* must not be used for *Short-Term Rentals*.

7.3 Secondary Suites¹⁴²

7.3.1 *Secondary Suites*, where permitted in this Bylaw as an *Accessory Use*, shall comply with the following regulations:

- (a) *Secondary Suites* shall form a single real estate entity with the principal

Commented [BD27]: Opening up short term rentals to duplex, multi-unit housing, and townhousing has allowed for a short term rental consideration in strata-tenure situations that still comply with principal residency requirements.

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Commented [BD28]: Given that these two uses will be permitted in all single family areas, recommend allowing one of the units to be considered for Short Term Rental if there is a principal resident on site.

Commented [BD29]: This is removed to reflect that a short term rental could be either the entire dwelling unit of the principal residence or not, as per regulations of Bill 35

Commented [BD30]: Bill 35 now requires that a short term rental be operated by the principal resident. Although the District's zoning bylaw doesn't have to conform with Bill 35, ideally the zoning bylaw should be consistent with provincial regulation to provide clarity to STR operators requiring a business licence. For this reason, staff recommend deleting Section 7.2.1.f to remove option to have a third party property management company that is not the principal resident.

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¹⁴⁰ Amendment Bylaw No. 2021-048 (February 28, 2022)

¹⁴¹ Amendment Bylaw No. 2024-011 (June XX, 2024)

¹⁴² Amendment Bylaw No. 2017-032 (November 27, 2017)

single-unit Dwelling;

(b) ~~Secondary Suites shall be limited to one such Use within a principal Dwelling and be lesser than or equal to the Gross Floor Area of the principal Dwelling, to a maximum of 90.0m² or 40 percent of the Gross Floor Area of the Dwelling, whichever is less;~~

~~(b)(c) deleted¹⁴³~~

(c) ~~Secondary Suites are not permitted on a Lot where a Carriage House is located.~~

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Commented [BD31]: Secondary Suite maximum of 90 sq m removed. Most zones will now allow for either multi-unit or duplex housing, which the intent of 90 sq m was restricting conversion to duplex forms. Because secondary suite still accessory to main building, should still be less than or equal to total size of principal dwelling.

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Commented [BD32]: Cannot restrict only one of carriage house or suite on a property, as Bill 44 requires permission of up to four units. So can put carriage houses and a suite on same parcel if all other requirements are met (site coverage/parking). For rural parcels, allowance of carriage house and secondary suite on same parcel is permitted by both the ALC and short term rental accommodation act (Bill 35). Large parcels should have enough room to accommodate both

7.3.2 Parking for Secondary Suites shall be in conformance with [Section 6: Parking & Loading Regulations](#) of this Bylaw.

7.4 Carriage Houses (Secondary Dwelling within an Accessory Building)

7.4.1 Carriage Houses, where permitted in this Bylaw as an Accessory Use, shall comply with the following regulations¹⁴⁴:

(a) A Carriage House must comply with all regulations for Accessory Buildings and Structures prescribed in this Bylaw; except for that which is provided for in this section. Should a conflict arise, the regulations in this section shall take precedence¹⁴⁵.

(b) A Carriage House shall only be considered an Accessory Use to the Single Detached Housing, ~~Multi-Unit Housing, Duplex Housing, Manufactured Housing -Type 1, or Manufactured Housing – Type 2 Use~~¹⁴⁶.

(c) ~~A Carriage House is not permitted on a Lot where a Secondary Suite is located; deleted~~¹⁴⁷

(d) All Carriage Houses must be connected to the Municipal water and sanitary sewer systems.

(e) Notwithstanding Section 7.4.1(d) where the Lot is 1.0 hectares or greater in area a Carriage House may be connected to an onsite sanitary sewer system that has been installed in accordance with the Sewerage System Regulation under the Public Health Act.

(f) deleted¹⁴⁸

(g) ~~A Carriage House shall be lesser than or equal to the Gross Floor Area of~~

Commented [BD33]: Bill 44 will allow the use of carriage houses to be added as a secondary dwelling separate from a multi-unit or duplex building on the same parcel. The carriage house would still be accessory to the principal building on-site

Commented [BD34]: Cannot restrict only one of carriage house or suite on a property, as Bill 44 requires permission of up to four units. So can put carriage houses and a suite on same parcel if all other requirements are met (site coverage/parking). For rural parcels, allowance of carriage house and secondary suite on same parcel is permitted by both the ALC and short term rental accommodation act (Bill 35). Large parcels should have enough room to accommodate both

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¹⁴³ Amendment Bylaw No. 2024-011 (June XX, 2024)

¹⁴⁴ Amendment Bylaw No. 2019-001 (February 11, 2019)

¹⁴⁵ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁴⁶ Amendment Bylaw No. 2022-023 (August 22, 2022)

¹⁴⁷ Amendment Bylaw No. 2024-011 (June XX, 2024)

¹⁴⁸ Amendment Bylaw No. 2022-023 (August 22, 2022)

~~the principal Dwelling(s) on the subject property. For lands within the Agricultural Land Reserve, the maximum floor area of a Carriage House shall be 90 m². A Carriage House shall have a maximum floor area of 90m² or 75% of the floor area of the Principal Dwelling, whichever is less,¹⁴⁹~~

- a. A Carriage House shall have a minimum floor area of 11 m².
- b. When calculating maximum floor area of the Carriage House the following shall not be included in the calculation:
 - i. Indoor parking space up to 46m², with direct access to the Dwelling unit;
 - ii. Indoor parking space with no direct access to the Dwelling unit.
 - iii. Interior stairways;
 - iv. Unenclosed Balconies and Decks;
 - v. Floor areas devoted exclusively to mechanical or electrical equipment.

- (h) The maximum Height of a Carriage House shall be¹⁵⁰:
 - ~~a. 4.5 metres; or~~
 - a. 7.5 metres; where located above a detached garage; and
 - ~~b. —~~
 - b. ~~—~~ for Lots less than 1000m², shall not exceed the Height of the principal Dwelling on the Lot.
- (i) The distance between a Principal Dwelling and a Carriage House in any zone shall be a minimum of 3.0 metres.
- (j) An unobstructed pathway at least 1.5 metres wide shall be provided between the front, exterior side, or rear (when abutting a land) property line and the Carriage House.
- (k) ~~A Carriage House cannot be subdivided under the Strata Property Act, deleted¹⁵¹~~

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Commented [BD35]: Council direction at March 19, 2024 meeting to allow Carriage house size to be greater than 90 m2 in urban residential areas, but not be greater than the principal Dwelling

Commented [BD36]: Given that some zones will now allow up to three stories for principal buildings, 4.5 m (one storey) seems overly restrictive. Staff recommend that accessory buildings be limited to two stories or 7.5 m.

Commented [BD37R36]: Propose still to restrict height of carriage houses to be less than principal dwelling

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Commented [BD38]: Given that Multi-Unit and Duplex Housing units can be stratified, no restriction should be in place for a carriage house to be stratified.

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7.5 Marinas, Docks and other Wharfage Facilities Regulations^{152 153}

7.5.1 Marinas, Docks and other Wharfage facilities where permitted in this Bylaw shall comply with the following regulations:

- (a) Only one Structure shall be constructed per upland Lot, except Structures where the upland Front Property Line abuts a public park.

¹⁴⁹ Amendment Bylaw No. 2024-011 (June XX, 2024)

¹⁵⁰ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁵¹ Amendment Bylaw No. 2024-011 (June XX, 2024)

¹⁵² Amendment Bylaw No. 2016-028 (October 24, 2016)

¹⁵³ Amendment Bylaw No. 2022-024 (July 25, 2022)

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- (b) A *Structure* shall not obstruct public access along the Foreshore. In cases where the *Structure* crosses the entire Foreshore at a *Height* greater than 0.3 m, steps shall be provided on both sides of the *Structure* to permit public access over the *Structure*.
- (c) A *Structure* shall have a maximum width of:
 - a) 3.0 m for private moorage
 - b) 5.0 m for private moorage shared by two or more upland property owners (shared dock or group moorage facility), commercial moorage or public moorage
- (d) Notwithstanding 7.5.1(c), no access ramp shall exceed 1.5 m in width.
- (e) A *Dock* may include “L” or “T” extensions provided the parallel extension of the “L” or “T” to the shoreline is the lesser of:
 - a) 9 m; or
 - b) one half the width of the *Front Parcel Line* of the upland *Lot*
- (f) Siting of all *Structures* shall be consistent with the orientation of neighbouring *Marinas, Docks* and *Wharfage Facilities* and avoids impacts on access to existing *Marinas, Docks* and *Wharfage Facilities* and adjacent properties.
- (g) All *Structures* shall be separated a minimum distance of 10 m.
- (h) No roof or overhead covering shall be constructed over a *Boat lift* or *Dock*.
- (i) Only one (1) mooring buoy is permitted per 10 m of the upland *Front Property Line*, to a maximum of 3 mooring buoys per upland *Lot*.
- (j) Temporary *moorage* shall be no longer than 72 hours of continuous moorage without a minimum of 24 hours between periods of temporary *moorage*.

7.5.2 Non-moorage *Uses* such as beach houses, boat houses, storage sheds, *Patios*, sundecks, hot tubs, gazebos, landscape features or *Fencing* shall not be permitted beyond the *Natural Boundary* of the upland property boundary as defined by legal survey which includes placement on the *Structure* itself.

7.6 Home Occupations

7.6.1 *Home Occupations* within the *District* shall be divided into the following categories:

- (a) *Home Occupation* - Type 1;
- (b) *Home Occupation* - Type 2; and
- (c) *Home Occupation* - Type 3.

7.6.2 All *Home Occupation* categories, where permitted in this Bylaw as an *Accessory Use*, shall comply with the following regulations:

- (a) the *Home Occupation* shall not change the principal character or external appearance of the *Dwelling* or its *Accessory Buildings* (where permitted);
- (b) the *Home Occupation* shall have no external indication that the *Dwelling* or its *Accessory Buildings* (where permitted) are used for a purpose other than its *Principal Use*, except for signage which is regulated under the *District's Signage Bylaw 2000-451*;
- (c) the *Home Occupation* shall have no external storage or display of materials, equipment, or finished products;
- (d) the *Home Occupation* shall not create, at anytime, a nuisance from noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance;
- (e) the *Home Occupation* shall not generate vehicle traffic or parking needs in excess of that permitted for and customary to the *Principal Use* of the property;
- (f) all parking for the *Home Occupation* must be provided within the site on which the *Home Occupation* is located; and
- (g) all *Home Occupations* must be licensed in accordance with the *District's Business Licensing Bylaw*.

7.6.3 Home Occupation - Type 1

- (a) In addition to the regulations outlined in Section 7.6.2 of this Bylaw, *Home Occupations* -Type 1 must comply with the following:
 - (i) the *Home Occupation* - Type 1 shall be conducted within the interior of the *Dwelling* and be confined to the *Use* of a phone and the keeping of records. The *Use* of *Accessory Buildings* for any portion of the *Business* is prohibited;
 - (ii) only residents of the *Dwelling* shall be engaged in the *Home Occupation* - Type 1;
 - (iii) the *Home Occupation* - Type 1 shall not generate any clients to the *Dwelling*;
 - (iv) the *Home Occupation* - Type 1 is restricted to no more than 25 percent of the floor area of the *Dwelling* up to a maximum area of 20.0m²;
 - (v) the *Home Occupation* - Type 1 shall not include any goods displayed, stored or sold from the *Dwelling*;
 - (vi) the *Home Occupation* - Type 1 shall not include a commercial vehicle larger than 5,600 kg gross vehicle weight parked on or about the site where the *Business* is licensed to operate; and

- (vii) the signage for *Home Occupation* – Type 1 shall be in conformance with the District of Summerland Signage Bylaw 2000-451.

7.6.4 Home Occupation - Type 2

- (a) In addition to the regulations outlined in [Section 7.6.2](#) of this Bylaw, *Home Occupations* - Type 2 must comply with the following:
 - (i) the *Home Occupation* - Type 2 shall be conducted within the interior of the *Dwelling* and/or one *Accessory Building*;
 - (ii) only one person other than residents of the *Dwelling* shall be engaged in the *Home Occupation* - Type 2;
 - (iii) the *Home Occupation* - Type 2 is restricted to no more than 25 percent of the floor area of the *Dwelling* or *Accessory Building* up to a maximum combined area of 50.0m²;
 - (iv) a *Home Occupation* - Type 2 shall not include any retail sales from the property other than those goods constituting the finished product of the *Business*. Meat cutting and wrapping operations shall be restricted to properties having a minimum *Lot Area* of 0.40 hectares;
 - (v) a *Home Occupation* - Type 2 shall not include a commercial vehicle larger than 5,600 kg gross vehicle weight parked on or about the site where the *Business* is licensed to operate;
 - (vi) the *Home Occupation* - Type 2 shall not generate more than two clients at any given time to the site where the *Business* is licensed to operate; and
 - (vii) the signage for *Home Occupation* - Type 2 shall be in conformance with the District of Summerland Signage Bylaw 2000-451.

7.6.5 Home Occupation - Type 3

- (a) In addition to the regulations outlined in [Section 7.6.2](#) of this Bylaw, *Home Occupations* - type 3 must comply with the following:
 - (i) the *Home Occupation* - Type 3 shall be conducted within the interior of the *Dwelling* and/or one *Accessory Building* on a *Lot* having a minimum *Lot* size of 0.8 ha;
 - (ii) no more than two persons other than the residents of the principal *Dwelling* shall be engaged in the *Home Occupation* - Type 3;
 - (iii) the *Home Occupation* - Type 3 is restricted to a maximum floor area of the *Dwelling* and/or the *Accessory Building* of 100m²;
 - (iv) a *Home Occupation* - Type 3 shall not include any retail sales

from the property other than those goods constituting the finished product of the *Business*;

- (v) the *Home Occupation - Type 3* shall not affect the *Use* of the land for agricultural purposes for properties located in the *Agricultural Land Reserve*; and
- (vi) the signage for *Home Occupation – Type 3* shall be in accordance with the District of Summerland Signage Bylaw 2000-451.

7.7 Child Care Centres, Minor and Major

7.7.1 *Child Care Centres*, where permitted in this Bylaw, shall comply with the following regulations:

- (a) the centre has successfully completed a fire and safety inspection relative to the requirements of the [BC Building Code](#);
- (b) the centre meets the regulations of the Ministry of Health for on-site waste water disposal in cases where connection to the community's sanitary sewer is not possible;
- (c) the centre is licensed in accordance with the *District's* Business License Bylaw as well as with the applicable provincial ministry; and
- (d) For *Child Care Centres, Major* only, the centre can provide an on-site drop off area which would avoid the Use of the Abutting Highway right-of-way for picking up and dropping off children¹⁵⁴.

7.7.2 Parking for *Child Care Centres* shall be in conformance with [Section 6: Parking & Loading Regulations](#) of this Bylaw.

7.8 Group Homes, Minor

7.8.1 *Group Homes, Minor*, where permitted in this Bylaw as an *Accessory Use*, shall comply with the following regulations:

- (a) the *Group Home, Minor* shall be operated by a live-in manager of the sponsoring agency or live-in owner of the *Single Detached Dwelling*;
- (b) the principal residential character or external appearance of the *Dwelling* must not be altered;
- (c) the *Group Home - Minor* is not operated in conjunction with an approved *Short-Term Rental*¹⁵⁵, a *Secondary Suite*, a *Carriage House* or an approved *Child Care Centre*;

¹⁵⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁵⁵ Amendment Bylaw No. 2021-048 (February 28, 2022)

- (d) the *Group Home - Minor* meets the regulations of the Ministry of Health for on-site waste water disposal in cases where connection to the community's sanitary sewer is not possible; and
- (e) the *Group Home - Minor* is licensed in accordance with the *District's* Business License Bylaw as well as with the applicable provincial ministry.

782 Parking for *Group Homes - Minor* shall be in conformance with [Section 6: Parking & Loading Regulations](#) of this Bylaw.

7.9 Service Stations and Gas Bars

7.9.1 All *Service Stations, Gas Bars* and fuel distribution facilities shall meet the following requirements:

- (a) the placement and maintenance of fuel storage tanks exceeding 10 litres is permitted only within industrial zones or within a zone which permits *Service Stations* or *Gas Bars* as a permitted *Use*, except where the tank is used strictly for on-site purposes;
- (b) all fuel distribution pumps or devices shall be located a minimum of 3.5m from any *Property Line*;
- (c) *Canopies* over gasoline pumps and pump islands shall be located a minimum of 2.0m from any *Property Line*;
- (d) outside merchandise display booths shall be located a minimum of 5.0m from any *Property Line Abutting a Highway*;
- (e) all servicing equipment, other than that normally situated on a pump island, shall be entirely enclosed within a *Building*;
- (f) all tires, automobile accessories and related goods shall be located on pump islands or contained within a booth, rack or stand;
- (g) a maximum of two outdoor merchandise display booths, racks or stands shall be permitted per *Lot* or *Development Site*;
- (h) outdoor storage of machinery, equipment or vehicles in a state of disrepair shall not be permitted; and
- (i) all areas utilized by automobiles for the purpose of gaining access to and from gasoline pumps or service bays of the principal *Structure* shall be *Hard Surfaced*.

7.10 Temporary Use Permit Areas¹⁵⁶

7.10.1 All lands zoned within this Zoning Bylaw are designated as a Temporary Use Permit Area

¹⁵⁶ Amendment Bylaw No. 2014-029 (November 10, 2014)

in accordance with Section 492 of the Local Government Act.¹⁵⁷

7.10.2 ~~deleted~~¹⁵⁸

7.10.3 The *District* may require a security bond and impose performance measures as a condition for the issuance of a Temporary Use Permit.

7.10.4 Upon expiration of a Temporary Use Permit, the *Uses* allowed on the *Lot* shall revert to those outlined under the specific zoning category placed on that *Lot*. The applicant may, prior to the expiration of the Temporary Use Permit, apply for a one time only extension of three years, approval of which is at the discretion of Council.

7.11 Renewable Energy Systems and Infrastructure

7.11.1 There must be an active *Principal Use* on a *Lot* in order to locate a private renewable energy or co-generation device on the *Lot*.

7.11.2 The production of the renewable or co-generation energy as well as any device used to produce the energy must comply with all other Municipal, Provincial and Federal Bylaws, Statutes and Regulations including but not limited to a Building Permit and BC Building Code Regulations.

7.11.3 Solar Energy Devices¹⁵⁹:

In all zones, *Solar Energy Devices* shall be permitted to be attached to principle or accessory buildings, or fixed to the ground, provided that:

- (a) Where mounted on the roof of a building or structure with a roof pitch of 4:12 or greater, *Solar Energy Devices*:
 - (i) shall not extend above the roofline of the building; and
 - (ii) shall not extend beyond the outermost edge of the roof
- (b) Where mounted on the roof of a building or structure with a roof pitch of 4:12 or less, *Solar Energy Devices*:
 - (i) shall not exceed the maximum height of the building by more than 1.5 metres; and
 - (ii) shall not extend beyond the outermost edge of the roof
- (c) Where mounted on, or attached directly to, the ground surface, *Solar Energy Devices*:
 - (i) shall be sited in accordance with setback requirements for accessory buildings; and

¹⁵⁷ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁵⁸ Amendment Bylaw No. 2021-048 (February 28, 2022)

¹⁵⁹ Amendment Bylaw 2018-003 (December 10, 2018)

(ii) shall not exceed the maximum height for accessory buildings.

(d) Where mounted to a wall, *Solar Energy Devices*:

(i) shall adhere to the limitations as described in 4.2.1 (c) of this bylaw under 'Projections into Setbacks'.

7.11.4 Geothermal Energy Devices

- (a) In all zones, all above-ground parts of the geothermal energy devices are subject to the zoning requirements for an *Accessory Building* or *Structure* on a Lot;
- (b) In all zones, the underground geothermal energy components shall be a minimum 3.0m away from all *Property Lines*; and
- (c) Geothermal energy systems requiring access to Okanagan Lake or any other *Watercourses* must obtain authorization from the Province.

7.11.5 Wind Energy Devices

- (a) In all zones, all above-ground parts of the small scale wind energy devices which generate up to 10kw shall be subject to the zoning requirements for an *Accessory Building* or *Structure* on a *Lot*, subject to the following regulations:
 - (i) only one wind energy device is permitted on each *Lot*;
 - (ii) the *Lot* on which a wind energy device is located shall be 2ha or greater in size;
 - (iii) maximum *Height* of a wind energy device (including the blades) shall be 10.5m as measured from the *Finished Grade*; and
 - (iv) a wind energy device tower shall have a minimum separation from any *Dwelling* unit on an *Adjacent Lot* that is a distance equal to 125 percent of the total *Height* of the device (including support *Structure* and blades).
- (b) For industrial, institutional, agricultural and commercial zones that are not *Adjacent* to residential zones, wind energy devices which generate up to 20kw shall be permitted as an *Accessory Use*, subject to the following requirements:
 - (i) only one wind energy device is permitted on each *Lot*;
 - (ii) the *Lot* on which a wind energy device is located shall be 0.2ha or greater in size;
 - (iii) maximum *Height* of a wind energy device (including the blades) shall be 21.0m as measured from the ground; and
 - (iv) a wind energy device tower shall have a minimum separation from any *Dwelling* unit on an *Adjacent Lot* that is a distance equal to 125

percent of the total *Height* of the device (including support *Structure* and blades).

- (c) For industrial, institutional and commercial *Lots Abutting* residential zones, wind energy devices may be installed subject to the requirements and conditions noted above in Section 7.11.5(a).

7.12 Deleted^{160 161}

7.13 Temporary Farm Worker Accommodation^{162 163 164}

7.13.1 *Temporary Farm Worker Accommodation*, where permitted under this Bylaw, shall comply with the following regulations:

- (a) The minimum *Lot Area* shall be 1.0 ha, unless connected to a *District* community sewer system;
- (b) The minimum area of land used for *Agriculture* for the *Farm Unit* shall be 2.0 ha;
- (c) The *Temporary Farm Worker Accommodation* shall be sited in an area within or abutting the *Farm Home Plate*, in an area immediately abutting a *Highway*, or on lands assessed by an agrologist as containing soil conditions not suitable for farming.
- (d) The *Lot* shall be classified as farmland under the Assessment Act;
- (e) The maximum *Gross Floor Area* shall be 186 m²;
- (f) The *Temporary Farm Worker Accommodation* shall not contain a *Basement*; and
- (g) *Kitchen* or cooking facilities shall not be permitted in *Bedrooms*.

7.14 Kennels and Animal Shelters¹⁶⁵

7.14.1 *Commercial Kennels*, including any outdoor runs or exercise areas shall be located a minimum of 300 m from any *Property Line*. A 6.0m wide Buffer Strip including a 1.8m high opaque *Fence* shall be provided around the perimeter of any outdoor runs or exercise area.

7.14.2 To allow for a *Commercial Kennel*, a *Lot* must have a minimum *Lot Area* of 4.0 ha.

7.14.3 An *Animal Shelter, Major or Minor*, including any outdoor runs or exercise areas, shall be

¹⁶⁰ Amendment Bylaw No. 2020-025 (December 24, 2020)

¹⁶¹ Amendment Bylaw No. 2022-023 (August 22, 2022)

¹⁶² Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁶³ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹⁶⁴ Amendment Bylaw No. 2022-023 (August 22, 2022)

¹⁶⁵ Amendment Bylaw No. 2020-025 (December 14, 2020)

located a minimum of 30 m from any *Property Line*.

7.15 Cannabis Production Facilities¹⁶⁶

7.15.1 For the purposes of *Cannabis, Licensed Production*, the designation of farm use under Section 8 of the *Agriculture Land Reserve Use Regulation*, on lands designated as *Agriculture Land Reserve*, shall apply when a *Building or Structure* has a base consisting entirely of soil so that *Building or Structure* shall not have concrete construction, hard surfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except for a system of columns or posts, where:

- (a) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
- (b) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².

7.15.2 When the *Cannabis, Licensed Production* is designated a farm use in accordance with Section 7.15.1, it shall be considered as a permitted use on the subject property.

7.16 Agri-Tourism Accommodation¹⁶⁷:

7.16.1 *Agri-Tourism Accommodation* is only permitted in conjunction with a permitted agri-tourism activity as described in the *Agricultural Land Reserve Use Regulation*, and accessory to the *Principal* use of *Agriculture, General* on a property classified as farm under the Assessment Act.

7.16.2 The maximum parcel coverage for the *Agri-Tourism Accommodation* use is 5% of total parcel area.

7.16.3 For the provision of *Buildings or Structures* for *Agri-Tourism Accommodation* purposes, the following requirements apply:

- (a) The minimum parcel size is 2.0 hectares.
- (b) That the *Agri-Tourism Accommodation Building(s)* be sited as an *Accessory Building(s)* within the *Farm Home Plate*. The *Agri-Tourism Accommodation Building(s)* may be located on lands outside the *Farm Home Plate* that have been assessed by an agrologist as containing soil conditions not suitable for farming.¹⁶⁸

¹⁶⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁶⁷ Amendment Bylaw No. 2021-020 (July 19, 2022)

¹⁶⁸ Amendment Bylaw No. 2024-011 (June XX, 2024)

Commented [BD39]: Sometimes difficult to site a Campground use within the farm home plate. This inclusion would provide flexibility to site the campground use outside the farm home plate only on lands not suitable for agriculture.

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- (c) ~~All Agri-Tourism Accommodation Bedrooms be contained in one Building, deleted~~¹⁶⁹
- (d) The maximum number of *Bedrooms per building* is four (4).
- (e) The maximum number of consecutive days stayed per person is ten (10).
- (f) No *Bedroom* for *Agri-Tourism Accommodation* purposes be larger than ~~320~~¹⁷⁰ m².
- (g) No *Kitchen* is permitted to be included within a *Bedroom*.
- (h) One (1) parking space is required per *Bedroom* for the *Agri-Tourism Accommodation* building, in addition to the parking required for the principal single detached dwelling.

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Commented [BD41]: Recommended change from AAC presentation on April 18, 2024

7.16.4 For the provision of *Campground* stalls for *Agri-Tourism Accommodation* purposes, the following requirements apply:

- (a) The minimum parcel size is 2.0 hectares.
- (b) That the *Campground* use be sited within the *Farm Home Plate*. ~~The *Campground* use may be located on lands outside the *Farm Home Plate* that have been assessed by an agrologist as containing soil conditions not suitable for farming.~~
- (c) That the *Campground* use be sited 10 m from all property lines.
- (d) The maximum number of campground stalls is three (3).
- (e) The maximum number of consecutive days stayed per person is ~~three-ten (103)~~.
- (f) No water and sewer infrastructure be constructed on site for the *Campground* stalls for *Agri-Tourism Accommodation*.
- (g) That the use of *Campground* stalls for *Agri-Tourism Accommodation* purposes be limited to the months of April to October, inclusive, of every year.

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Commented [BD42]: Sometimes difficult to site a *Campground* use within the farm home plate. This inclusion would provide flexibility to site the campground use outside the farm home plate only on lands not suitable for agriculture.

Commented [BD43]: Recommended change from AAC presentation on April 18, 2024

7.17 Amenity Space¹⁷¹

7.17.1 *Amenity Space*, where required in this Bylaw, shall comply with the following regulations:

- (a) The minimum width of an *Amenity Space* area shall be 6.0 m;
- (b) The maximum slope for an *Amenity Space* shall be five percent;
- (c) *Amenity space* shall exclude areas used for off-street parking, off-street loading, driveways, private *Balconies*, private *Decks*, private *Patios* and any areas subject to a Section 19 restrictive use covenant; and
- (d) *Amenity Space* shall include areas for recreational space, landscaping, gardens and/or

¹⁶⁹ Amendment Bylaw No. 2024-011 (June XX, 2024)

¹⁷⁰ Amendment Bylaw No. 2024-011 (June XX, 2024)

¹⁷¹ Amendment Bylaw No. 2022-009 (April 25, 2022)

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leisure activities.

8 Agricultural Zones

8.1 A1 Agricultural Small Acreage Zone

A1

8.1.1 Purpose

To provide a zone to accommodate existing small *Lot Agricultural Uses*. Lands must be designated as Agriculture under the *District's Official Community Plan*.

8.1.2 Principal Uses

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

- (a) *Agriculture, General*;
- (b) *Agriculture, Intensive*;
- (c) *Greenhouses and Plant Nurseries*;
- (d) *Manufactured Housing - Type 1 or 2*; and
- (e) *Single Detached Housing*.

8.1.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures*;
- (b) *Agri-Tourism Accommodation*, subject to [Section 7.16](#)¹⁷²;
- (c) *Animal Shelter, Major* on Lots having a minimum Lot Area of 2.0 ha, subject to [Section 7.14](#)¹⁷³;
- (d) *Carriage House* subject to [Section 7.4](#)^{174 175};
- (e) *Craft Brewery & Distilling*¹⁷⁶;
- (f) *Child Care Centre, Minor*, subject to [Section 7.7](#)¹⁷⁷;
- (g) *Commercial Kennel* on Lots having a minimum Lot Area of 4.0 ha, subject to [Section 7.14](#);
- (h) *Fruit Stand*¹⁷⁸

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¹⁷² Amendment Bylaw No. 2021-020 (July 19, 2021)

¹⁷³ Amendment Bylaw 2000-459 (November 14, 2011)

¹⁷⁴ Amendment Bylaw No. 2021-048 (February 28, 2022)

¹⁷⁵ Amendment Bylaw No. 2022-023 (August 22, 2022)

¹⁷⁶ Amendment Bylaw 2015-024 (November 9, 2015)

¹⁷⁷ Amendment Bylaw 2016-031 (September 12, 2016)

¹⁷⁸ Amendment Bylaw 2020-028 (January 25, 2020)

- (i) **deleted**¹⁷⁹;
- (j) *Home Occupation - Type 1,2 or 3*, subject to [Section 7.6](#);
- (k) *Secondary Suite*, subject to [Section 7.3](#)¹⁸⁰;
- (l) *Short-Term Rental*, subject to [Section 7.2](#),¹⁸¹
- (m) *stable*;
- (n) *Temporary Farm Worker Accommodation*, subject to [Section 7.13](#); and
- (o) *Winery & Cidery*

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8.1.4 Subdivision Regulations

- (a) Minimum *Lot Area* 2.0 ha
- (b) Minimum *Lot Width* 60.0 m
- (c) Notwithstanding 8.1.4 (a) and (b), where the *District Council* has supported and the *Agricultural Land Commission* has granted an application for subdivision to accommodate¹⁸²:
 - (i) a homesite severance in accordance with *Agricultural Land Commission* policy #025/78 as amended from time to time; or
 - (ii) the consolidation of legal *Lots* which does not result in an increase in the total number of *Lots*;
 - (iii) the *Lot Area* shall in no case be less than 1,400 m²;
 - (iv) the Minimum *Lot Width* shall in no case be less than 20.0 m; and

8.1.5 Development Regulations

- (a) Maximum *Farm Home Plate* 905 m²
- (b) **deleted**¹⁸³

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¹⁷⁹ Amendment Bylaw No. 2022-023 (August 22, 2022)

¹⁸⁰ Amendment Bylaw No. 2017-032 (November 27, 2017)

~~¹⁸¹ Amendment Bylaw No. 2021-048 (February 28, 2022)~~

¹⁸² Amendment Bylaw No. 2012-017 (July 23, 2012)

¹⁸³ Amendment Bylaw No. 2022-023 (August 22, 2022)

- (c) **deleted**¹⁸⁴
- (d) Maximum coverage for all *Buildings and Structures* outside the *Farm Home Plate* 10 percent of the *Lot*
- (e) Notwithstanding Section 8.1.5(d) Maximum coverage for all *Buildings and Structures* where a *Lot* is 2.0ha or greater in size on which the *Principal Use* is greenhouses or plant nurseries¹⁸⁵ 65 percent of the *Lot*
- (f) Maximum Height for Principal *Buildings and Structures*¹⁸⁶ The lesser of 9.5 m or 2 *Storeys*
- (g) Maximum Height for *Accessory Building and Structures*¹⁸⁷¹⁸⁸ The lesser of 11 m or 2 *Storeys*
- (h) Maximum *Height* for agricultural *Buildings and Structures* identified in 8.1.6 (b)¹⁸⁹ 12.0 m

8.1.6 Siting Regulations¹⁹⁰

- (a) Principal and *Accessory Buildings and Structures*:
 - (i) Minimum *Front Yard Setback* 7.0 m
 - (ii) Minimum *Rear Yard Setback* 7.0 m
 - (iii) Minimum *Side Yard Setback (Interior)* 4.0 m
 - (iv) Minimum *Side Yard Setback (Exterior)* 4.5 m, except where a garage door faces a *Street*, the minimum *Exterior Side Yard Setback* shall be 6.0 m
- (b) *Greenhouses and Plant Nurseries; Buildings and Structures* housing animals, livestock or poultry; livestock feeding stations; mushrooming growing facilities; *Commercial Kennels; Animal Shelters; Cannabis Production Facilities* and all other *Agriculture, Intensive Uses*:

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¹⁸⁴ Amendment Bylaw No. 2022-023 (August 22, 2022)

¹⁸⁵ Amendment Bylaw No. 2012-017 (July 23, 2012)

¹⁸⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁸⁷ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁸⁸ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹⁸⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

¹⁹⁰ Amendment Bylaw No. 2020-025 (December 14, 2020)

- (i) Minimum *Front Yard Setback* 15.0 m
 - (ii) Minimum *Rear Yard Setback* 15.0 m
 - (iii) Minimum *Side Yard Setback (Interior)* 15.0 m
 - (iv) Minimum *Side Yard Setback (Exterior)* 15.0 m
- (c) Notwithstanding Section 8.1.6. (b), a 30.0 m minimum setback for *Rear Yards* and *Side Yards (interior)* is required for the *Uses* identified in Section 8.1.6. (b) where an Agricultural Zoned property line directly *Abuts* a parcel with an Urban Residential Zone.

8.1.7 Other Regulations

- (a) Only one (1) principal *Dwelling* shall be permitted per *Lot*¹⁹¹.
- (b) ~~*deleted*~~¹⁹².
- (c) Parking and loading areas and access driveways for *Greenhouses and Plant Nurseries* located within 30.0m of a residential *Property Line* shall provide a 6.0m wide *Landscaped Strip* along that affected *Property Line*.
- (d) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

8.1.8 Site-Specific Provisions

- (a) automotive and boat repair shop as a Type 3 *Home Occupation Use* is an *Accessory Use* on the property at 19555 Matsu Drive (Lot 7, DL 2194, ODYD, Plan 267 Except Plans 34018, 41387, H577 and B3577) subject to the following limitations:
 - i. for the purposes of this *Use* only, located in an *Accessory Building*;
 - ii. for the purposes of this *Use* only, the *Home Occupation* portion of the *Accessory Building* is in addition to the area permitted under [Section 8.1.9\(b\)](#);
 - iii. limited to no more than one person other than the residents of the principal *Dwelling* being engaged in the *Home Occupation*; and
 - iv. a landscape hedge is to be maintained.
- (b) *Campground*, is permitted as a site specific *Accessory Use* on Lot A, DL 472, ODYD, Plan 3128, located at 11208 Sanborn Street subject to the following regulations:

¹⁹¹ Amendment Bylaw No. 2022-009 (April 25, 2022)

¹⁹² Amendment Bylaw No. 2022-023 (August 22, 2022)

- i. Compliance with the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.
 - ii. Compliance with Sections 63 and 64 of the Provincial Integrated Pest Management Regulation with respect to posting notification to spray and ensuring the campground is unoccupied in accordance with these sections due to spraying.
 - iii. Seasonal operation between April 1st and October 30th of any given year.
 - iv. Daily quiet time from 10:00pm to 6:00am.
 - v. Campsites setbacks:
 - a. Front yard setback – 15.0 meters
 - b. Side yard and rear yard setback – 30.0 meters
 - c. Campsites are no closer than 60.0 meters to any neighbouring residential dwellings.
 - vi. Campfires are only permitted in one centrally located campfire pit as approved by the District of Summerland’s Fire Department.
 - vii. Camping units are limited to recreational vehicles with self-contained water and septic disposal systems unless the campground has washroom facilities meeting the minimum requirements of the Provincial Health Authority.
 - viii. No camping unit can be located on a campsite any longer than 30 consecutive days.
- (c) Notwithstanding 8.1.4 (a) and (b), the minimum Lot Area for Lot 4, DL 475, ODYD, except Plans B6849 and 410) 12914 Prairie Valley Road, is 1.4 ha.
- (d) In the case of the land at 11507 Blair Street, legally described as Lot 2 District Lot 3640, Osoyoos Division Yale District Plan 8287 the following provisions shall apply:
- a) Eleven modular units may be configured as a *Building* to be used as a Temporary Farm Worker Accommodation with the follow provisions:
 - i. The *Building* including space for cooking, sanitary, living and sleeping shall be used specifically to accommodate Temporary Farm Worker(s), employed on the Farm.
 - b) The following requirements must be met in order for this *Use* to be conforming:
 - i. Farm Classification for the parcel, as determined by the *BC Assessment Act*.
 - ii. The subject property remains part of a “Farm Unit” defined as “one or more contiguous or non-contiguous parcels, that may be owned, rented or leased, within the District limits, which forms and is managed as a single farm”.
 - iii. The use remains accessory to a principal agricultural use.
 - iv. Minimum Farm Unit Size is 2.0 ha.

- c) The Building shall include a communal kitchen.
 - d) Temporary Farm Worker Housing shall be occupied only during the harvesting and pruning periods of the Farm Unit.
 - e) A statutory declaration must be filed with the District of Summerland annually, by January 31st of each year, stating that the building will be used only for Temporary Farm Worker Housing and specify the duration of year when the Temporary Farm Worker Housing will be occupied. The specified duration period may be no greater than ten months of that calendar year.
 - f) If the Temporary Farm Worker Housing is vacant for two consecutive growing seasons, the owner will remove, at their expense, any temporary structures for Temporary Farm Worker Housing, and remove or decommission the *Building* that has been repurposed for Temporary Farm Worker Housing purposes, by December 31st of the second year of vacancy.
- (e) In the case of the land at 26405 Garnet Valley Road, legally described as District Lot 3195, Osoyoos Division Yale District Except Plan 30384 the following provisions shall apply¹⁹³:
- a) The structure shown on Figure 8.1.10.2 may be used as a Temporary Farm Worker Accommodation with the follow provisions:
 - a. The *Building* including space for cooking, sanitary, living and sleeping shall be used specifically to accommodate Temporary Farm Worker(s), employed on the Farm.
 - b) The following requirements must be met in order for this *Use* to be conforming:
 - a. Farm Classification for the parcel, as determined by the *BC Assessment Act*.
 - b. The use remains accessory to a principal agricultural use.
 - c. Minimum Parcel Size is 2.0 ha.
 - c) The Building shall include a communal kitchen.
 - d) Temporary Farm Worker Housing shall be occupied only during the harvesting and pruning periods of the Farm Unit.
 - e) A statutory declaration must be filed with the District of Summerland annually, by January 31st of each year, stating that the building will be used only for Temporary Farm Worker Housing and specify the duration of year when the Temporary Farm Worker Housing will be occupied. The specified duration period may be no greater than ten months of that calendar year.
 - f) If the Temporary Farm Worker Housing is vacant for two consecutive growing seasons, the owner will remove, at their expense, any temporary structures for

¹⁹³ Amendment Bylaw No. 2019-045 (February 10, 2020)

Temporary Farm Worker Housing, and remove or decommission the *Building* that has been repurposed for Temporary Farm Worker Housing purposes, by December 31st of the second year of vacancy.

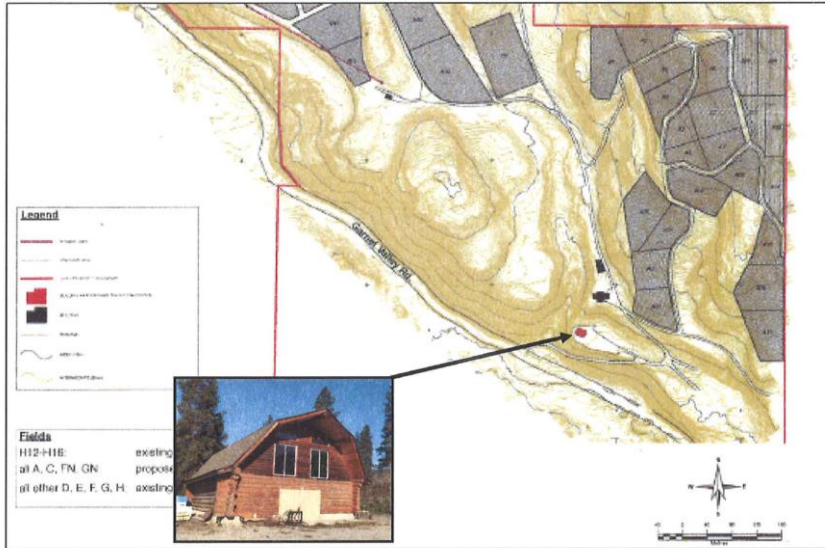


Figure 8.1.10.2

(f) In the case of land located at 11510 Blair Street, legally described as Lot 21 District Lot 3640 Osoyoos Division Yale District Plan 287A, the following provisions shall apply¹⁹⁴:

- a) An additional *Dwelling* that is a *Manufactured Housing – Type 2* for the use of a family member of the owner of the subject property shall be permitted as an *Accessory Use*.
- b) Notwithstanding the definition of *Farm Home Plate*, that the *Accessory Use* of *Manufactured Housing – Type 2* be permitted to be sited outside the *Farm Home Plate*.

¹⁹⁴ Bylaw Amendment No. 2021-022 (January 24, 2022)

8.2 A2 Agricultural Large Acreage Zone

A2

8.2.1 Purpose

To provide a zone to accommodate Agricultural *Uses*. Lands must be designated as Agriculture under the *District's* Official Community Plan.

8.2.2 Principal Uses

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

- (a) *Agriculture, General*;
- (b) *Agriculture, Intensive*;
- (c) *Greenhouses and Plant Nurseries*;
- (d) *Manufactured Housing - Type 1 or 2*; and
- (e) *Single Detached Housing*.

8.2.3 Accessory Uses¹⁹⁵

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

- (a) *Accessory Buildings and Structures*;
- (b) *Agri-Tourism Accommodation*, subject to [Section 7.16](#)¹⁹⁶;
- (c) *Animal Shelter, Major* on Lots having a minimum Lot Area of 2.0 ha, subject to [Section 7.14](#)¹⁹⁷;
- (d) *Carriage house*, subject to [Section 7.4](#)¹⁹⁸
- (e) *Craft Brewery & Distilling*¹⁹⁹;
- (f) *Child Care Centre, Minor*, subject to [Section 7.7](#)²⁰⁰;
- (g) *Commercial Kennel on Lots* having a minimum Lot Area of 4.0 ha, subject to [Section 7.14](#);
- (h) *Fruit Stand*²⁰¹

¹⁹⁵ Amendment Bylaw No. 2012-017 (July 23, 2012)

¹⁹⁶ Amendment Bylaw No. 2021-020 (July 19, 2021)

¹⁹⁷ Amendment Bylaw No. 2000-459 (November 14, 2011)

¹⁹⁸ Amendment Bylaw No. 2021-048 (February 28, 2022)

¹⁹⁹ Amendment Bylaw No. 2015-024 (November 9, 2015)

²⁰⁰ Amendment Bylaw No. 2016-031 (September 12, 2016)

²⁰¹ Amendment Bylaw No. 2020-028 (January 25, 2020)

- (i) **deleted**²⁰²;
- (j) *Home Occupation - Type 1,2 or 3*, subject to [Section 7.6](#);
- (k) *Secondary Suite*, subject to [Section 7.3](#)²⁰³;
- (l) *Short-Term Rental*, subject to [Section 7.2](#),²⁰⁴
- (m) stable;
- (n) *Temporary Farm Worker Accommodation*, subject to [Section 7.13](#); and
- (o) *Winery & Cidery*

8.2.4 Subdivision Regulations²⁰⁵

- (a) Minimum *Lot Area* 8.0 ha
- (b) Minimum *Lot Width* 60 m
- (c) Notwithstanding Section 8.2.4 (a), where the *District Council* has supported and the *Agricultural Land Commission* has granted an application for subdivision to accommodate:
 - (i) a home-site severance in accordance with *Agricultural Land Commission* policy #025/78 as amended from time to time; or
 - (ii) the consolidation of legal *Lots* which does not result in an increase in the total number of *Lots*;
 - (iii) a subdivision to acquire road right-of-way where and existing travelled road exists and no more than one additional *Lot* is created;
 - (iv) the *Lot Area* shall in no case be less than 1,400m²; and
 - (v) the Minimum *Lot Width* shall in no case be less than 20.0m.

8.2.5 Development Regulations

- (a) Maximum *Farm Home Plate* 1,200 m²
- (b) **deleted**²⁰⁶

²⁰² Amendment Bylaw No. 2022-023 (August 22, 2022)

²⁰³ Amendment Bylaw No. 2017-032 (November 27, 2017)

²⁰⁴ Amendment Bylaw No. 2021-048 (February 28, 2022)

²⁰⁵ Amendment Bylaw No. 2012-017 (July 23, 2012)

²⁰⁶ Amendment Bylaw No. 2022-023 (August 22, 2022)

- (c) **deleted**²⁰⁷
- (d) Maximum coverage for all *Buildings and Structures* outside the *Farm Home Plate* 10 percent of the *Lot*
- (e) Notwithstanding Section 8.2.5(d) Maximum *Lot Coverage* for all *Buildings and Structures* where the Principal Use is *Greenhouses or Plant nurseries*²⁰⁸ 65 percent of the *Lot*
- (f) Maximum *Height* for Principal *Buildings and Structures* The lesser of 9.5 m or 2 Storeys
- (g) Maximum *Height* for *Accessory Buildings and Structures* The lesser of 11 m or 2 Storeys
- (h) Maximum *Height* for Agricultural *Buildings and Structures* identified in Section 8.2.6 (b) 12.0 m

8.2.6 Siting Regulations²⁰⁹

- (a) Principal and *Accessory Buildings and Structures*:
 - (i) Minimum *Front Yard Setback* 7.0 m
 - (ii) Minimum *Rear Yard Setback* 7.0 m
 - (iii) Minimum *Side Yard Setback (Interior)* 4.0 m
 - (iv) Minimum *Side Yard Setback (Exterior)* 4.5 m, except where a garage door faces a *Street*, the minimum *Exterior Side Yard Setback* shall be 6.0 m
- (b) *Greenhouses and Plant Nurseries; Buildings and Structures* housing animals, livestock or poultry; livestock feeding stations; mushrooming growing facilities; *Commercial Kennels; Animal Shelters; Cannabis Production Facilities* and all other *Agriculture, Intensive Uses*:
 - (i) Minimum *Front Yard Setback* 15.0 m
 - (ii) Minimum *Rear Yard Setback* 15.0 m
 - (iii) Minimum *Side Yard Setback (Interior)* 15.0 m
 - (iv) Minimum *Side Yard Setback (Exterior)* 15.0 m

²⁰⁷ Amendment Bylaw No. 2022-023 (August 22, 2022)

²⁰⁸ Amendment Bylaw No. 2012-017 (July 23, 2012)

²⁰⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

- (c) Notwithstanding Section 8.1.6. (b), a 30.0 m minimum setback for *Rear Yards* and *Side Yards (interior)* is required for the *Uses* identified in Section 8.1.6. (b) where an Agricultural Zoned property line directly *Abuts* a parcel with an Urban Residential Zone.

8.2.7 Other Regulations

- (a) Only one (1) principal *Dwelling* shall be permitted per *Lot*²¹⁰.
- (b) **deleted**²¹¹.
- (c) Parking and loading areas and access driveways for *Greenhouse and Plant Nurseries* located within 30.0 m of a residential *Property Line* shall provide a 6.0 m wide *Landscaped Strip* along that affected *Property Line*.
- (d) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

²¹⁰ Amendment Bylaw No. 2022-009 (April 25, 2022)

²¹¹ Amendment Bylaw No. 2022-023 (August 22, 2022)

9 Rural Residential Zones

9.1 CR1 Country Residential Zone

CR1

9.1.1 Purpose

To provide a zone to accommodate residential *Developments* on larger *Lots* employing conventional subdivision designs in rural areas where sanitary sewer services are unavailable. Lands must be designated as Rural Residential under the *District's* Official Community Plan.

9.1.2 Principal Uses

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

- (a) *Manufactured Housing – Type 1*; and
- (b) *Single Detached Housing*.

9.1.3 Accessory Uses

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

- (c) *Accessory Building and Structures*;
- (d) *Agriculture, General*, for *Lots* having a minimum *Lot Area* of 1.0 ha;
- (e) **deleted**²¹²
- (f) *Carriage House*, subject to [Section 7.4](#)²¹³;
- (g) *Child Care Centre, Minor*, subject to [Section 7.7](#);
- (h) *Group Home, Minor*, subject to [Section 7.8](#);
- (i) *Home Occupation – Type 1, 2 or 3*, subject to [Section 7.6](#);
- (j) *Secondary Suite*, subject to [Section 7.3](#); and
- (k) *Short-Term Rental*, subject to [Section 7.2](#)²¹⁴.

9.1.4 Subdivision Regulations

- (a) Minimum *Lot Area* 1.0 ha
- (b) Minimum *Lot Width* 45.0 m

9.1.5 Development Regulations

²¹² Amendment Bylaw No. 2021-048 (February 28, 2022)

²¹³ Amendment Bylaw No. 2019-002 (February 11, 2019)

²¹⁴ Amendment Bylaw No. 2021-048 (February 28, 2022)

- (a) Maximum *Lot Coverage* for lot areas up to and including 2,050m² 30 percent
- (b) Maximum *Lot Coverage* for lot areas above 2,050m² up to and including 4,000m² 20 percent
- (c) Maximum *Lot Coverage* for lot areas above 4,000m² 10 percent
- (d) Notwithstanding Section 9.1.5 (c), a *Lot* having agricultural *Buildings* or *Structures* associated with an *Accessory Use of General Agriculture* may increase the maximum *Lot Coverage* to 30 percent.
- (e) Maximum *Height* The lesser of 9.5m or 2 *Storeys*

9.1.6 Siting Regulations

(a) Principal *Buildings* and *Structures*:

- (i) Minimum *Front Setback* 7.0m
- (ii) Minimum *Rear Setback* 7.5m
- (iii) Minimum *Side Setback (Interior)*²¹⁵ 1.5m (see vi)
- (iv) Minimum *Side Setback (Exterior)* 4.5m
- (v) Maximum *Height* The lesser of 9.5m or 2 *Storeys*
- (vi) Notwithstanding Section 9.1.6(a)(iii), a *Lot* having no direct vehicular access to the *Rear Yard* shall maintain one *Side Yard Setback* of at least 3.0m.
- (vii) Notwithstanding Section 9.1.6 (a) (iv), where a garage door is facing a *Street* the minimum *Setback* shall be 6.0 m²¹⁶.

(c) *Accessory Buildings* and *Structures*:

- (i) Minimum *Front Setback* 7.0m
- (ii) Minimum *Rear Setback* 1.5m
- (iii) Minimum *Side Setback (Interior)* 1.5m
- (iv) Minimum *Side Setback (Exterior)* 4.5m
- (v) Maximum *Height* The lesser of 4.5m or 1 *Storey*

²¹⁵ Amendment Bylaw No. 2012-017 (July 23, 2012)

²¹⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

- (vi) Notwithstanding Section 9.1.6 (b) (i), (ii), (iii), and (iv), *Accessory Buildings* and *Structures* Housing animals shall be located no closer than 15.0 m to any neighbouring residential *Dwelling* or *Abutting Property Line*.
- (vii) Notwithstanding Section 9.1.6 (b) (ii) and (iv), where a garage door is facing a *Street* the minimum *Setback* shall be 6.0 m. In the case of garage door facing a rear lane, the *Setback* required shall be 1.5 m or greater than 6.0 m²¹⁷.

9.1.7 Other Regulations

- (a) Only one (1) principal *Dwelling* will be permitted per *Lot*.
- (b) *Accessory Buildings* or *Structures* will be limited to a maximum of²¹⁸:
 - (i) 100m² in area or 25% of the allowable *Lot Coverage*, whichever is greater, where the *Lot Area* is equal to or exceeds 1.0ha or,
 - (ii) 75m² or 25% of the allowable *Lot Coverage*, whichever is greater, where the *Lot Area* does not exceed 1.0ha.
- (c) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

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9.1.8 Site Specific Provisions

- (a) That a site specific *Accessory Use* is permitted for a *Home Occupation* - Type 1, 2 or 3 - to board up to 5 canines on Lot B, District Lot 488, Plan 26797, located at 2705 Johnson Street.
- (b) For Lot 1, District Lot 1178, Osoyoos Division Yale District, Plan KAP91886 (18654 Garnet Valley Road) and that Part District Lot 1178 Outlined in Red on Plan B1755, Osoyoos Division Yale District, Except Parts Outlined Red on Plans B5590, B3577 and B7646 and except Plan KAP91886 (19013 Bentley Road); to accommodate the comprehensive cluster development of single detached housing in a bare land strata format or conventional fee simple subdivision format:
 - i. Minimum Lot Size 1,300 sq. m
 - ii. Minimum Lot Width 20.0 m
 - iii. Minimum Lot Depth 35.0

²¹⁷ Amendment Bylaw 2020-025 (December 14, 2020)

²¹⁸ Amendment Bylaw No. 2012-028 (January 14, 2013)

10 Urban Residential Zones

9.2 ~~RSD1~~ Residential Medium Lot Zone ~~RSD1~~

10.1.1 Purpose

~~To provide a zone to accommodate the Development of Single Detached Housing on standard urban Lots having Full Urban Services. Lands must be designated as Low Density Residential under the District's Official Community Plan.~~

10.1.2 Principal Uses

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

- ~~(a) Manufactured Housing Type 1; and~~
- ~~(b) Single Detached Housing.~~

10.1.3 Accessory Uses

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

- ~~(a) Accessory Buildings and Structures;~~
- ~~(b) deleted²¹⁹~~
- ~~(c) Carriage House, subject to Section 7.4²²⁰;~~
- ~~(d) Child Care Centre, Minor, subject to Section 7.7;~~
- ~~(e) Group Home, Minor, subject to Section 7.8;~~
- ~~(f) Home Occupation Type 1 or 2, subject to Section 7.6;~~
- ~~(g) Secondary Suite, subject to Section 7.3;~~
- ~~(h) Short Term Rental, subject to Section 7.2²²¹.~~

10.1.4 Subdivision Regulations

- ~~(a) Minimum Lot Area 460 m²~~
- ~~(b) Minimum Lot Width 12.0 m~~
- ~~(c) Minimum Lot Depth 30.0 m~~
- ~~(d) Notwithstanding Section 10.1.4(c), the Lot Depth may be reduced to 20.0 m for the purposes of subdividing Corner Lots.~~

10.1.5 Development Regulations

- ~~(a) Maximum Lot Coverage 40 percent~~
- ~~(b) Maximum Floor Area Ratio 0.45~~

10.1.6 Siting Regulations

Commented [BD44]: Bill 44 requires that all single family and duplex zones (i.e. restricted zones) allow for up to 4 units (3 units if less than 280 sq m). Staff recommend consolidating the existing single family and duplex zones (RSD1, RSD1i, RSD2, RSD3, RDH, and RSH) into a total of three new zones: RU1 Residential Urban Infill, RU2 Residential Urban, and RU3 Residential Sub-Urban. This is a consolidation of zones from 6 zones to a total of three and will be flexible zones to allow for various forms of housing. All are greater than 280 sq m so will be permitted to allow up to 4 units.

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²¹⁹ Amendment Bylaw No. 2021-048 (February 28, 2022)

²²⁰ Amendment Bylaw No. 2019-002 (February 11, 2019)

²²¹ Amendment Bylaw No. 2021-048 (February 28, 2022)

(a) Principal Buildings and Structures²²²,

- (i) **Minimum Front Setback** **6.0m**
- (ii) **Minimum Rear Setback** **7.5m**
- (iii) **Minimum Side Setback (Interior)** **1.5m (see vi)**
- (iv) **Minimum Side Setback (Exterior)** **4.5m**
- (v) **Maximum Height** **The lesser of 9.5m or 2 Storeys**
- (vi) **Notwithstanding Section 10.1.6(a)(iii), a Lot having no direct vehicular access to the Rear Yard without an attached garage or Carport shall maintain one Side Yard Setback of at least 3.0m**
- (vii) **Notwithstanding Section 10.1.6 (a) (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m²²³,**
- (viii) **Notwithstanding Section 10.1.6 (a) (ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake²²⁴.**

(b) Accessory Buildings and Structures

- (i) **Minimum Front Setback** **6.0m**
- (ii) **Minimum Rear Setback** **1.5m**
- (iii) **Minimum Side Setback (Interior)** **1.5m (see vi)**
- (iv) **Minimum Side Setback (Exterior)** **4.5m**
- (v) **Maximum Height** **The lesser of 4.5m or 1 Storey (see vii)**
- (vi) **Notwithstanding Section 10.1.6(b) (iii), a Lot having no direct vehicular access to the Rear Yard without an attached garage or Carport shall maintain one Side Yard Setback of at least 3.0m,**
- (vii) **Notwithstanding Section 10.1.6 (b) (ii) and (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required**

²²² Amendment Bylaw No. 2012-017 (July 23, 2012)

²²³ Amendment Bylaw No. 2020-025 (December 14, 2020)

²²⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

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shall be 1.5 m or greater than 6.0 m²²⁵.

(viii) Notwithstanding 10.1.6(b)(ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake²²⁶.

~~10.1.7 Other Regulations~~

~~(a) Only one (1) principal Dwelling will be permitted per Lot.~~

~~(b) Accessory Buildings or Structures will be limited to a maximum of 75m² or 25% of the allowable Lot coverage, whichever is greater²²⁷.~~

~~(c) In addition to the regulations listed above, other regulations may apply. These include Section 4: General Regulations, Section 5: Landscaping and Screening Regulations, Section 6: Parking and Loading Regulations, and Section 7: Specific Use Regulations.~~

~~10.1.8 Site Specific Provisions:~~

~~(a) In the case of land at 919 Wharf Street, legally described as Lot 4, District Lot 488, Osoyoos Division Yale District, Plan 2647 the following provisions shall apply²²⁸:~~

~~a. Notwithstanding Section 10.1.7 (a), two (2) principal Single-Detached Housing Dwellings will be permitted on lots greater than 4000 m².~~

~~b. Where the lot has two (2) principal Single-Detached Housing Dwellings, Carriage Houses will not be permitted.~~

~~(b) In the case of a portion the land at 5010 Croil Avenue, legally described as Lot B, District Lot 488, Osoyoos Division Yale District, Plan 14446; shown on figure 10.1.9.1 labeled "Proposed Lot 2", the following provisions shall apply²²⁹:~~

~~a. Notwithstanding Section 10.1.6(a) "Siting Regulations: Principal Buildings and Structures" the structure labeled "deck" shown on figure 10.1.8.1 may be sited 4.63 metres from the rear property line.~~

~~(c) In the case of a portion the land at 5010 Croil Avenue, legally described as Lot B, District Lot 488, Osoyoos Division Yale District, Plan 14446; shown on figure 10.1.9.2 labeled "Proposed Lot 2", the following provisions shall apply:~~

~~a. Notwithstanding Section 10.1.6(a)(iv) and 10.1.6 (b)(iv) the Minimum Side Setback (Exterior) is 1.5~~

²²⁵ Amendment Bylaw No. 2020-025 (December 14, 2020)

²²⁶ Amendment Bylaw No. 2022-009 (April 25, 2022)

²²⁷ Amendment Bylaw No. 2012-028 (January 14, 2013)

²²⁸ Amendment Bylaw No. 2019-014 (April 23, 2019)

²²⁹ Amendment Bylaw No. 2019-026 (September 27, 2021)

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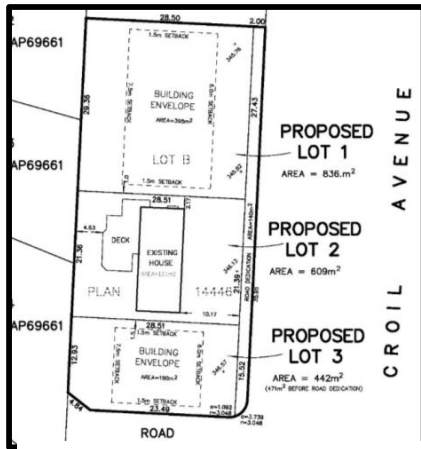


Figure 10.1.9.1

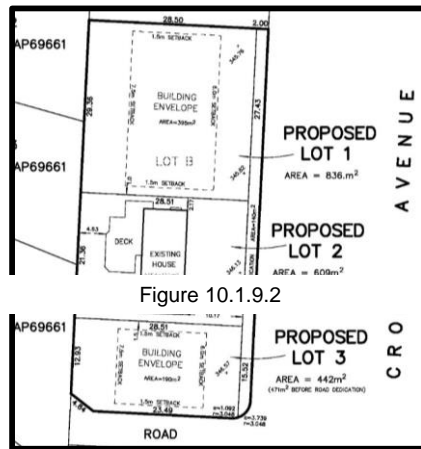


Figure 10.1.9.2

legally described as Lot B-District Lot 673 and 1348

Osoyoos District Plan KAP75272, the following provisions shall apply²²⁰:

- a. ~~Notwithstanding Section 10.1.7(a) up to three (3) principal Single Detached Housing Dwellings will be permitted.~~
- b. ~~Notwithstanding Section 10.1.5(a) the Maximum Lot Coverage will be 30 percent.~~
- c. ~~Notwithstanding Section 10.1.5(b) the Maximum Floor Area Ratio will be 0.35.~~
- d. ~~Notwithstanding Section 10.1.6(a)(iii) the Minimum Side Setback (Interior) will be 1.15 m.~~
- e. ~~Where the lot has three (3) principal Single Detached Housing Dwellings, Carriage Houses and/or Secondary Suites will not be permitted.~~

~~(d) In the case of land located at 19265 Lakeshore Drive, legally described as Lot 11 District Lot 673 Osoyoos Division Yale District Plan KAP33284, and 19267 Lakeshore Drive, legally described as Lot 10 District Lot 673 Osoyoos Division Yale District Plan KAP33284 the following provisions shall apply²²¹:~~

- a. ~~Notwithstanding Section 10.1.4(a) the Minimum Lot Area will be 364.5 m².~~
- b. ~~Notwithstanding Section 10.1.4(b) the Minimum Lot Width will be 11.18 m.~~
- c. ~~Notwithstanding Section 10.1.6(a)(ii) and 10.1.6(viii) the Minimum Rear Setback will be 4.16 m.~~

²²⁰ Amendment Bylaw No. 2020-029 (Adopted January 11, 2021)

²²¹ Amendment Bylaw No. 2022-006 (February 14, 2022).

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In the case of land located at 19223 Lakeshore Drive North,

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~~9.3 RSD1(i) Residential Single Detached Intensive Zone²³²~~ **RSD1(i)**

~~9.3.1 Purpose~~

~~To provide a zone to accommodate the re-development of Single Detached Housing on small urban lots, close to the town centre, having Full Urban Services. This zone is intended to create infill opportunities. Lands must be designed as LDR(i) – Low Density Residential Intensification under the District’s Official Community Plan.~~

~~9.3.2 Principal Uses~~

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

~~9.1.8.1 Manufactured Housing – Type 1; and~~

~~9.1.8.2 Single Detached Housing,~~

~~9.3.3 Accessory Uses~~

~~The following Uses and no other Uses shall be the permitted Accessory Uses in this zone subject to all applicable regulations of this Bylaw.~~

~~(a) Accessory Buildings and Structures;~~

~~(b) deleted²³³~~

~~(c) Carriage House, subject to Section 7.4²³⁴;~~

~~(d) Child Care Centre, Minor, subject to Section 7.7;~~

~~(e) Group Home, Minor, subject to Section 7.8;~~

~~(f) Home Occupation – Type 1 or 2, subject to Section 7.6;~~

~~(g) Secondary Suite, subject to Section 7.3;~~

~~(h) Short Term Rental, subject to Section 7.2²³⁵.~~

~~9.3.4 Subdivision Regulations~~

~~(a) Minimum Lot Area 360 m²~~

~~(b) Minimum Lot Width 12.0 m~~

~~(c) Minimum Lot Depth 20.0 m~~

~~(d) Pursuant to Section 482 of the Local Government Act, and notwithstanding Section 10.2.4 (a) through (d) of this Bylaw, if the owner of the land proposed to be subdivided pays to the District prior to the time of subdivision approval \$5,000 per additional Lot to be deposited in a reserve fund for parks, cultural and recreational assets, and the necessary fire department equipment to service higher elevation Buildings, the following subdivision regulations shall apply:~~

~~i. Minimum Lot Area 275 m²~~

~~ii. Minimum Lot Width 9.0 m~~

~~9.3.5 Development Regulations~~

²³² Amendment Bylaw No. 2014-018 (September 8, 2014)

²³³ Amendment Bylaw No. 2021-048 (February 28, 2022)

²³⁴ Amendment Bylaw No. 2019-002 (February 11, 2019)

²³⁵ Amendment Bylaw No. 2021-048 (February 28, 2022)

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- ~~(a) Maximum Lot Coverage²³⁶ 40 percent~~
- ~~(b) Maximum Floor Area Ratio 0.5~~

~~10.2.6 Siting Regulations~~

- ~~(a) Principal Buildings and Structures~~
- ~~(i) Minimum Front Setback 6.0m~~
- ~~(ii) Minimum Rear Setback 6.0m~~
- ~~(iii) Minimum Side Setback (interior) 1.5m~~
- ~~(iv) Minimum Side Setback (exterior) 3.5m~~
- ~~(v) Maximum Height The lesser of 9.5m or 2 Storeys~~
- ~~(vi) Notwithstanding Section 10.2.6(a) (iii), a Lot having no direct Vehicular access to the Rear Yard without an attached garage or carport shall maintain one Side Yard setback of at least 3.0 m.~~
- ~~(vii) Notwithstanding Section 10.2.6 (a) (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m²³⁷~~

~~(b) Accessory Buildings and Structures~~

- ~~(i) Minimum Front Setback 6.0m~~
- ~~(ii) Minimum Rear Setback 1.5m~~
- ~~(iii) Minimum Side Setback (interior) 1.5m~~
- ~~(iv) Minimum Side Setback (exterior) 4.5m~~
- ~~(v) Maximum Height The lesser of 4.5m or 1 Storey~~
- ~~(vi) Notwithstanding Section 10.2.6 (b) (ii) and (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m²³⁸~~
- ~~(vii) Notwithstanding 10.2.6(b)(ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake²³⁹.~~

~~10.2.7 Other Regulations~~

- ~~(a) Only one (1) Principal Dwelling will be permitted per Lot.~~
- ~~(b) Only two (2) Accessory Buildings or Structures shall be permitted per Lot with a maximum combined Gross Floor Area of 75.0m²~~
- ~~(c) In addition to the regulations listed above, other regulations may apply. These include Section 4: General Regulations, Section 5: Landscaping and Screening Regulations, Section 6: Parking and Loading Regulations, and Section 7: Specific Use Regulations.~~

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²³⁶ Amendment Bylaw No. 2015-009 (May 11, 2015)

²³⁷ Amendment Bylaw No. 2020-025 (December 14, 2020)

²³⁸ Amendment Bylaw No. 2020-025 (December 14, 2020)

²³⁹ Amendment Bylaw No. 2022-009 (April 25, 2022)

9.4 RSD2 Residential Large Lot Zone

RSD2

10.3.1 Purpose

To provide a zone to generally accommodate existing Single Detached Housing Developments on larger suburban Lots having Full Urban Services. Lands must be designated as Low Density Residential under the District's Official Community Plan.

10.3.2 Principal Uses

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

- (a) ~~Manufactured Housing Type 1;~~ and
- (b) ~~Single Detached Housing.~~

10.3.3 Accessory Uses

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

- (a) ~~Accessory Buildings and Structures;~~
- (b) ~~deleted~~²⁴⁰
- (c) ~~Carriage House, subject to Section 7.4~~²⁴¹;
- (d) ~~Child Care Centre, Minor, subject to Section 7.7;~~
- (e) ~~Group Home, Minor, subject to Section 7.8;~~
- (f) ~~Home Occupation Type 1 or 2, subject to Section 7.6;~~
- (g) ~~Secondary Suite, subject to Section 7.3;~~
- (h) ~~Short Term Rental, subject to Section 7.2~~²⁴².

10.3.4 Subdivision Regulations

| | |
|----------------------------------|-------------------------|
| (a) Minimum Lot Area | 650m² |
| (b) Minimum Lot Width | 18.0m |
| (c) Minimum Lot Depth | 30.0m |

10.3.5 Development Regulations

| | |
|---|-------------------|
| (a) Maximum Lot Coverage | 40 percent |
| (b) Maximum Floor Area Ratio | 0.4 |

10.3.6 Siting Regulations²⁴³

(a) Principal Buildings and Structures:

| | |
|--------------------------------------|-------------|
| (i) Minimum Front Setback | 6.0m |
|--------------------------------------|-------------|

²⁴⁰ Amendment Bylaw No. 2021-048 (February 28, 2022)

²⁴¹ Amendment Bylaw No. 2019-002 (February 11, 2019)

²⁴² Amendment Bylaw No. 2021-048 (February 28, 2022)

²⁴³ Amendment Bylaw No. 2012-017 (July 23, 2012)

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- (ii) ~~Minimum Rear Setback~~ **7.5m**
- (iii) ~~Minimum Side Setback (Interior)~~ **1.5m (see vi)**
- (iv) ~~Minimum Side Setback (Exterior)~~ **4.5m**
- (v) ~~Maximum Height~~ **The lesser of 9.5m or 2 Storeys**
- (vi) ~~Notwithstanding Section 10.3.6(a) (iii), a Lot having no direct vehicular access to the Rear Yard without an attached garage or Carport shall maintain one Side Yard Setback of at least 3.0m.~~
- (vii) ~~Notwithstanding Section 10.3.6 (a) (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m²⁴⁴.~~
- (viii) ~~Notwithstanding Section 10.3.6 (a) (ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake²⁴⁵~~

~~(b) Accessory Buildings and Structures~~

- (i) ~~Minimum Front Setback~~ **6.0m**
- (ii) ~~Minimum Rear Setback~~ **1.5m**
- (iii) ~~Minimum Side Setback (Interior)~~ **1.5m (see vi)**
- (iv) ~~Minimum Side Setback (Exterior)~~ **4.5m**
- (v) ~~Maximum Height~~ **The lesser of 4.5m or 1 Storey (see vii)**
- (vi) ~~Notwithstanding Section 10.3.6(b) (iii), a Lot having no direct vehicular access to the Rear Yard without an attached garage or Carport shall maintain one Side Yard Setback of at least 3.0m.~~
- (vii) ~~Notwithstanding Section 10.3.6 (b) (ii) and (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m²⁴⁶~~
- (viii) ~~Notwithstanding 10.3.6(b)(ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake²⁴⁷.~~

~~10.3.7 Other Regulations~~

- ~~(a) Only one (1) principal Dwelling will be permitted per Lot.~~
- ~~(b) Accessory Buildings or Structures will be limited to a maximum of 75m² or 25% of the allowable Lot~~

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²⁴⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁴⁵ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁴⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁴⁷ Amendment Bylaw No. 2022-009 (April 25, 2022)

coverage, whichever is greater²⁴⁸.

~~(c) — In addition to the regulations listed above, other regulations may apply. These include Section 4: General Regulations, Section 5: Landscaping and Screening Regulations, Section 6: Parking and Loading Regulations, and Section 7: Specific Use Regulations.~~

²⁴⁸ ~~Amendment Bylaw No. 2012-028 (January 14, 2013)~~

~~9.5~~ ~~RSD3~~ Residential Estate Lot Zone ~~RSD3~~

~~10.4.1~~ Purpose

~~To provide a zone to accommodate the Development of Single Detached Dwellings employing conventional subdivision designs on lands having Full Urban Services specifically in areas having topographical constraints. Lands must be designated as Low Density Residential under the District's Official Community Plan.~~

~~10.4.2~~ Principal Uses

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

- ~~(a) Manufactured Housing Type 1, and~~
- ~~(b) Single Detached Housing.~~

~~10.4.3~~ Accessory Uses

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

- ~~(a) Accessory Buildings and Structures;~~
- ~~(b) deleted²⁴⁹~~
- ~~(c) Carriage House, subject to Section 7.4²⁵⁰;~~
- ~~(d) Child Care Centre, Minor, subject to Section 7.7;~~
- ~~(e) Group Home, Minor, subject to Section 7.8;~~
- ~~(f) Home Occupation Type 1 or 2, subject to Section 7.6;~~
- ~~(g) Secondary Suite, subject to Section 7.3;~~
- ~~(h) Short Term Rental, subject to Section 7.2²⁵¹.~~

~~10.4.4~~ Subdivision Regulations

| | |
|----------------------------------|-------------------------------|
| (a) Minimum Lot Area | 1,000m² |
| (b) Minimum Lot Width | 20.0m² |
| (c) Minimum Lot Depth | 35.0m |

~~10.4.5~~ Development Regulations

| | |
|---|-----------------------|
| (a) Maximum Lot Coverage | 30 percent |
| (b) Maximum Floor Area Ratio | 0.35 |

~~10.4.6~~ Siting Regulations²⁵²

~~(a) Principal Buildings and Structures:~~

| | |
|--------------------------------------|-----------------|
| (i) Minimum Front Setback | 7.0m |
| (ii) Minimum Rear Setback | 7.5m |

²⁴⁹ Amendment Bylaw No. 2021-048 (February 28, 2022)

²⁵⁰ Amendment Bylaw No. 2019-002 (February 11, 2019)

²⁵¹ Amendment Bylaw No. 2021-048 (February 28, 2022)

²⁵² Amendment Bylaw No. 2012-017 (July 23, 2012)

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- (iii) **Minimum Side Setback (Interior)** 1.5m (see vi)
- (iv) **Minimum Side Setback (Exterior)** 4.5m
- (v) **Maximum Height** The lesser of 9.5m or 2 Storeys
- (vi) **Notwithstanding Section 10.4.6(a) (iii), a Lot having no direct vehicular access to the Rear Yard shall maintain one Side Yard Setback of at least 3.0m.**
- (vii) **Notwithstanding Section 10.4.6 (a) (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m²⁵³.**
- (viii) **Notwithstanding Section 10.4.6 (a) (ii), the minimum Rear Setback shall be 7.0 m when the Front Property Line Abuts the high water mark of a lake²⁵⁴.**

(b) Accessory Buildings and Structures:

- (i) **Minimum Front Setback** 7.0m
- (ii) **Minimum Rear Setback** 1.5m
- (iii) **Minimum Side Setback (Interior)** 1.5m (see vi)
- (iv) **Minimum Side Setback (Exterior)** 4.5m
- (v) **Maximum Height** The lesser of 4.5m of 1 Storey (see vii)
- (vi) **Notwithstanding Section 10.4.6 (b)(iii), a Lot having no direct vehicular access to the Rear Yard shall maintain one Side Yard Setback of at least 3.0m.**
- (vii) **Notwithstanding Section 10.4.6 (b) (ii) and (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m²⁵⁵**
Notwithstanding 10.4.6(b)(ii), the minimum Rear
- (viii) **Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake²⁵⁶.**

10.4.7 Other Regulations

- (a) **Only one (1) principal Dwelling will be permitted per Lot.**

²⁵³ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁵⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁵⁵ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁵⁶ Amendment Bylaw No. 2022-009 (April 25, 2022)

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~~(b) — Accessory Buildings or Structures will be limited to a maximum of 75m² or 25% of the allowable Lot coverage, whichever is greater²⁵⁷.~~

~~(c) — In addition to the regulations listed above, other regulations may apply. These include Section 4: General Regulations, Section 5: Landscaping and Screening Regulations, Section 6: Parking and Loading Regulations, and Section 7: Specific Use Regulations.~~

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²⁵⁷ Amendment Bylaw No. 2012-028 (July 14, 2013)

9.6 — RDH Residential Duplex Housing Zone ————— RDH

10.5.1 — Purpose

To provide a zone to accommodate the mixed ~~Development of Single Detached and Duplex Housing~~ within a neighbourhood having ~~Full Urban Services~~. Lands must be designated as ~~Low Density Residential~~ under the ~~District's Official Community Plan~~.

10.5.2 — Principal Uses

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

- (a) ~~Duplex Housing;~~
- (b) ~~Manufactured Housing — Type 1; and~~
- (c) ~~Single Detached Housing.~~

10.5.3 — Accessory Uses

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

- (a) ~~Accessory Buildings and Structures;~~
- (b) ~~deleted~~²⁵⁸
- (c) ~~Carriage House, subject to Section 7.4~~²⁵⁹;
- (d) ~~Child Care Centre, Minor, subject to Section 7.7;~~
- (e) ~~Group Home, Minor, subject to Section 7.8;~~
- (f) ~~Home Occupation — Type 1 or 2, subject to Section 7.6;~~
- (g) ~~Secondary Suite, subject to Section 7.3;~~
- (h) ~~Short Term Rental, subject to Section 7.2~~²⁶⁰.

10.5.4 — Subdivision Regulations

- | | | |
|-----|---|-----------------------------|
| (a) | Minimum Lot Area — Single Detached Housing and Manufactured Housing | 650m² |
| (b) | Minimum Lot Area — Duplex Housing | 850m² |
| (c) | Minimum Lot Width — Single Detached Housing and Manufactured Housing | 18.0m |
| (d) | Minimum Lot Width — Duplex Housing | 25.0m |
| (e) | Minimum Lot Depth | 30.0m |
| (f) | Pursuant to Section 10.6.4 (a) and (b), where a Lot is to be subdivided for the purpose of creating individual ownership of side-by-side Duplex Dwelling units, the new Lots so created shall contain not less than one half (1/2) the minimum required Lot Area and | |

~~minimum required Lot Width for Duplex Housing.~~

10.5.5 — Development Regulations

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²⁵⁸ Amendment Bylaw No. 2021-048 (February 28, 2022)

²⁵⁹ Amendment Bylaw No. 2019-002 (February 11, 2019)

²⁶⁰ Amendment Bylaw No. 2021-048 (February 28, 2022)

- (a) ~~Maximum Lot Coverage~~ **40 percent**
- (b) ~~Maximum Floor Area Ratio~~ **0.5**

~~10.5.6 Siting Regulations~~²⁶¹

~~(a) Principal Buildings and Structures:~~

- ~~(i) Minimum Front Setback~~ **6.0m**
- ~~(ii) Minimum Rear Setback~~ **7.5m**
- ~~(iii) Minimum Side Setback (Interior)~~ **1.5m (see vi)**
- ~~(iv) Minimum Side Setback (Exterior)~~ **4.5m**
- ~~(v) Maximum Height~~ **The lesser of 9.5m or 2 Storeys**
- ~~(vi) Notwithstanding Section 10.5.6 (a)(iii), a Lot having no direct vehicular access to the Rear Yard without a garage or Carport shall maintain one Side Setback of at least 3.0m. In the case of a side-by-side duplex being subdivided for the purpose of creating individual ownership, the Interior Side Setback between the Dwelling units shall not be required provided the Property Line follows the centre line of the common party wall.~~
- ~~(vii) Notwithstanding Section 10.5.6 (a) (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m~~²⁶².
- ~~(viii) Notwithstanding Section 10.5.6 (a) (ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake~~²⁶³.

~~(b) Accessory Buildings and Structures~~

- ~~(i) Minimum Front Setback~~ **6.0m**
- ~~(ii) Minimum Rear Setback~~ **1.5m**
- ~~(iii) Minimum Side Setback (Interior)~~ **1.5m (see vi)**
- ~~(iv) Minimum Side Setback (Exterior)~~ **4.5m**
- ~~(v) Maximum Height~~ **The lesser of 4.5m or 1 Storey (see vii)**
- ~~(vi) Notwithstanding Section 10.5.6 (b)(iii), a Lot having no direct vehicular access to the Rear Yard without a garage or Carport shall maintain one Side Yard Setback of at least 3.0m.~~
- ~~(vii) Notwithstanding Section 10.5.6 (b) (ii) and (iv), where a garage~~

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²⁶¹ Amendment Bylaw No. 2012-017 (July 23, 2012)
²⁶² Amendment Bylaw No. 2020-025 (December 14, 2020)
²⁶³ Amendment Bylaw No. 2020-025 (December 14, 2020)

door is facing a *Street* the minimum *Setback* shall be 6.0 m. In the case of garage door facing a rear lane, the *Setback* (viii) required shall be 1.5 m or greater than 6.0 m²⁶⁴. Notwithstanding 10.5.6(b)(ii), the minimum *Rear Setback* shall be 6.0 m when the *Front Property Line Abuts* the high water mark of a lake²⁶⁵.

10.5.7 Other Regulations:

- (a) Only two (2) principal *Dwellings* will be permitted per *Lot* provided that both *Dwellings* are located in one (1) residential *Building*.
- (b) *Accessory Buildings* or *Structures* will be limited to a maximum of 75m² or 25% of the allowable *Lot* coverage, whichever is greater²⁶⁶.
- (c) In addition to the regulations listed above, other regulations may apply. These include Section 4: General Regulations, Section 5: Landscaping and Screening Regulations, Section 6: Parking and Loading Regulations, and Section 7: Specific Use Regulations.

10.5.8 Site Specific Provisions²⁶⁷:

(a) In the case of land located at 8108 Purves Road, legally described as Lot 4 District Lot 473 and 1348 Osoyoos District KAP24877, the following provisions shall apply:

a. Notwithstanding Section 10.5.4(b) the Minimum Lot Area – Duplex Housing will be 640 m².

b. Notwithstanding Section 10.5.4(d) the Minimum Lot Width – Duplex Housing will be 11.8 m.

(b) In the case of land located at 11612 Victoria Road South, legally described as Lot 1, District Lot 474, Osoyoos Division Yale District Plan 2679, the following provisions shall apply²⁶⁸:

a. Notwithstanding Section 10.5.4(b), the Minimum Lot Area – Duplex Housing shall be 383.0 m².

b. Notwithstanding Section 10.5.4(d) the Minimum Lot Width – Duplex Housing shall be 10.6 m.

c. Notwithstanding Section 10.5.6(a)(ii) the Minimum Rear Setback

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²⁶⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁶⁵ Amendment Bylaw No. 2022-009 (April 15, 2022)

²⁶⁶ Amendment Bylaw No. 2012-028 (January 14, 2013)

²⁶⁷ Amendment Bylaw No. 2021-009 (October 12, 2022)

²⁶⁸ Amendment Bylaw No. 2022-034 (November 14, 2022)

~~_____ shall be 6.0 m.~~

~~(c) In the case of land located at 12210 Lakeshore Drive, legally described as Lot 27 Block 55, District Lot 455 Osoyoos Division Yale District Plan 157 and Lot 28 Block 55, District Lot 455 Osoyoos Division Yale District Plan 157, the following provisions shall apply²⁶⁹.~~

~~a. Notwithstanding Section 10.5.4(b), the Minimum Lot Area — Duplex Housing shall be 524 m².~~

~~b. Notwithstanding Section 10.5.4(d) the Minimum Lot Width — Duplex Housing shall be 15.2 m.~~

~~c. Where a Lot is created for individual ownership of side-by-side Duplex Dwelling units, the new Lots so created shall contain not less than one half (1/2) the minimum Lot Width or Lot Area required for Duplex Housing.~~

~~d. Notwithstanding Section 10.5.5(b), the Maximum Floor Area Ratio shall be 0.93.~~

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²⁶⁹ Amendment Bylaw No. 2023-009 (April 3, 2023)

~~e. Notwithstanding Section 10.5.6(a)(v), the Maximum Height shall be 11.05 m and 3 storeys.~~

~~f. Duplex Housing Suite shall be permitted as an Accessory Use, subject the same regulations as if it were a Secondary Suite under Section 7.3.1.~~

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²⁷⁰ Amendment Bylaw No. 2014-006 (June 23, 2014)

²⁷¹ Amendment Bylaw No. 2022-009 (April 15, 2022)

9.8 — RSH Residential Strata Housing Zone

~~RSH~~

10.7.1 — Purpose

~~To provide a zone to accommodate the comprehensive Development of Single Detached Housing in a bare land strata format which otherwise appears as a conventional residential subdivision on lands having Full Urban Services. Lands must be designated as Medium Density Residential under the District's Official Community Plan.~~

10.7.2 — Principal Uses

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

~~(a) — Single Detached Housing;~~

10.7.3 — Accessory Uses

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

~~(a) — Accessory Buildings and Structures;~~

~~(b) — Child Care Centre, Minor, subject to Section 7.7;~~

~~(c) — Group Home, Minor, subject to Section 7.8;~~

~~(d) — Home Occupation — Type 1, subject to Section 7.6;~~

~~(e) — Secondary Suite on strata Lots with a minimum of 460m², subject to Section 7.3; and~~

~~(f) — Short Term Rental, subject to Section 7.2²⁷².~~

10.7.4 — Subdivision Regulations

- ~~(a) — Minimum Development Site Width 40.0m~~
- ~~(b) — Minimum Development Site Depth 200m~~
- ~~(c) — Minimum Strata Lot Area 350m²~~

10.7.5 — Development Regulations — (Bareland Strata Lots)

- ~~(a) — Maximum Lot Coverage 40 percent~~
- ~~(b) — Maximum Floor Area Ratio 0.6~~

10.7.6 — Development Regulations — (Development Site)

- ~~(a) — Maximum Lot Coverage 40 percent~~
- ~~(b) — Maximum Floor Area Ratio 0.6 m~~

10.7.7 — Siting Regulations (Development Site)²⁷³

~~(a) — Principal Buildings and Structures:~~

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²⁷² Amendment Bylaw No. 2021-048 (February 28, 2022).

²⁷³ Amendment Bylaw No. 2012-017 (July 23, 2012)

- (i) ~~Minimum Front Setback~~ **6.0m**
- (ii) ~~Minimum Rear Setback~~ **6.0m**
- (iii) ~~Minimum Side Setback (Interior)~~ **1.5m (see vi)**
- (iv) ~~Minimum Side Setback (Exterior)~~ **4.5m**
- (v) ~~Maximum Height~~ **The lesser of 9.5m or 2 Storeys**

- (vi) ~~Notwithstanding Section 10.7.7 (a)(iii), a Lot having no direct vehicular access to the Rear Yard without a garage or Carport shall maintain one Side Setback of at least 3.0m.~~
- (vii) ~~Notwithstanding Section 10.7.7 (a) (iv), where a garage door is facing a private strata road the minimum Setback shall be 6.0 m²⁷⁴.~~

(b) Accessory Buildings and Structures:

- (i) ~~Minimum Front Setback~~ **6.0m**
- (ii) ~~Minimum Rear Setback~~ **1.5m**
- (iii) ~~Minimum Side Setback (Interior)~~ **1.5m (see vi)**
- (iv) ~~Minimum Side Setback (Exterior)~~ **4.5m**
- (v) ~~Maximum Height~~ **The lesser of 4.5m or 1 Storey**

- (vi) ~~Notwithstanding Section 10.7.7(b)(iii), a Lot having no direct vehicular access to the Rear Yard without a garage or Carport shall maintain one Side Setback of at least 3.0m.~~
- (vii) ~~Notwithstanding Section 10.7.7 (b) (ii) and (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m²⁷⁵~~

~~Notwithstanding 10.7.7(b)(ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake²⁷⁶.~~

10.7.8 Other Regulations

(a) Only one (1) principal Dwelling will be permitted per strata Lot.

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²⁷⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁷⁵ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁷⁶ Amendment Bylaw No. 2022-009 (April 25, 2022)

- ~~(b) — A minimum of 15 percent of the Development Site shall be retained as Amenity Space.~~
- ~~(c) — Only one (1) Accessory Building or Structure will be allowed per strata Lot site with a maximum Gross Floor Area of 45.0m².~~
- ~~(d) — No communal parking, loading or garbage collection facilities shall be permitted in any required yard Abutting a public Highway.~~
- ~~(e) — In addition to the regulations listed above, other regulations may apply. These include Section 4: General Regulations, Section 5: Landscaping and Screening Regulations, Section 6: Parking and Loading Regulations, and Section 7: Specific Use Regulations.~~

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10.1 RU1 Residential Urban Infill Zone

RU1²⁷⁷

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10.1.1 Purpose

To provide a zone to accommodate the Development of *Single Detached Housing, Multi-Unit Housing, and Duplex Housing* on compact, narrow urban Lots having *Full Urban Services*, preferably with access to a rear lane. Lands must be designated as Low Density Residential under the District's Official Community Plan.

10.1.2 Principal Uses

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

- (a) *Manufactured Housing - Type 1;*
- (b) *Single Detached Housing;*
- (c) *Multi-Unit Housing; and*
- (d) *Duplex Housing*

10.1.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures;*
- (b) *Carriage House, subject to Section 7.4;*
- (c) *Child Care Centre, Minor, subject to Section 7.7;*
- (d) *Group Home, Minor, subject to Section 7.8;*
- (e) *Home Occupation - Type 1 or 2, subject to Section 7.6;*
- (f) *Secondary Suite, subject to Section 7.3;*
- (g) *Short-Term Rental, subject to Section 7.2.*

10.1.4 Subdivision Regulations

- | | |
|---------------------------------|--------------------------|
| (a) <i>Minimum Lot Area</i> | <u>260 m²</u> |
| (b) <i>Minimum Lot Width</i> | |
| (i) <i>With lane access</i> | <u>7.5 m</u> |
| (ii) <i>Without lane access</i> | <u>11.0 m</u> |
| (c) <i>Minimum Lot Depth</i> | |
| (i) <i>With lane access</i> | <u>30.0 m</u> |

²⁷⁷ Amendment Bylaw No. 2024-011 (June XX, 2024)

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(ii) Without lane access 20.0 m

(d) Notwithstanding Section 10.1.4(c), the Lot Depth may be reduced to 20.0 m for the purposes of subdividing Corner Lots.

10.1.5 Development Regulations

- (a) Maximum Lot Coverage 50 percent
- (b) Maximum Residential Density 4 Dwellings
- (c) Maximum Single Detached Housing Floor Area 200 m²

10.1.6 Siting Regulations

(a) Principal Buildings and Structures:

- (i) Minimum Front Setback 3.0 m
- (ii) Minimum Rear Setback 3.0 m
- (iii) Minimum Side Setback (Interior) 1.2 m (see vi)
- (iv) Minimum Side Setback (Exterior) 3.0 m
- (v) Maximum Height The lesser of 11.0m or 3 Storeys
- (vi) Notwithstanding Section 10.1.6(a) (iii), a Lot having no direct vehicular access to the Rear Yard without an attached garage or Carport shall maintain one Side Yard Setback of at least 3.0m. In the case of a side-by-side duplex or multi-unit housing subdivided for the purpose of creating individual ownership, the Interior Side Setback between the Dwelling units shall not be required provided the Property Line follows the centre line of the common party wall.
- (vii) Notwithstanding Section 10.1.6 (a) (i), (iv) and (ii), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m.

(b) Accessory Buildings and Structures

- (i) Minimum Front Setback 3.0m
- (ii) Minimum Rear Setback 1.5m (see vii)

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- (iii) Minimum Side Setback (Interior) 1.5m (see vi)
- (iv) Minimum Side Setback (Exterior) 3.0m (see vii)
- (v) Maximum Height The lesser of 7.5m or 2 Storeys
- (vi) Notwithstanding Section 10.1.6(b) (iii), a Lot having no direct vehicular access to the Rear Yard without an attached garage or Carport shall maintain one Side Yard Setback of at least 3.0m.
- (vii) Notwithstanding Section 10.1.6 (b) (ii) and (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m.

10.1.7 Other Regulations

- (a) In addition to the regulations listed above, other regulations may apply. These include Section 4: General Regulations, Section 5: Landscaping and Screening Regulations, Section 6: Parking and Loading Regulations, and Section 7: Specific Use Regulations.

10.1.8 Site Specific Provisions

- (a) In the case of land located at 12210 Lakeshore Drive, legally described as Lot 27 Block 55, District Lot 455 Osoyoos Division Yale District Plan 157 and Lot 28 Block 55, District Lot 455 Osoyoos Division Yale District Plan 157, the following provisions shall apply:
 - a. Notwithstanding Section 10.1.4(b), the Minimum Lot Area – Duplex Housing shall be 524 m².
 - b. Notwithstanding Section 10.1.4(d) the Minimum Lot Width – Duplex Housing shall be 15.2 m.
 - c. Where a Lot is created for individual ownership of side-by-side Duplex Dwelling units, the new Lots so created shall contain not less than one half (1/2) the minimum Lot Width or Lot Area required for Duplex Housing.
 - d. Notwithstanding Section 10.1.5(b), the Maximum Floor Area Ratio shall be 0.93.
 - e. Notwithstanding Section 10.1.6(a)(v), the Maximum Height shall be 11.05 m and 3 storeys.
 - f. Duplex Housing Suite shall be permitted as an Accessory Use, subject the same regulations as if it were a Secondary Suite

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10.2 RU2 Residential Urban Zone

RU2²⁷⁸

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10.2.1 Purpose

To provide a zone to accommodate the Development of *Single Detached Housing, Multi-Unit Housing, and Duplex Housing* on urban Lots having *Full Urban Services*. Lands must be designated as Low Density Residential under the District's Official Community Plan.

10.2.2 Principal Uses

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

- (a) *Manufactured Housing - Type 1;*
- (b) *Single Detached Housing;*
- (c) *Multi-Unit Housing; and*
- (d) *Duplex Housing*

10.2.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures;*
- (b) *Carriage House, subject to Section 7.4;*
- (c) *Child Care Centre, Minor, subject to Section 7.7;*
- (d) *Group Home, Minor, subject to Section 7.8;*
- (e) *Home Occupation - Type 1 or 2, subject to Section 7.6;*
- (f) *Secondary Suite, subject to Section 7.3;*
- (g) *Short-Term Rental, subject to Section 7.2.*

10.2.4 Subdivision Regulations

- (a) *Minimum Lot Area* 460 m²
- (b) *Minimum Lot Width* 12.0 m
- (c) *Minimum Lot Depth* 30.0 m
- (d) Notwithstanding Section 10.2.4(c), the *Lot Depth* may be reduced to 20.0 m for the purposes of subdividing *Corner Lots*.
- (e) Pursuant to Section 10.2.4 (a) and (b), where a *Lot* is to be subdivided for

²⁷⁸ Amendment Bylaw No. 2024-011 (June XX, 2024)

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the purpose of creating individual ownership of side-by-side Duplex Dwelling or Multi-Unit Housing units, the new Lots so created shall contain not less than one half (1/2) the minimum required Lot Area and minimum required Lot Width.

10.2.5 Development Regulations

- | | |
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| <u>(a) Maximum Lot Coverage</u> | <u>40 percent</u> |
| <u>(b) Maximum Residential Density</u> | <u>4 Dwellings</u> |

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10.2.6 Siting Regulations

(a) Principal Buildings and Structures:

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| <u>(i) Minimum Front Setback</u> | <u>3.0 m</u> |
| <u>(ii) Minimum Rear Setback</u> | <u>3.0 m (see vii)</u> |
| <u>(iii) Minimum Side Setback (Interior)</u> | <u>1.5 m (see vi)</u> |
| <u>(iv) Minimum Side Setback (Exterior)</u> | <u>3.0 m (see vii)</u> |
| <u>(v) Maximum Height</u> | <u>The lesser of 11.0m or 3 Storeys</u> |
- (vi) Notwithstanding Section 10.2.6(a) (iii), a Lot having no direct vehicular access to the Rear Yard without an attached garage or Carport shall maintain one Side Yard Setback of at least 3.0m. In the case of a side-by-side duplex or multi-unit housing subdivided for the purpose of creating individual ownership, the Interior Side Setback between the Dwelling units shall not be required provided the Property Line follows the centre line of the common party wall.
- (vii) Notwithstanding Section 10.2.6 (a) (iv) and (ii), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m.

(b) Accessory Buildings and Structures

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| <u>(i) Minimum Front Setback</u> | <u>3.0m</u> |
| <u>(ii) Minimum Rear Setback</u> | <u>1.5m</u> |
| <u>(iii) Minimum Side Setback (Interior)</u> | <u>1.5m (see vi)</u> |
| <u>(iv) Minimum Side Setback (Exterior)</u> | <u>3.0m</u> |

- (v) Maximum Height The lesser of 7.5m or 2 Storeys (see vii)
- (vi) Notwithstanding Section 10.2.6(b) (iii), a Lot having no direct vehicular access to the Rear Yard without an attached garage or Carport shall maintain one Side Yard Setback of at least 3.0m.
- (vii) Notwithstanding Section 10.2.6 (b) (ii) and (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m.

10.2.7 Other Regulations

(a) In addition to the regulations listed above, other regulations may apply. These include Section 4: General Regulations, Section 5: Landscaping and Screening Regulations, Section 6: Parking and Loading Regulations, and Section 7: Specific Use Regulations.

10.2.8 Site Specific Provisions

(a) In the case of land located at 8108 Purves Road, legally described as Lot 4 District Lot 473 and 1348 Osoyoos District KAP24877, the following provisions shall apply:

- g. Notwithstanding Section 10.2.4 (b) the Minimum Lot Area – Duplex Housing will be 640 m².
- h. Notwithstanding Section 10.2.4(d) the Minimum Lot Width – Duplex Housing will be 11.8 m.

(b) In the case of land located at 11612 Victoria Road South, legally described as Lot 1, District Lot 474, Osoyoos Division Yale District Plan 2679, the following provisions shall apply:

- a. Notwithstanding Section 10.2.4(b), the Minimum Lot Area – Duplex Housing shall be 383.0 m².
- b. Notwithstanding Section 10.2.4(d) the Minimum Lot Width – Duplex Housing shall be 10.6 m.
- c. Notwithstanding Section 10.2.6(a)(ii) the Minimum Rear Setback shall be 6.0 m.

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10.3 RU3 Residential Sub-Urban Zone

RU3²⁷⁹

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10.3.1 Purpose

To provide a zone to accommodate the Development of *Single Detached Housing*, and *Duplex Housing* on urban *Lots* having *Full Urban Services* and located within, or for existing established neighbourhoods located outside of, the *Urban Containment Boundary*. Lands must be designated as *Low Density Residential* under the District's Official Community Plan.

10.3.2 Principal Uses

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

- (a) *Manufactured Housing - Type 1*;
- (b) *Single Detached Housing*; and
- (c) *Duplex Housing*

10.3.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures*;
- (b) *Carriage House*, subject to Section 7.4;
- (c) *Child Care Centre, Minor*, subject to Section 7.7;
- (d) *Group Home, Minor*, subject to Section 7.8;
- (e) *Home Occupation - Type 1 or 2*, subject to Section 7.6;
- (f) *Secondary Suite*, subject to Section 7.3;
- (g) *Short-Term Rental*, subject to Section 7.2.

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10.3.4 Subdivision Regulations

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| <u>(a) <i>Minimum Lot Area</i></u> | <u>800 m²</u> |
| <u>(b) <i>Minimum Lot Width</i></u> | <u>18.0 m</u> |
| <u>(c) <i>Minimum Lot Depth</i></u> | <u>30.0 m</u> |

- (d) Pursuant to Section 10.3.4 (a) and (b), where a *Lot* is to be subdivided for the purpose of creating individual ownership of side-by-side *Duplex Dwelling units*, the new *Lots* so created shall contain not less than one half

²⁷⁹ Amendment Bylaw No. 2024-011 (June XX, 2024)

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(1/2) the minimum required Lot Area and minimum required Lot Width for Duplex Housing.

10.3.5 Development Regulations

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| <u>(a) Maximum Lot Coverage</u> | <u>40 percent</u> |
| <u>(b) Maximum Floor Area Ratio</u> | <u>0.8</u> |
| <u>(c) Maximum Residential Density</u> | <u>4 Dwelling units within Urban Containment Boundary</u> <u>3 Dwelling units outside of Urban Containment Boundary</u> |

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10.3.6 Siting Regulations

(a) Principal Buildings and Structures:

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| <u>(i) Minimum Front Setback</u> | <u>6.0 m</u> |
| <u>(ii) Minimum Rear Setback</u> | <u>6.0 m (see vii)</u> |
| <u>(iii) Minimum Side Setback (Interior)</u> | <u>1.5 m (see vi)</u> |
| <u>(iv) Minimum Side Setback (Exterior)</u> | <u>4.5 m (see vii)</u> |
| <u>(v) Maximum Height</u> | <u>The lesser of 9.5m or 2 Storeys</u> |
| <u>(vi) Notwithstanding Section 10.2.6(a) (iii), a Lot having no direct vehicular access to the Rear Yard without an attached garage or Carport shall maintain one Side Yard Setback of at least 3.0m. In the case of a side-by-side duplex units subdivided for the purpose of creating individual ownership, the Interior Side Setback between the Dwelling units shall not be required provided the Property Line follows the centre line of the common party wall.</u> | |
| <u>(vii) Notwithstanding Section 10.2.6 (a) (iv) and (ii), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m.</u> | |

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(b) Accessory Buildings and Structures

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| <u>(i) Minimum Front Setback</u> | <u>6.0m</u> |
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- (ii) Minimum Rear Setback 1.5m (see vii)
- (iii) Minimum Side Setback (Interior) 1.5m (see vi)
- (iv) Minimum Side Setback (Exterior) 4.5m (see vii)
- (v) Maximum Height The lesser of 4.5m or 1 Storey
- (vi) Notwithstanding Section 10.3.6(b) (iii), a Lot having no direct vehicular access to the Rear Yard without an attached garage or Carport shall maintain one Side Yard Setback of at least 3.0m.
- (vii) Notwithstanding Section 10.3.6 (b) (ii) and (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m.
- (viii) Notwithstanding Section 10.3.6 (b) (ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake

10.3.7 Other Regulations

- (a) Only two (2) principal Dwellings will be permitted per Lot provided that both Dwellings are located in one (1) residential Building.
- (b) Accessory Buildings or Structures will be limited to a maximum of 90m² or 25% of the allowable Lot coverage, whichever is greater.
- ~~(c)~~ In addition to the regulations listed above, other regulations may apply. These include Section 4: General Regulations, Section 5: Landscaping and Screening Regulations, Section 6: Parking and Loading Regulations, and Section 7: Specific Use Regulations.

10.3.8 Site Specific Provisions:

(a) In the case of land at 919 Wharf Street, legally described as Lot 4, District Lot 488, Osoyoos Division Yale District, Plan 2647 the following provisions shall apply²⁸⁰:

a. Notwithstanding Section 10.1.7 (a), two (2) principal Single Detached

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²⁸⁰ Amendment Bylaw No. 2019-014 (April 23, 2019)

Housing Dwellings will be permitted on lots greater than 4000 m².

b. Where the lot has two (2) principal Single Detached Housing Dwellings, Carriage Houses will not be permitted.

(b) In the case of a portion the land at 5010 Croil Avenue, legally described as Lot B, District Lot 488, Osoyoos Division Yale District, Plan 14446; shown on figure 10.1.9.1 labeled “Proposed Lot 2”, the following provisions shall apply²⁸¹.

a. Notwithstanding Section 10.1.6(a) “Siting Regulations: Principal Buildings and Structures” the structure labeled “deck” shown on figure 10.1.8.1 may be sited 4.63 metres from the rear property line.

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(c) In the case of a portion the land at 5010 Croil Avenue, legally described as Lot B, District Lot 488, Osoyoos Division Yale District, Plan 14446; shown on figure 10.1.9.2 labeled “Proposed Lot 3”, the following provisions shall apply:

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a. Notwithstanding Section 10.1.6(a)(iv) and 10.1.6 (b)(iv) the Minimum Side Setback (Exterior) is 1.5 metres.

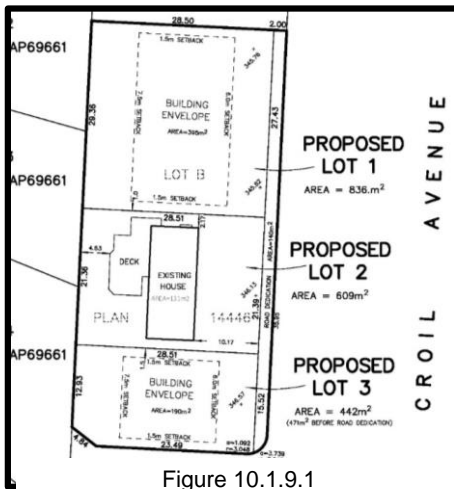


Figure 10.1.9.1

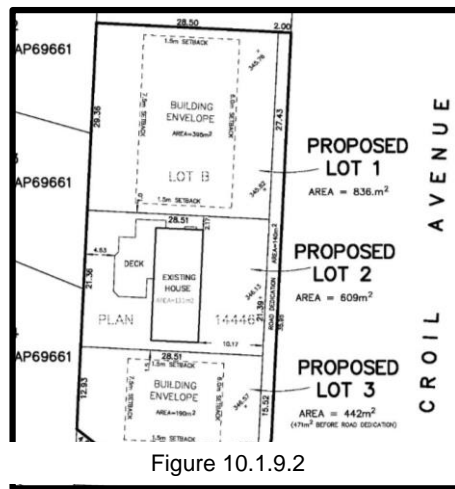


Figure 10.1.9.2

(d) In the case of land located at 19223 Lakeshore Drive North, legally described as Lot B District Lot 673 and 1348 Osoyoos District Plan KAP75272, the following provisions shall apply²⁸².

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²⁸¹ Amendment Bylaw No. 2019-026 (September 27, 2021)

²⁸² Amendment Bylaw No. 2020-029 (Adopted January 11, 2021)

- a. Notwithstanding Section 10.1.7(a) up to three (3) principal *Single Detached Housing Dwellings* will be permitted.
- b. Notwithstanding Section 10.1.5(a) the Maximum *Lot Coverage* will be 30 percent.
- c. Notwithstanding Section 10.1.5(b) the Maximum *Floor Area Ratio* will be 0.35.
- d. Notwithstanding Section 10.1.6(a)(iii) the Minimum *Side Setback (Interior)* will be 1.15 m.
- f.e. Where the lot has three (3) principal *Single Detached Housing Dwellings, Carriage Houses* and/or *Secondary Suites* will not be permitted.

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(e) In the case of land located at 19265 Lakeshore Drive, legally described as Lot 11 District Lot 673 Osoyoos Division Yale District Plan KAP33284, and 19267 Lakeshore Drive, legally described as Lot 10 District Lot 673 Osoyoos Division Yale District Plan KAP33284 the following provisions shall apply²⁸³:

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- a. Notwithstanding Section 10.1.4(a) the Minimum Lot Area will be 364.5 m².
- b. Notwithstanding Section 10.1.4(b) the Minimum Lot Width will be 11.18 m.
- c. Notwithstanding Section 10.1.6(a)(ii) and 10.1.6(viii) the Minimum Rear Setback will be 4.16 m.

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²⁸³ Amendment Bylaw No. 2022-006 (February 14, 2022).

9.9.10.4 RMD Residential Medium Density Zone

RMD

10.4.1 Purpose

To provide a zone to accommodate the *Development of ~~multiple housing units~~ Apartments, Townhousing, and Duplex Housing* in close proximity to existing or proposed low *Density Developments* on lands having *Full Urban Services*. ~~This zone also accommodates Cluster Housing developments of Single Detached Housing in either building or bare land strata formats.~~ Lands must be designated as Medium Density Residential under the *District's Official Community Plan*.

9.9.210.4.2 Principal Uses

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

- (a) *Apartment Housing*²⁸⁴
- (b) *Cluster Housing* comprised of *Single Detached Housing, Duplex Housing, and/or Multi-Unit and/or Townhouse Housing*;
- (c) *Duplex Housing*;
- ~~(e)~~(d) *Multi-Unit Housing*; ²⁸⁵and
- ~~(d)~~(e) *Townhouse Housing*

9.9.310.4.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures*;
- (b) *Child Care Centre, Minor*, subject to [Section 7.7](#); ~~and~~
- (c) *Home Occupation - Type 1*, subject to [Section 7.6](#);
- ~~(e)~~(d) *Short-Term Rental, subject to Section 7.2.*²⁸⁶

9.9.410.4.4 Subdivision Regulations

- (a) Minimum *Lot Area* 1,100m²
- (b) Minimum *Lot Width* 30.0m
- (c) Minimum *Lot Depth* 30.0m

9.9.510.4.5 Development Regulations

²⁸⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

²⁸⁵ Amendment Bylaw No. 2024-011 (June XX, 2024)

²⁸⁶ Amendment Bylaw No. 2024-011 (June XX, 2024)

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Commented [BD45]: The previous RSH - Residential Strata Housing has been consolidated into the RMD zone. All existing RSH properties were already designated for medium density in the OCP. Regulations specific to bareland strata lots only have been included here in separate sections (10.4.6 and 10.5.8 below)

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(a) Maximum Lot Coverage 40 percent

(b) Maximum Floor Area Ratio 10.6²⁸⁸

(c) deleted²⁸⁷

~~(c) Pursuant to Section 482 of the Local Government Act, and notwithstanding Section 10.8.5 (b) of this Bylaw, the maximum Floor Area Ratio may be increased to 0.8 if the owner of the land proposed to be developed pays to the District prior to the time of Building Permit issuance the amount equal to \$2.50 per square foot of additional Gross Floor Area, to be deposited in a reserve fund for parks, cultural and recreational assets, and the necessary fire department equipment to service higher multiple Storey Buildings.~~

Commented [BD46]: Density and height is both being increased in RMD zone to differentiate from the urban low density residential zones. 1.6 follows recommendation from DNAP.

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10.4.6 Development Regulations (Bare land Strata Lots only)²⁸⁹

(a) Maximum Lot Coverage 40 percent

(b) Maximum Floor Area Ratio 0.6

Commented [BD47]: Density Bonus provision is being deleted due to new ACC powers to be reviewed and consider for developer contribution to amenities

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Commented [BD48]: Given that the urban low density zoning and designation is increasing to three stories, suggest that the medium density residential zoning also increase to 4 stories.

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9.9-610.4.7 Siting Regulations

(a) Principal Buildings and Structures

(i) Minimum Front Setback 6.0m

(ii) Minimum Rear Setback 7.5m

(iii) Minimum Side Setback (Interior) 4.0m

(iv) Minimum Side Setback (Exterior) 6.0m

(v) Maximum Height The lesser of 10.515 m or 43 Storeys²⁹⁰

(vi) Notwithstanding Section 10.8.6(a)(ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake²⁹¹.

(b) Accessory Buildings and Structures:

(i) Minimum Front Setback 6.0m

(ii) Minimum Rear Setback 1.5m

(iii) Minimum Side Setback (Interior) 1.5m

(iv) Minimum Side Setback (Exterior) 6.0m

²⁸⁷ Amendment Bylaw No. 2024-011 (June XX, 2024)

²⁸⁸ Amendment Bylaw No. 2024-011 (June XX, 2024)

²⁸⁹ Amendment Bylaw No. 2024-011 (June XX, 2024)

²⁹⁰ Amendment Bylaw No. 2024-011 (June XX, 2024)

²⁹¹ Amendment Bylaw No. 2022-009 (April 15, 2022)

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- (v) Maximum Height The lesser of 74.5m or 24 Storeys²⁹²
- (vi) Notwithstanding Section 10.8.6(b)(ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake²⁹³.

Commented [BD49]: Accessory Building height also increasing in urban low density zones
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10.4.8 Siting Regulations (Bare land Strata Lots only)²⁹⁴

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(a) Principal Buildings and Structures

- (i) Minimum Front Setback 6.0m
- (ii) Minimum Rear Setback 6.0m
- (iii) Minimum Side Setback (Interior) 1.5m
- (iv) Minimum Side Setback (Exterior) 4.5m
- (v) Maximum Height The lesser of 9.5 m or 2 Storeys

(vi) Notwithstanding Section 10.4.8, (a)(iii), a Lot having no direct vehicular access to the Rear Yard, without a garage or Carport, shall maintain one Side Setback of at least 3.0m.

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(vii) Notwithstanding Section 10.4.8 (a) (iv), where a garage door is facing a private strata road the minimum Setback shall be 6.0 m.

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(b) Accessory Buildings and Structures:

- (i) Minimum Front Setback 6.0m
- (ii) Minimum Rear Setback 1.5m
- (iii) Minimum Side Setback (Interior) 1.5m
- (iv) Minimum Side Setback (Exterior) 4.5m
- (v) Maximum Height The lesser of 4.5m or 1 Storey

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(vi) Notwithstanding Section 10.7.7 (b) (ii) and (iv), where a garage door is facing a Street the minimum Setback shall be 6.0 m. In the case of garage door facing a rear lane, the Setback required shall be 1.5 m or greater than 6.0 m

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(vii) Notwithstanding Section 10.8.6(b)(ii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake.

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²⁹² Amendment Bylaw No. 2024-011 (June XX, 2024)

²⁹³ Amendment Bylaw No. 2022-009 (April 15, 2022)

²⁹⁴ Amendment Bylaw No. 2024-011 (June XX, 2024)

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10.4.9 Other Regulations

9.9.7

(a) No parking, loading or garbage collection facilities shall be permitted in any required yard *Abutting* a public Highway.

(b) A minimum area of 30.0m² of on-site *Amenity Space* shall be provided per *Dwelling*.

~~(b)(c)~~ *Bare land Strata Developments*²⁹⁵.

(i) Only two (2) principal *Dwellings* will be permitted per strata *Lot* provided that both *Dwellings* are located in one (1) residential Building.

(ii) A minimum of 15 percent of the Bare land Development Site shall be retained as *Amenity Space*.

~~(iii)(ii)~~

~~(iv)(iii)~~ Only one (1) *Accessory Building or Structure* will be allowed per strata Lot site with a maximum *Gross Floor Area* of 45.0m².

~~(c)(d)~~ ~~No more than 8 *Dwellings* may be located in a *Building*.~~²⁹⁶

~~(e)(e)~~ In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

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Commented [BD50]: No restrictions on number of dwellings in an Apartment building. Most projects not viable with only 8 units.

²⁹⁵ Amendment Bylaw No. 2024-011 (June XX, 2024)

²⁹⁶ Amendment Bylaw No. 2024-011 (June XX, 2024)

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9.10.10.5 RHD Residential High Density Zone

RHD

9.10.110.5.1 Purpose

To provide a zone to accommodate *Apartments* on lands having *Full Urban Services*. Lands must be designated as High Density Residential under the *District's* Official Community Plan.

9.10.210.5.2 Principal Uses

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

- (a) *Apartment Housing*; and
- (b) ~~Cluster Housing comprised of Townhouse and Apartment #Housing units~~²⁹⁷

Commented [BD51]: Cluster Housing is specific to only multi-unit, duplex, and single family now.

9.10.310.5.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures*;
- (b) *Child Care Centres Minor or Major* provided they are operated from a communal *Amenity Space* and *Building*, subject to [Section 7.7](#); and
- (c) *Home Occupation - Type 1*, subject to [Section 7.6](#).

9.10.410.5.4 Subdivision Regulations

- (a) Minimum *Lot Area* 1,400m²
- (b) Minimum *Lot Width* 30.0m
- (c) Minimum *Lot Depth* 30.0m

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Commented [BD52]: Density amount provided is proposed to increase similar to RMD zone, and due to the removal of density bonus provision.

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9.10.510.5.5 Development Regulations

- (a) Maximum *Lot Coverage* 50 percent
- ~~(b) Maximum Floor Area Ratio 2.5~~²⁹⁹
- ~~(c) deleted~~²⁹⁸

²⁹⁷ Amendment Bylaw No. 2024-011 (June XX, 2024)

²⁹⁸ Amendment Bylaw No. 2024-011 (June XX, 2024)

²⁹⁹ Amendment Bylaw No. 2024-011 (June XX, 2024)

~~(c) Pursuant to Section 482 of the Local Government Act, and notwithstanding Section 10.9.5 (b) of this Bylaw, the maximum Floor Area Ratio may be increased to 1.6 if the owner of the land proposed to be developed pays to the District prior to the time of Building Permit issuance the amount equal to \$2.50 per square foot of additional Gross Floor Area, to be deposited in a reserve fund for parks, cultural and recreational assets, and the necessary fire department equipment to service higher multiple Storey Buildings.~~

Commented [BD53]: Density bonus provisions for community amenities are no longer recommended by the Province. Instead, Bill 46 provides a new financial instrument called a "Amenity Cost Charge" which can be applied to new development similar to a Development Cost Charge. Exploration of this new charge option will be considered in 2025 DCC Bylaw review

9.10.610.5.6 Siting Regulations

(a) Principal Buildings and Structures

- (i) Minimum Front Setback 6.0m
- (ii) Minimum Rear Setback ~~—a Building not~~ 7.5m
- ~~(iii) over 2 Storeys~~
- ~~(iii) deleted³⁰⁰~~
- ~~(iii) Minimum Rear Setback —a Building 9.0m~~
- ~~over 2 Storeys~~
- (iv) Minimum Side Setback ~~—any portion of a~~ 4.0m
- ~~Building under 2 Storeys in Height~~
- ~~(v) deleted³⁰¹~~
- ~~(v) Minimum Side Setback —any portion of a 6.0m~~
- ~~Building 2 Storeys or over in Height~~
- ~~(vi) Minimum Height 11.0 m or 3 Storeys³⁰²~~
- (vii) Maximum Height The lesser of ~~22.5.0~~ m or ~~64 Storeys³⁰³~~
- (viii) Notwithstanding Section 10.9.6 (a)(iv), a minimum Side Yard Setback of 6.0m shall be required for any Property Line Abutting a Street
- (viii) Notwithstanding Section 10.9.6(a)(ii) and 10.9.6(a)(iii), the minimum Rear Setback shall be 6.0 m when the Front Property Line Abuts the high water mark of a lake³⁰⁴.

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Commented [BD54]: Minimum height is now three stories. RHD should be buffered in its placement with RMD zone to create a transition. Should reduce need for buffering with setbacks. Given lot size, maintain existing setbacks with two stories.

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Commented [BD55]: Density and Heights all increasing due to low density changes, as well as DNAP recommendations. 6 storeys consistent with Gateway Commercial and Downtown Intensification designation. Also maximum allowed in BCBC for stick built construction. Staff has concerns with the "underbuilding" of the limited high density designated parcels and has put forward a height minimum of 3 stories.

(b) Accessory Buildings and Structures

³⁰⁰ Amendment Bylaw No. 2024-011 (June XX, 2024)

³⁰¹ Amendment Bylaw No. 2024-011 (June XX, 2024)

³⁰² Amendment Bylaw No. 2024-011 (June XX, 2024)

³⁰³ Amendment Bylaw No. 2024-011 (June XX, 2024)

³⁰⁴ Amendment Bylaw No. 2022-009 (April 25, 2022)

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- (i) Minimum *Front Setback* 6.0m
- (ii) Minimum *Rear Setback* 6.0m
- (iii) Minimum *Side Setback (Interior)* 4.0m
- (iv) Minimum *Side Setback (Exterior)* 6.0m
- (v) Maximum *Height* The lesser of 74.5m or ~~24~~ Storeys³⁰⁵

Commented [BD56]: Accessory Building height also increasing in urban low density zones

9.10.710.5.7 Other Regulations

- (a) No commercial parking, loading or garbage collection facilities shall be permitted in any required yard *Abutting* a public *Highway*.
- (b) On-site *Amenity Space* shall be provided based on the sum total of the following class of *Dwellings* to be developed on the property:
 - (i) *Townhouses* 30.0m² per *Dwelling*.
 - (ii) *Apartments* 10.0m² per bachelor *Dwelling* plus 20.0m² per 1 *Bedroom Dwelling* plus 30.0m² per 2 or more *Bedroom Dwelling*
- (c) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

9.10.810.5.8 Site Specific Provisions³⁰⁶

- (a) In the case of Lot 4, District Lot 3640, Osoyoos Division Yale District, Plan 3179, Except Plan KAP68581 located at 13609 Dickson Avenue, the following provisions shall apply:
 - a. The following *Accessory Uses* shall be permitted:
 - i. *Health Service*,
 - ii. *Pharmacy, ancillary to Health Service*
 - iii. *Child Care Centre, Major*
 - b. Notwithstanding Table 6.1: Parking & Loading Schedule, Required Vehicle Parking Spaces for *Housing – Townhouse, Apartment* shall be 1 per *Dwelling unit*.

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³⁰⁵ Amendment Bylaw No. 2024-011 (June XX, 2024),

³⁰⁶ Amendment Bylaw No. 2022-028 (September 26, 2022).

9.11.10.6 RMH Residential Manufactured Housing Zone

RMH

9.11.110.6.1 Purpose

To provide a zone to accommodate the *Development of Manufactured Homes* in a comprehensively designed community. Lands must be designated as Medium Density Residential under the *District's* Official Community Plan.

9.11.210.6.2 Principal Uses

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

- (a) *Manufactured Housing - Type 1 or 2.*

9.11.310.6.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures;*
- (b) *Child Care Centre, Minor, subject to [Section 7.7](#);*
- (c) *Employee Housing; and*
- (d) *Home Occupation - type 1 or 2, subject to [Section 7.6](#).*

9.11.410.6.4 Subdivision Regulations

- (a) Minimum *Development Site Area* 1.5ha
- (b) Minimum *Manufactured Housing Site Area* 350m²
Single Section Homes
- (c) Minimum *Manufactured Housing Site Area –* 400m²
Multiple Section Homes
- (d) Minimum *Manufactured Housing Site Width* 12.0m
– Single Section Homes on *Interior Lots*
- (e) Minimum *Manufactured Housing Site Width* 15.0m
– Single Section Homes on *Corner Lots*

- (f) Minimum *Manufactured Housing* Site Width 13.5m
– Multiple Section Homes on *Interior Lots*
- (g) Minimum *Manufactured Housing* Site Width 15.0m
– Multiple Section Homes on *Corner Lots*
- (h) Minimum *Manufactured Housing* Site Depth 29.0m
– Single Section Homes
- (i) Minimum *Manufactured Housing* Site Depth 27.0m
– Multiple Section Homes

9.11.510.6.5 Development Regulations

- (a) Maximum *Manufactured Housing Lot Coverage* 40 percent

9.11.610.6.6 Siting Regulations – Principal and Accessory Uses (Manufactured Housing Site)

- (a) Minimum *Front Setback* 4.5m
- (b) Minimum *Rear Setback* 1.5m
- (c) Minimum *Side Setback (Interior)* 1.5m
- (d) Minimum *Side Setback (Exterior)* 4.5m
- (e) Maximum *Height – Manufactured Housing* The lesser of 6.5m or 2 *Storeys*
- (f) Maximum *Height – Single Detached Dwelling* The lesser of 9.5m or 2 *Storeys*
- (g) Maximum *Height – Accessory Buildings or Structures* The lesser of 4.5m or 1 *Storey*
- (h) Notwithstanding Section 10.10.6 (a) through (c), a minimum *Setback* of 4.5m shall be provided for all *Buildings* and *Structures* on *Manufactured Housing Lots* flanking or backing onto the boundary of the *Manufactured Housing Community* or a minimum *Setback* of 6.0m for all *Buildings* and *Structures* on *Manufactured Housing Lots* fronting a public *Highway*.

9.11.710.6.7 Other Regulations

- (a) Only one (1) principal *Dwelling* will be permitted per *Manufactured Housing Lot*.
- (b) Only one (1) *Accessory Building* or *Structure* will be permitted per *Manufactured Housing Lot* with a maximum gross floor area of 45.0m².
- (c) No *Parking Spaces* shall be permitted in any required *Front Yard* or *Exterior Side Yard Setback* of the *Development Site*.
- (d) For *Manufactured Housing Communities*, *Amenity Space* shall be provided in the amount of five percent of the total *Development Site*. For the purpose of calculating *Amenity Space*, any indoor common areas accessible to all of the *Manufactured Housing Community* residents shall be counted as double its actual *Gross Floor Area*.
- (e) *Manufactured Housing* units employing the CSA Z240.10.1 standard shall construct skirting that is stuccoed, factory fabricated or of equivalent quality so that the finished design complements the exterior finish of *Dwelling*.
- (f) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).
- (g) *Employee Housing* shall be limited to one (1) *Single Detached Dwelling* per *Development Site*.

~~9.11.8~~10.6.8 Site Specific Regulations

- a) In the case of land located at 16618 Logie Road, legally described as Lot 2 District Lot 454 Osoyoos Division Yale District Plan 19055, *Single Detached Housing* may be permitted³⁰⁷.
- b) In the case of 16618 Logie Road, legally described as Lot 2 District Lot 454 Osoyoos Division Yale District Plan 19055 two (2) principal *Dwellings* will be permitted³⁰⁸.

³⁰⁷ Bylaw Amendment No. 2020-022 (November 9, 2020)

³⁰⁸ Bylaw Amendment No. 2020-022 (November 9, 2020)

~~10.11~~ Commercial Zones

~~10.11.1~~ CN Neighbourhood Commercial Zone

CN

11.1.1 Purpose

To provide a zone to accommodate the day to day convenience shopping needs of local neighbourhoods. Lands must be designated as Low Density Residential, Medium Density Residential, or High Density Residential, under the *District's* Official Community Plan.

11.1.2 Principal Uses

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

- (a) *Child Care Centre, Major, Minor*, subject to [Section 7.7](#);
- (b) *Convenience Store*;
- (c) *Community Recreation Service*;
- (d) *Dwelling*;
- (e) *Personal Service Establishment*;
- (f) *Recycle Drop-Off Centre*; and
- (g) *Single Detached Housing*.
- (h) ~~deleted~~³⁰⁹³¹⁰

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11.1.3 Accessory Uses

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

- (a) *Accessory Buildings & Structures*.

11.1.4 Subdivision Regulations

| | |
|------------------------------|---------------------|
| (a) Minimum <i>Lot Area</i> | 1,100m ² |
| (b) Maximum <i>Lot Area</i> | 2,025m ² |
| (c) Minimum <i>Lot Width</i> | 18.0m |
| (d) Minimum <i>Lot Depth</i> | 30.0m |

11.1.5 Development Regulations

| | |
|-------------------------------------|------------|
| (a) Maximum <i>Lot Coverage</i> | 35 percent |
| (b) Maximum <i>Floor Area Ratio</i> | 0.7 |

³⁰⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

³¹⁰ Amendment Bylaw No. 2022-009 (April 25, 2022)

11.1.6 Siting Regulations – *Principal & Accessory Uses*³¹¹

- | | | |
|-----|--|---|
| (a) | Minimum <i>Front Setback</i> | 6.0m |
| (b) | Minimum <i>Rear Setback</i> | 3.5m (see (f)) |
| (c) | Minimum <i>Side Setback (Interior)</i> | 2.4m (see (f)) |
| (d) | Minimum <i>Side Setback (Exterior)</i> | 3.5m |
| (e) | Maximum <i>Height</i> | The lesser of 9.5m or 2 <i>Storeys</i> |
| (f) | Notwithstanding Section 11.1.6 (b) and (c), where a C1-Neighbourhood Commercial zoned <i>Lot Abuts</i> a rural residential zone or an urban residential zone described in column 1 of Table 3.1 of this Bylaw, the minimum <i>Rear Yard Setback</i> shall be 6.0m and the minimum <i>Interior Side Yard Setback</i> shall be 3.0m. | |

11.1.7 Other Regulations

- (a) A maximum of two (2) *Dwellings* shall be permitted per *Lot*. A separate entrance to the *Dwellings* must be maintained at *Finished Grade*.
- (b) Only one *Single Detached Dwelling* shall be permitted per *Lot*.
- (c) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

11.1.8 Site Specific Provisions

- (a) Manufacture and sales of sportswear and promotional products is an allowable principal *Use* only on Lot 7, DL 474, ODYD, Plan 2679, located at 11402 Victoria Road.

³¹¹ Amendment Bylaw No. 2012-017 (July 23, 2012)

10-211.2 CT1 Tourist Commercial Zone

CT1

11.2.1 Purpose

To provide a zone to accommodate recreation-oriented tourist facilities and services for a number of unique commercial destination points within the community. Lands must be designated Tourist Commercial under the *District's* Official Community Plan.

11.2.2 Principal Uses

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

- (a) *Art Gallery & Museum;*
- (b) *Eating & Drinking Establishment;*
- (c) *Club;*
- (d) *Hotel;*
- (e) *Marina;*
- (f) *Motel;*
- (g) *Personal Service Establishment;*
- (h) *Recreational Service, Indoor;*
- (i) *Recreation Service, Outdoor;*
- (j) *Retail Store, General;*
- (k) *Theatre;* and³¹²
- (l) *tourist railway operation*³¹³.
- (m) **deleted**³¹⁴

11.2.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures.*

11.2.4 Subdivision Regulations

- (a) Minimum *Lot Area* 930m²
- (b) Minimum *Lot Width* 18.0m

³¹² Amendment Bylaw No. 2022-009 (April 25, 2022)

³¹³ Amendment Bylaw No. 2022-009 (April 25, 2022)

³¹⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

11.2.5 Development Regulations

- | | | |
|-----|---------------------------------|------------|
| (a) | Maximum <i>Lot Coverage</i> | 50 percent |
| (b) | Maximum <i>Floor Area Ratio</i> | 1.0 |

11.2.6 Siting Regulations – *Principal & Accessory Uses*

- | | | |
|-----|---|---|
| (a) | Minimum <i>Front Setback</i> | 2.5m |
| (b) | Minimum <i>Rear Setback</i> | 6.0m |
| (c) | Minimum <i>Side Setback (Interior)</i> | 0.0m |
| (d) | Minimum <i>Side Setback (Exterior)</i> | 4.5m |
| (e) | Maximum <i>Height</i> | The lesser of 9.5m or 2 <i>Storeys</i> |
| (f) | Notwithstanding Section 11.2.6(e), the maximum <i>Height</i> of the Principal <i>Building</i> may be increased to the lesser of 12.0m or 3 <i>Storeys</i> provided the third <i>Storey</i> is entirely integrated into the roof line of the <i>Building</i> . | |

11.2.7 Other Regulations

- (a) The maximum *Gross Floor Area* of each *Retail Store* shall be 100 m².
- (b) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

~~10.3~~11.3 CH Highway Commercial Zone

CH

11.3.1 Purpose

To provide a zone to predominantly accommodate *Highway-oriented* sales and services to the travelling public. *Lots* must be designated as Tourist Commercial under the *District's* Official Community Plan.

11.3.2 Principal Uses

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

- (a) *Carwash;*
- (b) *Convenience Store;*
- (c) *Fruit Stand;*
- (d) *Eating & Drinking Establishment;*
- (e) *Gas Bar;*
- (f) *Hotel;*
- (g) *Motel;*
- (h) *Club;*
- (i) *Protective & Emergency Services;*
- (j) *Recreational Services, Indoor;*
- (k) *Recreation Vehicle Sales*³¹⁵;
- (l) *Service Stations;*
- (m) *tourism information centres; and*
- (n) *Greenhouses and Plant Nurseries.*

11.3.3 Accessory Uses

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

- (a) *Accessory Building & Structures;*
- (b) *Retail Store, General*³¹⁶

11.3.4 Subdivision Regulations

- (a) Minimum *Lot Area* 930m²
- (b) Minimum *Lot Width* 25.0m

³¹⁵ Amendment Bylaw No. 2022-009 (April 25, 2022)

³¹⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

11.3.5 Development Regulations

- (a) Maximum *Lot Coverage* 35 percent

11.3.6 Siting Regulations – *Principal & Accessory Uses*³¹⁷

- (a) Minimum *Front Setback* 7.0m
- (b) Minimum *Rear Setback* 3.0m (see (f))
- (c) Minimum *Side Setback (Interior)* 2.5m
- (d) Minimum *Side Setback (Exterior)* 4.5m
- (e) Maximum *Height* The lesser of 9.5m or 2 *Storeys*
- (f) Notwithstanding Section 11.3.6 (b), where a CT2 - Commercial Tourist zoned *Lot Abuts* an urban residential zoned *Lot* or an agricultural zoned *Lot* described in column 1 of [Table 3.1](#), the minimum *Rear Yard Setback* shall be 6.0m.

11.3.7 Other Regulations

- (a) Outdoor storage of machinery, equipment, materials, or vehicles under repair shall not be permitted.
- (b) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

³¹⁷ Amendment Bylaw No. 2012-017 (July 23, 2012)

10.411.4 CT2 Campground Zone

CT2

11.4.1 Purpose

To provide a zone to accommodate outdoor *Campground Uses*. Lands must be designated as Tourist Commercial under the *District's* Official Community Plan.

11.4.2 Principal Uses

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

- (a) *Campgrounds*.

11.4.3 Accessory Uses

The following *Uses* and no other *Uses* shall be the permitted *Accessory Uses* in this zone subject to all applicable regulations of this Bylaw.

- (a) *Accessory Buildings and Structures*;
- (b) *Amusement Establishment* for *Campground* guests;
- (c) *Employee Housing*;
- (d) *Convenience Store* for *Campground* guests; and
- (e) Recreational facilities for *Campground* guests.

11.4.4 Subdivision Regulations

- | | | |
|-----|---------------------------------------|-------|
| (a) | Minimum <i>Development Site Area</i> | 1.0ha |
| (b) | Minimum <i>Development Site Width</i> | 60.0m |
| (c) | Minimum <i>Development Site Depth</i> | 100m |

11.4.5 Development Regulations

- | | | |
|-----|----------------------------------|--|
| (a) | Maximum <i>Density</i> | 50 camping lots or sites per hectare |
| (b) | Maximum <i>Lot Site Coverage</i> | 10 percent for permanent <i>Buildings & Structures</i> |
| (c) | <i>Floor Area Ratio</i> | 0.1 for <i>Accessory Uses</i> only |

11.4.6 Siting Regulations – Principal & Accessory Uses (Development Site Boundaries)

- | | | |
|-----|------------------------------|------|
| (a) | Minimum <i>Front Setback</i> | 7.5m |
| (b) | Minimum <i>Rear Setback</i> | 7.5m |

- (c) Minimum *Side Setback (Interior)* 7.5m
- (d) Minimum *Side Setback (Exterior)* 7.5m
- (e) Maximum *Height* The lesser of 9.5m or 2 *Storeys*

11.4.7 Other Regulations

- (a) *Employee Housing* shall be limited to one (1) *Dwelling* unit per *Lot* or *Development Site*.
- (b) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

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10.511.5

Central Business Zone

CB1

11.5.1 Purpose

To provide a zone to accommodate a commercial and cultural focal point for the community, allowing ~~Downtown town centre~~ *Uses* including retail, *Office*, entertainment, and *Dwelling* units. Lands must be designated as Downtown Commercial under the *District's* Official Community Plan.

11.5.2 Principal Uses

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

- (a) Art Gallery & Museum;
- (b) *Amusement Establishment*;
- (c) *Animal Shelter, Minor*, subject to [Section 7.14](#)³¹⁸;
- (d) *Automotive & Equipment Repair Shop*;
- (e) *Business* support services;
- (f) *Education Services*;
- (g) *Community Recreation Service*;
- (h) *Club*;
- (i) *Convenience Store*;
- (j) *Craft Brewery/Distillery*³¹⁹
- (k) *Apartment Housing*;
- (l) *Child Care Centre, Major, Minor*, subject to [Section 7.7](#);
- (m) *Contractor Services, Limited*;
- (n) *Eating & Drinking Establishment*;
- (o) *Financial Services*;
- (p) *Funeral Home*;
- (q) *Health Services*;
- (r) *Hotel*;
- (s) library;
- (t) *Office*;
- (u) *Personal Service Establishment*;
- (v) *Place of Worship*;
- (w) *Protective and Emergency Services*;
- (x) *Retail Store, General*;
- (y) *Service Station*;
- (z) *Theatre*;
- (aa) *Veterinary Clinic*;
- (bb) *Recreational Service, Indoor*³²⁰.

³¹⁸ Amendment Bylaw No. 2000-459 (November 14, 2011)

³¹⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

(cc) *Retail Store, Licensed Cannabis*³²¹

(dd) *Dwelling Unit*³²²

11.5.3 Accessory Uses

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

(a) *Accessory Buildings & Structures*;

(b) *Recycle Drop-Off Centres*.

(c) *Dwelling Unit*³²³

11.5.4 Subdivision Regulations

- | | |
|------------------------------------|-------------------|
| (a) Minimum <i>Lot Area</i> | 140m ² |
| (b) Minimum <i>Lot Width</i> | 7.5m |
| (c) Maximum <i>Lot Width/Depth</i> | 24.0m |

11.5.5 Development Regulations

- | | |
|---------------------------------------|----------------------------------|
| (a) Maximum <i>Lot Coverage</i> | 100 percent |
| (b) Maximum <i>Floor Area Ratio</i> | 2.53.5 ³²⁵ |
| (c) deleted ³²⁴ | |

~~(c) Pursuant to Section 482 of the Local Government Act, and notwithstanding Section 11.5.5 (b), the maximum *Floor Area Ratio* may be increased to 3.5 if the owner of the land proposed to be developed pays to the District prior to the time of *Building Permit* issuance the amount equal to \$4.00 per square foot of additional *Gross Floor Area*, to be deposited in a reserve fund for parks, cultural and recreational assets, and the necessary fire department equipment to service higher multiple *Storey Buildings*.~~

Commented [BD57]: Density amount provided in the CB1 zone is being increased because of removal of density bonus provision.

Commented [BD58]: Density bonus provisions for community amenities are no longer recommended by the Province. Instead, Bill 46 provides a new financial instrument called a "Amenity Cost Charge" which can be applied to new development similar to a Development Cost Charge. Exploration of this new charge option will be considered in 2025 DCC Bylaw review

11.5.6 Siting Regulations – Principal & Accessory

- | | |
|--|------|
| (a) Minimum <i>Front Setback</i> | 0.0m |
| (b) Minimum <i>Rear Setback</i> | 0.0m |
| (c) Minimum <i>Side Setback (Interior)</i> | 0.0m |
| (d) Minimum <i>Side Setback (Exterior)</i> | 0.0m |

³²⁰ Amendment Bylaw No. 2013-005 (June 24, 2013)

³²¹ Amendment Bylaw No. 2018-026 (October 18, 2018)

³²² Amendment Bylaw No. 2020-025 (December 14, 2020)

³²³ Amendment Bylaw No. 2019-027 (October 15, 2019)

³²⁴ Amendment Bylaw No. 2024-011 (June XX, 2024)

³²⁵ Amendment Bylaw No. 2024-011 (June XX, 2024)

- (e) Maximum *Height* The lesser of
15.0m or 4 *Storeys*
- (f) Notwithstanding Section 11.5.6, where a *Lot Abuts* a *Highway* intersection, the required *Setback* for the *First Storey Adjacent* to the intersection shall accommodate an unobstructed *Site Triangle*, each such point forming the *Site Triangle* in this instance being 4.5m from the point of intersection.

11.5.7 *Mixed Use and Dwelling Regulations*

- (a) The *Front Property Line* width of individual commercial retail units shall not exceed 16.0m³²⁶.
- (b) A single *Dwelling Unit* is permitted, accessory to a principal non-residential use, and must be located above the first storey.³²⁷
- (c) All *Dwelling Units* shall be provided with an *at-Grade* entrance separate from the non-residential *Uses*; where such an entrance fronts onto a public *Street*, said entrance may not exceed 5.0m in width.
- (d) All *Apartments and Dwelling Units* must be located either on a separate *Storey* above the non-residential *Uses* or on the same *Storey* as the non-residential *Uses*, provided that no more than 40 percent of the *Gross Floor Area* of the *First Storey* is occupied by *Apartments* and that no *Apartments* face *Front Property Lines* along the following *Streets*:
 - (i) Victoria Road (from Hunt Street to Jubilee Road)
 - (ii) Jubilee Road (from Dickson Avenue to Kelly Avenue)
 - (iii) Main Street (from Victoria Road to Rosedale Avenue)
- (e) Ground floor *Apartments* may include live-work space that combines *Dwelling* space with commercial space, provided that such *Apartments* face *Front Property Lines* along the following public *Streets*:
 - (i) Wharton Street (from Victoria Road/Hunt Street to Rosedale Avenue)

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11.5.8 *Other Regulations*

- (a) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

³²⁶ Amendment Bylaw No. 2020-025 (December 14, 2020)

³²⁷ Amendment Bylaw No. 2019-027 (October 15, 2019)

10.611.6 CB2 Shopping Centre Zone

CB2

11.6.1 Purpose

To provide a zone to accommodate retail, *Business*, entertainment and personal service *Uses* within a *Shopping Centre* environment. Lands must be designated as Downtown Commercial under the *District's* Official Community Plan.

11.6.2 Principal Uses

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

- (a) *Amusement Establishment*;
- (b) *Animal Shelter, Minor*, subject to [Section 7.14](#)³²⁸;
- (c) *Business support services*;
- (d) *Education Services*;
- (e) *Club*;
- (f) *Convenience Store*;
- (g) *Apartment Housing*;
- (h) *Eating & Drinking Establishment*;
- (i) *Financial Services*;
- (j) *Gas Bar*;
- (k) *Health Services*;
- (l) *Office*;
- (m) *Personal Service Establishment*;
- (n) *Protective & Emergency Services*;
- (o) *Recreational Services, Indoor*;
- (p) *Retail Store, General*;
- (q) *Theatre*;
- (r) *Veterinary Clinic*;
- (s) *Retail Store, Licensed Cannabis*³²⁹

11.6.3 Accessory Uses

The following *Uses* and no other *Uses* shall be the permitted *Accessory Uses* to a *Shopping Centre* subject to all applicable regulations of this Bylaw:

³²⁸ Amendment Bylaw No. 2000-459 (November 14, 2011)

³²⁹ Amendment Bylaw No. 2018-026 (October 18, 2018)

- (a) *Accessory Buildings & Structures;*
- (b) *Recycle Drop-Off Centre; and*
- (c) *Recreational Services, Outdoor.*

11.6.4 Subdivision Regulations

- | | | |
|-----|--------------------------|---------------------|
| (a) | Minimum <i>Lot Area</i> | 1,300m ² |
| (b) | Minimum <i>Lot Width</i> | 25.0m |
| (c) | Minimum <i>Lot Depth</i> | 40.0m |

11.6.5 Development Regulations

- | | | |
|-----|---------------------------------|------------|
| (a) | Maximum <i>Lot Coverage</i> | 35 percent |
| (b) | Maximum <i>Floor Area Ratio</i> | 0.7 |

11.6.6 Siting Regulations³³⁰

- | | | |
|-----|--|---|
| (a) | Minimum <i>Front Setback</i> | 6.0m |
| (b) | Minimum <i>Rear Setback</i> | 3.5m (see (f)) |
| (c) | Minimum <i>Side Setback (Interior)</i> | 3.5m (see (f)) |
| (d) | Minimum <i>Side Setback (Exterior)</i> | 2.4m |
| (e) | Maximum <i>Height</i> | The lesser of 9.5m or 2 <i>Storeys</i> |
| (f) | Notwithstanding Section 11.6.6 (b) and (c), where a CB2 - Central Business zoned <i>Lot Abuts</i> an urban residential zoned <i>Lot</i> described in column 1 of Table 3.1 , the minimum <i>Rear Yard Setback</i> shall be 6.0m and the minimum <i>Interior Side Yard Setback</i> shall be 3.0m. | |

~~10.6.7~~ 11.6.7 Other Regulations

- (a) All *Apartments* shall be provided with an at-*Grade* entrance separate from the non-residential *Uses*. Where such an entrance fronts onto a public *Street*, said entrance may not exceed 5.0m in width.
- (b) All *Apartments* must be located either on a separate *Storey* above the non-residential *Uses* or on the same *Storey* as the non-residential *Uses*, provided that no more than 40 percent of the *Gross Floor Area* of the first *Storey* is occupied by *Apartment Uses* and that no *Apartments* face *Front Property Lines* along the following public *Streets*:
 - (i) Highway #97
 - (ii) Prairie Valley Road
- (c) In addition to the regulations listed above, other regulations may apply.

³³⁰ Amendment Bylaw No. 2012-017 (July 23, 2012)

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These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

10.711.7 CM Heavy Commercial Zone

CM

11.7.1 Purpose

To provide a zone to accommodate established commercial operations that require substantial on-site storage facilities. Lands must be designated as Service Commercial under the *District's* Official Community Plan.

11.7.2 Principal Uses

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

- (a) *Cannery & Packing House*
- (b) *Farm Equipment, Supplies, and Sales*
- (c) garden centre;
- (d) lumber yard;
- (e) *Warehouse Sales Establishments*.

11.7.3 Accessory Uses

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

- (a) *Accessory Buildings & Structures*; and
- (b) *Employee Housing*.

11.7.4 Subdivision Regulations

- (a) Minimum *Lot Area* 5.0ha
- (b) Minimum *Lot Width* 100m

11.7.5 *Development* Regulations

- (a) Maximum *Lot Coverage* 60 percent

11.7.6 Siting Regulations – Principal and Accessory Uses³³¹

- (a) Minimum *Front Setback* 6.0m
- (b) Minimum *Rear Setback* 3.0m (see (f))
- (c) Minimum *Side Setback (Interior)* 2.4m (see (f))
- (d) Minimum *Side Setback (Exterior)* 4.5m

³³¹ Amendment Bylaw No. 2012-017 (July 23, 2012)

- (e) Maximum *Height* The lesser of
12.0m or 2 *Storeys*
- (f) Notwithstanding Section 11.7.6 (b) and (c), where a CM - Heavy Commercial zoned *Lot* *Abuts* an urban residential zoned *Lot* described in column 1 of [Table 3.1](#), the minimum *Rear Yard Setback* shall be 6.0m and the minimum *Interior Side Yard Setback* shall be 3.0m.

~~10.7.7~~ 11.7.7 Other Regulations

- (a) *Employee Housing* shall be limited to one (1) *Dwelling* unit per *Lot* or *Development Site*.
- (b) All *Employee Housing* shall be provided with an *at-Grade* entrance separate from the non-residential spaces; where such an entrance fronts onto a public *Street*, said entrance may not exceed 5.0m in width.
- (c) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

~~10.7.8~~ 11.7.8 Site Specific Provisions

- 11.5.8.1 *Recreational Service, Indoor*, is an allowable *Principal Use* only on Lot 1, DI 473, ODYD, Plan KAP35935 Except for Plan 39724, located at 9304 Jubilee Road East.

10.811.8 MX1 Mixed Use Zone ³³²

MX1

10.8.111.8.1 Purpose

The intent of the *Mixed Use* Zone is to provide a broad range of commercial and residential uses within *Mixed-Use* buildings up to ~~65~~ **5** *Storeys* in height within the Downtown and Lower Town areas.

11.8.2 Principal Uses

The following are *Principal Uses* permitted within the MX1 zone:

| | |
|---|--|
| <i>Apartment Housing;</i> | <i>Health Services;</i> |
| <i>Art Gallery & Museum;</i> | <i>Hotel;</i> |
| <i>Amusement Establishment;</i> | <i>Office;</i> |
| <i>Business support services;</i> | <i>Personal Service Establishment;</i> |
| <i>Craft Brewery/ Distillery;</i> | <i>Place of Worship;</i> |
| <i>Child Care Centre, Major, Minor;</i> | <i>Protective and Emergency Services;</i> |
| <i>Club;</i> | <i>Recreation Service, Indoor;</i> |
| <i>Community Recreation Services;</i> | <i>Retail Store, General; and,</i> |
| <i>Eating & Drinking</i> | <i>Retail Store, Licensed Cannabis (in the</i> |
| <i>Establishment; Education</i> | <i>downtown core only).</i> |
| <i>Services;</i> | |
| <i>Financial Services;</i> | |

11.8.3 Accessory Uses

The following *Accessory Uses* permitted within the MX1 zone:

- (a) *Accessory Buildings & Structures*; and,
- (b) *Home-occupation, Type 1*, subject to [Section 7.6](#).

11.8.4 Conditions of Use

- (a) *Commercial uses* are permitted within the first two *stories* only,
- (b) *Commercial uses* shall provide principal entrances located on the front face of the *building*.
- (c) All *Dwelling units* shall have an access to an at-grade entrance separate from the non-residential *Uses*³³³.

11.8.5 Subdivision Regulations

- | | |
|------------------------------|-------------------|
| (a) Minimum <i>Lot Area</i> | 800m ² |
| (b) Minimum <i>Lot Width</i> | 20.0m |

³³² Amendment Bylaw No. 2019-021 (June 10, 2019)

³³³ Amendment Bylaw No. 2020-025 (December 14, 2020)
Summerland Zoning Bylaw 2000-450

(c) Maximum Lot ~~Width~~Depth 30.0m

11.8.6 Development Regulations

- (a) Maximum Lot Coverage 90 percent
- (b) Maximum Floor Area Ratio ~~32.5~~³³⁴

Commented [BD59]: Floor Area Ratio in CB1 zone is also being increased to 3.5 and recommend being consistent with this amount.

11.8.7 Siting Regulations – *Principal & Accessory*

- (a) Minimum Front Setback 3.0m
- (b) Minimum Rear Setback 0.0m
- (c) Minimum Side Setback (Interior) 0.0m
- (d) Minimum Side Setback (Exterior) 3.0m
- (e) Notwithstanding Section 11.~~85~~.6, where a Lot Abuts a Highway intersection, the required Setback for the First Storey Adjacent to the intersection shall accommodate an unobstructed Site Triangle, each such point forming the Site Triangle in this instance being 4.5m from the point of intersection.
- (f) Maximum Height of Principal Buildings ~~18.75m~~22.0 m³³⁵

Commented [BD60]: High Density Zone moving to 6 stories. Oasis building and Kelly Avenue building only properties with this existing zoning. Oasis is currently allowed up to 6 stories already through site-specific regulation.

11.8.8 Other Regulations

- (a) Parking, loading or garbage collection facilities are not permitted between the front or exterior side face of a building and a public Highway.
- (b) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

11.8.9 Site Specific Provisions

- (a) Maximum Height of Principal Buildings, on lands legally described as: LOT 1 DISTRICT LOTS 455 AND 5085 OSOYOOS DIVISION YALE DISTRICT PLAN 5896 (13415 Lakeshore Dive), shall be: 23.0

³³⁴ Amendment Bylaw No. 2024-011 (June XX, 2024)

³³⁵ [Amendment Bylaw No. 2024-011 \(June XX, 2024\)](#), Summerland Zoning Bylaw 2000-450

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11.12 Industrial Zones

11.12.1 M1 Light Industrial Zone

M1

12.1.1 Purpose

To provide a zone to accommodate light industrial *Uses* and the processing of *Agriculture Products*. Lands must be designated as Light Industrial under the *District's* Official Community Plan.

12.1.2 Principal Uses

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

- (a) *Automotive & Equipment Repair Shop*;
- (b) *Contractor Services, Limited*;
- (c) *Contractor Services, General*³³⁶;
- ~~(d)~~ *Eating & Drinking Establishment*;
- ~~(e)~~ *Equipment Rental*;
- ~~(f)~~ *Farm Equipment, Supplies, and Sales*³³⁷;
- ~~(g)~~ *Protective & Emergency Services*;
- ~~(h)~~ *General Industrial Uses*³³⁸;
- ~~(i)~~ *Cannery & Packing House*³³⁹;
- ~~(j)~~ *Recycle Drop-Off Centre*;
- ~~(k)~~ *Recycling Depot*;
- ~~(l)~~ *Research Centre and Laboratory*;
- ~~(m)~~ *Winery & Cidery*;
- ~~(n)~~ *Craft Brewery & Distillery*;
- ~~(o)~~ *primary & secondary processing of Agriculture Products* excluding *abattoirs*³⁴⁰;
- ~~(p)~~ *Commercial Storage*; and
- ~~(q)~~ *Cannabis, Licensed Production*³⁴¹

Commented [BD61]: More site-specific requests to include this use in existing zone M1 parcels. Most of industrial land in Summerland is zoned M1, not M2 and limited locations for contracting companies to locate within the District

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³³⁶ Amendment Bylaw No. 2024-011 (June XX, 2024)

³³⁷ Amendment Bylaw No. 2020-025 (December 14, 2020)

³³⁸ Amendment Bylaw No. 2020-025 (December 14, 2020)

³³⁹ Amendment Bylaw No. 2020-025 (December 14, 2020)

³⁴⁰ Amendment Bylaw No. 2013-008 (April 29, 2013)

³⁴¹ Amendment Bylaw No. 2018-027 (October 9, 2018)

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12.1.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures*;
- (b) indoor display areas, retail sales areas and/or *Office* areas; ~~and~~
- (c) *Employee Housing*; ~~and~~
- (~~e~~)(d) *Storage Yard*³⁴²

12.1.4 Subdivision Regulations³⁴³

- (a) Minimum *Lot Area (with sewer service)* 1,800m²
- (b) Minimum *Lot Area (without sewer service)* 1.0ha
- (c) Minimum *Lot Width* 30.0m

12.1.5 *Development* Regulations

- (a) Maximum *Lot Coverage* 60 percent

12.1.6 Siting Regulations – *Principal & Accessory Uses*

- (a) Minimum *Front Setback* 7.0m
- (b) Minimum *Rear Setback* 0.0m
- (c) Minimum *Side Setback (Interior)* 5.0m
- (d) Minimum *Side Setback (Exterior)* 5.0m
- (e) Maximum *Height* The lesser of 12.0m or 2 *Storeys*
- (f) Notwithstanding Section 12.1.6 (b), where the *Rear Yard Abuts* any zone other than an industrial zone, the *Rear Yard Setback* shall be 7.5m.
- (g) Notwithstanding Section 12.1.6 (c), where one *Side Setback (either Interior or Exterior)* measures at least 5.0m, the other *Interior Side Setback* may be reduced to 0.0m, provided that it *Abuts* an industrial zone³⁴⁴.

12.1.7 Other Regulations

- (a) *Eating & Drinking Establishments* shall have a maximum *Gross Floor Area*

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Commented [BD62]: Similar to Contractor Services, General, more site specific requests for outdoor storage on industrial zoned land (M1). Given that this is still "light" industrial recommend that open storage is only accessory to another principal use/business.

³⁴² Amendment Bylaw No. 2024-011 (June XX, 2024)

³⁴³ Amendment Bylaw No. 2012-017 (July 23, 2012)

³⁴⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

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of 100m² and shall not include *Premises* licensed under the Liquor Control and Licensing Act.

- (b) Indoor display areas, retail sales areas and/or *Office* areas shall occupy no more than 25 percent of the *Gross Floor Area* devoted to the *Principal Use*.
- (c) *Employee Housing* shall be limited to one (1) *Dwelling* unit per *Lot* or *Development Site*, which may include:
 - (i) one *Apartment* situated within the principal *Building*; or
 - (ii) one *Manufactured Home*, if on a site greater than 2.0 ha.
- (d) Where a *Lot* zoned M1 *Abuts Lots* zoned for non-industrial *Uses*, no *Use* shall direct illumination, light, or glare beyond the boundary of the *Lot* on which the *Use* is located.
- (e) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

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12.1.8 Site Specific Provisions

- (a) That *Single Detached Housing* is a permitted *Principal Use* for Lot A, District Lot 2194, ODYD, Plan KAP45982 being 18217 Bentley Road and Lot 1, District Lot 2194, ODYD, Plan 38005 being 18219 Bentley Road, only.

~~(b)~~ That *Contractor Service, General*, is a permitted *Principal Use* only on Lot A, DL 454, ODYD, Plan 28959, located at 15823 Logie Road

Commented [BD63]: No longer required if Contractor Services, General is added as a permitted uses

~~(c)~~(b) In the case of land located at 15835 Logie Road, legally described as Lot 6 District Lot 454 Osoyoos Division Yale District Plan 16477, and 15836 Industrial Avenue, legally described as Lot 7 District Lot 454 Osoyoos Division Yale District Plan 16477 the following provisions shall apply:

- i. That *Storage Yard* is permitted as a *Principle Use* for Lot 6 District Lot 454 ODYD Plan 16477 being 15835 Logie Road and Lot 7 District Lot 454 ODYD Plan 16477 being 15836 Industrial Avenue³⁴⁵.

~~(c)~~ In the case of land located at 9606 & 9806 Victoria Rd S, legally described as Lot B & C District Lot 439 ODYD Plan 28778 the following provision shall apply:

~~(d)~~

- i. That *Concrete & Asphalt Plant* is permitted as a *Principal Use*³⁴⁶.

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³⁴⁵ Amendment Bylaw No. 2022-013 (May 24, 2022)

³⁴⁶ Amendment Bylaw No. 2022-017 (June 13, 2022)

~~(e) In the case of land located at 17814 Bentley Road, legally described as Lot 1 District Lot 1178 Osoyoos Division Yale District Plan 9655 the following provisions shall apply:~~

~~i. That Contractor Service, General is a permitted use³⁴⁷.~~

Commented [BD64]: No longer required if Contractor Services, General is added as a permitted uses

~~(f) In the case of land located at 17618 Bentley Road, legally described as Lot A District Lot 1178 Osoyoos Division Yale District Plan 20577 the following provisions shall apply:~~

~~i. That Contractor Service, General is a permitted use³⁴⁸.~~

Commented [BD65]: No longer required if Contractor Services, General is added as a permitted uses

(g) In the case of land located at 8307 Jones Flat Road, legally described as Lot B District Lot 454 ODYD Plan 38000, the following provisions shall apply:

- i. The property line abutting Jones Flat Road be considered the front property line.
- ii. That *Motorcycle Sales and Rentals* be permitted as a *Principal Use* and defined as follows:

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- a. *Motorcycle Sales and Rentals* means a *Use* where new or used motorcycles are sold, leased or rented and may include the associated storage and servicing of vehicles to be sold, leased and rented as well as the sale of motorcycle parts³⁴⁹.

~~³⁴⁷ Amendment Bylaw No. 2023-007 (April 24, 2023).~~

~~³⁴⁸ Amendment Bylaw No. 2023-008 (April 24, 2023).~~

³⁴⁹ Amendment Bylaw No. 2023-015 (July 18, 2023)

11.212.2 **M2 Heavy Industrial Zone**

M2

12.2.1 Purpose

To provide a zone to accommodate more intensive industrial *Uses* as well as service commercial, light industrial and storage *Uses*. Lands must be designated as Medium Industrial under the *District's* Official Community Plan.

12.2.2 Principal Uses

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

- (a) *Animal Shelter, Major*, subject to [Section 7.14](#)³⁵⁰;
- (b) *Auctioneering Establishment*;
- (c) *Automobile Sales & Rentals*;
- (d) *Automotive & Equipment Repair Shop*;
- (e) *Autobody Repair Shop*;
- (f) *Bulk Fuel Depot*;
- (g) *Commercial Storage*;
- (h) *Contractor Services, General*;
- (i) *Contractor Services, Limited*;
- (j) crematorium;
- (k) *Eating & Drinking Establishment*;
- (l) *Equipment Rental*;
- (m) *Farm Equipment, Supplies, and Sales*³⁵¹;
- (n) *Fleet Service*;
- (o) *Greenhouse and Plant Nurseries*³⁵²;
- (p) *General Industrial Uses*;
- (q) *Cannery and Packing House*³⁵³;
- (r) primary & secondary processing of *Agriculture Products* excluding *abattoirs*³⁵⁴;
- (s) *Recycle Drop-Off Centre*;
- (t) *Recycling Depot*;

³⁵⁰ Amendment Bylaw No. 2000-459 (November 14, 2011)

³⁵¹ Amendment Bylaw No. 2020-025 (December 14, 2020)

³⁵² Amendment Bylaw No. 2020-025 (December 14, 2020)

³⁵³ Amendment Bylaw No. 2020-025 (December 14, 2020)

³⁵⁴ Amendment Bylaw No. 2013-008 (April 29, 2013)

- (u) *Research Centre and Laboratory;*
- (v) *sawmill;*
- (w) *Service Station;*
- (x) *Storage Yard;*
- (y) *Warehouse Sales Establishment;*
- (aa) *Winery & Cidery;*
- (bb) *Craft Brewing & Distilling;*
- (cc) *Wrecking Yards; and*
- (dd) *Cannabis, Licensed Production*³⁵⁵.

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12.2.3 Accessory Uses

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

- (a) *Accessory Buildings & Structures;*
- (b) *indoor display areas, retail sales areas and/or Office areas; and*
- (c) *Employee Housing.*

12.2.4 Subdivision Regulations³⁵⁶

- | | | |
|-----|---|---------------------|
| (a) | <i>Minimum Lot Area (with sewer service)</i> | 1,800m ² |
| (b) | <i>Minimum Lot Area (without sewer service)</i> | 1.0ha |
| (c) | <i>Minimum Lot Width</i> | 30.0m |

12.2.5 Development Regulations

- | | | |
|-----|-----------------------------|------------|
| (a) | <i>Maximum Lot Coverage</i> | 60 percent |
|-----|-----------------------------|------------|

12.2.6 Siting Regulations – *Principal & Accessory Uses*

- | | | |
|-----|--|--|
| (a) | <i>Minimum Front Setback</i> | 7.0m |
| (b) | <i>Minimum Rear Setback</i> | 0.0m |
| (c) | <i>Minimum Side Setback (Interior)</i> | 5.0m |
| (d) | <i>Minimum Side Setback (Exterior)</i> | 5.0m |
| (e) | <i>Maximum Height</i> | The lesser of 14.0m or 2 Storeys |

³⁵⁵ Amendment Bylaw No. 2018-027 (October 18, 2018)

³⁵⁶ Amendment Bylaw No. 2012-017 (July 23, 2012)

- (f) Notwithstanding Section 12.2.6 (b), where the *Rear Yard Abuts* any zone other than an industrial zone, the *Rear Yard Setback* shall be 7.5m.
- (g) Notwithstanding Section 12.2.6 (c), where one *Side Setback* (either *Interior* or *Exterior*) measures at least 5.0m, the other *Interior Side Setback* may be reduced to 0.0m, provided that it *Abuts* an industrial zone³⁵⁷.

12.2.7 Other Regulations

- (a) *Eating & Drinking Establishments* shall have a maximum *Gross Floor Area* of 100m² and shall not include *Premises* licensed under the [Liquor Control and Licensing Act](#).
- (b) Indoor display areas, retail sales areas and/or *Office* areas shall not occupy more than 25 percent of the *Gross Floor Area* devoted to the *Principal Use*.
- (c) *Employee Housing* shall be limited to one (1) *Dwelling* unit per *Lot* or *Development Site*, which may include:
 - (i) one *Apartment* situated within the *Principal Building*; or
 - (ii) one *Manufactured Home*, if on a site greater than 2.0ha.
- (d) Where a *Lot* zoned M2 *Abuts* *Lots* zoned for non-industrial *Uses*, no *Use* shall direct illumination, light, or glare beyond the boundary of the *Lot* on which the *Use* is located.
- (e) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

³⁵⁷ Amendment Bylaw No. 2020-025 (December 14, 2020)

~~11.3~~12.3 M3 Agri-Industrial Zone

M3

12.3.1 Purpose

To provide a zone to accommodate agricultural processing on lands which are situated within the *Agricultural Land Reserve* or are otherwise isolated from established industrial sectors within the community. Lands must be designated as Agri-Industrial under the *District's* Official Community Plan.

12.3.2 Principal Uses

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

- (a) *Agriculture, General;*
- (b) *Greenhouses & Plant Nurseries;*
- (c) *Cannery & Packing House*³⁵⁸
- (d) primary & secondary processing of *Agriculture Products* excluding *abattoirs*³⁵⁹;
- (e) *Research Centre and Laboratory;* and
- (f) *Winery & Cidery.*

12.3.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures;*
- (b) indoor display areas, retail sales areas and/or *Office* areas; and
- (c) *Employee Housing.*

12.3.4 Subdivision Regulations³⁶⁰

- (a) Minimum *Lot Area (with sewer service)* 1,800m²
- (b) Minimum *Lot Area (without sewer service)* 1.0ha
- (c) Minimum *Lot Width* 30.0m

12.3.5 Development Regulations

- (a) Maximum *Lot Coverage* 10 percent
- (b) Notwithstanding Section 12.3.5 (a), a *Lot* for which the *Principal Use* is greenhouse, plant nurseries, primary & secondary processing of *Agriculture Products* and/or *Wineries* or *Cideries* may increase the

³⁵⁸ Amendment Bylaw No. 2020-025 (December 14, 2020)

³⁵⁹ Amendment Bylaw No. 2013-008 (April 29, 2013)

³⁶⁰ Amendment Bylaw No. 2012-017 (July 23, 2012)

maximum *Lot Coverage* to 65 percent.

12.3.6 Siting Regulations – *Principal & Accessory Uses*

| | | |
|-----|--|--|
| (a) | Minimum <i>Front Setback</i> | 15.0m |
| (b) | Minimum <i>Rear Setback</i> | 15.0m |
| (c) | Minimum <i>Side Setback (Interior)</i> | 5.0m |
| (d) | Minimum <i>Side Setback (Exterior)</i> | 10.0m |
| (e) | Maximum <i>Height</i> | The lesser of 11.0m or 2 <i>Storeys</i> |

12.3.7 Other Regulations

- (a) Indoor display areas, retail sales areas and/or *Office* areas shall not occupy more than 25 percent of the *Gross Floor Area* devoted to the *Principal Use*.
- (b) *Employee Housing* shall be limited to one (1) *Dwelling* unit per *Lot* or *Development Site*, which may include:
 - (i) One *Apartment* situated within the *Principal Building*; or
 - (ii) One *Manufactured Home*, if on a site greater than 2.0ha.
- (c) Where a *Lot* zoned M3 *Abuts Lots* zoned for non-industrial *Uses*, no *Use* shall direct illumination, light, or glare beyond the boundary of the *Lot* on which the *Use* is located.
- (d) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

11.412.4 M4 Resource Industrial Zone

M4

12.4.1 Purpose

To provide a zone to accommodate resource-based industrial operations. Lands must be designated as Resource Industrial under the *District's* Official Community Plan.

12.4.2 Principal Uses

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

- (a) *Concrete & Asphalt Plant*;
- (b) *Natural Resource Extraction* operations;
- (c) solid waste & composting facility; and
- (d) *Storage Yard* for aggregate materials.

12.4.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures*;
- (b) indoor display areas, retail sales areas and/or *Office* areas; and
- (c) *Employee Housing*.

12.4.4 Subdivision Regulations

- (a) Minimum *Lot Area* 2.0ha
- (b) Minimum *Lot Width* 100m

12.4.5 Development Regulations

- (a) Maximum *Lot Coverage* 9 10 percent

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12.4.6 Siting Regulations – *Principal & Accessory Uses*

- (a) Minimum *Front Setback* 30.0m
- (b) Minimum *Rear Setback* 15.0m
- (c) Minimum *Side Setback (Interior)* 7.5m
- (d) Minimum *Side Setback (Exterior)* 7.5m
- (e) Maximum *Height* 18.0m

12.4.7 Other Regulations

- (a) Indoor display areas, retail sales areas and/or *Office* areas shall not occupy

more than 25 percent of the *Gross Floor Area* devoted to the *Principal Use*.

- (b) *Employee Housing* shall be limited to one (1) *Dwelling* unit per *Lot* or *Development Site*, which may include:
 - (i) one *Apartment* situated within the *Principal Building*; or
 - (ii) one *Manufactured Home*, if on a site greater than 2.0ha.
- (c) Where a *Lot* zoned M4 *Abuts Lots* zoned for non-industrial *Uses*, no *Use* shall direct illumination, light or glare beyond the boundary of any *Lot* zoned M4.
- (d) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

~~11.5~~12.5 M1-A Business Industrial Zone

M1-

A

12.5.1 Purpose

The purpose is to provide a zone to accommodate business industrial development containing clean industrial and businesses that provide services and support to industrial uses with limited outdoor storage and to provide for a transition to clean industrial uses.

12.5.2 Principal Uses

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

- (a) *Animal Shelter, Minor*, subject to [Section 7.14](#);
- (b) *Automotive & Equipment Repair Shop*;
- (c) *Craft Brewing & Distilling*;
- (d) *Broadcasting Studios*;
- (e) *Business support service*;
- (f) *Club*;
- (g) *Cannabis, Licensed Production*³⁶¹
- (h) *Contractor Services, Limited*;
- (i) *Eating & Drinking Establishment*;
- (j) *Equipment Rental*;
- (k) *Farm Equipment, Supplies, and Sales*³⁶²
- (l) *Greenhouse and Plant Nurseries*³⁶³
- (m) *General Industrial Uses*³⁶⁴
- (n) *Industrial High Technology Research and Product Design*;
- (o) *Primary & secondary processing of Agriculture Products*, excluding *abattoir*;
- (p) *Protective & Emergency Services*;
- (q) *Recreational Service, Indoor*;
- (r) *Recycling Depot*;

³⁶¹ Amendment Bylaw No. 2018-027 (October 9, 2018)

³⁶² Amendment Bylaw No. 2020-025 (December 14, 2020)

³⁶³ Amendment Bylaw No. 2020-025 (December 14, 2020)

³⁶⁴ Amendment Bylaw No. 2020-025 (December 14, 2020)

- (s) *Research Centre and Laboratory;*
- (t) *Warehouse Sales Establishment; and*
- (u) *Winery & Cidery.*

12.5.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures;*
- (b) *Education Service;*
- (c) *Indoor display areas, retail sales areas and/or Office areas;*
- (d) *Employee Housing; and*
- (e) *Recycle Drop-Off Centre.*

12.5.4 Subdivision Regulations

- (a) *Minimum Lot Area* (with sewer service) 1800m²
- (b) *Minimum Lot Area* (without sewer service) 1.0ha
- (c) *Minimum Lot Width* 30.0m

12.5.5 Development Regulations

- (a) *Maximum Lot Coverage* 60 percent

12.5.6 Siting Regulations – Principal and Accessory Uses

- (a) *Minimum Front Setback* 7.0m
- (b) *Minimum Rear Setback* 0.0m
- (c) *Minimum Side Setback (interior)* 5.0m
- (d) *Minimum Side Setback (exterior)* 5.0m
- (e) *Maximum Height* 14.0m
- (f) Notwithstanding Section 12.1.6(b), where the *Rear Yard Abuts* any zone other than an industrial zone, the *Rear Yard Setback* shall be 7.5m.
- (g) Notwithstanding Section 12.1.6(c), where one *Side Setback* (either *Interior or Exterior*) measures at least 5.0m, the other *Interior Side Setback* may be reduced to 0.0m, provided that it *abuts* an industrial zone³⁶⁵.

12.5.7 Other Regulations

³⁶⁵ Amendment Bylaw No. 2020-025 (December 14, 2020)

- (a) *Eating & Drinking Establishments* shall have a maximum Gross Floor Area of 100m² and shall not include *Premises* licensed under the [Liquor Control and Licensing Act](#).
- (b) Indoor display areas, retail sales areas and/or *Office* areas shall occupy no more than 25 percent of the Gross Floor Area devoted to the *Principal Use*.
- (c) *Employee Housing* shall be limited to one (1) *Dwelling* unit per *Lot* or *Development Site*, which may include:
 - (i) One *Apartment* situated within the principal *Building*; or
 - (ii) One *Manufactured Home*, if on a site greater than 2.0ha.
- (d) Where a *Lot* rezoned M1-A Abuts Lots zoned for non-industrial Uses, no Use shall direct illumination, light, or glare beyond the boundary of the *Lot* on which the Use is located.
- (e) No industrial uses are permitted which carry out their operations such that there would be excessive noise, odour, or other emissions created outside an enclosed building. Excessive emissions are those that exceed standards set by Provincial legislation.
- (f) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

12.13 Public, Open land & Institutional Zones

12.13.1 PR1 Parks and Recreation Zone

PR1

13.1.1 Purpose

To provide a zone to accommodate open space and outdoor community recreation *Uses*. Lands must be designated as Environmentally Sensitive Areas or Parks under the *District's* Official Community Plan.

13.1.2 Principal Uses

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

- (a) *Boat Launch*;
- (b) public beach;
- (c) *Cemetery*;
- (d) playground;
- (e) *Recreational Services, Outdoor*; and
- (f) *Outdoor Park*

13.1.3 Accessory Uses

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

- (a) *Accessory Buildings & Structures*;
- (b) *Eating & Drinking Establishment* limited to concession stand facilities; and
- (c) *Docks*

13.1.4 Development Regulations

- (a) Maximum *Lot Coverage* 25 percent
- (b) Maximum *Floor Area Ratio* 0.5

13.1.5 Siting Regulations – *Principal & Accessory Uses*

- (a) Minimum *Front Setback* 7.0m
- (b) Minimum *Rear Setback* 7.0m
- (c) Minimum *Side Setback (Interior)* 5.0m
- (d) Minimum *Side Setback (Exterior)* 5.0m
- (e) Maximum *Height* The lesser of 9.5m or 2 *Storeys*

13.1.6 Other Regulations

- (a) Two concession stands shall be permitted per *Principal Use*, and the maximum *Gross Floor Area* of each concession stand shall be 100m².
- (b) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

13.1.7 Site Specific Provisions

- (a) That the permitted Principal use of *Marina*, be allowed for Lot 1, Plan KAP61478, 17001 Lakeshore Drive, only.

12.2.13.2 **FG Forestry Grazing Zone**

13.2.1 Purpose

To provide a zone to accommodate forestry, grazing and conservation *Uses* in areas of the community that are currently confined by the availability of water, roads or other infrastructure and service needs. Lands must be designated as Openland, or Future Growth Areas under the *District's* Official Community Plan.

12.2.2.13.2.2 Principal Uses

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

- (a) Forestry;
- (b) *Agriculture, General*, limited to grazing;
- (c) *Manufactured Housing - Type 1 or 2*; and
- (d) *Single Detached Housing*.

12.2.3.13.2.3 Accessory Uses

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

- (a) *Accessory Buildings & Structures*;
- (b) *Home Occupation - Type 1,2 or 3*, subject to [Section 7.6](#); and
- (c) stable.

12.2.4.13.2.4 Subdivision Regulations

- (a) Minimum *Lot Area* 20.0ha

12.2.5.13.2.5 Development Regulations

- (a) Maximum *Lot Coverage* 10 percent

12.2.6.13.2.6 Siting Regulations – *Principal & Accessory Uses*

- (a) Minimum *Front Setback* 10.0m
- (b) Minimum *Rear Setback* 7.0m
- (c) Minimum *Side Setback (Interior)* 7.0m
- (d) Minimum *Side Setback (Exterior)* 7.0m
- (e) Maximum *Height* 12.0m

~~12.2.7~~13.2.7 Other Regulations

- (a) The maximum number of principal *Dwellings* shall not exceed one (1) *Single Detached House* or one (1) *Manufactured House* per *Lot* or *Development Site*.
- (b) *Accessory Buildings or Structures* will be limited to a maximum of 100m² or 25% of the allowable Lot Coverage, whichever is greater.
- (c) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

~~12.3~~13.3 PP Preservation & Protection Zone

PP

13.3.1 Purpose

To provide a zone to protect land areas in the community that have significant environmental value, are endangered natural habitat or are undevelopable due to topographical or environmental constraints. Lands must be designated as Environmentally Sensitive Development Permit Areas or High Hazard Development Permit Areas under the *District's* Official Community Plan.

13.3.2 Principal Uses

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

- (a) *Agriculture, General*, limited to grazing; and
- (b) *Open land Recreation*.

13.3.3 Other Regulations

- (a) No *Buildings* of any kind other than those required to protect *Government & Utility Services* are permitted within this zone.
- (b) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

12.413.4 | Institutional Zone |

13.4.1 Purpose

To provide a zone to accommodate major community facilities that address institutional, cultural, and educational needs of the community. Lands must be designated as Administration under the *District's* Official Community Plan.

13.4.2 Principal Uses

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

- (a) *Art Gallery and Museum;*
- (b) *Child Care Centre, Major, Minor;*
- (c) *Community Recreation Services;*
- (d) court house;
- (e) *Funeral Home;*
- (f) *Group Home, Major;*
- (g) hospital;
- (h) library;
- (i) *Place of Worship;*
- (j) *Protective & Emergency Services;*
- (k) *Education Services;*
- (l) *Recreational Services, Indoor;*
- (m) *Recreational Services, Outdoor;*
- (n) *Recycle Drop-Off Centre;* and
- (o) *Research Centre and Laboratory.*

13.4.3 Accessory Uses

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

- (a) *Accessory Buildings & Structures;*
- (b) *Dormitory*³⁶⁶;
- (c) *Eating & Drinking Establishment;* and
- (d) *Employee Housing.*

³⁶⁶ Amendment Bylaw No. 2017-021 (August 28, 2017)

13.4.4 Subdivision Regulations

- | | | |
|-----|--------------------------|-------------------|
| (a) | Minimum <i>Lot Area</i> | 700m ² |
| (b) | Minimum <i>Lot Width</i> | 18.0m |
| (c) | Minimum <i>Lot Depth</i> | 30.0m |

13.4.5 Development Regulations

- | | | |
|-----|---------------------------------|------------|
| (a) | Maximum <i>Lot Coverage</i> | 50 percent |
| (b) | Maximum <i>Floor Area Ratio</i> | 0.8 |

13.4.6 Siting Regulations – *Principal & Accessory Uses*

- | | | |
|-----|--|--|
| (a) | Minimum <i>Front Setback</i> | 7.0m |
| (b) | Minimum <i>Rear Setback</i> | 7.0m |
| (c) | Minimum <i>Side Setback (Interior)</i> | 5.0m |
| (d) | Minimum <i>Side Setback (Exterior)</i> | 5.0m |
| (e) | Maximum <i>Height</i> | The lesser of 14.0m or 4 <i>Storeys</i> |

13.4.7 Other Regulations

- (a) *Employee Housing* shall be limited to one (1) *Dwelling* unit per *Lot* or *Development Site*.
- (b) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

13.4.8 Site Specific Provisions

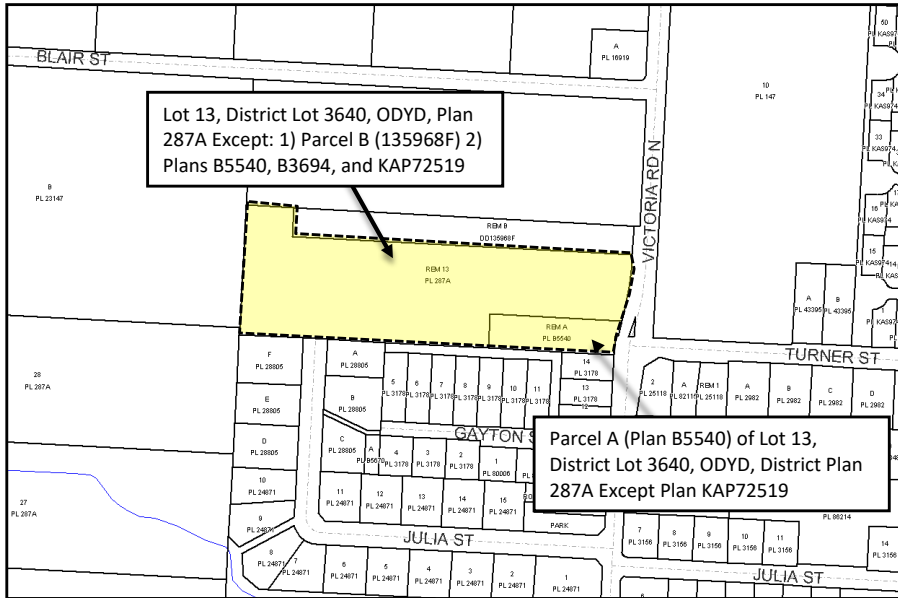
- .1 In the case of the land at 14812 & 14820 Victoria Road N, legally described as Parcel A (Plan B5540) of Lot 13, District Lot 340, ODYD, District Plan 287A Except Plan KAP72519 and Lot 13, District Lot 3640, ODYD, Plan 287A Except: 1) Parcel B (135968F) 2) Plans B5540, B3694, and KAP72519; shown of figure 13.4.8.1, the following provisions shall apply³⁶⁷:
 - (a) Permitted uses shall include those listed in Section 13.4 as well as the *Cluster Housing Use* shall be permitted as an accessory use to the *Places of Worship Use* subject to the following regulations for:
 - a. The density of dwelling units shall not exceed 30 units per hectare

³⁶⁷ Amendment Bylaw No. 2019-0085 (March 11, 2019)

b. Siting Regulations for the Cluster Housing Use is

- Minimum Front Setback 4.5m
- Minimum Rear Setback 4.5m
- Minimum Side Setback (Interior) 1.5m
- Minimum Side Setback (Exterior) 4.5m

c. The maximum height for the Cluster Housing Use is 9.5 metres.



(c) Figure 13.4.8.1

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1314 Water Zones³⁶⁸

13.1.14.1 WZ1 – Recreational Water Use Zone 1

WZ1

13.1.14.1.1 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.

13.1.14.1.2 Principal 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*; and
- (e) public utilities (municipal, provincial or federal).

13.1.14.1.3 Accessory Uses (if a principal use is occurring on the upland lot)

- (a) *Docks*;
- (b) *Boat Lifts* if part of a dock; and
- (c) temporary *Moorage*.

13.1.14.1.4 Subdivision Regulations N/A

13.1.14.1.5 Private Wharfage Regulations³⁶⁹

- (a) *Docks* shall not extend into Okanagan Lake from the natural boundary more than 40.0 m.
- (b) *Docks* shall have a minimum *Setback* from *Side Property Line* projected into the lake as a perpendicular extension from the general trend of the shoreline commencing at the intersection of the *Side Property Line* and the natural boundary as follows:
 - i. 5.0 m; and
 - ii. 6.0 m when adjoining a public park.
- (c) Notwithstanding 14.1.5(b), private moorage shared by two or more upland property owners (shared dock or strata moorage facility) is not required to

³⁶⁸ Amendment Bylaw No. 2016-028 (October 24, 2016)

³⁶⁹ Amendment Bylaw No. 2022-024 (July 25, 2022)

provide any *Setback* between the upland *Lots* sharing the private moorage.

~~13.1.6~~14.1.6 Other Regulations³⁷⁰

- (a) In addition to the regulations listed above, other regulations may apply. These include [Section 7.5 Marinas, Docks, and other Wharfage Facilities 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.

³⁷⁰ Amendment Bylaw No. 2022-024 (July 25, 2022)

13.2.14.2 WZ2 – Recreational Water Use Zone 2

WZ2

13.2.14.2.1 Purpose

To provide a zone that allows for the recreational enjoyment of the lake but prohibits *Moorage* or *Docks* beyond 100 m.

13.2.14.2.2 Principal 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; and
- (d) public utilities (municipal, provincial or federal).

13.2.14.2.3 Accessory Uses (if a principal use is occurring on the upland lot) N/A

13.2.14.2.4 Subdivision Regulations N/A

13.2.14.2.5 Development Regulations N/A

13.2.14.2.6 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.

13.3.14.3 WZ3 – Intensive Water Use Zone

WZ3

13.3.14.3.1 Purpose

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.

13.3.14.3.2 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

13.3.14.3.3 Accessory Uses

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

13.3.14.3.4 Subdivision Regulations

N/A

13.3.14.3.5 Private, Public and Commercial Wharfage Regulations³⁷¹

- (a) *Marinas and Docks* shall not extend into Okanagan Lake from the natural boundary more than 160.0 m.
- (b) *Marinas and Docks* shall have a minimum *Side Property Line Setback* from the perpendicular extension from the general trend of the shoreline of the *Side Property Line* projected into the lake of 10 m.
- (c) Notwithstanding 14.3.5(b), private moorage shared by two or more upland property owners (shared dock or strata moorage facility) is not required to provide any *Setback* between the upland *Lots* sharing the private moorage.
- (d) *Marinas and Docks* within 100 m from the natural boundary of a public beach or a designated swim

³⁷¹ Amendment Bylaw No. 2022-024 (July 25, 2022)

area shall site *Wharfage* facilities on the opposite side of the *Structure* from the park/swim area.

~~13.3.6~~ 14.3.6 Other Regulations³⁷²

- (a) In addition to the regulations listed above, other regulations may apply. These include [Section 7.5 Marinas, Docks, and other Wharfage Facilities 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.

³⁷² Amendment Bylaw No. 2022-024 (July 25, 2022)

1415 Comprehensive Development Zones

14.115.1 CD Comprehensive Development Zones

15.1.1 Purpose

To provide a zone which will allow for the creation of customized land use regulations for site-specific *Developments* where the use of other conventional zones in this Bylaw would not accommodate the public interest. Proposed uses and densities must be in conformity with the *District's* Official Community Plan.

15.1.2 Zone Appropriateness

The use of this zoning tool to accommodate any proposed development shall only be considered where the following concerns would apply:

- (a) the use of any other zone in this Bylaw would result in a potential conflict with the scale and character of existing or future surrounding development, should the full development potential of that zone be used; or
- (b) the scale, character or complexity of the contemplated development is so unique that it cannot be appropriately regulated by another zone; or
- (c) the use of any other zone could lead to conflicts with established policies and objectives of the District's Official Community Plan.

15.1.3 Applications – **deleted**³⁷³

15.1.4 Uses

Council, in approving a CD - Comprehensive Development Zone, shall specify the *Uses* permitted under this zoning classification.

15.1.5 Regulations

Council, in approving a CD - Comprehensive Development Zone, shall specify the regulations required under this zoning classification.

15.1.6 Development Permits

Council, in approving a CD - Comprehensive Development Zone, shall specify what parts of a proposed *Development* requires further approval by Council where the use of this zone is or will be within a designated Development Permit Area.

15.1.7 Zoning Map Identification

All approved CD - Comprehensive Development Zones shall be designated on the *District's* zoning map as "CD" followed by a series of sequential reference numbers starting with the number 1.

³⁷³ Amendment Bylaw No. 2020-025 (December 14, 2020)

14.215.2 **CD1 - Comprehensive Development Zone**

CD1

Purpose

To provide a zone to accommodate specialized housing for senior citizens in the form of *Apartment Housing*. Lands must be designated as HDR - High Density Residential under the *District's* Official Community Plan.

15.2.2 Principal Uses

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

- (a) *Apartment Housing* – senior citizen

15.2.3 Secondary Uses

The following *Uses* and no other *Uses* shall be the secondary *Uses* in this zone subject to all applicable regulations of this Bylaw:

- (a) *Accessory Buildings & Structures*.

15.2.4 Subdivision Regulations

- (a) Minimum *Lot Area* 4,000m²
- (b) Minimum *Lot Width* 30.0m
- (c) Minimum *Lot Depth* 30.0m

15.2.5 Development Regulations

- (a) Minimum *Lot Coverage* 50%
- (b) Maximum *Floor Area Ratio* 1.2
- (c) Maximum *Density* 145 *Dwellings* per ha

15.2.6 Siting Regulations

- (a) *Principal Buildings and Structures*:

- (i) Minimum *Front Setback* 0.0m
- (ii) Minimum *Rear Setback* 5.0m
- (iii) Minimum *Side Setback (Interior)* 5.0m
- (iv) Minimum *Side Setback (Exterior)* 5.0m
- (v) Maximum *Height* The lesser of 14.0m or 3 *Storeys*
- (vi) Notwithstanding Section 14.2.6(a)(v), the proposed parking

level shall not be classified as a *Storey* provided that the entire *Building* is sprinklered.

(b) *Accessory Buildings and Structures:*

- | | | |
|-------|--|---------------------------------------|
| (i) | Minimum <i>Front Setback</i> | 0.0m |
| (ii) | Minimum <i>Rear Setback</i> | 1.5m |
| (iii) | Minimum <i>Side Setback (Interior)</i> | 1.5m |
| (iv) | Minimum <i>Side Setback (Exterior)</i> | 5.0m |
| (v) | Maximum <i>Height</i> | The lesser of 4.5m or 1 <i>Storey</i> |

15.2.7 Other Regulations

- (a) In accordance with the *District's* Official Community Plan, all multiple family *Developments* are designated as Development Permit Areas, and for the purpose of this zone, the proposed senior citizen housing complex is considered to be a multiple family *Development*.
- (b) Parking for the housing complex shall be provided at a minimum level of 18 resident parking spaces and 19 visitor/employee parking spaces. All other regulations of Section 6: Parking & Loading Regulations shall remain in effect.
- (c) Outdoor amenity space, in keeping with the *District's* Multiple Family Development Permit guidelines, shall be provided at a rate of 27.5 square meters per *Dwelling*.
- (d) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

~~14.3~~15.3 CD2 – Comprehensive Development Zone

CD2

15.3.1 Purpose

To provide a zone to accommodate a resort *Development* adjacent to Okanagan Lake in the Lower Town Development Permit Area as defined in Schedule “F” of the *District’s* Official Community Plan. Lands must be designated TC-Tourist Commercial under the *District’s* Official Community Plan.

15.3.2 Principal Uses

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

- (a) resorts, defined as a hotel with individual cooking facilities being permitted in each guestroom.

15.3.3 Secondary Uses

The following *Uses* and no other *Uses* shall be the secondary *Uses* in the zone subject to all applicable regulations of this Bylaw:

- (a) *Accessory Buildings and Structures.*

15.3.4 Development Regulations

- (a) Maximum Lot Coverage 50%
- (b) Maximum Gross Floor Area 5,250m²

15.3.5 Siting Regulations – *Principal & Secondary Uses*

- (a) Maximum *Front Setback* 0.9m for up to 40% of the *Lot* width with the balance having a minimum *Setback* requirement of 2.5m
- (b) Minimum *Rear Setback* 6.0m from the natural boundary plotted from the survey plan DL 5204 as shown on Lot A, DL 455 and DL 5204, Plan 33645, ODYD
- (c) Minimum *Side Yard Setback (Interior, North)* 2.1m
- (d) Minimum *Side Yard Setback (Interior, South)* 0.0

- (e) Maximum *Height* The lesser of 14.5m or 3 *Storeys*
- (f) Notwithstanding Section 14.3.5(c) and Section 14.3.5(d) of this Bylaw, roof overhangs may project 1.2m into the required *Side Interior Setback*.
- (g) Notwithstanding Section 14.3.5(c)(d) of this Bylaw, the underground parking garage may extend to within 1.2m of the property line provided the top of the structure is not more than 2.0m above natural grade.
- (h) Notwithstanding Section 14.3.5(e) and Section 14.3.5(g) of this Bylaw, the proposed parking level and mezzanines shall be classified as a *Storey*.

15.3.6 Other Regulations

- (a) Parking for the resort complex shall be provided in conformance with the parking requirements for *Hotels* identified under Section 6: Parking and Loading Regulations of this Bylaw.
- (b) The siting, size and dimensions of *Buildings* and *Structures* shall be in compliance with the plans attached to this Bylaw and dated June 1, 2000.
- (c) A resort use in this zone is not required to comply with the road dedication requirements of Section 4.7 Setbacks from Highways and Major Streets of this Bylaw.
- (d) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

14.415.4 CD3 – Comprehensive Development Zone

CD3

15.4.1 Purpose

To provide a zone to accommodate the comprehensive *Development of Single Detached Housing* on smaller *Lots* having *Full Urban Services* in a bare land strata format. Lands must be designated as MDR – Medium Density Residential under the *District’s Official Community Plan*.

15.4.2 Principal Uses

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

- (a) *Single Detached Housing*

15.4.3 Secondary Uses

The following *Uses* and no other *Uses* shall be the secondary *Uses* in this zone subject to all applicable regulations of this Bylaw:

- (a) *Accessory Buildings and Structures*.
- (b) *Home Occupations – Type 1*.

15.4.4 Subdivision Regulations

- (a) Minimum *Development Site Area* 4,000m²
- (b) Minimum *Development Site Width* 40.0m
- (c) Minimum *Development Site Depth* 200m
- (d) Minimum *Lot Area* 235m²
- (e) Minimum *Lot Width* 7.5m

15.4.5 Development Regulations

- (a) Maximum *Lot Coverage* 40%
- (b) Maximum *Floor Area Ratio* 0.55
- (c) Maximum *Density* 20 *Dwellings* per ha

15.4.6 Siting Regulations

- (a) *Principal Buildings and Structures*:
 - (i) Minimum *Front Setback* 4.5m
 - (ii) Minimum *Rear Setback* 4.0m
 - (iii) Minimum *Side Setback (Interior)* 1.5m

- (iv) Minimum *Side Setback* (Exterior) 4.6m
- (v) Maximum *Height* The lesser of 9.0m or 2 *Storeys*
- (vi) Notwithstanding Section 14.4.6(a)(iii), a *Lot* having no direct vehicular access to the rear yard without a garage or carport shall maintain one *Side Yard Setback* of at least 3.0 meters.

(b) Principal *Buildings* and *Structures*:

- (i) Minimum *Front Setback* 4.5m
- (ii) Minimum *Rear Setback* 1.5m
- (iii) Minimum *Side Setback* (Interior) 1.5m
- (iv) Minimum *Side Setback* (Exterior) 4.0m
- (v) Maximum *Height* The lesser of 4.5m or 1 *Storey*

15.4.7 Other Regulations

- (a) Only one (1) *Dwelling* will be permitted per *Lot* site.
- (b) All roads and services within the *Development Site* shall meet the regulations of the *District's* Subdivision and Development Servicing Bylaw.
- (c) Only one (1) *Accessory Building* or *Structure* will be allowed per *Lot* with a maximum *Gross Floor Area* of 10.0m².
- (d) No communal parking, loading, garbage collection facilities or individual driveways other than the existing *Dwelling* at 10602 Victoria Road South shall be permitted have direct access to the *Abutting* public *Highway*.
- (e) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

14.515.5 **CD4 - Comprehensive Development Zone**

CD4

Purpose

To provide a zone to accommodate a seniors' care complex providing a combination of residential care beds (*Group Home, Major*) and assisted living units. Lands must be designated as A - Administration under the *District's* Official Community Plan.

15.5.2 Principal Uses

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

- (a) Assisted living units*
- (b) *Group Home, Major*.

*For the purpose of this zone, assisted living units are defined as *Apartment Housing* intended for senior citizens who by reason of physical or mental difficulties require some professional assistance to meet their day-to-day living activities.

15.3.3 Secondary Uses

The following *Uses* and no other *Uses* shall be the secondary *Uses* in this zone subject to all applicable regulations of this Bylaw:

- (a) *Accessory Buildings & Structures*.
- (b) *Eating and Drinking Establishments* for the residents.
- (c) *Recreational Services, Indoor* for the residents.

15.3.4 Subdivision Regulations

- (a) Minimum *Lot Area* 1.6ha
- (b) Minimum *Lot Width* 125m
- (c) Minimum *Lot Depth* 125m

15.3.5 Development Regulations

- (a) Maximum *Lot Coverage* 40%
- (b) Maximum *Floor Area Ratio* 1.15
- (c) Maximum *Density* 90 *Dwellings* per ha

15.3.6 Siting Regulations

- (a) Principal *Buildings and Structures*:
 - (i) Minimum *Front Setback* 6.0m
 - (ii) Minimum *Rear Setback* 8.0m

- (iii) Minimum *Side Setback (Interior)* 5.0m
- (iv) Minimum *Side Setback (Exterior)* 0.9m
- (v) Maximum *Height* The lesser of 18.0m or 4 *Storeys*
- (vi) Notwithstanding Section 14.5.6(a)(v), the proposed parking level shall not be classified as a *Storey*.

(b) Principal *Buildings and Structures*:

- (i) Minimum *Front Setback* 6.0m
- (ii) Minimum *Rear Setback* 8.0m
- (iii) Minimum *Side Setback (Interior)* 5.0m
- (iv) Minimum *Side Setback (Exterior)* 0.9m
- (v) Maximum *Height* The lesser of 4.5m or 1 *Storey*

15.3.7 Other Regulations

- (a) In accordance with the *District's* Official Community Plan, all multiple family *Developments* are designated as Development Permit Areas, and for the purpose of this zone, the proposed assisted living units are not considered to be a multiple family *Development*.
- (b) Parking for the housing complex shall be based on one parking stall per 4 bedrooms for *Group Homes, Major* plus one parking stall per 3 *Dwelling* units for the assisted living units. All other regulations of Section 6: Parking & Loading Regulations shall remain in effect.
- (c) The seniors care complex is required to comply with the road dedication requirements of Section 4.7 Setbacks from Highways and Major Streets of this Bylaw.
- (d) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

14.6.15.6 CD5 – Comprehensive Development Zone

CD5

15.6.1 Purpose

To provide a zone to accommodate a resort *Development* adjacent to Okanagan Lake in the Lower Town Development Permit Area as defined in Schedule “F” of the *District’s* Official Community Plan. Lands must be designated TC-Tourist Commercial under the *District’s* Official Community Plan.

15.6.2 Principal Uses

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

- (a) resorts, defined as a *Hotel* with individual cooking facilities being permitted in each guestroom.

15.6.3 Secondary *Uses*

The following *Uses* and no other *Uses* shall be the secondary *Uses* in the zone subject to all applicable regulations of this Bylaw:

- (a) *Accessory Buildings and Structures*.

15.6.4 *Development* Regulations

- (a) Maximum *Lot Coverage* 50%
- (b) Maximum *Floor Area Ratio* 1.0

15.6.5 Siting Regulations – *Principal & Secondary Uses*

- (a) Maximum *Front Setback* 0.9m for up to 40% of the *Lot* width with the balance having a minimum *Setback* requirement of 2.5m
- (b) Minimum *Rear Setback* 3.5m
- (c) Minimum *Side Setback (Interior)* 3.0m
- (d) Minimum *Side Setback (Exterior)* 3.0m
- (e) Maximum *Height* The lesser of 16.2m or 3 *Storeys*
- (f) Notwithstanding Section 14.6.5(b), the hot tub terrace and deck may extend up to the *Rear Property Line*.
- (g) Notwithstanding Section 14.6.5(c), the line-of-entry canopy located on the south elevation of the resort can extend up to .30 meters of the south *Property Line*.

- (h) Notwithstanding Section 14.6.5(e), the proposed parking level and mezzanines shall be classified as a *Storey*

15.6.6 Other Regulations

- (a) The general design and proposed layout of the resort *Development* shall be in keeping with the plans attached to this *Bylaw* and dated December 20, 2002.
- (b) The resort use in this zone is not required to comply with the road dedication requirements of Section 4.7 Setbacks from Highways and Major Streets of this *Bylaw*.
- (c) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

14.7**15.7** CD6 – Comprehensive Development Zone

FINAL READING AND ADOPTION OF THE CD6 ZONE HAS NOT YET TAKEN PLACE

CD6

14.8.15.8 CD7 – Comprehensive Development Zone³⁷⁴**15.8.1 Purpose**

To provide a zone to accommodate a mixed-use infill *Development* adjacent to the downtown core having a unique architectural style. Lands must be designated DC – Downtown Commercial under the District’s Official Community Plan.

15.8.2 Principal Uses

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

- (a) *Art galleries & museums;*
- (b) *Community Recreational Services;*
- (c) *Dwelling units above the main floor;*
- (d) *Group Home Major;*
- (e) *Eating & Drinking Establishments;*
- (f) Health Services;
- (g) *Financial Services;*
- (h) *Personal Services Establishments;*
- (i) libraries;
- (j) *Offices;*
- (k) *Retail Stores, General;*
- (l) *Clubs;*
- (m) *Wine & Beer stores.*

15.8.3 Accessory Uses

The following *Uses* and no other *Uses* shall be the secondary *Uses* in the zone subject to all applicable regulations of this Bylaw:

- (a) Home Occupations – Type 1;
- (b) Accessory Buildings and Structures;
- (c) Public Open Space, Town Square.

15.8.4 Development Regulations

³⁷⁴ Amendment Bylaw No. 2012-010 (May 14, 2012)

- (d) Maximum *Lot Coverage*:
 - (i) Buildings A1, A2, A3 & B (main floor) 60%
- (e) Development in accordance with the attached Summerland Plaza Conceptual Plan, dated March 30th, 2012
- (f) Floor Area Ratio (FAR) – 2.5 (max.)

15.8.5 Siting Regulation – *Principal Uses*

The required setbacks for the proposed stepped *Building* design shall be in keeping with site layout plan dated March 20th, 2012 prepared by The District of Summerland.

- (a) Maximum *Height* 25.0 metres
- (b) Minimum *Height* 11.0 metres
- (c) Setback from front & side exterior 2.4 metres
- (d) Setback from side & rear interior 0.0 metres

15.8.6 Other Regulations

- (a) The general design and proposed layout of the *Development* shall be in keeping with the plans attached to this Bylaw dated March 20, 2012 and referred to as CD7-A, Plan 1 to 5 inclusive.
- (b) Parking for the *Development* shall be provided based on the following calculations:
 - (i) 1 parking stall per residential *Dwelling* unit plus
 - (ii) 1 parking stall per 95m² of Gross *Floor Area* for all commercial/institutional uses plus
- (c) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).
- (d) Fee in lieu of parking in accordance with CB-1, 6.4.1;



PRELIMINARY CONCEPT PLAN



SUMMERLAND PLAZA

PRELIMINARY CONCEPT PLAN - SECOND FLOOR

12-03-28 jl



SUMMERLAND PLAZA

PRELIMINARY CONCEPT PLAN - THIRD FLOOR

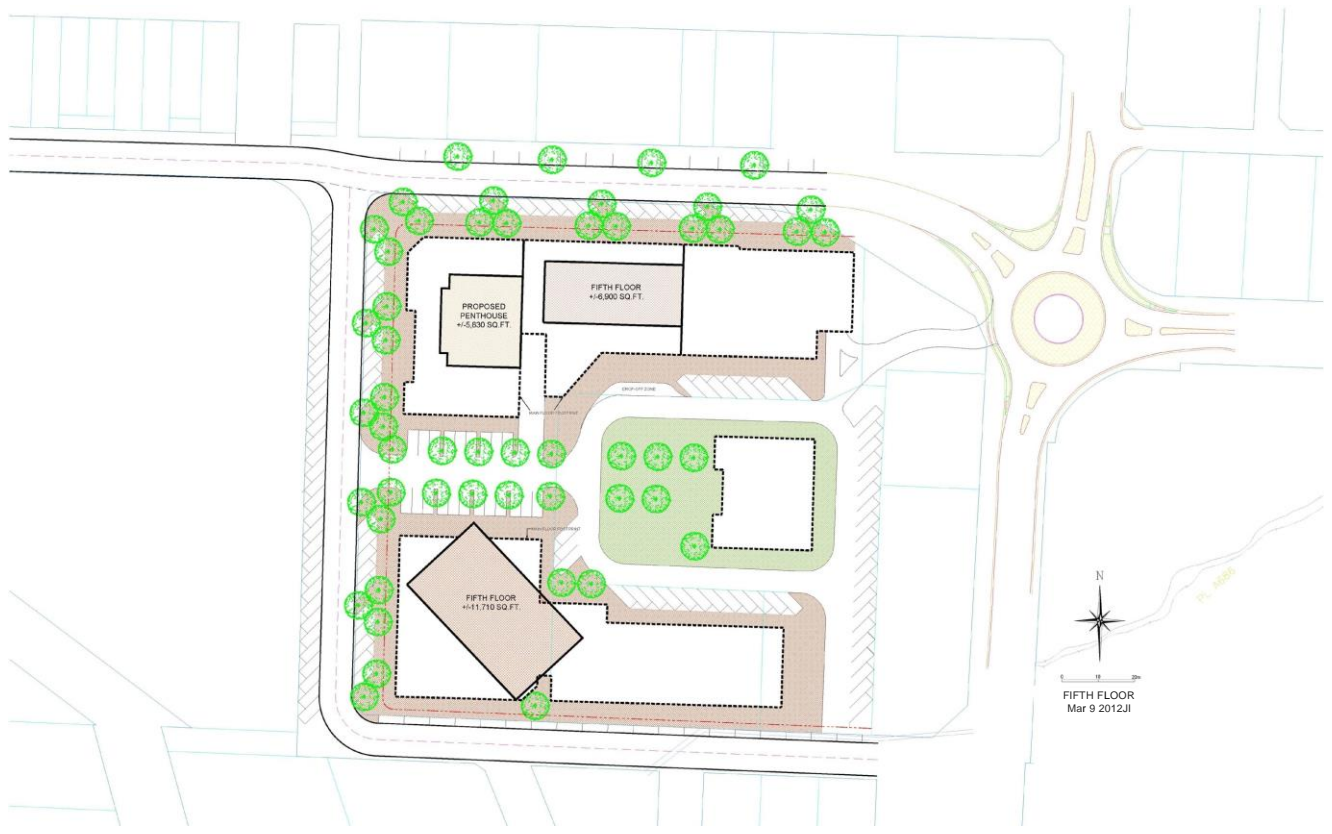
12-03-28 jl



SUMMERLAND PLAZA

PRELIMINARY CONCEPT PLAN - FOURTH FLOOR

12-03-28 jf



SUMMERLAND PLAZA

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FIFTH FLOOR
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14.9.15.9 CD9 – Comprehensive Development Zone

CD9

Purpose

To provide a site-specific zone to accommodate the comprehensive *Development of Single Detached Housing with Secondary Suites* on compact urban *Lots* having *Full Urban Services*.

15.9.2 Principal Uses

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

- (a) *Single Detached Housing*.

15.9.3 Accessory Uses

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

- (a) *Accessory Buildings and Structures*;
- (b) *Child Care Centre, Minor*;
- (c) *Carriage House*;
- (d) *Group Home, Minor*;
- (e) *Home Occupation - Type 1 or 2*; and
- (f) *Secondary Suite*.

15.9.4 Subdivision Regulations

- (a) *Minimum Lot Area* 250m²
- (b) *Minimum Lot Width* 7.5m
- (c) *Minimum Lot Depth* 30.0m

15.9.5 Development Regulations

- (a) *Maximum Lot Coverage* 40 percent
- (b) *Maximum Floor Area Ratio* 0.5

~~14.9.6~~ 15.9.6 Siting Regulations

- (a) *Principal Buildings and Structures*:

- (i) *Minimum Front Setback* 6.0m
- (ii) *Minimum Rear Setback* 6.0m
- (iii) *Minimum Side Setback (Interior)* 1.2m
- (iv) *Minimum Side Setback (Exterior)* 4.5m
- (v) *Maximum Height* The lesser of 9.5m or 2 *Storeys*

(b) *Accessory Buildings and Structures*

- | | |
|--|---|
| (i) Minimum <i>Front Setback</i> | 6.0m |
| (ii) Minimum <i>Rear Setback</i> | 1.5m |
| (iii) Minimum <i>Side Setback (Interior)</i> | 1.2m |
| (iv) Minimum <i>Side Setback (Exterior)</i> | 4.5m |
| (v) Maximum <i>Height</i> | The lesser of 4.5m or 1 Storey (see vi) |
- (vi) Notwithstanding Section 10.1.6(b)(v), the maximum *Height* for an *Accessory Building* where a *Carriage House* is located over a garage is the lesser of 7.5m or 2 *Storeys*.

14.9.715.9.7 Other Regulations

- (a) Only one (1) principal *Dwelling* will be permitted per *Lot*.
- (b) *Accessory Buildings* or *Structures* will be limited to a maximum of 75m² or 25% of the allowable *Lot* coverage, whichever is greater.
- (c) A minimum of one vehicle parking stall per *Single Detached House* and *Secondary Suite* is required. Where a lane is available, all vehicle parking shall be accessed from the lane.
- (d) In addition to the regulations listed above, other regulations may apply. These include [Section 4: General Regulations](#), [Section 5: Landscaping and Screening Regulations](#), [Section 6: Parking and Loading Regulations](#), and [Section 7: Specific Use Regulations](#).

SUMMARY OF ZONING BYLAW AMENDMENTS

| BYLAW NO. | DESCRIPTION | DATE ADOPTED |
|-----------|---|---------------|
| 2000-459 | Text Amendment to create an animal shelter, minor use and allow the use in the CB1 and CB2 zones (Section 2.0 Definitions; Sections 8.1; 8.2; 11.5; 11.6 and 12.2) | Nov 14, 2011 |
| 2000-462 | Zoning amendment – 5806 Lewes Avenue | June 25, 2012 |
| 2000-464 | Text Amendment to increase the permitted height of residential accessory buildings in the agricultural zones (Sections 8.1.5 and 8.2.5 Ag Zones) | Dec 12, 2011 |
| 2000-465 | Text Amendment to remove the requirement for an agricultural buffer where properties do not abut ALR lands (Section 5.0 Landscaping Regulations) | Dec 12, 2011 |
| 2012-001 | Text Amendment to remove a principal use – Subsection 11.1.2 CN – Neighbourhood Commercial Zone | Jan 23, 2012 |
| 2012-010 | Text Amendment to CD7 Zone | May 14, 2012 |
| 2012-017 | Housekeeping Text Amendments | July 23, 2012 |
| 2012-018 | Zoning Amendment (map) – 16207 Hwy 97 and 15600 Hwy 97 | July 23, 2012 |
| 2012-021 | Zoning Amendment – 8218 Pollock | April 8, 2013 |
| 2012-022 | Zoning Amendment and OCP – mapping – 14806 Biagioni | Nov 26, 2012 |
| 2012-025 | Zoning Amendment (text) housekeeping – Ag setbacks | Nov 26, 2012 |
| 2012-027 | Zoning Amendment (text) – site specific 18217 and 18219 Bentley Road | Jan 14, 2013 |
| 2012-028 | Zoning Amendment – Residential Accessory Buildings | Jan 14, 2013 |
| 2013-003 | Zoning Amendment – Bentley Road Industrial Area | Mar 11, 2013 |
| 2013-008 | Zoning Amendment – Prohibit Abattoirs in the Industrial Zones | Apr 29, 2013 |
| 2013-012 | Zoning Amendment & Map – 10918 Rennie St (M1-A Zone) | Aug 26, 2013 |
| 2013-015 | Zoning Amendment – Add the CB1-Central Business Zone | June 24, 2013 |
| 2013-025 | Zoning Amendment – 9348 Alder Street | Dec 9, 2013 |
| 2014-006 | Zoning Amendment – to add RPN Zone and amend Table 6.1 – Parking & Loading (Housing) and; Zoning Classification for 8709 Jubilee Road from I-Institutional Zone to RPN-Residential Pocket Neighbourhood Zone | June 23, 2014 |
| 2014-007 | Zoning Amendment – Bentley Rd | June 23, 2014 |
| 2014-010 | Site Specific Zoning Amendment – 11208 Sanborn | July 28, 2014 |
| 2014-015 | Rezone – 6003 Dale Avenue | Sept 8, 2014 |
| 2014-017 | Zoning – Definition Amendment – Front Property Line | Aug 25, 2014 |
| 2014-018 | Zoning Amendment – 12262 Saunders Cres | Sept 8, 2014 |
| 2014-029 | Zoning Amendment to create a new Temporary Use Permit Area for (8911 and 9310 Jubilee Road) | Nov 10, 2014 |

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| 2014-033 | Zoning Amendment – 10120 Rand Street | Jan 26, 2015 |
| 2015-003 | Zoning Amendment – 5815 Hwy 97 | May 25, 2015 |
| 2015-008 | Zoning Amendment – 2705 Johnson Street | May 11, 2015 |
| 2015-009 | Zoning Amendment – Minor Text Amendments | May 11, 2015 |
| 2015-010 | Zoning Amendment – 4816 Nixon Rd | May 11, 2015 |
| 2015-026 | Zoning Amendment – 35888 Garnet Valley Road | Oct 13, 2015 |
| 2015-024 | Text Amendment – Breweries, Distilleries and Meaderies in the A1 and A2 Zones | Nov 9, 2015 |
| 2015-027 | Text Amendment – Cluster Development on Two Properties in the CR1-Country Residential Zone (Hunter’s Hill) | Nov 23, 2015 |
| 2015-030 | Zoning Amendment – 5818 Nixon Road (from RSD2 to RSD1) | Nov 23, 2015 |
| 2015-031 | Text Amendment – Creates a new Temporary Use Permit Area (13415 Lakeshore Drive) | Nov 9, 2015 |
| 2016-005 | Text Amendment – Increase maximum gross floor area of a Carriage House for lots over 1,000m ² | April 11, 2016 |
| 2016-007 | Zoning Amendment – Schedule B - 1109 Stonor Street | April 11, 2016 |
| 2016-018 | Text Amendment – Delete Section 10.6.5(c) and renumber the sections accordingly | May 24, 2016 |
| 2016-020 | Zoning Amendment – Schedule B – Parks in Lower Town | July 12, 2016 |
| 2016-022 | Zoning Amendment – Schedule B – 2311 Thornber Street | July 12, 2016 |
| 2016-027 | Zoning Amendment – Schedule B – Parks in Lower Town 2 | August 22, 2016 |
| 2016-031 | Zoning Amendment – Schedule A – Child Care Centre, Minor | Sept 12, 2016 |
| 2016-032 | Zoning Amendment – Schedule B – 12223 Saunders Crescent | Sept 12, 2016 |
| 2016-034 | Zoning Amendment – Schedule B – 9600 Victoria Road | Sept 12, 2016 |
| 2016-028 | Zoning Amendment – Addition of Water Zones | Oct 24, 2016 |
| 2016-041 | Zoning Amendment – Schedule B – Conkle Mountain Park | Nov 28, 2016 |
| 2016-045 | Zoning Amendment – Schedule B – 11714 Quinpool Road | Dec 12, 2016 |
| 2017-003 | Zoning Amendment – Schedule B – 2810 Landry Crescent | March 13, 2017 |
| 2017-005 | Zoning Amendment – Schedule B – 14600 Cartwright Ave | June 12, 2017 |
| 2017-017 | Zoning Amendment – Schedule B – 11907 Quinpool Rd | June 26, 2017 |
| 2017-020 | Zoning Amendment – Schedule B – 5010 Croil Ave | July 24, 2017 |
| 2017-021 | Zoning Amendment – Schedule A - Text Amendment (Dormitory) | Aug 28, 2017 |
| 2017-028 | Zoning Amendment – Schedule A – Text Amendment (Building Envelope) | Oct 10, 2017 |
| 2017-031 | Zoning Amendment – Schedule B – 10701 & 10705 Elliott St | Nov 14, 2017 |
| 2017-032 | Zoning Amendment – Schedule A – Text Amendment (Secondary Suites and Carriage Houses) | Nov 27, 2017 |
| 2017-034 | Zoning Amendment – Schedule B – 13610-13620 Kelly Ave and addition of CD9 Zone | Nov 27, 2017 |
| 2017-035 | Zoning Amendment- Schedule B– 905Wharf Street | January 8, 2018 |
| 2017-036 | Zoning Amendment – Schedule B – 523 Stonor Street | January 22, 2018 |
| 2018-002 | Zoning Amendment – Schedule B – 5418 Nixon Road | April 9, 2018 |

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| 2018-003 | Zoning Amendment – Schedule B – 9918 Quinpool Road | April 9, 2018 |
| 2018-005 | Zoning Amendment – Schedule B – 20401 Highway 40 | April 9, 2018 |
| 2018-010 | Zoning Amendment – Schedule B – 12914 Prairie Valley Road | May 14, 2018 |
| 2018-012 | Zoning Amendment – Schedule B – 8320 Prairie Valley Road | May 28, 2018 |
| 2018-016 | Zoning Amendment – Schedule B – 8707 Tomlin Street | June 11, 2018 |
| 2018-022 | Zoning Amendment – Schedule A – 9304 Jubilee Road East | October 9, 2018 |
| 2018-023 | Zoning Amendment – Schedule A – 15823 Logie Road | October 9, 2018 |
| 2018-024 | Zoning Amendment – Schedule A – 13220 Victoria Road N) | October 18, 2018 |
| 2018-025 | Zoning Amendment – Schedule A & Schedule B – 12817 & 12801 Kelly Avenue | September 27, 2018 |
| 2018-026 | Zoning Amendment – Schedule A - Retail Sales of Recreational Cannabis | October 9, 2018 |
| 2018-027 | Zoning Amendment – Schedule A - Cannabis Production | October 9, 2018 |
| 2018-033 | Zoning Amendment – Schedule A – Solar Energy Devices | December 10, 2018 |
| 2019-001 | Zoning Amendment – Schedule A – Accessory Structures, Setbacks and Yards | February 11, 2019 |
| 2019-002 | Zoning Amendment – Schedule A – Carriage House Amendments | Feb 11, 2019 |
| 2019-008 | Zoning Amendment – Schedule A – 14812 & 14820 Victoria Road N Site Specific | March 11, 2019 |
| 2019-009 | Zoning Amendment – Schedule A – Setbacks for Strata Subdivisions | March 11, 2019 |
| 2019-016 | Zoning Amendment – Schedule B – 11722 Prairie Valley Road | April 8, 2019 |
| 2019-015 | Zoning Amendment – Schedule B – 8323 Purves Road | April 23, 2019 |
| 2019-014 | Zoning Amendment – Schedule A & B – 919 Wharf Street | April 23, 2019 |
| 2019-021 | Zoning Amendment – Schedule A & B – MX1 and 13415 Lakeshore Drive | June 10, 2019 |
| 2019-027 | Zoning Amendment – Schedule A – CB1 Dwelling Units | October 15, 2019 |
| 2019-003 | Zoning Amendment – Schedule A – Height and Grade Text Amendment | October 20, 2019 |
| 2019-010 | Zoning Amendment – Schedule A – Cannabis Production | December 9, 2019 |
| 2019-026 | Zoning Amendment – Schedule B – 5010 Croil Ave - RSD2 - RSD1 | September 27, 2021 |
| 2019-031 | Zoning Amendment – Schedule A – Height and Grade Text Amendment | October 28, 2019 |
| 2019-034 | Zoning Amendment – Schedule A – Text Amendment – Section | December 9, |

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| | 12.5.2 – Cannabis Production in M1-A | 2019 |
| 2019-042 | Zoning Amendment – Schedule B – 13607 Rumball Avenue – from RSD1 to RSD1(i) | June 13, 2022 |
| 2019-043 | Zoning Amendment – Schedule B – RSD3 – PR1 | |
| 2019-045 | Zoning Amendment – Schedule A – Text Amendment – Farm Worker Accommodation Site-Specific – 26405 Garnet Valley Road | February 10, 2020 |
| 2020-007 | Zoning Amendment – Schedule A – Text Amendment - 11507 Blair Street | February 10, 2020 |
| 2020-009 | Zoning Amendment – Schedule A - Text Amendment – Two Single Detached Dwellings | November 11, 2019 |
| 2020-014 | Zoning Amendment – Schedule B – RSD3 to RSD2 | December 14, 2020 |
| 2020-020 | Zoning Amendment – Schedule B – 2107 Tait Street - Highway Commercial to Residential High Density | September 27, 2021 |
| 2020-022 | Zoning Amendment – Schedule A – 16618 Logie Road - Site Specific | November 9, 2020 |
| 2020-023 | Zoning Amendment – Schedule B – 1505 Britton Road – RSD3-RSD2 | December 14, 2020 |
| 2020-025 | Zoning Amendment – Administrative and Land Use Amendments | December 14, 2020 |
| 2020-028 | Zoning Amendment – Schedule A – Text Amendment – Section 8.1 A1 - & Section 8.2 A2 - Add Fruit Stand as Accessory Use | January 25, 2020 |
| 2020-029 | Zoning Amendment – Schedule A – 19223 Lakeshore Drive North - Add Section 10.8.8(b) | January 11, 2021 |
| 2021-006 | Zoning Amendment – Schedule B – 8709 Jubilee Road East – RPN to RHD | April 12, 2021 |
| 2021-009 | Zoning Amendment – Schedule A – Text Amendment – 8108 Purves Road | October 12, 2021 |
| 2021-010 | Zoning Amendment – Schedule B – 1514 Wharf Street – RSD3 to RSD1 | May 25, 2021 |
| 2021-010 | Zoning Amendment – Schedule B – 1704 Wharf Street – RSD3 to RSD1 | May 25, 2021 |
| 2021-016 | Zoning Amendment – Schedule B – 13316 Prairie Valley Road – A1 to RSD1(i) | November 28, 2022 |
| 2021-019 | Zoning Amendment – Schedule B – 7418 Kirk Avenue - RSD3 to RSD1 | June 4, 2021 |
| 2021-020 | Zoning Amendment - Schedule A – Add Section 7.16 Agri-Tourism Accommodation | July 19, 2021 |
| 2021-022 | Zoning Amendment – Schedule A – Text Amendment – 11510 Blair Street | January 24, 2022 |

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| 2021-031 | Zoning Amendment - - Schedule B – 10518 Jubilee Road West - RDS1 – RMD | October 12, 2021 |
| 2021-033 | Zoning Amendment – Schedule B – Portion of OK Lake – WZ3 – WZ2 | December 13, 2021 |
| 2021-044 | Zoning Amendment – Schedule B – 10907 Prairie Valley Road – RDS1 - RDH | December 13, 2021 |
| 2021-048 | Zoning Amendment – Schedule A – Text Amendment – Short Term Rentals | February 28, 2022 |
| 2022-006 | Zoning Amendment – Schedule A – Text Amendment – 19265 & 19267 Lakeshore Drive N | February 14, 2022 |
| 2022-009 | Zoning Amendment – Schedule A – Text Amendment – 2022 Administrative Update | April 25, 2022 |
| 2022-013 | Zoning Amendment – Schedule A – Text Amendment - 15835 Logie Road & 15836 Industrial Avenue | May 24, 2022 |
| 2022-017 | Zoning Amendment – Schedule A – Text Amendment – 9606 and 9806 Victoria Road South | June 13, 2022 |
| 2022-023 | Zoning Amendment – Schedule A – Text Amendment – Housing on Ag Lands | August 22, 2022 |
| 2022-024 | Zoning Amendment – Schedule A – Text Amendment – Water Use Regulations) | July 25, 2022 |
| 2022-025 | Zoning Amendment – Schedule B – 1506 Laidlaw Street – RSD2 to RSD1 | September 26, 2022 |
| 2022-028 | Zoning Amendment – Schedule A – Text Amendment – 13609 Dickson Avenue | September 26, 2022 |
| 2022-034 | Zoning Amendment – Schedule A & B – Text & Map Amendment – 11612 Victoria Road S | November 14, 2022 |
| 2023-003 | Zoning Amendment – Schedule B – 12010 Lakeshore Drive S – RDS1 to RDS1(i) | February 13, 2023 |
| 2023-007 | Zoning Amendment – Schedule A & B – Text & Map Amendment – 17814 Bentley Road – A1 to M1 | April 24, 2023 |
| 2023-008 | Zoning Amendment – Schedule A & B – Text & Map Amendment – 17814 Bentley Road – A1 to M1 | April 24, 2023 |
| 2023-009 | Zoning Amendment – Schedule A & B – 12210 Lakeshore Drive – RSD1 to RDH | April 3, 2023 |
| 2023-015 | Zoning Amendment – Schedule A & B – 8307 Jones Flat Road – CR1 to M1 | July 18, 2023 |
| 2023-018 | Zoning Amendment – Schedule B – 1719 Britton Road – RSD3 to RSD1 | August 29, 2023 |
| 2023-023 | Zoning Amendment – Schedule B – 1719 Britton Road – RSD1 to RSD1(i) | November 28, 2023 |